

Len Duvall AM
Chair of the GLA Oversight Committee

City Hall
The Queen's Walk
More London
SE1 2AA
www.london.gov.uk



15 May 2019

Mike Brown MVO
Commissioner, Transport for London
Transport for London
Floor 11, Palestra
197 Blackfriars Road
London, SE1 8NJ

Dear Commissioner

London Assembly GLA Oversight Committee, 15 May 2019 – Summons – Documents relating to the Garden Bridge, also known as the Temple to Southbank Bridge

The GLA Oversight Committee at its meeting today, formally resolved under provisions of Section 61(1)(b) of the Greater London Authority Act 1999 (as amended), to require:

- Mike Brown, the Commissioner of TfL;
- Sadiq Khan, the Chair of the TfL Board; and
- Heidi Alexander, the Deputy Mayor for Transport,

under section 61(2)(a) of the Greater London Authority Act 1999 (as amended) to provide the Committee with the following documents in their possession and/or control relating to the Garden Bridge, also known as the Temple to Southbank Bridge;

- Briefings and draft briefings;
- Presentations;
- E-mail correspondence, including e-mail correspondence held by TfL to and from previous employees;
- Copies of the risk register of the Garden Bridge Trust;
- Press releases, statements and communications plans; and
- Any correspondence with or from organisations with involvement in the Garden Bridge project, also known as the Temple to Garden Bridge, such as the Independent Investment Programme Advisory Group; and
- all written correspondence sent or received related to the Garden Bridge, also known as the Temple to Southbank project.

The documents are to be provided no later than two weeks from the date of the notice requiring these documents.

Accordingly, please find enclosed a formal notice requiring you to provide the GLA Oversight Committee with the documents specified. I have written in similar terms to the other people mentioned above.

If there is anything else in relation to the above that you wish to discuss, please contact Lorena Alcorta, Principal Committee Manager, by telephone on 020 7983 4425 or by e-mail at the following address: lorena.alcorta@london.gov.uk.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Len Duvall', written in a cursive style.

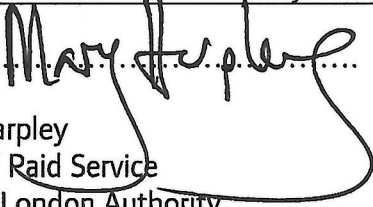
Len Duvall AM

Chair of the GLA Oversight Committee

Enc. S62 notice

GREATER LONDON AUTHORITY ACT 1999

**SECTION 62 NOTICE REQUIRING PRODUCTION OF DOCUMENTS
PLENARY MEETING**

To:	Mike Brown MVO Commissioner, Transport for London Floor 11, Palestra 197 Blackfriars Road London SE1 8NJ	S.61 (2)-(5) S.62 (4)
1.	The London Assembly GLA Oversight Committee has passed a resolution requiring, under S61(1)(a) of the GLA Act 1999 (as amended), the production of documents in your possession or under your control.	S.61 (6)-(9)
2.	For the purposes of investigating this matter, I am addressing you as Commissioner, Transport for London.	S.61 (2)-(5) S.62 (3)-(4)
3.	<p>The documents requested are:</p> <ul style="list-style-type: none"> • Briefings and draft briefings; • Presentations; • Email correspondence, including e-mail correspondence held by TfL to and from previous employees; • Copies of the risk register of the Garden Bridge Trust; • Communications Plans; • Any correspondence with or from organisations with involvement in the Garden Bridge project, also known as the Temple to Garden Bridge, such as the Independent Investment Programme Advisory Group; • All written correspondence sent or received related to the Garden Bridge Project, also known as the Temple to Garden Bridge; and • to be provided no later than two weeks from the date of the notice requiring these documents. 	S.61 (1)(b) S.62 (3) & (5)
	This notice was authorised by the London Assembly GLA Oversight Committee on 15 May 2019.	S.62 (1)
	<p>Signed: </p> <p>Mary Harpley Head of Raid Service Greater London Authority Dated: 15 May 2019</p>	S.62 (3)

¹ References are to the Greater London Authority Act 1999

ANNEX

Your attention is drawn to the following –

- 1) The exemptions available through the Greater London Authority (Protected Information) Order 2000 under Section 63 of the 1999 Act - these provisions entitle you to withhold information and documents coming within the categories defined in that Order,
 - 2) The exemptions for advice given to the Mayor where Sections 61 (11), (12) and (13) of the 1999 Act apply
 - 3) The Assembly's ability to discuss and deal in closed session with issues which are covered by one of the definitions in Schedule 12A to the Local Government Act 1972 (as amended), and
 - 4) The maximum penalties prescribed in Section 64 of the 1999 Act of a fine of £5,000 and/ or 3 months imprisonment for an offence of failing to comply with the requirements of the enclosed notice, including intentionally altering, suppressing, concealing or destroying any document that the notice requires you to produce.
-



Mike Brown MVO
Commissioner of Transport

Len Duvall AM
Chair of the GLA Oversight Committee
City Hall
The Queen's Walk
More London
SE1 2AA

Transport for London
Palestra
197 Blackfriars Road
London SE1 8NJ

Phone 020 3054 8900
mikebrown@tfl.gov.uk

28 May 2019

Dear Len

Oversight Committee – Summons relating to Garden Bridge

I write in reply to your letter to me of 15 May. The summons is also addressed to Sadiq Khan, Chair of Transport for London and Heidi Alexander, Deputy Mayor for Transport as well as 28 current and former Transport for London Board members and this reply applies to all recipients of your summons.

You will appreciate that your request is wide ranging and covers a significant amount of material, from 31 individuals, not all of whom have current links with TfL.

I am conscious of the legal obligation to supply information requested by the Assembly through the mechanism of a summons. We are, of course, happy to supply all the information requested (subject to the exemptions in the Greater London Authority (Protected Information) Order 2000); nevertheless, given the breadth of the request, the minimum time period specified for response, which includes a Bank Holiday and the number of parties involved, we will not be able to reply by your deadline. We will of course respond as soon as possible and are aiming to do so by 31 May.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Mike Brown', with a long horizontal stroke extending to the right.

Mike Brown MVO



Len Duvall AM
Chair of the GLA Oversight Committee
City Hall
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Mike Brown MVO
Commissioner of Transport

Transport for London
Palestra
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Phone 020 3054 8900
mikebrown@tfl.gov.uk

By email only:

Lorena.Alcorta@london.gov.uk

Clare.Bryant@london.gov.uk

31 May 2019

Dear Len

Oversight Committee – Summonses relating to Garden Bridge

I write in reply to your letter of 15 May and further to my letter of 28 May. The summonses were also addressed to Sadiq Khan, in his capacity as Chair of Transport for London; Heidi Alexander, as Deputy Mayor for Transport; and 28 current or former members of the TfL Board. This letter is a response from all of those addressees.

The summonses have necessitated a search of a very large volume of material and were addressed to 31 people. Also, we have found the summons difficult to interpret in some respects given the varying capacities in which each of us is addressed and the wording of the requests made. We have, however, followed what we consider to be the most appropriate approach and we have explained that below.

The period given for a response was the minimum statutory period and took no account of the Bank Holiday. I explained in my letter of 28 May that it was not practicable for us to reply within the deadline proscribed but we have nevertheless sought to reply as soon as practicable.

I enclose the information requested and ask that you note the explanation below on how this has been collated.

A huge amount of material has already been published with our Board and Committee papers, on our webpage for the Garden Bridge here <https://tfl.gov.uk/corporate/publications-and-reports/temple-footbridge>, as well as in replies to Freedom of Information requests which are also published and we have not duplicated that material in this response.

The materials we are providing in response to the summons addressed to me have been identified from a search of my e-mails and files and a search of a file held by my office of briefings prepared for me, as opposed to a search of the entirety of TfL's records. In relation to those materials, you are seeking information "relating to" the Garden Bridge. The search I have described has identified e-mails where the Garden Bridge is mentioned only in passing or without comment such as daily press summaries. I have not included material where the Garden Bridge is only mentioned peripherally. In some cases, material "relating to" the Garden Bridge is included with material on other, unrelated matters and, in these cases, we have extracted the material relating to the Garden Bridge for inclusion in this response; these items are marked "Extract – unrelated materials removed".

The Mayor, as Chair of Transport for London, does not himself hold any materials within the terms of the summons. We have checked with the Mayor's Private Office which supports the Mayor in his capacity as Chair of Transport for London. The materials they hold are the TfL Board and Committee papers which are already published and materials supplied in the context of my meetings with the Mayor; relevant information from these is included but are not sent in duplicate. The Mayor's Chief of Staff has also reviewed his files and we have included the materials he holds for the Mayor in his capacity of Chair of TfL.

Materials held by the Deputy Mayor for Transport are included. Again, we have not included items where the Garden Bridge is mentioned only peripherally or where material is duplicated.

You have requested correspondence from organisations involved with the Garden Bridge. We have included relevant correspondence from the searches I have described above but have taken your request not to include correspondence from members of the public.

Our searches have returned the CVs of individuals being considered for particular roles relating to the Garden Bridge. These are "protected information" under The Greater London Authority (Protected Information) Order 2000 and are not included.

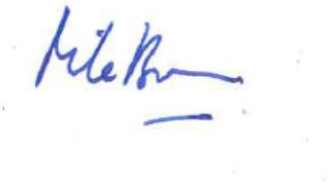
I also enclose the responses from the current and former Board members to whom you addressed summonses. We forwarded the 28 summonses to the individuals concerned. They have all acknowledged receipt of the summonses and have provided a response. In many cases former Board members no longer hold or have access to information of the type you have requested. In most cases, the materials held by current or former Board members consists of TfL Board and Committee papers which are already published and have not therefore been included in this response.

The materials provided have not been redacted. They include some material that we would not consider appropriate to be made public, including contact details, private addresses and the names of individuals being considered for roles.

Making that information public would not be in compliance with the General Data Protection Regulation or the Local Government Act 1972. If you wish to make these materials public in any way, we would be happy to provide a redacted version of relevant documents if that would be helpful.

If there is any further specific information you require, or if we have misunderstood the intention of your requests, we are very happy to provide any further information that may be helpful to you. The formality and administration of further summonses would not be necessary for that.

Yours sincerely

A handwritten signature in blue ink, appearing to read "Mike Brown", with a horizontal line underneath.

Mike Brown MVO

cc: Sadiq Khan, Chair of TfL
Heidi Alexander, Deputy Mayor for Transport

Garden Bridge Trust Meeting

11.00am, Wednesday 7 October

1. Background to the Trust

You are meeting the Chair of the Garden Bridge Trust (GBT), Lord Mervyn Davies and the Vice Chair, Paul Morrell as well as the Chief Executive, Bee Emmott. Summary biographies are appended.

The GBT has been established for over a year with the sole purpose of raising funds for the construction and future operation of the bridge. It is a registered charity and company limited by guarantee. The GBT has a board of Trustees which includes:

- | | <i>Other notable interest(s):</i> |
|---|---|
| • Mervyn Davies, Baron Davies of Abersoch CBE (Chair) | <i>biography appended</i> |
| • Paul Morrell OBE (Vice Chair) | <i>biography appended</i> |
| • John Heaps | <i>Chairman, Yorkshire Building Society</i> |
| • Joanna Lumley OBE | <i>Actress and producer</i> |
| • Roland Rudd | <i>RLM Finsbury</i> |
| • Julie Carlyle | <i>Ernst & Young</i> |
| • Alistair Subba Row | <i>Farebrother (Chartered Surveyors)</i> |
| • Lucy Dimes | <i>Equiniti (Financial services)</i> |
| • Clare Foges | <i>SpAd, 10 Downing Street</i> |
| • Jim Gardiner | <i>Royal Horticultural Society</i> |
| • Stephen Fitzgerald | <i>QBE Insurance Group</i> |

TfL has a standing invitation to attend GBT Board Meetings as an observer.

2. Progress to Date

The Garden Bridge Trust has made good progress towards delivery. It secured planning consent from Lambeth Council in November 2014 and Westminster City Council in December 2014, and earlier this year the GBT concluded a procurement processes to select a contractor build the project – Bouygues, a French infrastructure group specialising in construction, real estate development, media and telecommunications who built the National Library of France, the *Pont de Normandie* road bridge, and the Stade de France.

The critical next steps if the project is to proceed are to:

- Conclude the land agreement with Lambeth (more information below);
- Discharge all of the planning conditions with Lambeth and Westminster; and
- Secure the approval from funders (including TfL) to fund the next stage of the project.

3. Costs and Fundraising

The full cost of delivering the Garden Bridge is estimated at £175m. This includes risk, inflation, fees and VAT on the construction cost. The actual value of the construction contract is c£110m.

Alongside the £60m from TfL/Government, the Garden Bridge Trust has secured funding from the private sector of c£90m to date. These private sector contributions are coming from a wide range of sponsors including: Google, Citi, The Garfield Weston Foundation, The Monument Trust, The Sackler Trust, EY, Glencore, Huntsman Savile Row, IBM, One Aldwych Hotel, and Penguin Random House.

However, in order to continue with the project and let the construction contract, the GBT has to be satisfied it can draw down on the remaining TfL money and meet all of its project costs. As well as discharging all of the planning conditions imposed by Lambeth and Westminster City Councils, the release of the remaining TfL money requires an agreement with Lambeth Council on the land necessary for the south landing of the bridge.

4. Operations and maintenance post construction

The Garden Bridge Trust estimates that the annual cost of operating and maintaining the bridge will be approximately £2m, which includes garden maintenance, security, cleaning and rubbish collection, mitigation of off-site impacts of visitors and an accrual for longer-term maintenance.

The GBT's annual income is projected to be approximately £3m, gathered through a range of fundraising activities and corporate sponsorship deals, so this is expected to exceed the annual operating and maintenance costs of the bridge by a significant margin. This margin will be used to cover the operating costs of the Trust itself.

As part of the planning approvals process, conditions were imposed requiring a guarantee to "secure the on-going maintenance of the proposed bridge". In response to this condition the Mayor signed Mayoral Decision 1472 ('Garden Bridge Guarantees') in June 2015, which approves the GLA's provision of guarantees to the Port of London Authority and to Westminster City Council and the London Borough of Lambeth. It also directs TfL to fulfil the obligations of those guarantees if they are called upon, and repeats the direction to TfL to support the delivery of the project and provide the £60m funding (including £30m from the Government) to the Garden Bridge Trust.

These guarantees, however, are subject to the Trust demonstrating to the Mayor's satisfaction that it has secured a satisfactory level of funding to operate and maintain the Garden Bridge for at least the first five years from its completion. In practice this means that the GBT must provide a clear and realistic business plan for how the

ongoing costs of the bridge will be met and demonstrate its ability to raise the necessary funds on a continuing basis.

5. Use of the TfL monies

TfL's £30m was promised to the project in recognition of the significant transport benefits that will be delivered by a footbridge in this location (including reduced walking times and a modal shift away from private vehicles and public transport towards walking), and is being provided up-front to allow the GBT to leverage it to secure funding contributions from the private sector.

Approximately £20m of the TfL contribution to the project has already been spent or committed to progress the project to the point where they are able to let the construction contract, of which c£7m was spent prior to the award of planning permission in November 2014.

