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**From:** Gill Lindsay  
**Sent:** 11 March 2009 13:15  
**To:** Colin MacKenzie; Tom Aitchison; John Sturt  
**Cc:** Jim Inch  
**Subject:** RE: DRAFT REPORT FOR COUNCIL MEETING

Thank you for the copy report. My advice is that as the DRP is I understand a private process, we ensure that DLA agree that there is nothing contained in this Report which will be considered to breach that confidentiality to ensure that neither we nor Tie can give the consortium any grounds to suggest that the DRP is in any way compromised. I think the Report as drafted is careful in the extent of information disclosed and DLA sign off to this effect could be very quickly achieved. Can you please confirm if this should be sought and if Tie have seen the draft at this stage.

Gill

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**From:** Colin MacKenzie  
**Sent:** 11 March 2009 12:56  
**To:** Tom Aitchison  
**Cc:** Jim Inch; Gill Lindsay  
**Subject:** FW: DRAFT REPORT FOR COUNCIL MEETING

Tom,

In responding the invitation from John Sturt I obviously required to read the report.

If I may be so bold as to venture a comment, might I say that what the Council officers do not know is whether the Infraco contract is sound and in all respects in the Council's best interests as client and funder. It is just possible that the contract is not robust enough and as a result affordability for the Council becomes an issue. I appreciate we must be seen to be supporting the tie board in its contractual dispute, but I feel officers are lacking the requisite information, certainty and confidence at the present time.

Kind regards,

Colin MacKenzie  
for Council Solicitor

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**From:** John Sturt  
**Sent:** 11 March 2009 11:54  
**To:** Tom Aitchison  
**Cc:** Colin MacKenzie  
**Subject:** FW: DRAFT REPORT FOR COUNCIL MEETING

Irene

The presumption in the Access to Information legislation is that reports will be accessible to the public. They may be withheld if they contain "exempt" information. But there is no requirement to do so. So if Tom's inclination is to go public, and the report seems to be drafted with that intention, I see no difficulty from my perspective.

I think it would be quite hard to identify "exempt" information in the report anyway. There is nothing about the terms of the negotiations taking place. All the references are to the current contractual position which is accessible to the public. Nor is there any legal advice. B agenda reports have a habit of leaking into the public domain anyway.

My one residual concern is that there may be a presumption in other legislation or the rules of natural justice about comment on a matter subject to a dispute resolution procedure. I feel this would be hard to sustain given the level of public interest but I am not legally qualified so I am copying Colin Mackenzie in to this reply.

John

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**From:** Tom Aitchison  
**Sent:** 11 March 2009 11:04  
**To:** John Sturt  
**Subject:** DRAFT REPORT FOR COUNCIL MEETING

John

Please find attached a current draft of the Edinburgh Tram Project Status Report for tomorrow's Council meeting.

Could you let Tom have your view as to whether this should be on the open agenda, or whether it should be on a "B" agenda?

Many thanks.

Irene

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