

**TRAM IPG
ACTION NOTE
19 AUGUST 2009**

Present: TNA, DA, DMcG, GL, CM, IR, AConway, Ailie Wilson, BL (note);

Apologies: JI, LM, MT, ACoyle

Item	Subject		Action
1	Note of previous meeting – 27 July	<ul style="list-style-type: none"> Agreed as accurate 	
2	Highlight Report-190809	<p><u>Council Reports</u></p> <ul style="list-style-type: none"> ACTION TNA to discuss private briefings / need for cross party support with Leader / Group Leaders Note report on TRO process to be submitted to Transport, Infrastructure and Environment Committee <p><u>Financial Contingency Measures and Strategic Options</u></p> <ul style="list-style-type: none"> Need to compile evidence base for curtailment option ACTION AConway Noted that DMcG has engaged with Bill Reeve at Transport Scotland regarding the Council's contingency planning arrangements, currently assuming 5% of TEL Business Plan Developer contributions- Forth Ports ACTION DMcG and DA to discuss next week ACTION DMcG to follow up on other Section 75 agreements <p><u>Communication</u></p> <ul style="list-style-type: none"> Noted success of joint media work with tie and positive informal feedback on festival mitigation measures Need for Comms to work with Cllrs Dawe and Mackenzie on promoting key tram benefits 	<p>TNA</p> <p>AConway</p> <p>DMcG / DA DMcG</p>

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Item	Subject	Action
	<p>to public ACTION IR</p> <ul style="list-style-type: none"> • Consideration to use of existing Bluetooth technology to communicate message regarding available parking ACTION MP <p><u>Update from the Tram Operations Group (TOG) Meeting</u></p> <ul style="list-style-type: none"> • Retailer opposition to Princes St bus proposals- early engagement required with TOG / Gordon Drummond ACTION DA to schedule meetings with retailers in September to allow TNA to attend • Small business support scheme and rate relief ACTION DMcG to provide note to TNA/DA on position prior to meeting retailers • Winter festivals- critical stage for entering into contracts ACTION DA and JI to discuss on 20 Aug <p><u>Tram Legal Agreement with Forth Ports</u></p> <ul style="list-style-type: none"> • ACTION AConway to prepare note on Forth Ports delays for DA/MP <p><u>Viewing area for the Festival Fireworks</u></p> <ul style="list-style-type: none"> • Festival fireworks- memo regarding Princes St viewing cancellation expected shortly ACTION DA to share with TNA on receipt • ACTION TNA to confirm Police position with Colin Campbell regarding cancellation of fireworks viewing from Princes St <p><u>TMO Update</u></p> <ul style="list-style-type: none"> • Noted that the outcome of the audit regarding DRP5a will be known by close of business on Thursday 20 August. DRP5b on hold • Legal costs- noted that DLA costs considerable but unavoidable. Other costs containable 	<p>IR</p> <p>MP</p> <p>DA</p> <p>DMcG</p> <p>DA / JI</p> <p>AConway</p> <p>DA</p> <p>TNA</p>

Item	Subject	Action
	<p data-bbox="548 245 1094 277"><u>Statutory Council Approvals and Consents</u></p> <ul data-bbox="506 315 1430 347" style="list-style-type: none"><li data-bbox="506 315 1430 347">• ACTION AConway to prepare note for John Bury re Historic Scotland <p data-bbox="548 383 751 415"><u>Building Fixings</u></p> <ul data-bbox="506 451 1696 516" style="list-style-type: none"><li data-bbox="506 451 1696 516">• Noted that the first court applications will be lodged in next three to four working days, with all lodged within ten working days	AConway

Copy Motion to G. Bisset

Jim, This is note GB circulated on Monday.
Governance revision 2009 No doubt Colin has brought you up to date.
Note for FCL Committee meeting - 31st August 2009
David

Background

The revisions developed in early 2009 were approved by the Council in the Spring and reaffirmed on 20th August. The purpose of the revisions is to improve the efficiency of the governance arrangements and to prepare the model for migration into the operational period. The changes underway relate to the relationship between tie / TEL and CEC ("Phase 1"). The next phase will involve LB.

Execution of Phase 1 is now urgent.

Questions

Policy & Strategy Cttee 29th.

1. What were the precise requirements notified by the Council on 20th August with respect to final approval - what documents require to be put before the Council or its Committees and when ?
2. The actions tie / TEL believe are required are set out below, in line with the email from Graeme Bissett to Jim Inch / Gill Lindsay on 20th August. Can we agree responsibilities and deadlines ?
3. Who will project manage this exercise to ensure it is completed timeously ?

Principal documents

The draft revised TEL / CEC OA and the MoU were returned with tie / TEL comments on 30th July along with a note setting out the agreed position reached at a meeting involving senior Council officers and tie / TEL directors on 28th July. Since then, one matter was revised, the agreement of the Council (through the Chief Executive) to tie / TEL's remuneration policy every three years.

It is understood that a further draft has now been circulated within the Council, but not to tie / TEL or advisers.

Care must be taken in drafting these documents to take full account of the potential interest of BSC in the context of the commercial dispute process.

Actions required

Internal reporting (Responsibility - CEC)

Subject to Q1 above, a schedule is required to ensure internal CEC reporting is fully adhered to.

Tie and TEL boards must approve certain aspects (noted below) which will be submitted at forthcoming Board meetings according to that schedule.

Staff planning (N/A)

No action required (except for directors - see below)

Legal & contractual (GB then CEC Legal - GL)

Formal re-confirmation that Competition Law / State Aid / TA85 and contractual arrangements (Infraco / DPOFA / MUDFA) aspects are not prejudiced (DLA) - these aspects have been considered already by DLA in their assessment of "Option D" as was presented to the TPB earlier this year, but their opinion is being updated. The opinion must be based on final agreed principal documents (TEL / CEC OA and MoU in particular).

Tie share transfer from CEC to TEL execution (CEC Legal, then two Boards to approve the share transfer) - Board minutes, share transfer documentation.

Internal Council approvals (CEC Legal)