

# Governance, Risk and Best Value Committee

2.00pm, Monday, 19 October 2015

## Monitoring Officer Investigation: Allegations of misconduct by Council Officers involved in the Cameron House project in connection with consultation with key stakeholders

Item number

Report number

Executive/routine

Wards

### Executive summary

---

During a deputation to the March 2015 meeting of the Governance, Risk and Best Value Committee, Moira O'Neill (Chair of the Cameron House Management Committee) made a number of allegations of inappropriate behaviour by Council Officers in relation to the Cameron House Centre (the Centre) project. These allegations triggered a request by the GRBV Committee for the Monitoring Officer to investigate these allegations.

This report sets out the findings of the Monitoring Officer investigation.

### Links

---

Coalition pledges

Council outcomes

Single Outcome Agreement

## **Monitoring Officer Investigation: Allegations of misconduct by Council Officers involved in the Cameron House project in connection with consultation with key stakeholders**

### Recommendations

---

- 1.1 To note the contents of the report.
- 1.2 To recognise that Council officers did not always meet the professional standards that would be expected in their dealings with the Centre and recommend that the Chief Executive on behalf of the Council should issue an apology to the Cameron House Management Committee and the users of the Centre for the inconvenience caused as a result of these failures.
- 1.3 To recognise the breakdown in the relationship that has occurred between the Council on one side and the Cameron House Management Committee on the other and to request the Chief Executive to ensure that the Director of Children and Families and the Acting Head of Corporate Property to take the necessary steps to ensure that the relationships are restored to a normal position. To request an update in 6 months as to progress made in restoring this relationship.

### Background

---

- 2.1 Cameron House (the 'Centre') is a community centre in Prestonfield. The current building is a new build that was completed in early spring 2009 following the previous building reaching the end of its useful life. The construction process experienced a number of difficulties and the building has continued to suffer from defects significantly in excess of what would be expected from normal snagging.
- 2.2 The construction project was the subject of an independent report by Turner & Townsend. This report highlighted a number of lessons learned from the project and was scrutinised by the GRBV in the March & April GRBV 2015 meetings.
- 2.3 At the March 2015, GRBV meeting, Moira O'Neill (Chair of the Cameron House Management Committee (the 'Management Committee')) in a deputation to Committee made a number of allegations of inappropriate behaviour by Council Officers both during the design and construction phase and after the Centre opened. These allegations triggered a request by the GRBV for the Monitoring Officer to investigate these allegations.

2.4 The investigation was undertaken on behalf of the Monitoring Officer by the Chief Internal Auditor.

### **Main report**

---

3.1 Appendix 1 sets out the report and findings of the investigation.

### **Measures of success**

---

4.1 The implementation of the request by Committee to investigate the matters set out in the report.

### **Financial impact**

---

5.1 No direct impact.

### **Risk, policy, compliance and governance impact**

---

6.1 No direct impact.

### **Equalities impact**

---

7.1 No direct impact.

### **Sustainability impact**

---

8.1 No direct impact.

### **Consultation and engagement**

---

9.1 None

### **Background reading/external references**

---

None.

**Alastair Maclean**

Deputy Chief Executive

## Links

---

**Coalition pledges**

**Council outcomes**

**Single Outcome  
Agreement**

**Appendix**

**Appendix 1 - Monitoring Officer Investigation: Allegations of misconduct by Council Officers involved in the Cameron House project in connection with consultation with key stakeholders**

Legally Privileged and confidential; FOI(S)A exempt

Monitoring Officer Investigation – Allegations of misconduct by Council Officers involved in the Cameron House project in connection with consultation with key stakeholders

# Contents

1. Introduction .....	3
2. Executive summary .....	4
3. Retention of records .....	7
4. Background - Communication and lack of trust .....	8
5. The Construction project - Notification of architect's selection meeting – Allegation of doctored email.....	10
6. The Construction project - Flooding reports – Allegation of lack of independence.....	11
7. The Construction project - Gym hall floor replacement – Allegation of misconduct by Council Officers.....	13
8. Report on the Construction of Cameron House – Alleged conflict of interest.....	16
9. Compilation of this report.....	18
Appendix 1 – Whistleblowing case .....	19
Appendix 2– Email Allegedly sent to [REDACTED] on 14 September 2005 .....	22
Appendix 3 - Scope .....	23

# 1. Introduction

Cameron House (the 'Centre') is a community Centre in Prestonfield. The current building is a new build that was completed in early spring 2009 following the previous building reaching the end of its useful life. The construction process experienced a number of difficulties and the building has continued to suffer from defects significantly in excess of what would be expected from normal snagging.

