
From: Willie Gallagher
Sent: 15 December 2007 13:40
To: Gill Lindsay
Subject: FW: Meeting this afternoon w/ Council

Gill,

Please see Andrew's last point. Not sure I can help here as it is not my area of competence.

Willie

From: Fitchie, Andrew [mailto:Andrew.Fitchie@dlapiper.com]
Sent: 15 December 2007 12:34
To: Graeme Bissett (external contact); Stewart McGarrity
Cc: Willie Gallagher; Steven Bell; Hecht, Philip
Subject: RE: Meeting this afternoon w/ Council

Gents

We will be in the office on Sunday on the various contracts/performance securities etc. from 1pm on. Please call me on landline at office (mobile down as of last night) if anything requires discussion/input. It seemed that Duncan was planning meeting Andrew Holmes et al on Sunday late afternoon. I will be watching e-mail traffic.

DLA tasks:

- DLA letter/report. This is agreed with Gill Lindsay in the form of an update on our letter of 30th November. I will sending out a draft this afternoon.
- Risk matrix -As Stewart reports, the Council has already had a full risk session with Geoff Gilbert and Mark Hamill, based on **tie's** project risk matrix. Our hard copy letter will have with it the detailed contractual risk matrix which reflect current state of negotiations.
- Resolutions: from yesterday's discussion, I am not entirely clear what the proposed Resolutions say. I asked for this to be fired over independently but that has not happened so I await tomorrow's draft. At the end of the day , they are CEC's resolutions and if CEC Legal have a particular and firm view on how these work in conjunction with the Tram Acts, so be it. If that view is different from BBS's lawyers view we will need to try and persuade them otherwise. There will be a difficulty , however, if BBS say that they will be content if DLA Piper give an opinion on the matter but I am not able to agree (and therefore DLA Piper cannot opine) that what CEC is done is legally competent to authorise **tie**. My focus at the moment is that I am not sure CEC do have a clear consensus. I have made the case for the NRWSA authority (to back Steven and MUDFA), but I sense it is possible this will be dropped on the basis that it is subsidiary matter. Gill was however considering inserting this in the body of the Report and if this was done and a succinct mention was made in the Operating Agt to the fact that **tie** had a task to act as transport authority for NRWSA purposes of collecting contributions from the utilities in CEC's stead, that would work.

Kind regards

From: Graeme Bissett [mailto:graeme.bissett@tie.ltd.uk]
Sent: 14 December 2007 20:51
To: 'Stewart McGarrity'
Cc: 'Willie Gallagher'; 'Steven Bell'; Fitchie, Andrew
Subject: RE: Meeting this afternoon w/ Council

I'll join you on Sunday, let me know when and where.

Regards

Graeme

Graeme Bissett

m : +44 [REDACTED]

From: Stewart McGarrity [mailto:Stewart.McGarrity@tie.ltd.uk]
Sent: 14 December 2007 16:47
To: Willie Gallagher; Graeme Bissett; Steven Bell; Fitchie, Andrew
Subject: Meeting this afternoon w/ Council

All,

We (myself, Steven and Andrew F) had a catch up with CEC (A Holmes, G Lindsay, D Fraser, C McKenzie, R Andrew) this afternoon and had a canter through the list of issues below from Graeme's previous email.

Alastair Sim has prepared a status report on each of the items with his name next to them – these are being reviewed by Steven as I write before they go to CEC by cop. They want to include words in the Council report describing the status of engagement with NR / FRS and third party agreement risk in general.

Andrew is updating the DLA report to CEC which they want to include as an appendix to the Council report. We presented the updated risk matrices to Donald McGougan yesterday afternoon and everyone seemed satisfied with the outcomes – good work by Geoff G. The only substantive comment re our risk allowance (QRA) was from Duncan stating that it does not provide for a significant change in programme – and he's right it does not.

Wording for the resolutions delegating authority is not in the latest draft of the council report attached and this must go in – Colin is drafting but what he was describing did not sound unlike what Andrew had already provided.

FBCv2 is already with them.

Graeme had 2 remaining issues with the tie Operating Agreement, one of which is resolved and the other will be broached by Graeme directly with Gill Lindsay – basically we want a “best endeavours” qualification to our obligation to provide the services under the agreement but Gill believes that should stay. The stated intention is that the Council report will ask for approval of the operating agreement subject to sign up by the tie Board.

The full CEC gang (including Lindsay, Holmes and McGougan) are meeting at Council offices on Sunday to read through the final draft of the Council report. The plan is to email the final draft to us (all addressees of this note) on Sunday evening so we give it a read through. No commitment given as to what time – however Donald McGougan indicated to me it might be a good idea if someone from tie was there on Sunday and I'll offer my services in that regard – any other volunteers?

Stewart

Excerpt from GB email of Wed 12th Dec:

Other documents and approvals required by 14/12 :

- Depot changes – AS to action agreement with key parties and prepare paper for CEC on background, programme and extent of agreement with FSR, BBS and (as necessary) NR demonstrating level of risk ; comfort letter to be sought from FSR and BBS (SC / AS)
- Station changes – As for depot changes (SC / AS)
- Car park compensation – AS to document basis of budget estimate with input from DV, comparative Station Zero terms via TS, gameplan to reach commercial agreement with NR / FSR and take all possible action to execute (SC / AS)
- NR framework and related agreements – comfort letter to be sought from NR on state of play and all key aspects to complete (SC with AS / SB)
- FBC v2 (SMcG)
- Updated risk matrices and DLA report to CEC (AF)
- Note for CEC on SDS novation process focussed on risk of non-completion (AF)
- Confirm finalisation of BAA lease and license (AS)
- Ditto CEC / tie license (AS)
- Confirm Forth Ports up to date position (AS)

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