Conditions relating to the payment of the remaining c£10m from TfL are set out in the funding agreement. This includes conditions relating to securing all necessary consents and approvals for the project and securing the land as well as demonstrating there is a clear plan for funding the first 5 years of operations.

The benefits of the project are identified in TfL's Strategic Outline Business Case document, which was prepared to support the planning application and has been published on TfL's website.

TfL's £30m contribution to the project was agreed (and made public) through a TfL Board 2014/15 Budget approval paper on 26 March 2014 and subsequently through Mayoral Decision MD1355, issued on 27 June 2014, which directed TfL to provide the funding to the Garden Bridge Trust.

In July 2015 TfL signed and published a funding agreement with the Garden Bridge Trust which details how the £60m public sector contribution (made up of £30m of TfL's money, and £30m from the Department for Transport which the DfT has already transferred to TfL) will be granted to the Trust. Because this is a legally binding agreement it would not be straightforward to withdraw the public sector funding from the project unless the GBT failed to meet certain conditions in the agreement or the project itself were to collapse.

Almost all of the DfT contribution to the project (c£25m) will pay for the VAT on the construction cost and will in effect return to the Government.

6. Lambeth issues

While the project has been granted planning permission by both Lambeth and Westminster City Councils, a separate agreement is needed with Lambeth to secure the variation of a lease of land to the Coin Street Community Builders (CSCB), a

development trust and social enterprise that leases from Lambeth the land required for the south landing of the bridge, to allow CSCB to sub-lease the land to the Garden Bridge Trust. CSCB is keen to enter into this sub-lease as they will benefit financially from the deal.

However, the Leader of LB Lambeth, Cllr Lib Peck, has recently expressed concerns about TfL's contribution to this project, writing in a letter to the Mayor on 23 September that "the £30m spend by TfL is not the best use of scarce resources in austere times" and then withdrawing from further negotiation over varying the lease of land for the south landing until "a more appropriate funding model is brought forward". This constitutes a significant reversal in Lambeth's position given that the Council granted planning permission for the project less than a year ago.

TfL's view is that a £30m contribution to this project is justifiable for delivering a new footbridge in this location. A useful comparison is the Millennium Bridge between St Paul's and the Tate Modern, the cost of which would be roughly £30m in today's money. In this case TfL is effectively buying a similar footbridge for the same cost; the private sector is then paying for the additional features of the Garden Bridge.

The Garden Bridge will bring many benefits for the borough and TfL's money is helping to secure them. The monetisation of both transport and other benefits in the Strategic Outline Business Case identified £330m over 60 years, and a benefit-cost ratio of 5.8:1 (taking into account the £60m public sector contribution to the project).

Providing funding up-front to enable a project and to secure private investment is a typical use of public sector funding. In this case, TfL's contribution has unlocked c£90m of private sector funding for the construction of the bridge. This is no different from other transport projects where TfL uses initial injections of public sector money to secure private sector investment, such as the major project in Lambeth to remove the Vauxhall gyratory and revitalise Vauxhall Cross, or many other projects within the Growth Fund that TfL has established expressly for this purpose.

In addition to the c£90m of private sector funding for the construction of the bridge that TfL's contribution has unlocked, there are already signs of further private sector investment in Lambeth that are coming forward as a result of partnerships established through the Garden Bridge project. A number of the funding partners for the bridge have expressed an interest in working with Lambeth on other projects in the borough and Citi has already begun supporting work on the Angell Town Estate.

In conversation, Lambeth officers have raised questions about whether the remaining c£10m TfL contribution could instead be used for other projects in the borough. This is not possible because the money is committed to the Garden Bridge and required for the project to proceed. If the project were to fail then the money would not immediately go to other projects in the borough but would instead be reabsorbed into TfL's Business Plan.

7. Next steps

The current issues with Lambeth need to be resolved urgently if the project is to proceed at all. The preferred construction contractor, Bouygues, is on standby and can only be held as such for a short period of time.

In order to enter into a contract with Bouygues in four weeks time, the following conditions have to be met:

- (i) TfL has to release part of the next tranche of funding as set out in the funding agreement – c£10m. This funding would be used to cover the enabling works and more detailed design ahead of construction commencing in early 2016. It is not possible for the private sector to fund this next tranche of work because their funding contributions are triggered by start of construction.
- (ii) TfL cannot do this until it has certainty that the bridge can proceed – this requires:
 - a. Confirmation the remainder of the funding from the private sector is secure (looking likely);
 - b. Confirmation that all necessary consents and approvals including the land, are capable of being resolved quickly – this means:
 - i. Positive movement on the land deal with Lambeth
 - ii. Lambeth to set out how they will discharge the planning conditions
 - c. Confirmation the Trust has a clear plan for funding the first 5 years of operations (looking likely)

If this happens, fabrication of the components of the bridge will then begin and construction of the bridge itself will start in early 2016. The bridge will then be fully completed and landscaped by summer 2018.

If Lambeth do not agree to conclude the land deal then there is no certainty the land can be secured (without a much more lengthy, time consuming process like CPO which would run into the next Mayoralty) and it is unlikely the project will proceed.

In this scenario, the Trust would stand down the team including Bouygues and commence to wind up the activities of the Trust. In this case, the monies spent by TfL to date would be lost – this would be a maximum of £20m. However, under the terms of the funding agreement with the DfT, this would be split jointly between TfL and the DfT (so £10m each).

MERVYN DAVIES, BARON DAVIES OF ABERSOCH CBE

Chairman of the Trust

Lord Davies is a Partner and the Chairman of Corsair Capital, a private equity firm specialising in financial services. He has a wide range of interests, including being Chairman of the Royal Academy of Arts Trustees, Chairman of Jack Wills and Chairman of the Garden Bridge Trust. He was Minister for Trade, Investment, Small Business and Infrastructure from January 2009 until May 2010.

Prior to that, he was Chairman and previously CEO, and served on the Board of Standard Chartered for over 12 years.

He was awarded a CBE for his services to the financial sector and the community in Hong Kong in June 2002 where he served as a member of the HK Exchange fund for seven years. Lord Davies is also a JP in Hong Kong.

Lord Davies is married with two children and is a fluent Welsh speaker.



PAUL MORRELL OBE

Deputy Chairman of the Trust and Chair of Project Delivery Board

Paul was Formerly International Chairman of Davis Langdon. Prior to this, he was Commissioner/Deputy Chair of the Commission for Architecture and the Built Environment and Government Chief Construction Adviser.

Currently Paul is a Trustee of the Royal Shakespeare Company, the Bristol Old Vic Theatre and the Siobhan Davies Dance Company.



BEE EMMOTT

Executive Director

Bee Emmott is the Executive Director; she has been involved with the Garden Bridge since the inception of the idea, establishing and managing development of the Garden Bridge Trust. Bee is an experienced development strategist. She was previously Head of Special Projects at Heatherwick Studio for 4 years until 2013, responsible for attracting and developing new business and leading unique projects for the studio. Bee is a graduate of Edinburgh University and Edinburgh College of Art, with an MA in both Fine Art and History of Art.



Briefing

Meeting with Lord Davies of Abersoch re: Garden Bridge Trust

4.00pm, Friday 29 April – Commissioner's Office, Windsor House

Lord (Mervyn) Davies is the Chairman of the Garden Bridge Trust. He requested a meeting with you to provide an update on the project's progress, and he will be joined at the meeting by Bee Emmott (Executive Director of the Trust) and possibly by John Heaps (a Trustee).

This briefing note suggests key messages for the meeting and provides biographies of attendees. Full details of the status of the project and our contribution to it are contained in the separate briefing note to the Commissioner, dated 18 April 2016.

Lines to take

Progress and fundraising

- You continue to be a supporter of the project, which will provide a valuable new piece of transport infrastructure helping to reduce journey time and promote more walking in central London as well as its wider benefits to London.
- The Trust's public position is that it has secured £145m of funding (£60m from the public sector) for the capital cost of the bridge. The total cost of the project is £175m so there is still some way to go.
- **It would be helpful if Lord Davies could set out the Trust's plans for securing the remaining funding required to build the bridge, and when he expects the full amount to have been raised.**

Project risk

- There are a number of major steps that need to be overcome in the next few months ahead of getting on site in July and beginning construction in earnest in September. These steps require cooperation from third parties (principally the PLA, Westminster, Lambeth and Coin Street) and until they have been completed the project's risk profile remains high.
- The most significant of these outstanding risks is whether an acceptable agreement can be reached with Coin Street on the arrangements for land on the South Bank.
- **It would be helpful if Lord Davies could set out the Trust's plans and level of confidence in resolving the remaining major risks and particularly in moving forward on negotiations with Coin Street.**

Contractual Liabilities

- The Trust's desire to secure their main construction contractor, Bouygues, under contract is understandable, to lock-in their price and expertise.
- The downside is that the Trust has ended up taking on a number of uninsurable contractual liabilities which they would be unable to cover in the event of project cancellation. We accept that and have recently approved a short-term measure to provide the Trust with access to up to £1.3m of our remaining grant money during May, which will cover any liabilities the Trust is unable to meet.

- However, this is clearly only a stop-gap measure and our understanding is that a larger underwriting – such as that requested from the Department for Transport for up to £15m until September – is required to allow the project to proceed beyond May.
- We will all need to explore every possible option for providing the necessary support and securities to the Trustees, and the most preferable (albeit challenging) would be to find support from the private sector.
- If adequate support cannot be found from the private sector then there are public sector options which can be explored. The DfT remains one important option for this and the Trust should continue their current conversations both with the Minister and his team.
- The new Mayor may want us to be a part of any solution and we will seek to discuss that with him/her at the earliest opportunity following the election. However, it will provide more confidence to the Mayor if the Trust presents its case directly.
- **It will be important for Lord Davies and the Trust to use their existing relationships with candidates to explain what they need from the new Mayor as soon as possible, given time will be extremely tight to secure anything before the end of May.**

Mervyn Davies, Baron Davies of Abersoch, CBE (born 21 November 1952) is the Chairman of the Garden Bridge Trust.

Lord Davies is also a Partner and the Chairman of Corsair Capital, a private equity firm specialising in financial services. He has a wide range of other current interests, including being Chairman of the Royal Academy of Arts Trustees, Chairman of Jack Wills and non-executive roles at Chime Communications and Diageo. In May 2015 Davies was appointed as Deputy Chairman of the LetterOne Group, an international investment holding business which invests in the energy, technology and telecom sectors.

Lord Davies was raised to the peerage in 2009 and was Minister for Trade, Investment, Small Business and Infrastructure from January 2009 until May 2010.

Prior to that, he was Chairman of Standard Chartered PLC between November 2006 and January 2009, and Chief Executive between 2001 and 2006, and served on the Board of Standard Chartered for over 12 years.

He was awarded a CBE for his services to the financial sector and the community in Hong Kong in June 2002 where he served as a member of the HK Exchange fund for seven years. Lord Davies is also a JP in Hong Kong.

Lord Davies is married with two children and is a fluent Welsh speaker.



John Heaps is a Trustee of the Garden Bridge Trust, and also the Chairman of the Yorkshire Building Society.

John was formerly Chairman of Eversheds LLP, having joined the firm in 1999 and served on its Board from 2008 to 2014.

John is a member of the Business and Oversight Board of the Law Society, a member of the Risk, Audit and Constitutional Committees of the International Bar Association and a member of the Board of the CPR Institute for Conflict Resolution.



Bee Emmott is the Executive Director of the Garden Bridge Trust. She is an experienced development strategist and was previously Head of Special Projects at Heatherwick Studio for 4 years until 2013, responsible for attracting and developing new business and leading unique projects for the studio.

Bee is a graduate of Edinburgh University and Edinburgh College of Art, with an MA in both Fine Art and History of Art.



BRIEFING NOTE TO THE COMMISSIONER

CONFIDENTIAL AND COMMERCIALY SENSITIVE

GARDEN BRIDGE

26 May 2016

1 PURPOSE

- 1.1 On 20 April 2016, the Commissioner agreed to vary TfL's funding agreement to provide the Garden Bridge Trust access to up to £1.3m of the project's remaining grant monies were the project to be cancelled during May 2016.
- 1.2 To continue beyond the end of May 2016 the Trust requires a further underwriting, of up to £15m and lasting until construction begins in September 2016.
- 1.3 Following a meeting between the Mayor and the Chancellor on 23 May, an agreement has now been reached that the DfT will take the full £15m exposure of the new underwriting. This agreed increase in the DfT's exposure has been formalised by a letter from the Transport Minister to the Mayor.
- 1.4 TfL is the custodian of the full £60m public contribution to the project, because the DfT gave us their entire £30m contribution at the beginning of the project. The mechanism to provide the additional underwriting is therefore for us to vary our funding agreement with the Trust, in the knowledge that DfT has agreed to accept this exposure and they will not seek to recoup the money from TfL were the project to be cancelled.
- 1.5 The Commissioner is asked to **NOTE** the information presented here and the attached letter from Lord Ahmad confirming that the DfT will take this additional exposure, and to **AGREE** providing the Garden Bridge Trust access to up to £15 million of the remaining grant monies allocated to the project, without satisfaction of the conditions in our funding agreement with the Trust, to cover potential liabilities and to be called upon only in the event of project termination.

2 PROJECT PROGRESS

- 2.1 The Garden Bridge Trust has recently completed discharging all pre-commencement planning conditions on both sides of the river and has reached agreements with a number of key stakeholders. They also have a main construction contractor on board for their c£105m construction contract.
- 2.2 If land interests can be secured by July then the Trust will begin preparatory work on site immediately, ahead of full-scale construction commencing in September 2016. The bridge itself will be completed by the end of 2018. Certain landscaping activities and the public opening of the bridge will be

timetabled during Spring 2019, based on planting seasons and a general desire not to open the bridge in winter.

- 2.3 Before construction can commence, the following issues need to be addressed:

Securing the Land

- 2.4 The Trust must reach an agreement with Lambeth Council and Coin Street to secure the necessary land interests on the south bank. Lambeth Council is negotiating with Coin Street on a minor variation of Coin Street's lease to permit the building of the bridge and a sub-lease to the Trust. The Trust is also negotiating with Coin Street on a commercial deal to secure a sub-lease under which the Trust will occupy the land and build the bridge. The Trust's programme requires that both of these negotiations be resolved by the end of June, and meetings are being arranged with the hope of forcing a resolution of these negotiations as soon as possible. As noted in the Minister's letter to the Mayor, securing this land package is probably the largest remaining risk to starting construction of the bridge.
- 2.5 On the north side the land agreements need to be agreed between Westminster, TfL and the Trust. There is an agreed process in place between the parties that involves a number of complex steps requiring Westminster to exercise its statutory powers to deliver the necessary land arrangements. This requires a Cabinet Member decision, which the Trust is needs to secure in the next couple of weeks. That will trigger a process resulting in the land being transferred to the Trust by mid July.
- 2.6 The licence and land agreements needed with the PLA have now been agreed and are awaiting completion alongside the other land agreements for the project. The Trust also needs to secure a licence from the Marine Management Organisation (MMO); this is a lengthy process but is expected to be complete in June and the Trust is confident of a positive outcome.