The construction project was the subject of an independent report by Turner & Townsend. This report highlighted a number of lessons learned from the project and was scrutinised by the GRBV in the March & April GRBV 2015 meetings.

The Centre, while owned by the Council is supported by a dedicated charity, the Cameron House Community Education Centre. This charity is administered by a Management Committee who are unpaid volunteers. The Management Committee is elected by members of the charity at the charity's annual general meeting. Committee meetings are held monthly (with a recess over the summer months) and normally attended by at least one of the local elected members.

At the March 2015, GRBV meeting, Moira O'Neill (Chair of the Cameron House Management Committee (the 'Management Committee')) made a number of allegations of inappropriate behaviour by Council Officers both during the design and construction phase and after the Centre opened. These allegations triggered a request by the GRBV for the Monitoring Officer to investigate these allegations, which resulted in this report. For a copy of the scope of this investigation, please see Appendix 3.

## 2. Executive summary

The Council has not managed the Cameron House project well. In addition to the technical deficiencies experienced the project has been beset by poor management and communication. This has resulted in a significant level of mistrust between the Centre (both local staff and the management committee) and the Council, which has now reached the stage where it is having an adverse operational impact.

This mistrust has been further aggravated by the impact of the whistleblowing case involving [REDACTED] which has led to the perception by the Centre staff and Management Committee that the Centre is treated differently as a consequence of what they perceive as a negative attitude within senior management at Children & Families towards the Centre arising as a consequence of the Whistleblowing case.

[REDACTED] Given [REDACTED] involvement in the whistleblowing case, this unfortunately placed [REDACTED] in the position where it could be perceived that [REDACTED] personal history with [REDACTED] might influence [REDACTED] judgement and actions surrounding the Centre

This report identifies a number of specific instances where behaviour by Council officers has fallen below the standards that would be expected. These are:

- An apparent cover up of a clerical oversight, involving a doctored email;
- The display of poor judgement in the selection of consultants to investigate the cause of the June 2009 flood; and
- The mismanagement of the decision not to replace the gym floor as planned in 2010 where it is likely that Council Officers misled the Centre staff and Management Committee on the reasons why the planned replacement was cancelled.

### *Communication and lack of trust*

In respect of this project, there is a significant level of mistrust by some Centre staff and the Management Committee on the one hand of senior management of Children & Families and some Corporate Property staff on the other. This mistrust has now reached the stage where it is having an adverse impact on operations as it is preventing routine tasks being performed as a matter of course. Due to the perceived sensitivity of anything related to 'Cameron House' unmerited consideration is given to the impact of undertaking routine tasks, resulting in a less efficient process than should be the case. This mistrust has arisen as a consequence of:

- The problems that have arisen with the Centre building;
- Poor communication by the Council;
- Poor management by some staff within Children & Families & Corporate Property of the relationship with what is a demanding Management Committee; and
- The impact of the whistleblowing case involving [REDACTED]. The Management Committee have the perception that the Centre is treated differently from



other Centres as a consequence of what they see as a negative attitude within Children & Families towards the Centre that they believe has arisen as a consequence of the Whistleblowing case.

While there is no evidence of any link between the whistleblowing case and the events at the Centre, [REDACTED]

and [REDACTED].

This placed them in the position where it could be perceived that [REDACTED] personal history with [REDACTED] might influence their judgement and actions surrounding the Centre.

