

Questions for Councillors August 2016

This questionnaire has been designed to gather evidence about Councillors' involvement and knowledge of the Edinburgh Trams Project. The questionnaire contains 12 questions and, for guidance, a list of issues that may assist you in answering these questions. Please ignore any questions and issues which you feel do not apply to you, for example, questions that relate to a period when you were not serving as a Councillor of the City of Edinburgh Council.

Your details

In order for the evidence to be analysed and taken forward by the Inquiry we require some information about you.

As you are responding as a Councillor (or ex-Councillor) your name and ward will be published, but your postal address, postcode, telephone number and email address will not be published.

Ward	<i>Liberton Gilmerton</i>
Period that you were a Councillor	<i>9th September 2010 to present</i>
Surname	<i>Cook</i>
Forename	<i>William</i>
Postal Address	██
Postcode	██████████
Telephone	██████████
Email	██

What will happen to your response

Your answers will be considered by the Inquiry and will form part of the record of the Inquiry

All of the written evidence, unless deemed offensive or inappropriate, which is submitted through this process will also be published on the Inquiry's website at some point, either during the Inquiry proceedings or when the Inquiry Report is issued.

The Inquiry team may wish to explore the evidence you have provided in more detail. They may wish to contact you following completion of this questionnaire to take a statement from you, and you may be invited to give evidence at an oral hearing.

However, not everyone who submits written evidence at this stage will be invited to provide more information, and participation at any oral hearings would be by invitation only.

Questions

Please refer to the guidance to assist you in answering these questions.

1. Please provide an overview of your duties and responsibilities as a Councillor? Please also provide an overview of any duties and responsibilities you had in relation to the Edinburgh Trams Project.

Professionally I am registered with the Engineering Council UK as a Chartered Engineer. I am a Fellow of The Institution of Engineering and Technology. I was first elected in a by-election on 9th September 2010 as a Labour Councillor for Liberton & Gilmerton. In addition to the general representative duties of a Councillor in June 2011 I was appointed to the Health, Social Care and Housing Committee and to the Lothian & Borders Police Board. After the election of May 2012 a Coalition of Labour and SNP formed the administration. I was appointed vice-Convenor of the Finance & Resources committee. I was also appointed to the Economic Development Committee, to the Lothian and Borders Community Justice Authority as a substitute member and to the board of Edinburgh International Conference Centre Ltd. I retained my positions on the Health, Social Care and Housing Committee and Lothian and Borders Police Board. Progressively over the period of this administration I have withdrawn from these committees and bodies but continued as vice-convenor of the Finance & Resources Committee. This role also entails involvement in a number of associated sub committees (i.e. ICT, Property, Joint Consultative Group (with Trade Unions), Employee Health & Safety Consultative Forum, Pensions, Pensions Audit). I was not a member of Tram Project Board, TIE Ltd or TEL Ltd.

2. Do you have any comments on the trams project during the initial proposals stage (i.e. between 2000 and 2006)?

No. I have no direct knowledge as this covers the period prior to my election.

3. Do you have any comments on the trams project in relation to events between May 2007 and the signing of the infrastructure contract in May 2008?

No. I have no direct knowledge as this covers the period prior to my election.

4. Do you have any comments on events after May 2008, including, in particular, in relation to the dispute that arose with the infrastructure consortium?

Prior to my election in September 2010 my knowledge of the Trams Project was wholly based on press reports. I have no direct first-hand knowledge of how the dispute arose. The first official information available to me was in the reports presented to The City of Edinburgh Council in October, November and December of 2010. These provided Tram updates including advice on disputes and a revised business case. My recollection was that the outcome of most adjudication disputes was favourable to BSC. My understanding also was that TIE's strategy for resolving the dispute was robust application of contract terms. This was endorsed at council by elected members. Elected members thought that a request for an independent specialist to review the revised business case was a prudent measure in light of the project's difficulties.