Delivering the GLA Guarantees

- 2.7 It is a requirement of the bridge's planning conditions on both sides of the river that the GLA gives guarantees to Lambeth Council and Westminster City Council, to take over if the Trust becomes unable to maintain and operate the bridge. The Port of London Authority has also required such a guarantee as part of their River Works Licence.
- 2.8 The previous Mayor granted all approvals to allow execution of these three guarantees. It is for the GLA's Executive Director of Resources now to approve and execute the guarantees.
- 2.9 The Mayor announced his support for the project on 18 May 2016, and we have talked through the guarantee documents in detail with the Mayor's Chief of Staff. It is currently expected that the Mayor will continue to proceed with granting the guarantees, and that the formal approval of this by the GLA's Executive Director of Resources will take place in June.

Securing the funding for construction

- 2.10 The Trust has currently raised a total of c£145 million, of which £85 million is from the private sector with active discussions underway with a number of other potential donors.
- 2.11 The public sector's £60 million contribution to the project is comprised of three parts:
- £10 million grant from TfL
 - £20 million loan from TfL, to be repaid over fifty years at a rate of interest equal to RPI capped at 2%
 - £30 million grant from the Department for Transport
- 2.12 The Trust is continuing to raise private funds to cover the remainder of its £175 million total project cost, which includes roughly £20 million in tax which will be paid back to the Government.

3 CONTRACTUAL LIABILITIES

- 3.1 The Trust's cashflow projections show that it has sufficient funding secured to meet the bridge's construction cost under the contract for the foreseeable future (into 2017) and that it can have confidence in raising the remaining funds to reach its overall funding target.
- 3.2 However, as outlined above there are a number of steps still required before construction can commence. Some of these are critical steps that cannot be insured against and are affected by factors outside of the Garden Bridge Trust's control, such as the exercise of statutory powers in Westminster; the granting of a licence from the MMO; and the successful completion of negotiations with Lambeth and Coin Street.
- 3.3 All of these major risks are expected to be removed by summer 2016, after which the Trust will only need to secure the discharge of pre-commencement section 106 obligations on either side of the river before they can fully implement the planning consent. Discharging these obligations is a 'business as usual' activity for the boroughs and is not considered to be a significant risk. It is expected to be complete by the end of September 2016.
- 3.4 Whilst these outstanding approvals and consents are being secured, the Trust's contractor will continue to progress the detailed design of the project and prepare for construction. The Trust has already revised the programme of contractor's works to minimise their termination liabilities, and introducing further delays or standing them down for a limited period is not considered possible without endangering the delivery of the project.
- 3.5 Given these outstanding risks, the Trust's lack of control over them and that it is not possible to insure against them, the Trustees have been advised by their own legal advisers that they could be in breach of their legal obligations as Trustees if they were to proceed without ensuring that, while these risks are outstanding, the Trust retains sufficient assets in reserve to meet its contractual obligations in the event of project termination.

- 3.6 These contractual obligations would be principally made up of:
- (a) contractor payments for work to date;
 - (b) penalties payable to the contractor for early termination of contract;
 - (c) running costs of the Garden Bridge Trust incurred to date;
 - (d) administrative costs for winding-up the Garden Bridge Trust; and
 - (e) return of private funding to certain donors and sponsors, who have negotiated claw-back rights if construction does not begin.
- 3.7 The Commissioner agreed in April 2016 to vary TfL's funding agreement to provide the Garden Bridge Trust access to up to £1.3m of the remaining grant monies allocated to the project were the project to be cancelled during May 2016.
- 3.8 The Trust's cashflow projections show that it would not be able to meet all of its contractual obligations if the project were to be cancelled after 31 May 2016, when the temporary access to £1.3m will expire. The Trust is therefore seeking an underwriting to cover their liabilities for the remaining window until construction begins, should termination occur during this period.
- 3.9 This underwriting is required to cover a limited period of time, up to September 2016, and will be capped at a maximum liability of £15m. After this point, all of the steps prior to implementation of planning consent and the full commencement of construction will have been completed, and the key, uninsurable risks will have been removed. Any remaining risks to the construction of the project will be insured against and the Trust will be able to meet fully all of its liabilities, even in the event of project termination.
- 3.10 If the Trust is not able to secure an underwriting by the end of May, the Trustees will be obliged to call an end to the project. In practice the deadline for resolving this is 25 May, to allow the Trust time to wind-up activities if they are unable to find a solution.

4 NEXT STEPS

- 4.1 The Mayor has taken a clear position that while he supports the project, he does not see this additional exposure as something the GLA can accept given it is already more exposed than the Government both in capital contributions to date and the longer term guarantees the GLA has agreed to give to Lambeth, Westminster and the PLA.
- 4.2 Following a conversation between the Mayor and the Chancellor on 23 May, the Government has agreed to take on this additional £15m exposure. The Transport Minister has now written to the Mayor to this effect. A copy of his letter is attached.
- 4.3 TfL is the custodian of the full £60m public contribution to the Garden Bridge project, and the DfT is not party to our funding agreement with the Garden Bridge Trust. While the Minister's letter means that the DfT will accept the additional exposure created by this underwriting, the mechanism for providing the underwriting is for us to vary our funding agreement with the Trust to provide them with the access to up to £15m that they require.

- 4.4 The decision to vary our funding agreement with the Trust can be taken within the scope of existing Mayoral Directions, because the funding being made available to the Trust is still within the overall £60m that we have already been directed to provide to the project.

5 RISKS

- 5.1 It is highly likely that if we do not agree to provide access to this additional funding in the event of project termination, the Trust will have to consider the future of the project.
- 5.2 If the project does not proceed for any reason then the c£37.7m funding already provided towards the project by the public sector will be lost and cannot be recovered. In this scenario the Government will not receive the c£20m of VAT it is due if the project were to proceed nor will TfL be entitled to have £20m of its contribution repaid as a loan over 50 years. The Government would also seek to recoup c£16.5m from TfL via reduction in future GLA Transport Grant settlements.
- 5.3 On the face of it, although the balance from the £60m total contribution of c£22.3m will not be spent on the Garden Bridge, this has to be offset against the £40m loss of tax income/loan repayments that will be lost, meaning the public sector is worse off overall if the project does not now go ahead.
- 5.4 If we agree to extend the Trust's access to funding in the event of project cancellation from £1.3m to £15m, there is a risk that at least one of the key project risks materialises and causes the Trust to cancel the project before construction begins. This would result in the public sector's total contribution to the project rising to up to c£51.4m, all of which will be lost and unrecoverable with no return having been secured.
- 5.5 The DfT's letter to the Mayor will place this additional exposure on the Government's share of the project's public funding. This means that agreeing to provide the Trust this additional access to funding will not affect TfL's exposure, because in the event of project cancellation any money the Trust does not draw down through this facility would always have been recouped by the DfT in future GLA Transport Grants.
- 5.6 However, if the project were to be cancelled before construction begins then we would need to pay the Trust up to £15m to cover their contractual liabilities. This would be an acceleration of our payments to the Trust: our current forecasts include payments to them of £10m in September 2016 and a further £10m in September 2017.

6 RECOMMENDATION

- 6.1 The Commissioner is asked to **NOTE** the information presented here and the attached letter from Lord Ahmad confirming that the DfT will take this additional exposure, and to **AGREE** providing the Garden Bridge Trust access to up to £15 million of the remaining grant monies allocated to the project, without satisfaction of the conditions in our funding agreement with the Trust, to cover potential liabilities and to be called upon only in the event of project termination.

Summary of cost figures

Total public sector commitment approved	£60,000,000
<i>of which DfT grant</i>	£30,000,000
<i>TfL grant</i>	£10,000,000
<i>TfL loan</i>	£20,000,000

Total made available to the Trust so far	£37,705,000
<i>of which DfT consider to be their level of exposure</i>	£13,452,500
<i>remainder, i.e. TfL exposure</i>	£24,252,500

Maximum potential public cost if £15m underwriting is granted and project is cancelled before October 2016	£51,405,000
<i>of which DfT consider to be their level of exposure</i>	£28,452,500
<i>remainder, i.e. TfL exposure</i>	£22,952,500

Garden Bridge Trust summarised monthly cashflow, April – September 2016 9 May 2016

STRICTLY CONFIDENTIAL AND COMMERCIALY SENSITIVE

£thousands	2016					
	April	May	Jun	Jul	Aug	Sep
Cash	12,832	9,971	6,897	6,174	3,482	13,168
Balance after monthly project costs	9,518	6,578	3,674	2,663	174	10,271
Balance after termination costs	■	(233)	(3,653)	(9,350)	(13,513)	(8,980)
Max requirement for underwriting		233	3,653	9,350	13,513	8,980



Department
for Transport

Sadiq Khan
Mayor of London
City Hall
The Queen's Walk
London SE1 2AA

From the Parliamentary
Under Secretary of State
The Lord (Tariq) Ahmad of Wimbledon

Great Minster House
33 Horseferry Road
London
SW1P 4DR

Tel: 0300 330 3000

E-Mail : [REDACTED]@dft.gsi.gov.uk

Web site: www.gov.uk/dft

Our Ref:
Your Ref:

Dear Sadiq

London Garden Bridge project

May I begin by once again congratulating you on being elected as Mayor of London. I look forward to working closely with you in my capacity as the Minister responsible for London issues at the Department for Transport.

In this regard, I note your recent statements of support for the Garden Bridge project. As you will know, the Garden Bridge Trust has asked for a limited amount of financial protection to allow it to meet all of the contractual obligations that would arise if the Garden Bridge project needed to be cancelled between now and 30 September. In a worst case scenario, the Trust would need to have recourse to up to £15 million of public money to meet all of these costs in full.

Further to your conversation with the Chancellor of the Exchequer on 23 May, I am writing to confirm that the Government is prepared to underwrite these potential costs. This will allow the project to proceed until the end of September, at which point, should construction not have started, we will clearly need to revisit this issue.

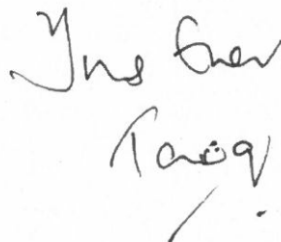
As you may be aware, the Department for Transport's £30 million contribution to the project, which was paid in full to your predecessor in November 2014 via an increase to the GLA transport grant, is subject to a number of strict conditions. These include a "cap" of £13,452,500 on the amount of DfT funding which can be spent on pre-construction activities. Your £30 million and ours is released to the Trust in stages, on the basis of a detailed funding agreement between Transport for London and the Garden Bridge Trust. Of the £60 million of public money which was originally committed to the project, approximately £37 million has been spent, of which the majority (some £24 million) has, thus far, come from TfL.

The Government's agreement to underwrite the cancellation costs means that the "cap" on DfT's exposure to the project, should it be cancelled between now and the start of construction, is increased with immediate effect from £13,452,500 to a maximum (in a worst case scenario) of £28,452,500. Transport for London will need urgently to amend the funding agreement with the Trust to give effect to this increase in the availability of pre-commencement funding, and I understand that this process is underway.

For the avoidance of doubt, should the project be cancelled, the Department's intention would be to seek to reclaim the unspent part of its £30 million funding contribution by reducing a future GLA transport grant payment, after consultation with HM Treasury and with yourself.

I would also be grateful if you could do everything in your power to facilitate the early resolution of the remaining issues that are currently standing in the way of the project. These include the negotiations between the London Borough of Lambeth and the Coin Street Community Builders over the land that is needed on the south bank for the construction of the landing platform. The lack of agreement on this is among the biggest risks to the project, and your personal intervention will, I believe, help resolve this matter and allow the project to progress.

I am also writing separately to Lord Davies to confirm that the Government is prepared to agree to the Garden Bridge Trust's request.

A handwritten signature in black ink, appearing to read 'Tariq Ahmad', with a diagonal slash at the end.

LORD (TARIQ) AHMAD OF WIMBLEDON

TRANSPORT FOR LONDON

BRIEFING NOTE

Subject: Garden Bridge Audit Work

Date: 15 June 2016

Manifesto pledge

Not mentioned in manifesto but commitment made to review procurement of the Garden Bridge

I Background

- 1.1 TfL first became involved with the Garden Bridge project in early 2013. Work has been carried out under four Mayoral Directions. Under these Mayoral Directions TfL secured planning permission for the Bridge in late 2014 and has provided £30m to the project.
- 1.2 The Garden Bridge project has been the subject of scrutiny and audit through a number of processes including:
 - (a) The work of the London Assembly Oversight Committee who held hearings and called for documents relating to the project generally and particularly the initial procurement of design and engineering services by TfL. The Assembly published a [report](#) on 17 March 2016 which made a number of recommendations. TfL's response to the recommendations is attached as Appendix 1 and the Mayor's response is attached as Appendix 2 to this note.
 - (b) TfL Internal Audit undertook a review in relation to the procurement of initial design advice and engineering services and made a number of recommendations. The [report](#) is published on the TfL website.
 - (c) The TfL Internal Audit report was considered at two public meetings by the TfL Audit and Assurance Committee on [8 October 2015](#) and [8 December 2015](#).
 - (d) TfL's Director of Internal Audit, Clive Walker, and the Chair of the Audit and Assurance Committee, Keith Williams, both appeared at the GLA Oversight Committee on 22 October 2015 and 25 February 2016 respectively. Transcripts of the meeting and the webcasts are available on the [Assembly's website](#).
 - (e) Ernst & Young (EY), TfL's external auditors, were asked to undertake a review of the work undertaken by TfL Internal Audit to ensure that work was appropriately



undertaken and that all issues have been covered. The outcome of this review is expected shortly.

- 1.3 TfL has made a large amount of information about the project available on its [website](#) which is listed in Appendix 3 to this note, as well as providing information, documents and evidence to the various scrutiny processes that have taken place. There have also been a number of FOI requests to the GLA and TfL which have all been answered.

2 Options

- 2.1 Options for further audit/scrutiny of the role of the GLA and TfL in relation to the project could include:

- i) A report from a prominent person reviewing the project from inception to the current time and summarising all known facts and issues. Possible candidates might include Baroness Kramer or Sir Ken Knight.

This would require administrative and research support and would have a modest cost.

- ii) A report more focused on any further issues which have not already been addressed from a suitably experienced person within Regional Government, for example a CFO or Chief Executive of one of the Functional Bodies that has not had any involvement in the Garden Bridge.

This could be a quicker and less expensive process but may not be seen as sufficiently independent.

- iii) A full audit from a recognised audit consultancy practice.

This would be fully independent but is likely to take the longest time and be the most expensive option.

- iv) A report from EY as external auditors to both TfL and the GLA.

This could build on the work that EY have already done for TfL and would be less expensive as they are already familiar with the project. However, a partner of EY is a trustee of the Garden Bridge Trust and whilst that person would have no involvement in the work and it is not likely to amount to a technical conflict of interest, there might be a perception that EY are not fully independent.

- v) A TfL Board Member could be asked to undertake a review to ascertain if there are any further issues which might usefully be explained which have not already been examined by any of the previous reviews.