There is clearly a need for relations between the Centre team and the Management Committee on one side and the Children & Families and Corporate Property central teams respectively to be significantly improved and for all sides to move forward on a more normalised basis. Public recognition by the Council of the problems experienced by the Centre both during construction and afterwards will most likely help clear the air and make a 'fresh start' more likely to be achieved. The normalisation of relations would allow for a more efficient running of the Centre and benefit the citizens of Edinburgh by allowing Council staff to focus on more productive matters.

*Notification of architect's selection meeting – Allegation of doctored email*

The available evidence supports the Management Committee's assertion that a doctored email was sent to the [REDACTED] by a member of staff within City Development. The most plausible explanation, is that this email was created to cover up a clerical error resulting in [REDACTED] not being invited to the final architect selection meeting.

*Flooding reports – Allegation of lack of independence*

Three reports into the cause of the flooding were undertaken. Two of these were external and undertaken by Thomas & Adamson and Woolgar Hunter. The Thomas & Adamson report was held out by Corporate Property at the time as an independent report into the cause of the flooding. Both these companies were involved in the construction of the Centre and cannot be considered fully independent. The conclusions of both these reports were essentially similar and were challenged by Turner & Townsend in their report.

*Gym hall floor report – Allegation of misconduct by Council Officers*

It has not been possible to establish a complete picture of events in the run up to the first replacement of the gym hall floor.

The Centre staff were informed by Corporate Property that the gym hall floor would not be replaced in May 2010, reversing a decision taken to replace the floor in late 2009. The reason given for the reversal of this decision was an 'independent' survey of the floor showing that replacement was no longer required. The Management Committee asked for details of this survey and a copy of the report, which were not forthcoming.

The Centre was not aware of any survey having taken place and on reviewing their CCTV footage (7 day rolling loop) identified an individual who had claimed to be a 'member of the public interested in new build' and assumed that he was the surveyor whose work Corporate Property had relied upon when making their decision not to replace the floor. It has not been possible to identify this individual who may or may not be a Council officer but it can be concluded (due to the timeline of events) that he was not the surveyor on whose work Corporate Property had based their decision.

It has not been possible to identify the surveyor on whose work Corporate Property based their decision and given that there is no evidence of this individual in any of the surviving documentation, it cannot be concluded with certainty that a survey was undertaken.

If it is accepted that a surveyor did visit the Centre, it cannot have been an intrusive survey. It is difficult to understand how a conclusion could be reached that a visual survey would give sufficient comfort that the floor did not need to be replaced given the results of the two previous intrusive surveys.

Corporate Property, subsequent to the intervention of Cllr [REDACTED], later revealed that a lack of funding had been a constituent in the decision not to replace the floor. It is considered likely that the lack of funding was the key driver in not following through with the floor replacement as opposed to it not actually requiring to be replaced.

*Report on the Construction of Cameron House – Alleged conflict of interest*

The scope of the review that ward members and the Management Committee wished was significantly broader than the scope of the report that was actually instructed by the GRBV committee decision in April 2014.

Given the scope of work that Corporate Property initially set out to undertake in line with the GRBV decision it is not considered that there was a conflict of interest present in their proposed approach to that review.

[REDACTED] acted appropriately, when after being challenged on the 'apparent' conflict of interest by [REDACTED], [REDACTED] realised that a broader scope of review was desired by the management committee. This led to Turner Townsend being commissioned to review the project.

### 3. Retention of records

It has been difficult to complete this investigation given that not all the records from the period have survived. There are a number of factors causing this:

- Turnover of Council staff- Many of the individuals involved in the project are no longer Council employees;
- The limited retention of emails. Council staff have a 2GB server based mailbox. When that limit is reached, staff members need to either delete old emails or manually archived them on their individual hard-drives. When an individual leaves the Council or has their PC refreshed, this data is lost unless it is manually transferred to a shared drive by the user. A number of interviewees have sought to search their email records from the period to refresh their memory with mixed success. The emails that have survived are those that happen to have been saved to shared drives or printed and filed in hard copy; and
- Record retention by the City Development Corporate Property team during the period was not robust and not all records have been retained.

