

BY E-MAIL AND DELIVERY

Gordon McNicoll
Edinburgh Tram Inquiry
Floor 1, Waverley Gate
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Edinburgh
EH1 3EG

31 August 2017

Dear Mr McNicoll

**Edinburgh Tram Inquiry
City of Edinburgh Council ("the Council")
Section 21 Notice – Inquiries Act 2005 ("the Act")**

Thank you for your letter of 28 August 2017 enclosing a notice under section 21 of the Act (the "Notice").

We note that the Notice seeks the production of a written statement and any relevant documents in relation to the basis of calculation for, or derivation of, the price of £362.5m for off street works and the target sum of £39m for on street works. The covering letter to the Notice is expressed in different terms, but we presume that it is the terms of the Notice which are relevant.

In any event, the Council wishes to claim, pursuant to section 21(4) of the Act, that it is unable to comply with the Notice, or that it is not reasonable in all the circumstances to require it to comply with the Notice. That is because the Council is unable to speak for the individuals concerned in agreeing the price of £362.5m and/or the target sum of £39m. For the Council's part, none of the relevant individuals are still employed by the Council. However, we note that a number of witnesses have addressed these matters in their statements and appear on the list of witnesses who will give evidence at the oral hearings. Documents relative to this matter have been produced to the Inquiry by the Council and Pinsent Masons LLP in response to the s21 notices dated 31 July 2017.

Yours sincerely



For and on behalf of City of Edinburgh Council

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