This would be straight forward and inexpensive but may not be as independent as desired.

- 2.2 Suggested terms of reference are attached as Appendix 4.





Len Duvall OBE AM
Chair of the GLA Oversight Committee
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London
SE1 2AA

Mike Brown MVO
Commissioner of Transport

Transport for London
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Phone 0343 222 0000
www.tfl.gov.uk

04 May 2016

Dear *Len*

The Garden Bridge Design Procurement

Thank you for your letter of 22 March.

Our Internal Audit team conducted an extensive and independent review of the two procurement exercises. As was presented to the GLA Oversight Committee, we have published the findings of this review on our website, including a series of recommendations. We are putting a plan of management actions into effect in response to these recommendations and I would be happy to update the Committee on this in due course.

The GLA Oversight Committee's report makes a number of recommendations to TfL in particular. My response to these is below.

1 TfL's Audit and Assurance Committee should publish audit reports in full, not just the summary and conclusions as is now the case.

Our Internal Audit team has an extensive work programme that leads to the production of a large volume of work. It is because of the volume of this work that the content of reports is summarised to allow our Audit and Assurance Committee to focus on the most important findings including where activities are being run well, and where management action is required.

While all reports are not published as a matter of routine, we regularly publish summaries of the scope and findings of all reports produced by Internal Audit and will always share internal audit reports with the public on request unless there are specific legal or commercial grounds for confidentiality. These reports can be requested by emailing internalaudit@tfl.gov.uk.

- 2 TfL's Audit and Assurance Committee should carry out spot checks to monitor the nature and degree of changes by the audited department to internal audit drafts – with a view to assuring the independence of the function.**
- 3 TfL should consider which other officers or teams, besides the manager of the audited project, should comment on initial drafts of internal audit reports.**

I am wholly satisfied with our internal audit processes, which were highlighted in May 2015 by the Chartered Institute of Internal Auditors as a model of how to organise a successful internal audit function.

I have no concerns about the independence of our Internal Audit team and the way it carries out its function. I am satisfied that our current processes allow the right teams to comment on draft audit reports, helping to ensure the accuracy of reports while maintaining independence in line with best practice.

In light of the GLA Oversight Committee's concerns, our Audit and Assurance Committee requested at its meeting on 8 March that our External Auditors review how the internal audit of the Garden Bridge design procurements was carried out. The purpose of this review will be to confirm whether or not the audit was conducted in accordance with good audit practice and to identify any lessons which might be learned. We will publish the results of that review and I am sure that they will help our Audit and Assurance Committee to determine how they wish to carry out their oversight of our audit function in future.

In addition, in accordance with Public Sector Internal Audit Standards, the Internal Audit team are subject, every four years, to an external assessment by a qualified, independent assessor. The last such review was carried out in 2012, and the next external assessment will take place later this year. I have asked that the assessment specifically include this issue and the Internal Audit team will act on any recommendations that may emerge from that review.

- 4 TfL should report back to the GLA Oversight Committee on progress against all the recommendations of the published audit report around training, tender evaluation and enforcement.**

We are putting a plan of management actions into effect in response to the recommendations in our internal audit report and I would be happy to update the Committee on this in due course.

- 5 TfL should consider introducing a co-ordinated, cross-directorate approval process for the finalisation of procurement decisions. It could require a signature from each of the key directorates at the awarding of major contracts and would have the advantage of avoiding potential disputes between directorates.**

As I explained in my letter of 29 January, our major procurement decisions are reviewed and approved by the Board and its Committees in accordance with TfL's Standing Orders, which are available on our website and are in line with best practice for corporate governance.

I am satisfied that our processes for approving and finalising procurement decisions are appropriate and in line with best practice. Our structure of Boards and delegated procurement authorities encourages valuable input from across the organisation. It also provides senior officers with the authority they need to do their jobs efficiently and ensures the highest standards of openness, fairness and transparency are maintained.

- 6 TfL should consider reimbursing the unsuccessful bidders from the Garden Bridge design contract to compensate them for the time and expense incurred in preparing their proposals for a pedestrian bridge.**

I have given consideration to this issue as requested by the Committee. I consider that it was entirely appropriate for TfL to have invited bidders to participate in the design contract procurement and the outcome was appropriate and fair. In these circumstances I do not consider that it would be appropriate to compensate unsuccessful bidders for their costs in participating in that process.

I am grateful for the work that the GLA Oversight Committee has undertaken on this issue and I would like to assure you that I am committed to follow through on the actions that we have committed to take in the light of the internal audit report and the Committee's work.

Yours sincerely



Mike Brown MVO

cc. Keith Williams, Chair of the TfL Audit and Assurance Committee

MAYOR OF LONDON

Len Duvall AM

Chair of the GLA Oversight Committee
City Hall
The Queen's Walk
More London
London SE1 2AA

Our ref: MGLA310316-8386**Date:** 03 MAY 2016

Dear Len

Thank you for your letter which was received on 31 March about regarding the GLA Oversight Committee's investigation and subsequent report into *The Garden Bridge Design Procurement*.

This report contained a number of recommendations and the Transport Commissioner, Mike Brown MVO, will respond to you directly on the recommendations that relate to Transport for London. I am responding to you on the remaining recommendations as set out below.

- a) The Mayor's Office should take responsibility for compiling a written record of all meetings the Mayor holds with external bodies which should include clarity about what capacity he is there in (i.e. as Mayor or as Chair of TfL).**

Minority report recommendation from the GLA Conservatives

- b) The Mayor's office should dramatically improve its recording of details of official Mayoral meetings including attendees and headline topics discussed. This should be easily accessible to GLA Members when it is relevant to GLA Committee business.**

As you are aware, there is no statutory duty to compile a written record of all meetings that the Mayor holds with internal or external stakeholders and my concern is that it may hinder free and frank discussion if all meetings are formally recorded as set out above. However, the new Mayor will need to carefully consider whether they wish to take your recommendation forward.

I am proud to have run a transparent administration throughout my two terms as Mayor. I have formally published my list of key engagements in each Mayor's Report to the Assembly despite there being no statutory requirement to do so. On the occasion where I have not listed a particular meeting in the Mayor's Report, this has been to avoid prejudicing commercial interests or when that meeting was held to discuss an emerging proposal.

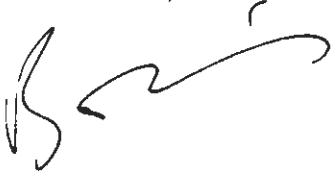
You will be aware that I have also been open and transparent when responding to Freedom of Information requests about my diary and as a consequence the Mayoral Diary is publically available on the Greater London Authority website.

MAYOR OF LONDON

- c) Where major, priority projects are commissioned by a future Mayor and are not in the Mayor's Transport Strategy, that the Mayor implements them by directing the TfL board. Making it clear that such projects have a different status would offer two benefits: a) better protection of the respective functional body and its officers in the case of external challenge and b) greater clarity to potential bidders about the status of such projects.

I would suggest raising this matter again with the new Mayor who will need to consider carefully whether they wish to take your recommendation forward.

Yours ever,

A handwritten signature in black ink, appearing to be 'Boris Johnson', written in a cursive style.

Boris Johnson
Mayor of London

Garden Bridge Project Documentation Published by TfL

Project documents

- Breakdown of Garden Bridge funding to date, May 2016
- Garden Bridge Trust Draft Operations and Maintenance business plan, March 2016
- Strategic outline business case

Planning documents

- Garden Bridge Trust: Summary of public benefits
- Link to planning application and decision notice on Lambeth Council's website (reference code 14/02792/FUL)
- Link to planning application and decision notice on Westminster Council's website (reference code 14/05095/FULL)

Mayoral Directions and funding documents

- Loan Facility Agreement, November 2015
- Deed of Variation, November 2015
- Deed of Grant, July 2015
- Links to GLA's website for:
 - MD1647 Garden Bridge guarantees, April 2016
 - MD1472 Garden Bridge guarantees, June 2015
 - MD1355 Garden Bridge development proposals, June 2014
 - MD1248 Temple to South Bank footbridge development proposals, September 2013

Procurement documents

- Correspondence between the Mayor of London, the Commissioner of Transport and the President of the Royal Institute of British Architects (RIBA), February 2016
- Audit of procurement of design and development services for the Temple to South Bank Footbridge Project, September 2015
- Call off contract with Ove Arup & Partners for engineering and project management services, July 2013
- Contract with Heatherwick Studio for bridge design services, May 2013
- Mini-competition instructions to tenderers for engineering and project management services; technical brief for consultancy services; and initial design concepts, April 2013
- Award letter to Heatherwick Studio for bridge design services, March 2013
- Invitation to Tender for bridge design consultancy services, February 2013



Garden Bridge Project Review Terms of Reference

To review the processes followed in the GLA and TfL for the initiation and early development of the Garden Bridge project and to make recommendations for the future as to how similar issues should be developed.

To review and summarise the findings of the scrutiny and audit work which has been undertaken to date and to consider whether any additional actions should be taken to ensure that appropriate lessons are learnt.

To review the information which has been made public in relation to the Garden Bridge project by the GLA and TfL proactively and in response to requests for information and to identify whether any further information should be published by the GLA, TfL or the Garden Bridge Trust to ensure the maximum appropriate transparency in relation to the project.



TRANSPORT FOR LONDON

BRIEFING NOTE FOR THE COMMISSIONER

Subject: Meeting with Dame Margaret Hodge MP re: Garden Bridge

Date: 19 December 2016

1. Background to the review

- 1.1. Dame Margaret is carrying out a review of the Garden Bridge project at the Mayor's request. It will conclude with a report for the Mayor, which will be published in full. There has not been any confirmation of when this report is expected to be ready.
- 1.2. She is in the process of interviewing people who have been involved in the project, including:
 - (a) TfL, both former and present staff (Alex Williams, Howard Carter, Charles Ritchie, Andy Brown, and former staff – Sir Peter Hendy and Richard de Cani)
 - (b) the GLA (Fiona Fletcher Smith)
 - (c) the Garden Bridge Trust (Lord Davies, Paul Morrell, John Heaps, Joanna Lumley and Bee Emmott),
 - (d) Heatherwick Studio (Thomas Heatherwick)
 - (e) the previous Mayoral administration (Isabel Dedring and Sir Edward Lister)

We understand she has also met with a number of the objectors to the project, and she requested meetings with Boris Johnson and the DfT (both ministers and officers) but they have declined to meet with her.

- 1.3. At the beginning of her work we provided Dame Margaret with copies of all the information that we have published (this ran to more than 650 pages). This included a short summary of our involvement in the project, including a timeline of key events beginning in January 2013 – this is attached for reference.
- 1.4. Since our first submission to her review, we have also provided her with full, unredacted answers to all of our Freedom of Information requests related to the project, as well as written answers to a number of questions she has sent through following Alex's and Howard's interviews.
- 1.5. Your meeting is expected to last 60-90 minutes, and it is likely that Dame Margaret will be joined by a representative from the GLA Transport Team (Claire Hamilton) who is acting as secretariat for the review. Dame Margaret has recorded our previous meetings with her using a dictaphone.



2. Likely areas of questioning

2.1. We can infer Dame Margaret's areas of interest from the topics covered in the meetings she has already had with Alex Williams and Howard Carter:

- (a) How we came to begin work on the project, and the Mayor's instructions to us in 2012 and early 2013
- (b) Our procurement of Heatherwick Studio in early 2013 as design advisor, and then of Arup to carry out detailed design work
- (c) Our general processes and policies for carrying out procurement of different magnitudes, and our scheme of delegation for decisions taken below Board level
- (d) The detail of the £60m public funding for the project, including:
 - (i) how it was agreed with the Government, and the evolution of the conditions attached to the funding
 - (ii) the management and scrutiny of payments made to the Trust
 - (iii) the division of financial exposure between TfL and the DfT, and why we departed from the pari passu approach that had been agreed (i.e. equal rates of expenditure)
 - (iv) how it was agreed to treat a portion of this funding as a 'cancellation underwriting' that the Trust could call upon to meet their liabilities were they forced to bring the project to an end
- (e) The requirement for the GLA to guarantee the long-term costs of the bridge, and the Garden Bridge Trust's Operation and Maintenance Business Plan that sets out these costs alongside fundraising opportunities
- (f) The taking of decisions during the 2016 pre-election period, namely:
 - (i) to alter the pre-condition of the guarantees, making it easier to achieve (where previously it required the Trust to have five years of running costs secured in advance, it now requires the demonstration of a credible strategy for raising those funds)
 - (ii) to provide the initial £1.3 million cancellation underwriting from TfL's contribution to the project, to see the Garden Bridge through to the other side of the election

2.2. We have already provided a lot of information on these areas, in person and in writing, but it is likely Dame Margaret will raise some or all of them again.

3. Key messages

On the Mayor's instructions in 2012 and early 2013 –

- This was before I took over as Commissioner so I wasn't involved in any discussions that took place with the Mayor and his team.
- I understand that the Mayor asked us to do some work to see how we could take the bridge forward. That doesn't surprise me as it is normal for City Hall to ask us to look into projects and policies that they consider to be a priority.



- That was true under the previous Mayor and it is true now – we are here to deliver for the Mayor and are happy to take direction as to how he wants us to take his priorities forward.

On the procurement exercises in 2013 –

- This was before I took over as Commissioner so I wasn't involved in those procurement exercises.
- I have reviewed the work that has been carried out more recently by our Internal Audit team and through our external auditors, EY – this showed broadly that all the right processes had been followed, and we have taken action to implement their specific recommendations for how we could improve things.

On the involvement of the Board and our scheme of delegation –

- As a large and complex organisation we operate a scheme of delegated decision making from the Board. This forms part of our standing orders, which set out how TfL works; what decisions can be made and by whom; and the duties, powers and responsibilities of the organisation and our Board.
- In the case of the Garden Bridge, all Directions to TfL were public and were notified to the Board. The Chair and Deputy Chair were fully involved throughout, and all decisions were taken in line with our standing orders.

On the public funding of the project and the fulfilment of grant payments –

- We have a funding agreement with the Garden Bridge Trust that sets out a clear schedule of payments and the conditions attached to those payments. The DfT is not a signatory to this agreement but we made sure they had confirmed they were happy with the agreement before it was signed.
- We are the custodian of the whole public sector contribution to the project, because the DfT transferred their £30 million share to us via the GLA Transport Grant. The conditions of the DfT's grant are reflected in our funding agreement with the Garden Bridge Trust.
- Every payment made to the Trust has been in line with the agreement, and any changes that we have needed to make to the agreement have come to me for approval first.

(The agreement has been changed for two reasons – in November 2015 to turn £20 million of our contribution into a loan and, at the same time, bring forward some payments to the Trust to support them through some third-party delays; and on a few occasions in 2016 to implement the cancellation underwriting as it has developed.)

- We have not made any payments to the Trust since March 2016. The Trust has not yet requested the next payment (which will also be the first loan payment, of £10 million). It is unlikely that we would consider the conditions of payment met unless the project was ready to begin construction.
- Throughout the project the DfT has kept us informed of how exposed they consider their £30 million contribution to be. I understand you have asked our Legal team to explain how this has varied over time and they will be writing to you shortly.



