

Sandra Elgin

From: Gordon Mackenzie
Sent: 17 February 2011 18:45
To: Dave Anderson
Cc: Jenny Dawe; Sue Bruce (Chief Executive); Donald McGougan; 'Richard Jeffrey'; Sheena Raeburn
Subject: RE: Tram mediation

Thanks Dave - I agree with the approach being taken in respect of the commercially sensitive detail and welcome the intention to brief myself and Jenny. I'm more concerned to ensure the mediation team has all the info and analysis it can usefully accommodate from a political perspective, in which regard I think it would be worth chewing over some of those aspects during our discussion.

Gordon

From: Dave Anderson
Sent: 17 February 2011 18:31
To: Gordon Mackenzie
Cc: Jenny Dawe; Sue Bruce (Chief Executive); Donald McGougan; 'Richard Jeffrey'; Sheena Raeburn
Subject: RE: Tram mediation

Gordon I have been meeting with the Advisory team at **tie** each week for the past four to develop **tie's** mediation statement, the core bundle of accompanying documentation and supporting evidence. Brandon Nolan of McGrigors who worked on Project Carlisle and the RTN process is pulling together the first draft of the mediation statement with technical input from Tony Rush, Steven Bell and Susan Clark. Nigel Robson QC who has a huge range of experience in construction related mediation is orchestrating the overall programme. Vic Emery was briefed earlier this week along with Colin Smith a Civil Engineering professional whom Sue has brought in to provide additional advice and a fresh eye on proceedings. He will act as an independent critical friend reviewing all the supporting evidence.

The mediation statement will be broadly modelled around the arguments in remediable termination notice 9 which summarises the various areas of contract breach to date.

We are having a first dry run overview of all the mediation documentation with the professional advisory team at Citypoint on Monday. Sue, Donald, Alastair and myself will be attending that meeting. Ainslie McLaughlin from TS will also be in attendance.

I am due to attend a further meeting on Tuesday morning to carry out a further editorial check. The mediation statements need to be exchanged on 24th February and there will be a degree of fine tuning that will no doubt go down to the wire on that day.

I would propose that Sue or Donald and myself meet with Jenny and you on Tuesday or Wednesday to provide an overview of the approach that has been taken to the preparation of the mediation statements and to the accompanying support documentation to give you confidence that we are as well prepared as we can be. We'll take your guidance about whether wider briefing e.g. of group leaders on any points of process would be advisable.

However, the documentation itself will be hugely sensitive commercially and from discussions with Sue, Donald, Richard and Alastair we have agreed that there should be a total communications lock down this side of the formal mediation process with no documents issued beyond the **tie** / CEC mediation team. That way if there is a leak we'll know that it has clearly come from the other side.

I'll ask Sheena to check diaries but 30 minutes following P&S on Tuesday might be the most opportune time.

Regards Dave

18/02/2011

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From: Gordon Mackenzie
Sent: 17 February 2011 16:45
To: Dave Anderson
Cc: Jenny Dawe; Sue Bruce (Chief Executive)
Subject: Tram mediation

Dave

I know you and Sue we're planning to have discussions with myself (and Jenny?) about the forthcoming mediation - it's getting closer to the time and I've not seen anything in the diary yet?

Gordon

Councillor Gordon Mackenzie
Convener of Transport, Infrastructure and Environment Committee

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