

If councillors had known true cost tram project “would not have gone ahead”

Edinburgh’s tram project would not have gone ahead if officials had not “lied to councillors” about construction costs, a council meeting has heard.

A £13m public inquiry to establish why costs and timescales associated with the scheme spiralled out of control, which released its findings after a nine-year wait in September, said ‘inaccurate and misleading’ reports drafted by officers had been presented to councillors on several occasions.

As the council’s Chief Executive was quizzed over the authority’s response to Lord Hardie’s damning 961-page report, concerns were raised that those responsible had not been fully held to account.



Cllr Joanna Mowat Conservative councillor for the City Centre
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And long-serving Conservative councillor Jo Mowat told the scrutiny committee: “Had officers behaved appropriately – had they not lied to councillors – the tram wouldn’t have gone ahead.”

She said: “I can say that because I took those decisions and they were key pieces of information.

“Had we known that those pieces of information were not as they were about the fixed cost, we would not have approved the tram – and I can tell you that the tram would not have gone ahead because it would not have gotten through a vote in the council.”

Cllr Mowat said the city was “utterly betrayed by those officers”.

She added: “We may have a shiny new tram, and people may think that was worth it, but the getting of it wasn’t worth it

because it undermined trust in the council more widely, but also between officers and councillor relationships.”

The capital’s airport to York Place line – half the length originally promised – opened in 2014, five years later than planned and more than £400 million over budget.

Lord Hardie said this was caused by a “litany of avoidable failures” by politicians and officials and “poor management and abdication of responsibility on a large scale”.

After his inquiry report was published, Labour council leader Cammy Day apologised for the “great deal of disruption to residents and businesses” caused by the tram line’s construction.

“It’s clear that serious mistakes were made and that this had a significant impact on the city,” he said.

However he added he wouldn’t say sorry for “building a tram system, or for our ambition to develop it further”.

Among the officials named in the report as having misled elected members was Nick Smith, a junior lawyer at the time and now the council’s Head of Legal, who was found to have inserted statements he was ‘aware were untrue’ into two reports in 2010.

Mr Smith and others will not face any disciplinary action as Chief Executive Andrew Kerr “concluded that there was no further action required” following an internal council investigation into the inquiry’s findings.

Cllr Kate Campbell, SNP Governance, Risk and Best Value Convener called for an external investigation, conducted completely independently of the council, to be held to ensure all recommendations are sufficiently acted upon.

Challenging Mr Kerr on the matter she said: “We’ve got a very expensive judge-led inquiry that tells us that councillors

were misled. There were reports that were misleading or incomplete, and we've heard as the consequence of that a very significant decision was made in the council that otherwise might not have been made.

"I don't think it's acceptable to have the response to that to be a couple of paragraphs in a report that says 'we've done an internal investigation and everything's fine don't worry'."

Mr Kerr said the council's investigation was "robust" and had been "conducted in the right way".

He said: "I can't discuss individual process here. But I am certainly sure that the conclusion is the right conclusion."

Cllr Mowat asked the Chief Executive if he was prepared to define gross misconduct "as lying to councillors and setting it out and saying that is an instant sackable don't touch the floor offence".

She added: "I don't think if we have anything less than that we can actually rebuild the faith in our decision making."

Mr Kerr said there was a "very clear definition of gross misconduct in all local government".

He said: "If there was gross misconduct undertaken you would expect that person to leave the organisation.

"Behaving in a way that was gross misconduct – and whether that was misleading the councillors or lying to them or whichever language you wish to use, but you need to take into account the individual situations and everything else and it has to go through a proper process."

by Donald Turvill Local Democracy Reporter.



First trams on Princes Street on 31 May 2014 PHOTO © The Edinburgh Reporter