- This 'level of exposure' set by the DfT has meant that we have had to depart from the principle of *pari passu* (equal exposure) that we and the DfT had originally intended for the project. We have accepted that risk so that we could maintain the payment schedule that was originally agreed with the Garden Bridge Trust.

On the GLA's guarantee of long-term maintenance and operation costs –

- A guarantee of the long-term costs of the bridge is a requirement of the planning permission, and that will need to be provided by the GLA as there is no suitable alternative party available.
- We cannot provide the guarantee ourselves because TfL is not allowed to guarantee performance obligations (only financial obligations). The previous Mayor directed us (in MD1472) to assist the GLA in fulfilling their guarantees should that be necessary.
- The guarantee documents are essentially agreed between lawyers in draft form, and the Trust must now satisfy the Mayor that their long-term business plan is strong enough that the guarantees are unlikely to be called upon. The GLA is considering how best to review the Trust's business plan and we will help them with that if asked. Lambeth and Westminster Councils are also carrying out their own review of the plan.

On the agreement to provide a cancellation underwriting and the decisions taken during the pre-election period –

- The pre-election period exists to make sure that we do not make announcements that may influence an upcoming election.
- Two notable actions relating to the Garden Bridge were taken during the pre-election period for the 2016 Mayoral Election:
 1. The previous Mayor signed MD1647 on 22 April 2016, which amended the pre-condition for the GLA's guarantees of the bridge: instead of needing five years of operating costs secured before construction could begin, the Garden Bridge Trust would now need to demonstrate they had a credible strategy for securing those funds.
 2. We varied our funding agreement with the Garden Bridge Trust to include a time-limited cancellation underwriting facility, so that they could draw upon a further £1.3 million of funds if they needed to cancel the project during May 2016 and could not meet their cancellation liabilities. This variation was signed on 25 April 2016.
- The first of these – signing MD1647 – brought the Mayor's requirements in line with the obligations set out in the local authorities' planning consents. We provided the GLA with some advice on the drafting of this Mayoral Direction, but were not involved in any discussions about the appropriateness of issuing the direction during the pre-election period.
- We have sent you a written description of the events that led to the second of these – the decision to provide a £1.3 million underwriting facility.



- In summary, it was an urgent decision because the Trust had indicated that without the underwriting they would not be able to continue with the project beyond 30 April 2016 – and the Mayor and the GLA felt that allowing the project to be cancelled would itself have been undesirable during the pre-election period.
- The Trust's original request was for a £15 million underwriting facility. The Mayor and the GLA decided that TfL should provide the smaller £1.3 million, short-term facility which would allow the Trust to continue beyond the election, and for discussions about further underwritings to continue with the GLA and the DfT following the pre-election period. This decision was taken in consultation with the GLA's Monitoring Officer (Ed Williams) and no announcement was made so as to minimise any effect it might have during the pre-election period.



TfL intervention points beginning 15 July 2015 (Sir Peter Hendy's last day at TfL)

The first three Mayoral Directions (directing us to progress the project and provide a £30 million contribution, and directing the GLA to guarantee the bridge's operation and maintenance costs) had all been signed at this point.

The funding agreement between TfL and the Garden Bridge Trust had also been signed, on 2 July 2015. All payments in the timeline below were made in accordance with the schedule in the funding agreement.

Date	Event	Approval	
10 Aug 2015	£1.74m is paid to the Trust (Running total commitment: £20.9m)	DfT made aware Approved by MD Planning (Richard de Cani)	PAYMENT
15 Sep 2015	TfL's internal audit memo on the procurement exercises is published and sent to Caroline Pidgeon AM It includes a number of recommendations, which we accept and take action on (described below)	The memo is prepared by TfL Internal Audit and approved by the Commissioner and Chief Officers The Commissioner sends a copy to Caroline Pidgeon AM, because the review was initiated in response to her questions	OTHER
17 Sep 2015	MD Planning (Richard de Cani) appears before GLA Oversight Committee as part of its investigation into the procurement of design work on the bridge	n/a	OTHER
22 Oct 2015	Director of Internal Audit (Clive Walker) appears before GLA Oversight Committee	n/a	OTHER
13 Nov 2015	A Deed of Variation and a Loan Facility Agreement are signed with the Garden Bridge Trust, altering £20m of TfL's contribution into a repayable loan. The variation also brings forward some grant payments, to provide the Trust with additional liquidity to support it through third-party project delays	Terms of variation drafted in consultation with the DfT and the Garden Bridge Trust Variation approved by Commissioner	VARIATION
16 Nov 2015	£3.5m is paid to the Trust (Running total commitment: £24.4m)	DfT made aware Approved by MD Planning	PAYMENT
15 Dec 2015	£3.0m is paid to the Trust (Running total commitment: £27.4m)	DfT made aware Approved by MD Planning	PAYMENT
17 Dec 2015	Mayor, Commissioner and MD Planning appear before GLA Oversight Committee	n/a	OTHER

Date	Event	Approval	
9 Feb 2016	Garden Bridge Trust signs main contract with Bouygues TP C imolai for construction of the bridge	TfL notified by the Trust TfL approval is not required for the Trust to enter into contracts with suppliers	OTHER
12 Feb 2016	£3.0m is paid to the Trust (Running total commitment: £30.4m)	DfT made aware Approved by MD Planning	PAYMENT
23 Feb 2016	£2.5m is paid to the Trust (contract award payment) (Running total commitment: £32.9m)	DfT made aware Approved by MD Planning	
25 Feb 2016	Chair of TfL Audit and Assurance Committee (Keith Williams) appears before GLA Oversight Committee	n/a	OTHER
23 Mar 2016	£4.5m is paid to the Trust (contract award payment) (Running total commitment: £37.4m)	DfT made aware Approved by MD Planning	PAYMENT
22 Apr 2016	MD1647 is signed, amending the pre-condition for the GLA's guarantees of the bridge: instead of needing five years of operating costs secured before construction could begin, the Garden Bridge Trust now needs to demonstrate it has a credible strategy for securing those funds This was to bring the Mayor's condition in line with those of Lambeth and Westminster through the planning process	Mayoral Direction drafted by TfL legal for City Hall consideration Mayor approves Mayoral Direction TfL approval is not required	MAYORAL DIRECTION
25 Apr 2016	A letter of variation amends our funding agreement with the Garden Bridge Trust to include a £1.3m underwriting facility should the project be cancelled during May 2016 The process leading to this decision has been explained to Margaret in detail, in writing (Running total commitment if full underwriting is called upon: £38.7m)	Trust requests larger underwriting (£10m), unexpectedly and during the pre-election period Mayor and GLA determined smaller underwriting would be appropriate DfT made aware Variation approved by Commissioner Letter signed by MD Planning	VARIATION
27 May 2016	A letter of variation amends our funding agreement with the Garden Bridge Trust to include a £15m underwriting facility should the project be cancelled before October 2016 This underwriting is explicitly drawn from DfT's contribution to the project (Running total commitment if full underwriting is called upon: £52.4m)	DfT agrees to change in exposure Variation approved by Commissioner Letter signed by MD Planning (now Alex Williams)	

Date	Event	Approval	
28 Sep 2016	<p>A letter of variation amends our funding agreement with the Garden Bridge Trust to include a £9m underwriting facility should the project be cancelled (with no expiry date)</p> <p>This underwriting is explicitly drawn from DfT's contribution to the project</p> <p>The variation also reduces the final grant payment (due on project completion) by c£1m to account for additional expenditure TfL has incurred on the project</p> <p>(Running total commitment if full underwriting is called upon: £46.4m)</p>	<p>DfT agrees to change in exposure</p> <p>Variation approved by Commissioner</p> <p>Letter signed by MD Planning</p>	VARIATION

Recommendations:

- 1 Individuals involved in the management and delivery of procurement activities are responsible for ensuring they are fully aware of the requirements placed on them and TfL by guidance and statute to ensure best practice is followed. Planning staff involved in procurement activities should make themselves aware of these requirements.
- 2 At the start of any procurement, and commensurate to the size and level of risk, TfL Commercial should brief all staff involved in the process giving clear instructions relating to:
 - the process that will be followed,
 - roles and responsibilities,
 - the documentation they will be expected to produce and provide to TfL Commercial, and
 - escalation procedures for reporting non-compliance.

This briefing will emphasise the rules of engagement with bidders and the need for segregation of duties during the evaluation of bids.

- 3 TfL Commercial should develop a training package on TfL's procurement processes for use with staff who are not familiar with them, and for staff who are new to TfL. The purpose of this training material should be to raise awareness of the guidance available, the policy and procedure that must be followed and the potential ramifications of non-compliance.
- 4 We have been informed by TfL Commercial that over the past year the Commercial Centre of Excellence (now called Commercial Strategy and Performance) have led a piece of work to identify the methods of tender evaluation across TfL and Crossrail and to use best practice to develop a consistent approach to bid evaluation. The new approach is currently being rolled out and will be mandatory from Oct 2015.
- 5 TfL Commercial should be robust in ensuring that issues in relation to the procurement process are highlighted on a timely basis and escalated as appropriate to ensure action is taken to mitigate any breaches of policy or procedure.
- 6 There was an error in the analysis of Arup's commercial submission. TfL Commercial should identify the reason(s) that led to this error and whether improved controls need to be put in place.

Actions taken as a result of the audit:

- a Our Commercial team has reviewed our internal training provision to ensure it is up to date, and prepared tailored briefing packs which have been shared with other parts of the business. [Recommendation 3]
- b All our Commercial staff have undergone training on the Public Contracts Regulations 2015. [R 1]
- c New training has been developed and rolled out, focusing on how to design tender evaluations and the use of Standstill Letters. [R 4]
- d All our Planning staff who manage procurements have completed our updated internal training module on procurement processes. [R 1]
- e Communications have also gone out to all our staff to explain the information resources available to allow them to stay up to date on the requirements they must follow when carrying out procurement. [R 1]

- f** We have updated and shared across the business a collection of guidance documents and briefing packs that explain how procurement should be carried out. [R 2, 3]
- g** Our Commercial Directors have also issued communications to their departments encouraging staff to escalate any issues where they believe policy or their advice is being ignored by the business. [R 2, 5]
- h** We have reviewed our assurance processes for procurement activity, and we have now introduced the use of a specialist software (called AWARD) to improve these processes and reduce risk and error. [R 6]

Summary of public evidence sessions

GLA Oversight Committee session on 17 December 2015: the Mayor (Boris Johnson), the Commissioner and the Managing Director of Planning

The Commissioner made the following points, in summary:

- We have not paid Joanna Lumley for her involvement in the project
- There is a transport case for the bridge in the context of increasing pressure on the public transport network, particularly at Waterloo, and our desire to encourage people to walk the last mile
- We accept the recommendations from our audit work and are taking action in response to them
- We would do things differently, with the benefit of hindsight
- It is not unusual:
 - a) Where a procurement is large and/or fast, to notify all bidders in advance so that they can mobilise the right resource
 - b) To accept bids that are slightly late, with good reason
 - c) To go through multiple revisions of a report (e.g. the audit memo) to ensure factual accuracy of the final product
- It is also normal for legal advice to be changed and updated as our understanding of a project – and how it will be delivered – develops

A full transcript of this session is provided, with Mike's comments highlighted.

Functional Body Question Time on 10 February 2016: the Mayor (Boris Johnson) and the Commissioner

One of the questions answered during the session focussed on the Garden Bridge, asked by Tom Copley AM. This focused on Richard de Cani's involvement in and control of the procurement exercises, in the context that he is now employed at Arup.

The Commissioner responded that Richard did not have the ultimate responsibility for appointing Arup, and also to state clearly for the record that he is absolutely satisfied with Richard's integrity throughout the whole process.

An extract of the transcript of this session is provided, with Mike's comments highlighted.

Functional Body Question Time on 8 June 2016: the Mayor (Sadiq Khan) and the Commissioner – the Garden Bridge was not mentioned in this session.

Call with Lord (Mervyn) Davies, Chair of the Garden Bridge Trust

16 August 2018

1. Underwriting

Background

- In May 2016 the Department for Transport agreed to provide an underwriting facility to the Garden Bridge Trust, of up to £15m to cover potential cancellation costs were the project to be terminated. This would come from the Government's funding contribution to the project, but be administered by us as the single formal funding relationship between the Trust and the public sector. This underwriting was then reduced to up to £9m in September 2016.
- The Garden Bridge Trust decided on 14 August 2017 to terminate the project.
- Since that point we have been working with the Trust to understand the scale and nature of any claim against that underwriting, and in July 2018 (nearly a year after they decided to end the project) the Trust submitted a formal claim against the underwriting for £5.49m.
- We are assessing this claim now and will respond to the Trust as soon as we can. In the meantime we have asked them for clarification on four issues:
 - i. **Evidence:** we do not have evidence for a single, small component of the claim (£20k to a donor from Hong Kong) and have asked for them to provide this.
 - ii. **Intellectual Property:** we have asked them for a copy of all intellectual property from the project, which we are entitled to under the funding agreement – this is in hand and we expect to receive it in the next couple of days.
 - iii. **Breakdown of public spend:** we have repeated our request for them to provide a detailed breakdown of how public money was spent on the project, which the Mayor has publicly committed to wanting to see before any payment is made against the underwriting.
 - iv. **Contingency:** the Trust has included £400k in their underwriting claim as contingency against potential future liabilities. We have told them we cannot provide this as we must have evidence of contractual liabilities before any payment is made. However, we have said we will provide them with an initial payment to cover the liabilities they can currently evidence, and they can then submit supplementary evidence within three months if additional genuine liabilities come forward.

Lines to take

- We are going through the evidence you have provided to support your £5.49m claim against the underwriting, and will respond as soon as we can.
- We will need to discuss any recommendation for payment with the Department for Transport, given it is their money.
- We cannot make payments that are not supported by evidence of a clear contractual liability – this means we cannot pay a contingency to the Trust against possible future liabilities.
- The underwriting agreement allows for a single Exit Payment; however, we are willing to make an initial payment ‘on account’ based on the current evidence and then to consider a further payment if more liabilities come forward within three months.
- We cannot allow this facility to last forever. Three months seems a reasonable time period given that a year has already gone by since you decided to terminate the project, and any genuine creditors should have come forward by now.
- It is important that the Trust does provide us with more detail of the breakdown of how the £37.4m of public funding was spent (rising to £42.9m if the full underwriting claim is paid). Not only is this something the Mayor wants to see, but it is perfectly reasonable to expect that level of transparency where public money is involved.
- There is a breakdown of the £10.6m spent by TfL on our website, which shows an example of the level of detail we would expect to see.
[n.b. This £10.6m forms part of the overall £37.4m public spend. A copy of our breakdown is attached for reference.]

2. Claims that Trustees have breached their legal duties

Background

- Critics of the project have asserted that the Trustees may have breached their legal duties in letting the construction contract in February 2016, before they had all the necessary consents and land deals in place to begin construction of the bridge.
- This has included the publication of a legal opinion from James Coppel QC, and Tom Copley AM wrote to you and to the Mayor in early August 2018 to argue that we should not pay out any money against the underwriting until we have sought our own legal advice, and that ideally we should seek to recoup public money spent on the project from the Trustees personally.
- This argument is being championed by the Architect's Journal, who also claim to have the support of a number of MPs including Andy McDonald MP, the Shadow Transport Secretary.