The information obtained in producing this report has been obtained from the surviving council records (often extracted from shared drives) and interviewing staff that were involved in the project that remain with the Council. Given that a number of events considered in this report date back to 2005, human memory can lead to inconsistencies in detail being noted between interviewees.

## 4. Background - Communication and lack of trust

[REDACTED], and [REDACTED], appear to be dedicated and highly motivated individuals who are determined to seek the best possible outcome for the Centre and the members of the local community who make use of the Centre. The Management Committee also has a history of successfully lobbying elected members to support their position when they find themselves in disagreement with Council Officers.

This has resulted in the Centre being perceived as more challenging to deal with than other centres. It is clear that communication between Centre staff and the Management Committee on one side and senior management of Children & Families and Corporate Property staff respectively has not always been good and this combined with the problems experienced both during the build and subsequent resolution of defects, where the Centre staff have felt under supported by Children & Families Senior Management, has led to suspicion and a lack of trust on both sides. This has led to 'disagreements' over funding, staffing levels, janitorial cover, cleaning, maintenance etc, often taking on greater significance than they merit. This mistrust has now reached the stage where it is having an adverse impact on operations as it is preventing routine tasks being performed as a matter of course. Due to the perceived sensitivity of anything related to 'Cameron House' unmerited consideration is given to the impact of undertaking routine tasks, resulting in a less efficient process than should be the case.

Tensions have been aggravated by the effects of a whistleblowing case between 2004 and 2006 where the Council lost an employment tribunal brought by [REDACTED], who successfully alleged [REDACTED] had been victimised for whistleblowing. The case involved Children & Families staff and senior management (including [REDACTED]).

[REDACTED] There were subsequent events (set out in Appendix 1) that are believed by [REDACTED] and the Management Committee to be connected to the whistleblowing case. The subsequent events and a synopsis of the initial whistleblowing case are set out in Appendix 1.

There is a perception within the Management Committee that the unfavourable outcome of the whistleblowing case (from the perspective of the Council) has fostered a negative attitude with Children & Families Senior Management in connection with Centre and that they are treated differently from other community centres as a consequence.

While there is no evidence of any link between the whistleblowing case and the problems that the Centre has experienced, [REDACTED]

[REDACTED] and [REDACTED]. Given the sensitivities of the Whistleblowing case and [REDACTED], it may be considered inappropriate in hindsight for them to have been in a position where it could be perceived that [REDACTED] history with [REDACTED] might influence their judgement and actions surrounding the Centre.

[REDACTED] was not made aware of this situation upon [REDACTED] appointment in June 2007 and was unaware of the connection between the whistleblowing case, [REDACTED] and [REDACTED] until the [REDACTED] 2012 (See Appendix 1).

There is clearly a need for relations between the Centre team and the Management Committee on one side and the Children & Families and Corporate Property central teams to be significantly improved and for all sides to move forward on a more normalised basis. Public recognition by the Council of the problems experienced by the Centre both during construction and afterwards will most likely help clear the air and make a 'fresh start' more likely to be achieved. The normalisation of relations would allow for a more efficient running of the Centre and benefit the citizens of Edinburgh by allowing Council staff to focus on more productive matters.

## 5. The Construction project - Notification of architect's selection meeting – Allegation of doctored email

A total of 27 tenders were received for the position of Project Architect for the construction of the new Cameron House. From this, a shortlist of 5 was identified by the City Development Property team. On 22 September 2005, the Centre received a call from the City Development team enquiring why [REDACTED] had failed to attend the selection meeting to select the architect from the short list. It was initially claimed that a fax had been sent to Cameron House requesting [REDACTED] presence at the selection meeting. The Centre staff were not aware of receiving this fax and asked for time and date that it was sent to enable them to try and track it down.

These details were not forthcoming and the story then changed with [REDACTED] allegedly having been notified by telephone by a member of the City Development team and asked to pass on the details. [REDACTED] denied having received such a call when questioned by [REDACTED].

