
From: Graeme Bissett [graeme.bissett@██████████]
Sent: 30 April 2010 17:55
To: 'Fitchie, Andrew'; Steven Bell; Susan Clark; Dennis Murray; Tony Rush; Mandy Haeburn-Little; Stewart McGarrity; Alastair Richards
Cc: david_mackay@██████████; Richard Jeffrey
Subject: Council Report 27th May - request for input
Attachments: Council Report 27 May 2010 v1 10 vtie.doc; Council Report 27 May 2010 v1 10 vtie Clean 30.4.10.doc

Colleagues, I attach drafts of the Council paper for 27th May. The track changes version preserves the trail from the draft received from CEC but you may find it easier to use the clean version.

There are a number of open points and questions highlighted where your input is needed. Any additional comments on content or tone welcome, but you will have another chance to review a more final form. Three over-arching considerations apply :

1. We need to bear in mind that this is the Council's report, to which tie is contributing. Tie's input therefore must follow the normal style of a Council report to avoid having the Council officers redraft tie's draft. The content of the report is less expansive and detailed than would apply normally to key documents produced by tie such as the Pitchfork Report and the Report will of course be public.
2. Notwithstanding point 1, the Report offers an opportunity to tell tie and CEC's story well, specifically to garner public support which will help tie / CEC get the best negotiated outcome.
3. As it stands, the draft makes it clear that for the most part tie is very confident that its own contractual compliance has been sound, though acknowledging problems in the obvious areas such as utilities ; and also that for the most part tie believes, with formal and considered support, that BSC and specifically BB have failed to comply properly with the contract.

There are obvious tensions here and the challenge will be to ensure the final form achieves the right balance. Statements in the report must be balanced and accurate so that Councillors and the public are properly informed and this quality cannot be diluted ; however, the commercial negotiation cannot be ignored so that the opportunity must be taken to present the case against BB / BSC in defence of the public pound. This does make the report read somewhat differently from others of its ilk, and this will need careful assessment.

You will note that Carlisle does not feature overtly in the draft just circulated. I have built in a section on "NEW DEVELOPMENTS" which is intended to be the home for any narrative which is ultimately included on Carlisle. I suggest we keep substantive detail out of the draft until the shape of the initiative is clearer, and then take a view on whether any inclusion is helpful or could impede progress. The issue here is not just whether Carlisle progress needs to be incorporated, but also whether content which is factually based or honestly judged but which nonetheless criticizes BB / BSC, is in keeping with a need to maintain positive mood music while Carlisle is underway. As it stands, the draft is fairly clearly anti-BB, though it differentiates S / C. Tactically, this may create some tension in the Carlisle dialogue, but my feeling is that it is better to sustain the robust stance until a different deal is agreed. However, the front-line team's views are much more important on this than mine.

Can I ask that the following folk specifically consider some key general areas :

- Andrew – risk of breaching confidentiality or other legal considerations, throughout the document
- Andrew – all statements of a legal or quasi-legal nature eg about actions not being consistent with contractual obligations
- Steven / Susan / Dennis – factual accuracy and completeness throughout (I appreciate this is not a trivial task, but reference to the Pitchfork Report or updated information will suffice)
- Tony / Andrew – impact on BSC and the current negotiations
- Mandy – its an early draft, but emerging comms messages and areas of difficulty

Don't worry about cosmetics, the report is really a first cut and will be tidied up.

More specifically, the key sections for tie are 2 (Summary) and 3 (which is the meat of the report covering the issues under dispute and the approach taken by tie). These are the sections to focus on.

3.1 – case for Trams – Mandy

3.2 – 3.14 – DRPs and outcomes, 80.13 position – mainly SB / DM / SC

3.23 – need to conclude how if at all to reflect the recent Walker letter to CEC – Andrew

3.33 – 3.42 – utilities, largely drafted by CEC and needs verified – SB

3.43 – 3.52 – costs, largely drafted by CEC ditto – Stewart

3.53 – 3.63 – Princes St – need to verify (SB) for now, but may need to remove the detail given ongoing dispute

3.64 – 3.78 – CEC funding and incremental options, CEC drafted but grateful if Stewart would review for sense.

The main issue of principle to be considered further by CEC, in addition to the stylistic matters noted above in relation to BSC's reading of the document, is the reference to an increase in potential funding of +10% on £545m.

To adhere to the Council's timetable, can you let me have all responses by close of play on Tuesday 4th May, or earlier if possible.

I expect to have a final draft for further comment around 12th May.

Not for the report, but as a separate point I think it would be useful to have a ready reckoner of cost / km for construction elsewhere in the UK and in Dublin, with some narrative around local conditions and cost drivers. This will be a useful set of benchmarks for phase 1A, but even more useful if a phased approach is adopted. Stewart ?

Regards

Graeme

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