

Scotland Excel

To: Scotland Excel Joint Committee

On: 27 November 2015

Report
by
the Clerk

Court Proceedings Update

1. Summary

- 1.1 The purpose of this report is to update the Joint Committee on the position in respect of the court action raised by Street Lighting Supplies & Co Ltd against Scotland Excel and Renfrewshire Council.

2. Recommendation

- 2.1 That the Joint Committee notes the content of the Report.

3. Background

- 3.1 Street Lighting Supplies & Co Ltd initially raised court proceedings in Paisley Sheriff Court against Scotland Excel and Renfrewshire Council attempting to prevent a contract award being made. Scotland Excel successfully argued that the case should not be heard within the Sheriff Court and should be transferred to the Court of Session.
- 3.2. At the Court of Session the Pursuer continued to argue that no contract award should be made. Scotland Excel successfully resisted that argument and the Court declined to make an interim order in that regard. The Pursuer then sought to amend their claim to one for damages only. The sum claimed was £345,000. Scotland Excel continued to resist the claim and a proof before answer was fixed to take place on 5th-10th November 2015.
- 3.3. Just prior to the hearing, the Pursuer agreed to abandon their action. They also agreed to make a significant payment in respect of Scotland Excel's legal expenses.
- 3.4. This case was raised prior to the commencement of Scotland Excels' insurance cover in respect of such court actions. Any similar actions raised against Scotland Excel would now be dealt with under the terms of that insurance cover.