It was then claimed that [REDACTED] had been sent an email requesting that [REDACTED] notify [REDACTED] of the selection meeting. [REDACTED] denied ever having received such an email and when the City Development team were requested to produce a copy, the 'original' email allegedly sent by [REDACTED] was forwarded to [REDACTED].

Given that [REDACTED] email address is incorrect in the 'original email', [REDACTED] could never have received the 'original' email. There are also a number of other concerns with the forwarded 'original' email (a copy of which is contained in Appendix 2) that suggest it may not be genuine:

- 'To' & 'Sent' are in a different order to the format of Council emails;
- The address is incorrect despite being correct in the subsequent email;
- The time format is in a 12 hour format while Council emails use the 24 hour format;
- The date line shows the day which is not present in the format used by Council emails; and
- There is a repeat of the message in a different font at the bottom of the email.

The central City Development staff and [REDACTED] were invited to the selection meetings in an email sent on the 14 September 2005. It is speculated by [REDACTED] that [REDACTED] should have been included in this email but was omitted as a consequence of a 'blunder', which would appear plausible

No electronic records from the time remain so it is not possible to determine electronically if the 'original' email was sent. The inconsistencies within the 'original' email are indicative of an attempt to cover up the 'blunder' after the request for a copy was received with the balance of probability suggesting that the email was not sent on 22 September 2005 but fabricated after the event.

## 6. The Construction project - Flooding reports – Allegation of lack of independence

The Centre opened its doors in February 2009 but experienced flooding in June 2009 following heavy rainfall which caused local flooding in the Prestonfield area.

Following the flooding, the [REDACTED] requested 2 follow up reports:

- An external report from Thomas & Adamson; and
- An internal report from [REDACTED].

In addition a third report, was written by Woolgar Hunter (Site Engineers). It is not clear who commissioned this report although it would not seem unreasonable that it was a Council Officer

### *Thomas & Adamson report*

Thomas & Adamson were commissioned to investigate the cause of the flooding. They concluded that had non-return valves been fitted (part of the drawings), they would have provided some short term protection but due to the limited volumes that the drainage system could accommodate, would not have prevented the drains backfilling and that the key cause of flood damage had been the lack of a pump on site to remove flood water (part of the initially agreed flood prevention strategy).

This report was reviewed on behalf of the Council by [REDACTED]

[REDACTED] and who had had no previous involvement with the Centre. [REDACTED] had concerns over the validity of the report as the drawings within the report for the drainage system did not match [REDACTED] observations of the reality on the ground. Turner & Townsend also had reservations over the validity of the report and were 'not convinced' that the lack of pump was the key cause of the flood damage.

Given that Thomas & Adamson were also building surveyors for the project and their own performance was under scrutiny in this, they were not an independent source and were not an appropriate choice to prepare such a report.

### *[REDACTED] report*

This report was compiled in the immediate aftermath of the flooding. [REDACTED] had been involved with the early design stage of the project until December 2006 and thus had some understanding of the project but had not been involved in the finalisation of the design or the construction phases, accordingly, [REDACTED] was arguably a well-placed person to conduct a report.

This report was conducted as a desktop exercise and the Centre staff were given the opportunity to comment. The facts of the report are consistent with the accounts this investigation has received from CLDW staff present during the flood. The report identifies a number of weaknesses in the Council's response to the flood and makes recommendations for future improvement. It is not clear how this report was used or how far it was circulated

### *Woolgar Hunter report*

This report draws a similar conclusion to the Thomas & Adamson report and concludes that the omission of the non-return valve did not have a significant impact on the degree of

flooding experienced by the building. In Woolgar Hunter's opinion the flood was caused by the lack of a pump (part of the initially agreed flood prevention strategy) to remove surface flood water that had entered the building as a consequence of the sewer surcharging during the rain storm.

There appears to be little cognisance of this report within the Council and it is unclear how widely this report was circulated. Certainly the Centre staff do not appear to be aware of its existence.

Similar to Thomas & Adamson, Woolgar Hunter were not independent of the project and (if this report was commissioned by a Council Officer) not an appropriate choice to prepare such a report.