Lines to take

- We have reviewed the opinion from James Coppel QC, and we intend to take some specialist charity law advice on the details of this opinion.
- We are commissioning that advice now, and it does not stop us from proceeding in parallel with the review of the Trust's claim against the underwriting.

Attachments:

- Claim letter from the Trust and our initial reply, July 2018
- Breakdown of the £10.6m spent by TfL on the project
- Correspondence from Tom Copley AM about James Coppel QC's legal opinion, August 2018

TRANSPORT FOR LONDON**BRIEFING NOTE FOR THE COMMISSIONER**

Subject: Briefing for GLA Oversight Committee meeting re: Garden Bridge

Date: 25 September 2017

Purpose and background

Len Duvall AM, the Chair of the GLA's Oversight Committee, has invited the Commissioner to give evidence to the Committee in a final session on the Garden Bridge, on 11 October 2017. They have indicated they specifically want to receive reassurances from the Commissioner that the lessons from the Garden Bridge have been built into the procurement of future projects.

Len has also invited Dame Margaret Hodge MP to provide an update on her review of the project, and David Bellamy to provide an update on the GLA's involvement in the review and the actions it has taken in response to the review's findings.

Len's invitation told us that the Committee expects the session to take the following structure:

- (a) An outline of the key findings from Margaret's review of the Garden Bridge;
- (b) A discussion on cancellation costs;
- (c) Employment terms for GLA Group senior staff – how does the GLA Group manage the potential for a revolving door between senior staff and the private sector;
- (d) TfL procurement – what has been the impact of TfL's revised procurement strategy, and what controls are now in place to ensure that the lessons from the Garden Bridge will not be repeated in future; and
- (e) Mayoral Directives – how Mayoral Directives were used in the Garden Bridge process, and whether these should be changed in future.



Key messages and potential supplementary questions

On Margaret Hodge's report –

- We did everything we could to support Margaret's review and I gave evidence myself as did a number of my colleagues.
- I understand all of the transcripts from those interviews, including those from TfL, have been issued to the Assembly and a number have also been published and released under the Freedom of Information Act.
- Personally, I welcome Margaret's report and we have taken on board all of her recommendations – our response to these has been approved by our Board and is published on our website.
- I am sure we will go into more detail later about how procurement now works in TfL and how it has been improved since this project and since the Mayor took over last year.

On the how much public money has been spent, and cancellation costs –

- The conditions for payments of public money to the Garden Bridge Trust were set out when the Trust took over from us, early in the project and under the previous Mayor. Any payments we then made to the Trust were against those conditions and were agreed with the Department for Transport.
- The last payment was made to the Garden Bridge Trust in March 2016, taking the total to just over £26.7 million in payments.
- We also needed to spend just over £10 million ourselves to secure planning permission and then as part of our ongoing role with the project – for instance, as highways authority, or in ensuring our railway assets at Temple were protected.
- That means approximately £37 million of public money has been spent on the project.
- In addition to that, last year the DfT agreed to allow the Trust access to a further £9 million in the form of an underwriting of potential cancellation costs.
- The Trust has not yet made any claim against this underwriting, although we have written to them to set out the high bar we would expect them to meet before a payment would be made – this will include strong evidence of the liability and and also more detail about how the money claimed has been spent.
- We will be working closely with the DfT to assess any claim that does come forward.



How can you spend so much money and have nothing to show for it?

The total estimated cost of the bridge was approximately £200 million at the point the Garden Bridge Trust cancelled the project.

Of this, we spent £10 million – or 5 per cent – on securing planning permission. This is not an unreasonable figure when compared to projects of similar scale.

We have a lot less clarity on what exactly the Trust spent the remaining £26 million on, but the number becomes more believable when you consider that they were fully ready last year to begin construction activities within 2-3 months.

But there certainly needs to be more transparency over the Trust's figures and we are pushing them to provide that.

What is the £9 million for?

We are waiting to see what any claim from the Trust actually looks like, and I hope it will come to significantly less than £9 million.

When it does come through, it is likely to have two main elements – cancellation penalties from their contractors, primarily Bouygues; and any clawback facilities they agreed with their private donors.

The Trust will need to break this down for us very clearly in any claim, and needless to say we will be working with the DfT to interrogate all of that in great detail before agreeing any payment to the Trust.

Wouldn't it be cheaper if the Mayor had cancelled the project when he was elected?

It did not make sense to withdraw all support for the scheme when there was still a chance for benefits to be delivered, and to gain value for the public money that had already been spent.

There have been no grant payments to the Garden Bridge Trust since March 2016, and over the last 18 months we have limited our financial exposure while giving the Trust the space to close out their agreements and progress the project.

Unfortunately, in that time the Trust made little headway on project delivery, land assembly or fundraising – and at the same time we know of the concerns that Margaret raised through her report.

We all gave the Trust plenty of opportunity to take things forward but they have proven unable to do that – I can understand why in those circumstances the Mayor was unwilling to sign a blank cheque for the long-term upkeep of the bridge.



Why was all the money paid through TfL?

The short answer is that it was the approach agreed with the DfT at the time.

Through our funding agreement with the Trust and our grant arrangements with the DfT, we became the custodian of the whole public sector contribution to the project - the DfT transferred their £30 million share to us via the GLA Transport Grant.

We then agreed with the DfT when payments from the total public sector contribution should be made to the Trust, in line with the clear schedule of payments and funding conditions set out in the funding agreement.

If pushed on split between TfL and DfT:

Throughout the project the DfT has kept us informed of how exposed they consider their £30 million contribution to be.

This 'level of exposure' set by the DfT has meant that we have had to depart from the principle of *pari passu* (equal exposure) that we and the DfT had originally intended for the project.

That is not ideal, but we accepted that risk so that we would not become in breach of the funding agreement that was originally put in place with the Garden Bridge Trust.

In December 2015 you told us that you were “convinced that there is a very valid, legitimate transport imperative around this project? – and then you told Margaret Hodge that “if I'm being honest where from a TfL perspective it's not overtly a transport imperative”. Have you changed your mind?

This scheme had some transport benefits that were set out in the business case, but it was much broader than that and brought in wider benefits and implications as well. That is one of the reasons why we needed a Mayoral Direction to instruct us to consider more than just the transport case.

The Committee will already know that we are operating under increasing financial pressures, not least because from next year we will be the first major city to operate without any central government subsidy for running our public transport network.

In that context, if I were to be making the decision today then I do not think I would be investing in this project as one of our top priorities.



On the agreement to provide a cancellation underwriting during the pre-election period in 2016 –

- The Garden Bridge Trust first brought the idea of a cancellation costs underwriting to us shortly before the Mayoral Election in May 2016, during the pre-election period.
- The pre-election period exists to make sure that we do not make announcements that may influence an upcoming election.
- Two notable actions relating to the Garden Bridge were taken during the pre-election period for the 2016 Mayoral Election:
 1. The previous Mayor signed a Mayoral Direction (MD1647) on 22 April 2016, which amended the pre-condition for the GLA's guarantees of the bridge: instead of needing five years of operating costs secured before construction could begin, the Garden Bridge Trust would now need to demonstrate only that they had a credible strategy for securing those funds.
 2. We varied our funding agreement with the Garden Bridge Trust to include a time-limited cancellation underwriting facility, so that they could draw upon a further £1.3 million of funds if they needed to cancel the project during May 2016 and could not meet their cancellation liabilities. This variation was signed on 25 April 2016.
- The first of these – signing MD1647 – brought the Mayor's requirements in line with the obligations set out in the local authorities' planning consents. We provided the GLA with some advice on the drafting of this Mayoral Direction, but were not involved in any discussions about the appropriateness of issuing the direction during the pre-election period.
- We thought very hard about the second of these – the decision to provide a £1.3 million underwriting facility – and determined that it was necessary to take action during the pre-election period.
- The Trust had indicated that without the underwriting they would not be able to continue with the project beyond 30 April 2016 – and the Mayor and the GLA felt that allowing the project to be cancelled would have had an even more disruptive effect during the pre-election period than providing the smallest possible underwriting.
- The Trust's original request was for a £15 million underwriting facility. The Mayor and the GLA decided that TfL should provide the smaller £1.3 million, short-term facility which would allow the Trust to continue beyond the election, and for discussions about further underwritings to continue with the GLA and the DfT following the pre-election period. This decision was taken in consultation with the GLA's Monitoring Officer (Ed Williams) and no announcement was made so as to minimise any effect it might have during the pre-election period.



On conflicts of interest and the employment conditions for staff –

- I take any suggestion of conflicts or inappropriate conduct extremely seriously.
- I have looked at the facts in this case very carefully, and I have not found any evidence to suggest anything improper.
- I am happy with how Richard de Cani carried out his work – both on the Garden Bridge and on other projects – and I have to say that I agree entirely with Margaret’s conclusion in her report [see *paras 92-93, below*] that there is no evidence of any connection between Arup’s contract on the Garden Bridge and TfL staff being recruited by Arup.
- Margaret did make a recommendation for the Mayor to review employment conditions and the potential for ‘revolving doors’ among senior staff.
- I know that the GLA is looking into this, as well as how it works in central Government, and we will support that review.

Do you think senior staff should be prevented from going straight into high-paid jobs in the private sector?

It is a very complex subject, both in terms of what is best for us as an employer but also what we are legally allowed to do.

The National Audit Office has already made some criticisms of how things work in Government departments, so we have to tread carefully before making any changes.

I want to understand all of the facts and the options available before giving you a firm view.

n.b. paragraphs 92-93 of the Hodge report:

Potential conflicts of interest

92. Richard de Cani came to work for TfL from Arup and returned to the company in 2016. He continued to work on the Garden Bridge project during his notice period after he had decided to take a new job at Arup and was actively engaged in ensuring further monies were released by Government to enable further payments to be made to the Trust. Isabel Dedring left City Hall before the start of the pre-election period for the Mayoral Election in March 2016 and joined Arup. Both they and Arup have assured me that there was no connection between Arup’s contract with TfL for the Garden Bridge and their recruitment by Arup. I found no evidence to suggest otherwise and fully accept those assurances.

93. However at present there are no rules in place governing the future employment of those working for the Mayor or TfL. There is no obligation on former senior employees or political appointees to wait for a quarantine period before they take a job with an organisation that contracts with and earns income from the Mayor or TfL.



On the procurement exercises in 2013 –

- This was before I took over as Commissioner so I was not involved in those procurement exercises.
- We have significantly improved the way we do procurement since then – we have tighter processes, more controls, and a Chief Procurement Officer who oversees all of this activity.
- We have also been engaging very actively with all of the reviews that have looked at what happened – internally and externally – and while a lot of it was fine there were some key lessons we needed to learn and we have made sure to tighten things up in those areas
- I am confident things could not happen the same way they did on this project.

See **Appendix E** (Summary of Hodge Review recommendations and TfL actions) and **Appendix F** (TfL response to the Hodge Review) for more detail about actions taken.

What do you mean by “key lessons”?

For example:

Who should speak to bidders and how they should do that so that those conversations are clearly documented

Improving the way we go out to suppliers to make sure there is no confusion about what we want to get back, and how we will score bids

Making sure that our experts in Commercial and Legal teams feel properly supported and empowered to escalate any concerns they have, if they feel they are not being listened to

Will you be paying back the bidders who lost out in your broken process?

There have been lots of reviews of the two procurement processes in this project, and they have been useful in identifying lessons for us to learn.

However, they also found large parts of the procurements were perfectly normal – and I am satisfied that, even though the processes were not perfect, they produced acceptable results.

I do not see the need to reimburse unsuccessful bidders.

Do you agree there should be a public inquiry into how this was handled?

There have already been a lot of reviews into this project – include Margaret’s thorough work – and we have learnt lessons from them.

Another review or inquiry would add more cost and I am not sure it would tell us anything new or add value.



On the Mayor's instructions early on, and the use of Mayoral Directions –

- This project started long before I took over as Commissioner so I wasn't involved in any discussions that took place with the previous Mayor and his team.
- I understand that the last Mayor asked us to do some work to see how we could take the bridge forward. That doesn't surprise me as it is normal for City Hall to ask us to look into projects and policies that they consider to be a priority.
- That was true under the previous Mayor and it is true now – we are here to deliver for the Mayor and are happy to take direction as to how he wants us to move his priorities forward.
- However, we do need to make sure that where that develops into a formal direction to TfL, it is properly scrutinised.
- This Mayor has made some very important steps forward in that regard – Mayoral Directions have always been published, but the Mayor has strengthened the role of our non-executive Board so that they will be having more detailed discussions about any Mayoral Directions coming forward.
- This is a really helpful change and I have to say, the positive and mature working relationship we have developed with the new Board under Sadiq is really welcome.

Shouldn't there be an independent check on Mayoral Directions?

We have a strong Board who are briefed in detail on all Mayoral Directions, and the process is fully transparent so that the public can also make up their own mind.

I am not sure what a new body, in addition to the further scrutiny the Assembly provides, would add to that process – other than cost.

On the use of delegations –

- As a large and complex organisation we operate a scheme of delegated decision making from the Board. This forms part of our standing orders, which set out how TfL works; what decisions can be made and by whom; and the duties, powers and responsibilities of the organisation and our Board.
- We have a huge capital programme – one of the largest in Europe – and we could not function without some delegation of authority from the Board.
- But we are always looking for ways to improve our processes, and we will be looking at our scheme of delegation as part of this year's Board Effectiveness Review.



Appendix A: Timeline of key TfL intervention points in the project
(from 15 July 2015 onwards – Sir Peter Hendy’s last day at TfL)

The first three Mayoral Directions (directing us to progress the project and provide a £30 million contribution, and directing the GLA to guarantee the bridge’s operation and maintenance costs) had all been signed at this point.

The funding agreement between TfL and the Garden Bridge Trust had also been signed, on 2 July 2015. All payments in the timeline below were made in accordance with the schedule in the funding agreement.

