

**INQUIRIES ACT 2005  
NOTICE IN TERMS OF SECTION 21**

In terms of section 21(2)(b) of the Inquiries Act 2005 ("the Act"), notice is hereby given to City of Edinburgh Council (CEC), having a place of business at Waverley Court BC 2/6, 4 East Market Street, Edinburgh EH8 8BG, that, as Chairman of the Edinburgh Tram Inquiry, I require CEC to provide the documents specified in Annex A and Annex B attached to this Notice by delivering to the Solicitor to the Inquiry ("the Solicitor"), Floor 1, Waverley Gate, 2-4 Waterloo Place, Edinburgh, EH1 3EG no later than 4.30pm on Wednesday 18 October 2017, the said documents.

In terms of section 35 of the Act, if CEC fails without reasonable excuse to comply with the requirements of this Notice it will be guilty of an offence and liable on summary conviction to a fine not exceeding level three on the standard scale.

In terms of section 36 of the Act, if CEC fails to comply with, or acts in breach of this Notice or threatens to do so I, or after the end of the Inquiry the Scottish Ministers, may certify the matter to the Court of Session which, after hearing any evidence or representations, may make such order by way of enforcement or otherwise as it could make if the matter had arisen in proceedings before that Court.

If, in terms section 21(4) of the Act, CEC wishes to claim that it is unable to comply with this Notice, or that it is not reasonable in all the circumstances to require it to do so, it must submit in writing to the Solicitor a claim to be received by him no later than 4.30pm on Friday 6 October 2017 specifying the reasons justifying such a claim.



**Lord Hardie  
Chairman  
Edinburgh Tram Inquiry**

**29 September 2017**

**Annex A to Notice dated 29 September 2017**

1. All documents showing or tending to show the identity of the City of Edinburgh Council's Monitoring Officer for Tie Ltd between 2002 and 2011.
2. All quarterly (or other) reports produced by Tie Ltd to said Monitoring Officer between 2002 and 2011.
3. All bi-annual (or other) reports made to the Council by said Monitoring Officer on the performance of said company between 2002 and 2011.
4. All draft annual accounts provided by Tie Ltd to the Council between 2002 and 2011.
5. All annual Business Plans produced by Tie Ltd for the approval of the Council between 2002 and 2011 (together with the date each plan was approved by the Council).
6. All annual self-assessment questionnaires on corporate governance provided by Tie Ltd to the Council between 2002 and 2011.
7. All documents showing or tending to show the extent to which (i) officers and (ii) members of the Council were aware of each of the following matters between 2002 and 2011, namely:
  - a) The terms and conditions of any scheme operated by Tie Ltd during that period whereby Directors, members of staff or consultants employed or instructed by that company were entitled to bonus payments, including the criteria by which, and by whom, any such bonus payments were decided.
  - b) The salaries of individual Directors, members of staff and consultants employed or instructed by Tie Ltd during that period.
  - c) The amount paid in bonuses to individual Directors, members of staff and consultants employed or instructed by Tie Ltd during that period.

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## Annex B to Notice dated 29 September 2017

1. All documents showing or tending to show the identity of the City of Edinburgh Council's Monitoring Officer for Transport Edinburgh Ltd ("TEL") between 2002 and 2011.
2. All quarterly (or other) reports produced by TEL to said Monitoring Officer between 2002 and 2011.
3. All bi-annual (or other) reports made to the Council by said Monitoring Officer on the performance of said company between 2002 and 2011.
4. All draft annual accounts provided by TEL to the Council between 2002 and 2011.
5. All annual Business Plans produced by TEL for the approval of the Council between 2002 and 2011 (together with the date each plan was approved by the Council).
6. All annual self-assessment questionnaires on corporate governance provided by TEL to the Council between 2002 and 2011.
7. All documents showing or tending to show the extent to which (i) officers and (ii) members of the Council were aware of each of the following matters between 2002 and 2011, namely:
  - a) The terms and conditions of any scheme operated by TEL during that period whereby Directors, members of staff or consultants employed or instructed by that company were entitled to bonus payments, including the criteria by which, and by whom, any such bonus payments were decided.
  - b) The salaries of individual Directors, members of staff and consultants employed or instructed by TEL during that period.
  - c) The amount paid in bonuses to individual Directors, members of staff and consultants employed or instructed by TEL during that period.

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