## 7. The Construction project - Gym hall floor replacement – Allegation of misconduct by Council Officers

The Centre had registered concern over the floor prior to the flood but subsequent to the initial drying out period, concerns escalated due to increased movement in the floor. This resulted in an inspection by [REDACTED]. [REDACTED] conclusion was that the boards had moved and that the possibility of shimming the floor be investigated with a flooring specialist to see if the floor could be saved, otherwise it would need to be replaced.

[REDACTED] arranged on 27 October 2009, a simultaneous inspection of the floor by the floor laying company Mackays, Junkers (the floor suppliers) and representatives from John Dennis (main contractor). This inspection was also attended by [REDACTED] (at the start), [REDACTED] and [REDACTED]. During this inspection the floor was lifted to reveal visible disintegration to the under floor heating caused by water immersion. In their subsequent inspection report, Junkers stated that they 'do not believe it will be possible to reuse the boards and battens' and recommended a replacement floor.

The floor was lifted again on 25 November 2009 to facilitate an inspection by John Dennis, Cooper Cromar (architects), Mackay's & Wallace Whittle (Engineers) to consider the cause of the water immersion. This was to ensure that a new floor would not suffer the same problems with moisture.

It was agreed by Corporate Property that the floor would need to be replaced and John Dennis were tasked with drawing up the plans in conjunction with Cooper Cromar, Woolgar Hunter & Wallace Whittle. On 1 March 2010 a final quotation was issued and a schedule of works for the work to be undertaken in June 2010 was given to the Centre. The Centre then started planning to relocate activities impacted by these works. By 8 March 2010, John Dennis were seeking final instruction on the replacement of the floor. Corporate Property had been seeking to find the funding needed to replace the floor since the receipt of an indicative quote of £87,000 on 22 January 2010. By 8 March 2010, it was clear from the correspondence that they had not been successful and did not have sufficient funding to be able to instruct the work. The Centre were not informed that the work had not been instructed and continued to believe that the floor would be replaced in line with the schedule of works issued to them.

On 1 May 2010, [REDACTED] drafted a letter to [REDACTED] stating that a Building Surveyor had independently surveyed the floor and determined that the floor did not need to be replaced and that as there was no funding available to replace it, it would not be replaced. An amended version of this letter was eventually sent by email on 12 May 2010 in response to the email noted in the next paragraph.

On 12 May 2010 [REDACTED] sent an email to [REDACTED] stating that [REDACTED] had been notified that the floor replacement had been cancelled and that [REDACTED] had been asked not to tell the Centre staff until the decision had been confirmed in writing. [REDACTED] was concerned that the Centre were incurring costs in re-locating activities for when the works were scheduled to be undertaken.

The Centre staff discovered by chance shortly thereafter that the floor replacement may not be going ahead after discussing what they thought was the upcoming floor replacement with John Dennis [REDACTED] who was resolving a snagging issue.

The Centre staff queried this with Corporate Property and were informed that an 'Independent Survey' had shown that the floor did not need to be replaced [It should be noted that the Centre staff interpret 'independent' as being independent from the Council while Corporate Property Officers often interpret 'independent' as independent from the project]. The Centre staff asked why they had not been kept informed, for details of the inspection and for a copy of the 'independent' report. None of this was forthcoming.

The Centre staff had no recollection of a visit by a surveyor and on reviewing the CCTV tapes (which is on a rolling 7 day loop and which has not been retained), identified an individual who said he was a 'member of the public interested in new build' and who visited the site in early May 2010 but who had not been given entry to the Sports Hall as it was in use at the time. The Centre staff assumed that this was the 'Independent Surveyor'.

The Management Committee, with the support of their elected representatives, requested the presence of the Official responsible for the decision not to replace the floor, at their Committee meeting on 19 May 2010. This should have been attended by either [REDACTED] or [REDACTED] who were responsible for the decision not to replace the floor. Instead [REDACTED], who was not the decision maker, was deputised to attend what turned into an emotive meeting.

