
From: Anthony Rush [rush_aj@██████████]
Sent: 11 May 2010 08:13
To: Richard Jeffrey; Fitchie, Andrew
Subject: RE: Project Carlisle and project Notice governance - FOISA exempt

Richard,

I am sure that you accept that I am fully aware of the potential level of scrutiny any decision could be put to in the future. So I trust that you will see my comments as being constructive. I have limited the circulation deliberately.

Programme

We have a programme for Project Carlisle. It is deliberately aggressive in order to pressurise BSC. My experience of managing deals which involve a party who has a vested interest in delaying finalising, or simply an innate psychological or philosophical barrier to agreeing anything (which may be the case here), is to maintain a tight programme and be ready to revise it.

What is important is that we know what and when our “walk away” parameters are. I understand our difficulty here and this is something David and you are aware of – I am conscious of not pressurising for clear guidelines.

I am minded that the key guidelines we shall need as soon as possible are: what is the maximum funding and on what timescale.

I have not changed my view when we agreed with David that Project Notice would be timed to apply pressure on BSC – we don’t know as yet when that will be, it will be reactive to BSC’s responses. However, I am attempting to get a draft by next Monday.

Risk Register

I agree that we need to carry out a full risk assessment. It is programmed and I have suggested that Mark leads it.

Resource Plan

I have supplied a Resource Schedule.

Key Questions

Realistically “questions” will continue to arise. I agree that it is necessary for one person to schedule and progress chase – I suggested some time ago a Compliance Manager. What I would suggest is that the respondents recognise the priority on responding to questions.

Final Report

I have arranged for Bill Mowatt to work as a link with **tie**’s report machinery to assist a two-way dialogue.

Events Log

I trust that you may have noticed I do try and leave an auditable trail as to why we arrive at decisions which for my part are generally concluded by a letter or a paper. Your comment prompts me remind you that I am acting as a de facto officer of **tie** – my actions are covered by **tie**’s Directors’ and Officers’ Insurance (confirmed by Mark). Bill Mowatt will be employed through GHP and covered by their PI. (My PI arrangements are on a project basis and I couldn’t economically and practically cover this project).

QC Opinion

In view of what you say and Brandon's explicit opinion I cannot demur from obtaining QC's opinion on the application of 90.1.2.

Refer back

I would intend referring back any issue which I haven't discussed with you as a matter of policy – this isn't a difficulty for me.

I cannot comment on how PA1 and Weisbaden came about (although I have my opinions) and I don't think managing a deal is bureaucratic. You asked me yesterday whether I was getting "service" from Steven, Susan and team. Frankly, if we are to pull Project Carlisle off I am minded that I will never be able to answer that question. The timetable is too tight to wait for responses. What I would say is that the team should see Andrew as a good example – he answers swiftly 24/7, and makes suggestions without being asked. Project Carlisle is that sort of deal – the whole team has to be running on the same treadmill.

Tony

From: Richard Jeffrey [mailto:Richard.Jeffrey@tie.ltd.uk]

Sent: 10 May 2010 11:46

To: Steven Bell; Anthony Rush; Susan Clark; Mark Hamill; Fitchie, Andrew; Nolan, Brandon; Stewart McGarrity; Alastair Richards

Subject: Project Carlisle and project Notice governance

STRICTLY PRIVATE AND CONFIDENTIAL AND FOISA EXEMPT, PREPARED IN ANTICIPATION OF LITIGATION

Dear all,

Thanks for your time this morning.

As both projects reach a critical stage it is important that we are able to demonstrate that we have fully considered all the issues. Given the high profile public nature of this project, not only must we make sure we consider all the issues, we must also be seen to be considering all the issues, and be able to demonstrate that we have. Whatever course of action we end up following, there will be a great deal of scrutiny not just of the final position but of how we got there. In addition I expect CEC /TS and the Board may want to go through things in minute detail as we proceed, so it is important that we do not present things that appear to be un-structured. It is also important that we do not present to funders too early with too many unanswered questions, and that we are able to inform funders when we will be able to answer their questions.

To this end can I ask that we pull together a few critical elements into a plan. Susan can I ask that you take the lead on pulling this together, but Tony as much as I know you don't like working to a plan, this will need your input.

Key documents I think we need at this stage are;

- An agreed timetable for both Notice and Carlisle (recognising that things may change as the situation is dynamic)
- A risk register for each
- A resource plan for each
- A list of key questions/issues (which may initially run to many questions)
- A list of key deliverables for the final report which support our chosen course of action.
- An events log which shows, in writing, why we took the decisions we took, e.g. if we decide not to consult a QC on the issuing of the 90.1.2 letter, then we need to show that this was given proper consideration

- A negotiation strategy which covers the negotiating range that Tony might have, and what triggers exist that would cause him to have to refer back.

I know this can all feel like bureaucracy, but it is going to be important, we only have to look at the words around PA1 and the Wiesbaden agreement to see how important this stuff becomes in hindsight. So can we please try to pull together the 'project plan', thanks.

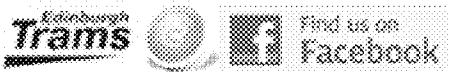
R

Richard Jeffrey
Chief Executive

Edinburgh Trams
Citypoint
65 Haymarket Terrace
Edinburgh
EH12 5HD

Tel: (+44) (0) [REDACTED]
Email: richard.jeffrey@tie.ltd.uk

Find us online (click below):



The information transmitted is intended only for the person to whom it is addressed and may contain confidential and/or privileged material. If you are not the intended recipient of this e-mail please notify the sender immediately at the email address above, and then delete it.

E-mails sent to and by our staff are monitored for operational and lawful business purposes including assessing compliance with our company rules and system performance. TIE reserves the right to monitor emails sent to or from addresses under its control.

No liability is accepted for any harm that may be caused to your systems or data by this e-mail. It is the recipient's responsibility to scan this e-mail and any attachments for computer viruses.

Senders and recipients of e-mail should be aware that under Scottish Freedom of Information legislation and the Data Protection legislation these contents may have to be disclosed to third parties in response to a request.

tie Limited registered in Scotland No. SC230949. Registered office - City Chambers, High Street, Edinburgh, EH1 1YT.