Date	Event	Approval	
10 Aug 2015	£1.74m is paid to the Trust (Running total commitment: £20.9m)	DfT made aware Approved by MD Planning (Richard de Cani)	PAYMENT
15 Sep 2015	TfL’s internal audit memo on the procurement exercises is published and sent to Caroline Pidgeon AM It includes a number of recommendations, which we accept and take action on (described below)	The memo is prepared by TfL Internal Audit and approved by the Commissioner and Chief Officers The Commissioner sends a copy to Caroline Pidgeon AM, because the review was initiated in response to her questions	OTHER
17 Sep 2015	MD Planning (Richard de Cani) appears before GLA Oversight Committee as part of its investigation into the procurement of design work on the bridge	n/a	
22 Oct 2015	Director of Internal Audit (Clive Walker) appears before GLA Oversight Committee	n/a	
13 Nov 2015	A Deed of Variation and a Loan Facility Agreement are signed with the Garden Bridge Trust, altering £20m of TfL’s contribution into a repayable loan. The variation also brings forward some grant payments, to provide the Trust with additional liquidity to support it through third-party project delays	Terms of variation drafted in consultation with the DfT and the Garden Bridge Trust Variation approved by Commissioner	VARIATION
16 Nov 2015	£3.5m is paid to the Trust (Running total commitment: £24.4m)	DfT made aware Approved by MD Planning	PAYMENT
15 Dec 2015	£3.0m is paid to the Trust (Running total commitment: £27.4m)	DfT made aware Approved by MD Planning	
17 Dec 2015	Mayor, Commissioner and MD Planning appear before GLA Oversight Committee	n/a	OTHER



Date	Event	Approval	
9 Feb 2016	Garden Bridge Trust signs main contract with Bouygues TP Cimolai for construction of the bridge	TfL notified by the Trust TfL approval is not required for the Trust to enter contracts with suppliers	OTHER
12 Feb 2016	£3.0m is paid to the Trust (Running total commitment: £30.4m)	DfT made aware Approved by MD Planning	PAYMENT
23 Feb 2016	£2.5m is paid to the Trust (contract award payment) (Running total commitment: £32.9m)	DfT made aware Approved by MD Planning	
25 Feb 2016	Chair of TfL Audit and Assurance Committee (Keith Williams) appears before GLA Oversight Committee	n/a	OTHER
23 Mar 2016	£4.5m is paid to the Trust (contract award payment) (Running total commitment: £37.4m)	DfT made aware Approved by MD Planning	PAYMENT
22 Apr 2016	MD1647 is signed, amending the pre-condition for the GLA's guarantees of the bridge: instead of needing five years of operating costs secured before construction could begin, the Garden Bridge Trust now needs to demonstrate it has a credible strategy for securing those funds This was to bring the Mayor's condition in line with those of Lambeth and Westminster through the planning process	Mayoral Direction drafted by TfL legal for City Hall consideration Mayor approves Mayoral Direction TfL approval is not required	MAYORAL DIRECTION
25 Apr 2016	A letter of variation amends our funding agreement with the Garden Bridge Trust to include a £1.3m underwriting facility should the project be cancelled during May 2016 The process leading to this decision has been explained to Margaret in detail, in writing (Running total commitment if full underwriting is called upon: £38.7m)	Trust requests larger underwriting (£10m), unexpectedly and during the pre-election period Mayor and GLA determined smaller underwriting would be appropriate DfT made aware Variation approved by Commissioner Letter signed by MD Planning	VARIATION
27 May 2016	A letter of variation amends our funding agreement with the Garden Bridge Trust to include a £15m underwriting facility should the project be cancelled before October 2016 This underwriting is explicitly drawn from DfT's contribution to the project (Running total commitment if full underwriting is called upon: £52.4m)	DfT agrees to change in exposure Variation approved by Commissioner Letter signed by MD Planning (now Alex Williams)	



Date	Event	Approval	
22 Sep 2016	The Mayor of London announces that Dame Margaret Hodge MP would conduct a review into the Garden Bridge project	n/a	OTHER
28 Sep 2016	<p>A letter of variation amends our funding agreement with the Garden Bridge Trust to include a £9m underwriting facility should the project be cancelled (with no expiry date)</p> <p>This underwriting is explicitly drawn from DfT's contribution to the project</p> <p>The variation also reduces the final grant payment (due on project completion) by c£1m to account for additional expenditure TfL has incurred on the project</p> <p>(Running total commitment if full underwriting is called upon: £46.4m)</p>	<p>DfT agrees to change in exposure</p> <p>Variation approved by Commissioner</p> <p>Letter signed by MD Planning</p>	VARIATION
28 Feb 2017	The Charities Commission publishes its report on the Garden Bridge Trust	n/a	OTHER
7 Apr 2017	Dame Margaret Hodge publishes her report on the project	n/a	
28 Apr 2017	The Mayor confirms that the GLA will not be providing guarantees for the bridge's operating and maintenance costs	n/a	
14 Aug 2017	The Garden Bridge Trust announces its decision to terminate the project.	n/a	



Appendix B: Breakdown of public expenditure on the project

Public spend at 30 September 2016

(no money has been spent since this point)

TfL	c. £m
Services in kind, covered under the funding agreement (primarily on securing planning permission, legal fees and TfL internal staff costs)	10.67
Grant payments, as per the schedule in the funding agreement	13.25
TOTAL	23.92
DfT	
Grant payments, as per the schedule in the funding agreement	13.45
TOTAL PUBLIC SPEND AT 30 SEPTEMBER	37.37

In addition, up to £9 million of the DfT's contribution to the project was made available to the Garden Bridge Trust as an underwriting of potential cancellation liabilities.

There are strict conditions for payment against that underwriting, and when any claim comes in we will work closely with the Department for Transport to agree whether those conditions have been met.

MAXIMUM POTENTIAL PUBLIC SPEND ON THE PROJECT	46.37
<i>of which TfL</i>	<i>23.92</i>
<i>of which DfT</i>	<i>22.45</i>



Appendix C: Detailed breakdown of TfL 'services in kind' expenditure

Expenditure against Garden Bridge project code

31 August 2016

Company	Description	Cost (£)
Section A		
BDB	Legal services	626,477
CABE	Desktop review	3,500
Douglas Edwards QC	Legal services	10,098
EFTEC	Business case work	14,000
Environment Agency	Advice & review	2,709
Eversheds LLP	Legal services	34,825
Falcon Chambers - Oliver Radley-Gardner	Legal services	840
Heatherwick Studios	Design services	52,425
Hogan Lovells	Legal services	2,716
HR Wallingford	Surveys	36,750
John McGhee QC	Legal services	11,520
Landmark Chambers - Tom Weekes	Legal services	8,100
LB Lambeth	Planning Performance Agreement	35,500
London Underground Ltd	Internal costs	63,331
Marine Management Organisation	Pre-application licensing charges	2,366
Monument Consultancy Ltd	Project Management services	112,890
Nigel Giffin QC	Legal services	5,940
Peter Neal	Scoping study	10,725
Stephanie Hall	Legal services	4,098
TfL Marketing/Advertising	Public consultation activities	151,784
TfL Surface Transport	Internal costs	50,165
Wallingford Environmental Surveys	Surveys	3,735
Wragge Lawrence Graham / Gowling WLG	Legal services	21,444
ARUP	Engineering services	8,421,980
VAT adjustment		(3,410)
	Section A subtotal	9,684,508
Section B		
London Underground Ltd	Internal costs & Step Free Access work	227,019
TfL Property	Internal costs	225,956
TfL Surface Transport	Internal costs	451
AECOM	Advice and research	29,838
Wragge Lawrence Graham / Gowling WLG	Legal services	466,372
Stephanie Hall fees adjustment		(438)
VAT adjustment		(990)
	Section B subtotal	948,208

Section A

Section A includes expenditure that was incurred prior to the signing of the funding agreement between TfL and the Garden Bridge Trust, in July 2015.

Section B

Section B includes expenditure that was incurred outside the original terms of the funding agreement between TfL and the Garden Bridge Trust.

Total	10,632,716
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There is a c£40k discrepancy between this 31 August 2016 figure and the £10.67m expenditure figure from 30 September 2016, because of c£40k expenditure on legal fees in the intervening time.

Grant payments made to the Garden Bridge Trust

Date of grant payment	Amount (£)
09/07/2015	8,478,922
10/08/2015	1,741,570
16/11/2015	3,500,000
15/12/2015	3,000,000
12/02/2016	3,000,000
23/02/2016	2,500,000
23/03/2016	4,500,000
Total	26,720,492

These payments have been made in line with the schedule in the funding agreement between TfL and the Garden Bridge Trust, which is available on the TfL website at <https://tfl.gov.uk/corporate/publications-and-reports/template-footbridge>



Appendix D: Summary of Commissioner public evidence sessions

GLA Oversight Committee session on 17 December 2015: the Mayor (Boris Johnson), the Commissioner and the Managing Director of Planning

The Commissioner made the following points, in summary:

- We have not paid Joanna Lumley for her involvement in the project
- There is a transport case for the bridge in the context of increasing pressure on the public transport network, particularly at Waterloo, and our desire to encourage people to walk the last mile
- We accept the recommendations from our audit work and are taking action in response to them
- We would do things differently, with the benefit of hindsight
- It is not unusual:
 - a) Where a procurement is large and/or fast, to notify all bidders in advance so that they can mobilise the right resource
 - b) To accept bids that are slightly late, with good reason
 - c) To go through multiple revisions of a report (e.g. the audit memo) to ensure factual accuracy of the final product
- It is also normal for legal advice to be changed and updated as our understanding of a project – and how it will be delivered – develops

Functional Body Question Time on 10 February 2016: the Mayor (Boris Johnson) and the Commissioner

One of the questions answered during the session focussed on the Garden Bridge, asked by Tom Copley AM. This focused on Richard de Cani's involvement in and control of the procurement exercises, in the context that he is now employed at Arup.

The Commissioner responded that Richard did not have the ultimate responsibility for appointing Arup, and also to state clearly for the record that he is absolutely satisfied with Richard's integrity throughout the whole process.

Functional Body Question Time on 8 June 2016: the Mayor (Sadiq Khan) and the Commissioner – the Garden Bridge was not mentioned in this session.



Appendix E: Summary of Hodge Review recommendations and TfL actions



Hodge Review Recommendation	TfL Actions	Update on Action
<p>Greater transparency should be introduced for procurement processes and more effective checks and balances need to be in place to ensure that public money is properly and well spent. The TfL Board and its committees should receive proper, full and prompt reports setting out information on projects and the performance of contracts in a regular item on their agendas. The Board should have authority to intervene where appropriate and ensure information on performance against contracts is publicly available. While respecting necessary commercial confidentiality, this should not become an excuse for failure to report fully on contracts.</p>	<ol style="list-style-type: none"> 1. Papers for Mayoral Directions should make clear the financial and other implications for TfL, as well as for the GLA and, if those implications for TfL change over time, that will be reported to the GLA. 2. Mayoral Directions to TfL should be brought to the Board for discussion as soon as possible after they are received by TfL. 3. Mayoral Directions addressing technical issues with TfL's statutory powers and those related to TfL's commercial development activities should, for so long as they are applicable, be reported against at each meeting of the Finance Committee. 4. Mayoral Directions related to TfL's projects and programmes, including the Investment Programme, should, for so long as they are applicable, be reported against at each meeting of the Programmes and Investment Committee. 5. A list of all relevant Mayoral Directions will be maintained on the TfL website with links to the relevant Mayoral Decisions. 	<p>General Counsel to e-mail GLA's Executive Director, Resources and Head of Finance & Governance to remind them of this action and the need for GLA decisions to properly capture financial implications for TfL as well as GLA. General Counsel also to ask Heads and Legal Managers in TfL Legal to check this has been properly addressed when they are reviewing GLA decision forms. Action – Howard Carter - complete</p> <p>Mayoral Directions will be reported to the Board in the Commissioner's report, specifying the terms of the Direction, or will be reported to the Board in a specific paper, if appropriate. Action – Shamus Kenny to oversee</p> <p>Reports will be provided as part of the regular Finance Reports. Action – Graeme Craig to liaise with Simon Kilonback to ensure included and Shamus Kenny to oversee</p> <p>Reports will be provided as part of the quarterly update report for the relevant programme. Action – relevant programme team to ensure included and Shamus Kenny to oversee</p> <p>Information Governance to include a list of relevant Directions in TfL's publication scheme, to be reviewed from time to time and out-of-date Directions removed. Action – Richard Bevins</p>

Hodge Review Recommendation	TfL Actions	Update on Action
	<p>6. The list of current Mayoral Directions will be considered annually by the Audit and Assurance Committee as part of its consideration of the annual audit plan to ensure that appropriate audit resource is being applied to assurance on TfL's work in implementing Mayoral Directions. This will be kept under review at each quarterly meeting of the Committee.</p>	<p>The Director of Internal Audit will include consideration of Mayoral Directions in his annual proposals made to the Audit and Assurance Committee and reviewed at each quarterly meeting. Action – Clive Walker</p>
<p>The delegations to the Commissioner at TfL should be reviewed. At present the Commissioner is not appropriately and publicly accountable for the public money spent.</p>	<p>1. The scheme of delegations in TfL's Standing Orders and associated transparency will be reviewed further as part of the 2017 TfL Board Effectiveness Review.</p> <p>2. We will enhance processes for content and circulation of papers to the Commissioner and Chief Finance Officer requesting authorities to ensure that appropriate representatives of all relevant disciplines with TfL are involved.</p>	<p>The regular reporting to the Programmes and Investment Committee of Commissioner and CFO approval of Programme and Project Authority will be expanded to include their approval of Procurement Authority. Action – Michael Bridgeland to expand existing project approvals reports through liaison with CFO office on authorities given</p> <p>All formal requests for authorities from the Commissioner or CFO will be routed through appropriate teams, including at least Legal and Finance, and will be declined if that has not happened. Action – Andy Brown to oversee</p>
<p>Where decisions are taken by the Mayor, or significant advice provided, in informal meetings these should be properly minuted so that there is a record of those decisions.</p>	<p>TfL will support the GLA's processes for minuting Mayoral meetings as appropriate.</p>	<p>GLA action</p>
<p>The Commercial, Legal and Internal Audit teams within TfL all share an obligation to guarantee that procedures and protocols are consistently followed. In this case advice was not always followed and Internal Audit appeared to be under undue pressure in its final report on the procurement process. The authority and</p>	<p>1. TfL will, by the end of October, review the procedures in place to ensure that Commercial, Legal and Internal Audit advice is appropriately considered and followed. In particular, TfL will document the process to be followed in the event that relevant advice from those functions is not being appropriately</p>	<p>If advisers in these three areas are aware that their advice is not being followed which is likely to lead to a significant risk to TfL, they have an obligation to report it up through their usual line management chain for further consideration. Action – Howard Carter will articulate this to Andrea Clarke, Clive Walker and David Wylie</p>

Hodge Review Recommendation	TfL Actions	Update on Action
<p>accountability of these three parts of the organisation should be reviewed to make certain that their advice is independent and that their accountability reinforces that independence. Where advice is overruled there should be transparent reporting protocols in place so that there is a proper explanation and account of any decision to overrule or ignore advice.</p>	<p>considered.</p> <p>2. By the end of October, TfL's processes for handling audit reports will be updated to address the review of draft reports and to document the process for such reviews.</p>	<p><i>and ask them to ensure the message is cascaded and implemented in their areas – complete</i></p> <p>Director of Internal Audit to review the terms on which the business engages with Internal Audits and, to the extent not already articulated, include clear process for the review of draft reports. Action – Clive Walker</p>
<p>The Mayor should conduct a review of employment conditions and the potential for revolving doors among senior staff and the Mayor's own political appointees. He should consider appropriate changes so that there can be no hint of a conflict of interest when contracts are let by TfL or the Greater London Authority whilst recognising the legal requirement to not impose restraints on trade.</p>	<p>1. TfL will support the Mayor in any review in response to this recommendation.</p> <p>2. In addition to participating in any review undertaken by the GLA, TfL will provide guidance on the handling of potential conflicts of interest in contractual notice periods and will also review the standard contracts for senior staff to consider whether further safeguards should be introduced.</p>	<p>GLA Action</p> <p>HR Director to remind HR teams handling senior staff who are leaving TfL to make clear that the leaver remains bound by TfL's Code of Conduct, particularly:</p> <ul style="list-style-type: none"> - Taking decisions solely in terms of the public interest - Declaring conflicts of interest and resolving them in a way that protects the public interest - Compliance with the Business Ethics Standard (LU) or Business Ethics policy (non-LU) <p>The leaver's line manager should also be reminded that they need (a) promptly to tell all relevant colleagues of the impending departure; (b) to review the work of the leaver to ensure they are stood down from any matter where there is, or might be perceived to be, a conflict; and (c) if necessary, to reallocate responsibilities. Action – Tricia Wright</p>

Appendix F: TfL response to the Hodge Review

(includes summary of our response to the previous Internal Audit review, and our specific response to Hodge recommendations for TfL)



Board

Date: 19 July 2017

Item: Garden Bridge – TfL Response to the Hodge Review

This paper will be considered in public

1 Summary

Decision required	Following consideration by the Programmes and Investment Committee and the Audit and Assurance Committee, the Board is asked to note the review and agree how TfL proposes to respond to the recommendations.
Sponsoring Director	Contact Officer: Howard Carter Number: [REDACTED] Email: [REDACTED] tfl.gov.uk
Information classification	Public.