Detailed recollections of this meeting differ, but all agree on the following:

- [REDACTED] stated that as a consequence of the survey undertaken, it was Corporate Property's view that the floor (with some remedial work) could be brought into working order;
- [REDACTED] issued an apology in connection with the survey [There is a difference in recollection as to what this apology covered. The Management Committee's view was that [REDACTED] had apologised for the Council surveyor identified on CCTV having visited the building and not declaring his/her identity and the purpose of his visit. [REDACTED] recollection was that [REDACTED] apologised, if it had been the case that a Council employee had not signed in or worn identification during a visit but that [REDACTED] was not aware of this having happened];
- It was agreed that an independent flooring specialist should examine the floor [GL Flooring were subsequently contracted to examine the floor and their recommendation was that a new floor was required]; and
- A vote of no confidence in [REDACTED] was passed.

It has not been possible to establish who the individual recorded on CCTV was and the tapes have been wiped preventing a visual identification. This individual may or may not have been a Council officer but given dates it cannot have been the 'Independent' surveyor on whose report, [REDACTED] stated that [REDACTED] had based the decision not to replace the floor. The Centre did not become aware until after 12 May 2010 that the floor would not be replaced. Given the 7 day loop of the CCTV tapes, the 'member of the public interested in new build' had to have visited the Centre after 5 May 2010. The decision not to replace the floor had already been taken by that date.

It has not been possible to identify the surveyor on whose report [REDACTED] based [REDACTED] decision and no trace of any visit or report has been identified from the surviving documentation. The surviving documentation shows that [REDACTED] thought [REDACTED] knew who the surveyor was (he/she is not named in the correspondence) after the Management Committee meeting, but is unable to recollect at the current time who that individual was. There is some evidence from the documentation that [REDACTED] thought that it may have [REDACTED] and [REDACTED] recalls being quizzed by [REDACTED] as to whether [REDACTED] had signed in to the Centre but the balance of evidence points to [REDACTED] visiting the Centre in October 2009, before the two intrusive surveys in October & November 2009.

If it is accepted that a surveyor did visit the Centre in March or April (& given the lack of any documented trail it cannot be concluded that this definitely did happen), it cannot have been an intrusive survey. It is difficult to understand how a plausible conclusion could be reached that a visual survey would give sufficient comfort that the floor did not need to be replaced given the results of the two previous intrusive surveys.

It was only subsequent to the Management Committee meeting and following the intervention of elected members on behalf of the Management Committee, Corporate Property revealed that lack of available funding had been a factor in the decision not to replace the floor. It is considered likely that this was the key factor in the decision not to proceed with the floor replacement as opposed to the floor not actually requiring to be replaced.

The floor was ultimately replaced at the Council's expense subsequent to the examination by GL Flooring in June 2010, which concluded that it required to be replaced. The subsequent preparation work conducted in the Autumn & Winter of 2010, identified defects in the subfloor which would in the opinion of [REDACTED] have necessitated the replacement of the floor regardless of the damage caused by the flood. [REDACTED] & [REDACTED] started to pull together a legal claim against the [REDACTED]

## 8. Report on the Construction of Cameron House – Alleged conflict of interest

A report into the issues at Cameron House' was called for at the April 2014 GRBV meeting by the Convenor at the request of ward members. The GRBV decision was 'To request that a report in respect of maintenance issues at Cameron House Community Centre be submitted'. This was subsequent to lobbying of ward members by the Management Committee, following their frustration at the number of problems the building had experienced.

This request was communicated to [REDACTED] from Committee Services, via Children & Families, as a report to include 'design defects, installation defects, ongoing faults and maintenance problems'. Following some discussion internally, Corporate Property elected to break this request down into two parts:

- A physical defects survey of the property; and
- Consideration of the design issues.

A defects survey to establish the physical condition of the building is a routine task for the Corporate Property team. This was to be undertaken by [REDACTED] and [REDACTED]. These two individuals have electrical/mechanical & construction backgrounds respectively and as a consequence, would appear to be well qualified to conduct a defects survey. In addition, neither had had any previous involvement with Cameron House.

