

Workstreams with Legal Services Input

Status as at 8 July 2009

Action	Summary	Progress/Completion	Responsibility
Revised operating agreement <u>and MOU</u> with tie and TEL	<u>Needs to match what has been recommended to Council on 20 Aug.</u>	<u>Drafting to be agreed once approved by Council.</u>	NS/CM
Transfer of tie's shares from CEC to TEL	Requires confirmation that TEL's articles etc are sufficient/appropriate for the transfer and also requires operating agreements above to be in place	RH advises that D&W are Co Sec. Decision required as to who will do any necessary work? <u>NS to liaise with RH.</u>	RH/CM
Building Fixings	CM now has relevant information. Fixing work commences Spring 2010.	Court section to produce relevant documents and productions to proceed with Sheriff Court action asap.	CM
DRP	Awaiting further updates from tie, but essentially moving to formal DRP on all outstanding issues shortly. Likely to be mediation, followed by adjudication, possibly followed by litigation. CEC to be closely engaged in whole DRP process at an observer level, providing input as required. Meetings/calls with AF at DLAP to be weekly. <u>DRP 3 (Hilton) and DRP 4 (EOT 1) have been submitted w/c 11 Aug. DRP 5A and 5B to be discussed on 17 Aug at FCL.</u>	<u>DRP papers and updates being provided to CEC via FCL.</u>	NS/CM

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- Deleted:** Partly dependent upon terms finally agreed with tie and TEL, but certain issues such as the claims procedure will require to include Council approved terms. Therefore, unless there is an imperative to effect the transfer and sign the agreements in early course then recommend this be delayed until after a further report to Council. Once TEL and tie agreed to the proposed terms, DLA need to check for consistency across all current arrangements. ¶
- Deleted:** Agreements sent to tie on 15 July on JL's instructions to flush out issues. Negotiations over terms to take place once they respond.
- Deleted:** Main issues: ¶
- ¶ <#> Addition of Gogar Inte... [1]
- Deleted:** Meeting with DLAP on 9 July with further ... [2]
- Deleted:** DRP v cost estimates
- Deleted:** tie to confirm whether there are further DRP issue... [3]
- Deleted:** AC has requested financial storyboard from ti... [4]
- Deleted:** NS/Alan Coyle
- Deleted:** Report to Council
- Deleted:** Being drafted by CDD and Finance, but Legal to ir... [5]
- Deleted:** Draft report prepared and circulated by AC. Awa... [6]
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2009/19

General Governance	Appointment of new TEL directors and board constitution for both TEL and tie. Requires directors to agree matters with David Mackay.	Awaiting <u>final recommendations</u> .	RH/CM
Gogar Intermodal	To be added to Operating Agreements	Part of OA discussions above	NS
NRSA Letters	Designating roads with special engineering difficulty	<u>GIS to be updated on 17 Aug.</u>	NS
Agreement with Forth Ports	We have provided some input into this agreement relating to the roads around Ocean Terminal	A Conway advises that matters are currently at an impasse between tie and FP as a number of issues remain outstanding with difficult outcomes	NS
Bylaws	New tram bylaws to be implemented.	Not on critical path. Only required for operational stage but will be a lead in period as requires Ministerial approval.	NS/CM
<u>s.21 Depot Agreement</u>	<u>Re Gogar depot</u>	<u>Engrossment and DLA papers with GL for signing</u>	<u>GL</u>
<u>Network Rail</u>	<u>Letter to be sent to TS re impasse with NR re indemnities cap.</u>		<u>CM</u>
<u>TRO process</u>	<u>Issues re TRO processes and presentation to Council</u>	<u>AS advising on various issues including requirement for deputations.</u>	<u>AS</u>

Deleted: Email sent by CM to JI on 25 June.

Deleted: outcome of discussions.

Deleted: Letters being prepared and sent out by 10 July. Letters sent 9 July. Awaiting any objections during 4 weeks cooling off period.

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Nick Smith

14/08/2009 12:40:00

Main issues:

Addition of Gogar Intermodal Funding arrangements
Claims settlement process
Whether CEC to have control over QRA changes?
Bonus control terms
Old tie agreement to be terminated?
TMO to be a TEL dir? No
Line IB to be included/excluded from TEL/tie agreements?
Is FBC still valid?
TEL board constitution
Does interposing TEL affect agency relationships

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Nick Smith

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Meeting with DLAP on 9 July with further meetings/updates expected w/c 13 July. Anticipated to have advanced DLAP view by date of next TPB. Decision will then be taken as to how best to tackle the issues from a tactical perspective. Stuart Jordan preparing a paper re damages claims etc to be circulated 17 July. Single track reporting put in place.

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Nick Smith

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tie to confirm whether there are further DRP issues CEC unaware of. Discrepancy between what is being demanded (£100m) and tie's estimated figures on losing all DRPs provided in April.

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Nick Smith

14/08/2009 12:43:00

AC has requested financial storyboard from tie asap to inform Council report.

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Nick Smith

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Being drafted by CDD and Finance, but Legal to input as required.

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Nick Smith

14/08/2009 12:43:00

Draft report prepared and circulated by AC. Awaiting director input to decide on content re costs and delay etc. One option may be to advise Council of current position and ask them to approve whether they want the whole line at whatever cost, versus what can be achieved fro £545m. GL comments re governance to be added.

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