

ABERDEEN CITY COUNCIL

COMMITTEE	Audit, Risk & Scrutiny
DATE	26 th September 2017
REPORT TITLE	Wellington Brae Investigation
REPORT NUMBER	CHI/17/241
DIRECTOR	Bernadette Marjoram
REPORT AUTHOR	Bernadette Marjoram

1. PURPOSE OF REPORT:-

- 1.1** The purpose of this report is to provide the Committee with the Management Response to the review undertaken by the Corporate Investigation Team (CIT) into the circumstances surrounding the Wellington Brae project.

2. RECOMMENDATIONS

- 2.1** That the Committee notes:
- a. The Investigation Report and Recommendations; and
 - b. The Management Response to the recommendations of the investigation report.

3. BACKGROUND

- 3.1** In April 2017, the Wellington Brae project became subject to public scrutiny. There were allegations that:
- the correct Council processes had not been followed;
 - the project lacked the necessary oversight and transparency; and
 - public money had, in some way, been misused.
- 3.2** There were further issues when emails purporting to originate from Council officers appeared in the local press.

3.3 An investigation into the project was requested by the Interim Director of Communities, Housing and Infrastructure in May 2017. The terms of the investigation were approved by the Chief Executive and Head of Finance.

3.4 The investigation was intended to:

- Examine the full circumstances from beginning to end;
- Investigate where and why actions by specific officers deviated from that expected;
- Confirm that the information contained within the Sustrans funding application was correct, and that subsequent awards were within the scope of their accepted practice;
- Determine what data breaches occurred and their extent.

3.5 The Investigation has made a series of recommendations, which are set out in the Corporate Investigation Report at Appendix 2 and summarised in Appendix 1, these cover the following key areas:

- (I) Finance/ Funding
- (II) Project Management
- (III) Governance
- (IV) Elected Members

3.6 The Investigation Report was provided to the Interim Director of Community, Housing and Infrastructure and the Management Response is set out below in Section 3.8.

3.7 Audit Scotland had been approached to undertake an investigation but they subsequently advised the Chief Executive they would await the outcome of the Council investigation. Following committee consideration of this report, it will be forwarded to them.

3.8 **Management Response to Recommendations**

Recommendations (I) - (III)

3.8.1 The Service Management accepts the overall findings and recommendations of the Investigation Report including the recommendation that the Director of CH&I consider whether further management action be taken. This will be done in accordance with Council's agreed policies and procedures.

3.8.2 The recommendations proposed are either already in the process of being implemented as part of the wider Capital Programme Governance Review, reported to Audit, Risk and Scrutiny Committee on 27th June, 2017 and/ or included in the wider Service Review referred to in Section 3.8.5.

- 3.8.3 As part of the implementation of the wider Capital Programme Governance Review, further in-depth reviews have also been undertaken on individual programmes within the overall Capital Programme including the Transportation Programme, which is where Wellington Brae project sits. This review has concluded and supports the findings and recommendations of the Investigation Report.
- 3.8.4 The actions arising from the Reviews above are being monitored via the monthly Capital Board.
- 3.8.5 The issues identified in the Reviews mentioned above, will also be incorporated into the service wide improvement review of the Planning and Sustainable Development Service, which commenced on 11th September 2017.
- 3.8.6 It is anticipated this wider Service Review and subsequent improvement plan, incorporating the above, will be fully implemented in 2018/19, with monitoring of progress captured through the Service Improvement Plan and reported to the Communities, Housing and Infrastructure Committee.

Recommendation (IV)

- 3.8.7 This recommendation is welcomed and the Monitoring Officer will begin the process of bringing an updated version of the Member-Officer Relations Protocol for consideration at the meeting of Full Council on 5 March 2018. In advance of the meeting, consultation will take place with officers and elected members. This will help ensure that the updated version provides officers and members with additional support to address issues raised in the investigation report.

4. FINANCIAL IMPLICATIONS

- 4.1 There are no direct financial implications arising from this report.
- 4.2 However, as part of the Management Response, it should be noted the review of the procedures and practices, will provide assurance the Councils Financial Regulations are being met.

5. LEGAL IMPLICATIONS

- 5.1 There are no direct legal implications arising from the recommendations of this report.
- 5.2 It should be noted that Appendix 2 to this report contains confidential information in terms of Section 50a 3(b) of the Local Government

(Scotland) Act 1973. The contents of Appendix 2 should not be disclosed to any person. Disclosure of the content of Appendix 2 could lead to a breach of the Data Protection Act 1998 and may breach fair employment practices. Where relevant, disclosure would lead to a breach of the Councillors' Code of Conduct.

6. MANAGEMENT OF RISK

- 6.1** The Investigation Report has identified potential areas of risk arising from their findings. The Management Response to the findings and recommendations contained in the CIT report will addresses these.

7. IMPACT SECTION

7.1 Economy

- 7.1.1 Not applicable.

7.2 People

- 7.2.1 The revision of procedures and practices will ensure their consistent application, to secure an equitable service to all customers in a transparent way.
- 7.2.2 The revision of procedures and practices will ensure that all staff aware of the standards expected of them as well as the training and support available

7.3 Place

- 7.3.1 Not applicable.

7.4 Technology

- 7.4.1 Not applicable.

8. BACKGROUND PAPERS

N/A

9. APPENDICES (if applicable)

Appendix 1: Summary of Corporate Investigation Report
Appendix 2: Corporate Investigation Report Confidential

10. REPORT AUTHOR DETAILS

Name: Bernadette Marjoram
Job title: Interim Director of CHI
Email address: BMarjoram@aberdeencity.gov.uk
Phone number: 3889