[REDACTED] requested an initial meeting with [REDACTED] on 20 May 2014 in order to start the process. [REDACTED] discussed this with [REDACTED] and concern was raised over a potential conflict of interest given that [REDACTED] is [REDACTED] and that [REDACTED] had had some responsibility for the Cameron House project in its early stages.

The Management Committee had been seeking a report with a broader scope to include consideration of aspects of the project including commissioning, contracting, construction and project management aspects of the build as well as the design and current defects of the building. They were under the impression that the report being undertaken had such a scope.

This concern about a conflict of interest was raised with Councillor [REDACTED] who discussed the issue with [REDACTED]. During this discussion, it became clear to [REDACTED] that a broader scope of review was being called for by ward members and the Management Committee than that actually called for at the April 2014 GRBV and conveyed to Corporate Property. [REDACTED] then took the decision to commission what ultimately became the Turner & Townsend report, which is accepted by all parties as being an independent & competent report. This report did consider the commissioning, contracting, construction and project management aspects of the build as well as the design and current defects for the building.

It is not considered that [REDACTED] conducting a defects survey at Cameron House would have presented a conflict of interest. [REDACTED] had not been responsible for the project since [REDACTED] handed it over in December 2006 prior to planning consent being obtained. [REDACTED] had no responsibility for the detailed design of the building or input into the construction of the building. It is also worth noting that [REDACTED] had been pushing for a defects survey

since the Autumn of 2013 as [REDACTED] (as the [REDACTED]) was getting requests to deal with a number of maintenance items that [REDACTED] considered were building defects.

Had [REDACTED] been involved in the Design Issues part of the planned Corporate Property report, then there could have been a conflict of interest given [REDACTED] responsibility for the project at the start of the design phase. That is however hypothetical as the Corporate Property team were still considering how to approach this aspect of the request when Councillor [REDACTED] intervened.

While it is easy to understand why the Management Committee could perceive that a conflict of interest was present, it is not considered that there was actually a conflict of interest in this situation.

## 9. Compilation of this report

This report has been complex to prepare and involved interviewing multiple individuals (in some cases more than once) and considering the documentation that has survived.

The co-operation of the following individuals was vital in preparing this report and their time spent assisting this investigation was much appreciated. (Names redacted.)

## Appendix 1 – Whistleblowing case

(Contents redacted pp19-21.)

Appendix 2– Email allegedly sent to [REDACTED]  
[REDACTED] on 14 September 2005

(Contents redacted.)



## Appendix 3 - Scope

Legally Privileged and confidential; FOI(S)A exempt

### Monitoring Officer Investigation Terms of Reference – Allegations of misconduct by Council Officers involved in the Cameron House project in connection with consultation with key stakeholders

To: Alastair Maclean, Monitoring Officer

From: Chief Internal Auditor

Date: 1 April 2015

This investigation is being undertaken at the request of the Monitoring Officer. Allegations of misconduct by Council Officers were made by the Chairperson of the Cameron House Management Committee during a Deputation at the Governance, Risk & Best Value Committee (GRBV) on 5 March 2015. The GRBV called for a Monitoring Officer's report in connection with these allegations.

If, following an investigation, the Monitoring Officer considers that a proposal, decision or omission of the Council has given rise to or is likely to or would give rise to a contravention of law or maladministration or injustice he is obliged by statute to report on that to Council. The purpose of this report is to assist the Monitoring Officer in assessing whether that is the case.

#### Scope

The scope of this report will be to investigate the allegations made that:

- Council Officers deliberately misled the Cameron House Management Committee in connection with the progress of the build and remediation works;
- Emails sent by Council Officers to [REDACTED] the Cameron House Management Committee were 'doctored'; and
- That [REDACTED] was deliberately misled as to the nature of the survey undertaken on the sports hall floor by a Council surveyor.

#### Limitations of scope

This investigation will be complied by interviewing a restricted number of individuals in connection with these allegations. These individuals are expected to be: (Names redacted.)

This investigation will not involve the review of individuals email accounts, nor will it involve any physical searches for documentation.