5. Do you have any comments in relation to the settlement agreement reached at the Mar Hall mediation in March 2011, and finalised later that year?

The outcome of Mar Hall mediation was reported to council in May 2011. Elected members were advised that mediation was positive and a way forward based on mutual co-operation had been agreed. The newly appointed Chief Executive regarded the resolution of the Trams dispute as one of her key priorities. I believe this was borne out by the successful mediation and subsequent delivery of the Trams. It represented a turning point in the project. The proposal to complete the first phase at Haymarket was considered on the basis that this represented the lowest risk option and obviated the need to borrow large sums in order to take the Trams to St Andrew Square. Subsequently members were advised that Scottish Ministers would not support further payments in light of the August decision. It was believed this would lead to the project's cancellation and that significant associated costs would be incurred. In light of these factors the August decision was revisited and council agreed to take the Trams to St Andrew Square.

6. Do you have any comments on the project management or governance of the trams project?

As indicated above the only knowledge I had of the Trams project prior to October 2010 was through the press. I had no direct knowledge of management and interactions that subsequently led to difficulties that the council had to contend with in late 2010 and the following year. However I would observe the contrast that since the Mar Hall mediation, governance restructuring and subsequent settlement the project has progressed on schedule and within the revised budget. The implementation of effective project management techniques as described to full council in the course of 2011 suggested the absence of such effective measures previously.

7. Do you have any comments on the reporting of information relating to the trams project to Councillors?

Since my election in September 2010 I believe that council officers have adequately advised of developments, risks and liabilities. In the period since late 2010 based on my own experience I also believe there was sufficient information and detail for elected members to apply scrutiny and exercise judgement. I cannot comment on the period prior to this. In addition to receiving formal reports elected members do receive briefings and opportunities to question in more detail prior to full council or committee meetings. Where additional reports and analysis has been requested by council these have been forthcoming. If commercial confidentiality is an issue controlled access to data is generally made available. The council also operates a 'B Agenda' system which permits the committee or council to discuss confidential or sensitive information in private. With respect to the Trams project I did find information clear and intelligible and when I've sought clarifications these have readily been forthcoming. My own Group Leader and Transport Spokesperson (and Convenor since May 2012) I believe have kept me and colleagues informed on issues such as the Trams. With respect to voting on the Trams our political group would discuss and agree a position. This would be presented to council by our spokesperson. I believe that other groups did similarly. Since my appointment as Finance & Resources vice-convenor in May 2012 I periodically have been briefed on matters relating to the Trams operation and the proposal to extend the route beyond York Place.

8. Which body or organisation do you consider was ultimately responsible for ensuring that the trams project was delivered on time and within budget?

Ultimately the administration of the day is politically accountable for the project. The administration relies on advice from professional council officers. This is supplemented by assessments from independent specialists and organisations such as Audit Scotland.

9. What do you consider were the main reasons for the failure to deliver the project in the time, within the budget and to the extent projected?

The failure became apparent during the implementation phase. Whether this was a failure in project management or inherent in the project's inception or a combination of both will undoubtedly emerge during the enquiry. TIE's programme management would appear to be wanting as new project governance and co-operative arrangements were thought necessary after mediation. These post mediation measures and increased council officer engagement ultimately delivered the Tram to the revised scheduled and cost.

10. Do you have any comments on how these failures might have been avoided?

Rigorous and effective programme management by TIE coupled with effective independent professional assessment and review whether by council officials and/or appointed specialists.

11. What do you consider are the main consequences of the failure to deliver the trams project in the time, within the budget and to the extent projected?

Very significant revenue and borrowing cost, the loss to the local economy, the undue disruption to business and residents, reputational damage and the delay generally in providing enhanced public transport.

12. Are there any other comments you would like to make that fall within the Inquiry's Terms of Reference and which have not already been covered in your answers to the above questions? (The Terms of Reference can be found on the [Inquiry's website](#))

None.