Summary

- This paper describes the background to TfL’s involvement in the project for a footbridge with garden features, a “Garden Bridge”, to be built across the Thames between the Southbank and Temple station (the Project).
- On 19 October 2016, the Mayor of London appointed the Rt. Hon. Dame Margaret Hodge MP to undertake a review of the Project. That review produced a report which was published on 7 April 2017 (the Report) and contained a number of recommendations, including for TfL. A copy of the report is attached at Appendix 1.
- This paper sets out TfL’s response to the recommendations addressed to it in the report. The paper was considered by the Programmes and Investment Committee at its meeting on 28 June 2017 which supported the proposals. The paper is also to be considered by the Audit and Assurance Committee at its meeting on 13 July 2017 and the views of that Committee will be reported to this meeting.

2 Recommendation

- 2.1 The Board is asked to note the Review, the views of the Audit and Assurance and the Programmes and Investment Committees and agree how TfL proposes to respond to the recommendations.**

3 Background

- 3.1** TfL first became involved in the Project in late 2012 when the previous Mayor expressed his desire for TfL to consider whether the construction of a bridge with an innovative and novel design would be feasible.

- 3.2 Since then TfL has carried out work on the project under a series of four Mayoral Directions, including securing planning permission on behalf of the Garden Bridge Trust in Westminster and Lambeth in late 2014, and have provided approximately £37m of funding to the Project, of which around £13.5m has been provided by the Government and the remainder has been provided by TfL. The Government has provided an additional underwriting of up to £9m, payable to the Garden Bridge Trust in the event of the project's cancellation.
- 3.3 The four Mayoral Directions are summarised in Appendix 2.
- 3.4 In 2015, the Project was handed over to the Garden Bridge Trust, an independent charity established to deliver, operate and maintain the bridge.
- 3.5 In accordance with Mayoral Directions, TfL has been required to remain engaged with the project. TfL's involvement has been to provide funding, as required by the Mayoral Directions, and as a landowner on the North Bank (at Temple station).
- 3.6 The procurement processes and the involvement of the Mayor described above have been scrutinised by the Greater London Authority's Oversight Committee.
- 3.7 TfL's Internal Audit department also carried out a review of two preliminary procurements conducted by TfL. At the request of TfL's Audit and Assurance Committee, a further review was undertaken by EY, TfL's External Auditors; the findings of that review have also been published.
- 3.8 The first of those preliminary procurements was for a design adviser and lasted for a four month period from March 2013 with a capped fee of £60,000; Thomas Heatherwick Studio was appointed. The second procurement was for the development of a technical design to enable a planning application to be submitted; Arup was appointed in July 2013 with the intention that the appointment would be transferred to the Garden Bridge Trust shortly afterwards. That transfer took place later than planned in April 2015 by which time costs of c.£8.4m had been incurred. The sums paid by TfL under these appointments were deducted from the public funding described in paragraph 3.2 above.
- 3.9 In common with the standard practice under the previous Mayor, the Mayoral Directions referred to above were reported to the Board as part of the Commissioner's Report. A specific paper was presented to the Finance and Policy Committee on 18 July 2013. The EY audit report was presented to the Audit and Assurance Committee on 11 October 2016.
- 3.10 The National Audit Office has investigated the Department for Transport's funding contribution to the Project and the Charity Commission has reviewed the governance of the Garden Bridge Trust. The findings of these reviews affected the Department for Transport and the Garden Bridge Trust respectively, rather than TfL.
- 3.11 The response of the Garden Bridge Trust to the Report is attached as Appendix 3.

3.12 TfL has, since autumn 2015, published key information on the Project on its website at: <https://tfl.gov.uk/corporate/publications-and-reports/temple-footbridge>, including project, procurement and planning documentation, correspondence with the GLA's Oversight Committee and correspondence contributing to the Report, together with the various Mayoral Directions on the Project. TfL has also responded to some 46 requests for information under the Freedom of Information Act 2000.

4 Actions to Date

4.1 As noted above, there has been a high level of scrutiny of the Project and TfL's involvement before the Report. In particular, TfL's Internal Audit team made a number of recommendations, all of which have already been addressed.

4.2 Those recommendations were that:

- (a) individuals involved in the management and delivery of procurement activities are responsible for ensuring they are fully aware of the requirements placed on them and TfL by guidance and statute to ensure best practice is followed. Planning staff involved in procurement activities should make themselves aware of these requirements;
- (b) at the start of any procurement, and commensurate to the size and level of risk, TfL Commercial should brief all staff involved in the process giving clear instructions relating to:
 - (i) the process that will be followed;
 - (ii) roles and responsibilities;
 - (iii) the documentation they will be expected to produce and provide to TfL Commercial; and
 - (iv) escalation procedures for reporting non-compliance.

This briefing will emphasise the rules of engagement with bidders and the need for segregation of duties during the evaluation of bids;

- (c) TfL Commercial should develop a training package on TfL's procurement processes for use with staff who are not familiar with them, and for staff who are new to TfL. The purpose of this training material should be to raise awareness of the guidance available, the policy and procedure that must be followed and the potential ramifications of non-compliance;
- (d) TfL Commercial should be robust in ensuring that issues in relation to the procurement process are highlighted on a timely basis and escalated as appropriate to ensure action is taken to mitigate any breaches of policy or procedure; and
- (e) TfL Commercial should identify the reason(s) that led to the error in the analysis of Arup's commercial submission error and whether improved controls need to be put in place.

4.3 All those recommendations have been actioned as follows:

- (a) TfL Commercial led a piece of work to identify the methods of tender evaluation across TfL and Crossrail and to use best practice to develop a consistent approach to bid evaluation. This approach has been rolled out and been mandatory from October 2015;
- (b) TfL's Commercial team has reviewed our internal training provision to ensure it is up to date, and prepared tailored briefing packs which have been shared with other parts of the business;
- (c) all our Commercial staff have undergone training on the Public Contracts Regulations 2015 and Utilities Contracts Regulations 2016;
- (d) new training has been developed and rolled out for TfL Commercial staff, focusing on how to design tender evaluations and inform bidders of the outcome;
- (e) all our Planning staff who manage procurements have completed our updated internal training module on procurement processes;
- (f) communications have also gone out to all our staff to explain the information resources available to allow them to stay up to date on the requirements they must follow when carrying out procurement;
- (g) we have updated and shared across the business a collection of guidance documents and briefing packs that explain how procurement should be carried out;
- (h) Commercial Directors (whose roles are now encompassed in the Chief Procurement Officer role) have also issued communications to their departments encouraging staff to escalate any issues where they believe policy or their advice is not being followed;
- (i) a single TfL Commercial team has been established, which will improve the quality and coordination of our commercial services within the organisation; and
- (j) we have reviewed our assurance processes for procurement activity, and we have now introduced the use of a specialist software (called AWARD) to improve these processes and reduce risk and error.

These training and information resources will be provided to new staff as appropriate.

4.4 As reported to the Audit and Assurance Committee on 11 October 2016, the recommendations made by EY together with TfL's response are summarised as follows:

- (a) *Reminders to the Internal Audit Team of a number of points relating to the documentation of audit findings within the audit file.* Internal Audit acknowledges the importance of an appropriate level of documentation of

findings, and this is already incorporated into its methodologies. Internal Audit staff will be reminded of the specific points raised by EY.

- (b) *Additional management action to enhance the monitoring of procurements to ensure compliance with policy and procedures, particularly on high profile procurements.* TfL is currently undertaking a review of its commercial processes and this recommendation will be implemented as part of that review.
- (c) *Reminders to audit managers regarding review of audit working papers prior to issue of the draft report.* Internal Audit's methodologies already require managers to carry out sufficient review of audit working papers to satisfy themselves that the audit has been properly conducted and appropriate conclusions drawn. Audit managers will be reminded of the specific points noted by EY.
- (d) *Suggested enhancements to audit terms of reference/engagement letters.* The points mentioned by EY are included in engagement letters as appropriate to the particular circumstances of each review.

5 Hodge Review Recommendations and TfL Response

- 5.1 The report makes the following recommendations in relation to TfL and the GLA, beneath each of which is TfL's proposed response:
- 5.2 Greater transparency should be introduced for procurement processes and more effective checks and balances need to be in place to ensure that public money is properly and well spent. The TfL Board and its committees should receive proper, full and prompt reports setting out information on projects and the performance of contracts in a regular item on their agendas. The Board should have authority to intervene where appropriate and ensure information on performance against contracts is publicly available. While respecting necessary commercial confidentiality, this should not become an excuse for failure to report fully on contracts.

TfL response: Since his appointment, the Mayor has implemented significant changes to the structure and role of TfL's Board, Committees and Panels, which were considered and approved by the Board at its meetings on 19 July and 22 September 2016. In particular, these changes included separating the workload of the former Finance and Policy Committee between two new committees to enable the Board and its committees to review delivery and consider priorities more effectively within the overall financial and strategic context.

The reporting and oversight of TfL's Investment Programme is also being enhanced with better reporting of TfL's performance on a programme basis, rather than focussing on individual, high value investment projects. The Programmes and Investment Committee, under authority from the Board, scrutinises each programme in detail annually, with each meeting considering the performance of and proposals for five programmes, as well as considering updates at each meeting on all other programmes within TfL's Investment Programme.

Where there are smaller matters outside the Investment Programme or TfL's commercial development activities, they fall to be approved at officer level in accordance with TfL's Standing Orders, noting that there is always scope for the Board and relevant Committees to be involved in the approval of any matter if they wish to be.

Where the Committee wishes to consider any programme or part of a programme in more detail, it can do so; this includes the scope to consider particular aspects of any procurement as well as the performance of contracts and so provides the necessary checks and balances. Committee involvement is not confined to receiving reports at the programmed meetings and can include briefings and other engagement that will be recorded within the relevant update reports to the Committee which are published.

Mayoral Directions fall into three broad categories: first, those addressing technical issues with TfL's statutory powers; second, those related to TfL's commercial development activities; and third, those related to TfL's projects and programmes, including the Investment Programme.

Proposed Mayoral Decisions (including Mayoral Directions) are subject to scrutiny within the GLA by its Corporate Investment Board before being considered by the Mayor. It is proposed that the papers for Mayoral Directions should make clear the financial and other implications for TfL, as well as for the GLA and, if those implications for TfL change over time, that will be reported to the GLA.

The Mayor has been clear that the Board should have the opportunity for a meaningful discussion of all Mayoral Directions to TfL. It is proposed that all Mayoral Directions to TfL should be brought to the Board for discussion as soon as possible after they are received by TfL. This will mean that, if a similar situation should arise in future, the Board will be involved earlier, rather than retrospectively.

It is proposed that Mayoral Directions falling into the first and second categories above should, for so long as they are applicable, be reported against at each meeting of the Finance Committee and Mayoral Directions falling into the third category should, for so long as they are applicable, be reported against at each meeting of the Programmes and Investment Committee. A list of all relevant Mayoral Directions will be maintained on the TfL website with links to the relevant Mayoral Decisions. The list of current Mayoral Directions will also be considered annually by the Audit and Assurance Committee as part of its consideration of the annual audit plan to ensure that appropriate audit resource is being applied to assurance on TfL's work in implementing Mayoral Directions. This will also be kept under review at each quarterly meeting of the Committee.

- 5.3 The delegations to the Commissioner at TfL should be reviewed. At present the Commissioner is not appropriately and publicly accountable for the public money spent.

TfL response: All decisions by the Commissioner to exercise authority delegated to him by the Board are recorded, with their rationale and are reported to the Programmes and Investment Committee (and previously to the Finance and

Policy Committee) along with similar decisions made by the Chief Finance Officer at his level of authority.

In addition, since the activities on which the Report is based took place, there have been changes to the Board and Committee structure as described above which will reduce materially the number of expenditure decisions required of the Commissioner.

The scheme of delegations in TfL's Standing Orders and associated transparency will also be reviewed further as part of the 2017 TfL Board Effectiveness Review.

We will also enhance processes for content and circulation of papers to the Commissioner and Chief Finance Officer requesting authorities to ensure that appropriate representatives of all relevant disciplines with TfL are involved.

- 5.4 Decisions about projects taken by senior staff working at TfL should be properly recorded and documented within clearly defined formal decision making processes.

TfL response: Please see TfL's proposed response at paragraph 5.2 above and the actions already undertaken as described at paragraph 4.3 above. In particular, it is now required practice that the evaluation of bids is conducted using specialist software which records decisions and facilitates transparency. It is also now required practice that the evaluation of bids is conducted by more than one person. Our new approach to approval and scrutiny of programmes by the Programmes and Investment Committee means that key decisions will be considered by programme boards and, where appropriate be scrutinised by the Programmes and Investment Committee.

- 5.5 TfL's supervisory role and its remit to approve financial decisions should be strengthened so that it is better able to discharge an expanded stewardship role and to guide strategic direction. In this case, the first time a paper was presented to the TfL Board was in July 2013, although this was a novel project involving large sums of money. Sir Peter Hendy, the then Commissioner, was clear that he believed authority lay with the Mayor, not the TfL Board. The review of the TfL's Board powers and functions should aim to ensure that the Board can fulfil its role as a check and balance to the power of the Mayor and the Commissioner.

TfL response: Please see the comments at paragraphs 5.2 and 5.3 above. In particular, the changes to the structure and role of TfL's Board, Committees and Panels that have been introduced by the Mayor have a particular focus on investment decisions with the Programmes and Investment Committee dedicated to that purpose. As well as addressing TfL's Business Plan and Budget as a whole, the new approach to approvals and reporting on TfL's performance gives the Committee a broad overview across the Investment Programme, rather than pinpointing only specific high value decisions, and enables detailed scrutiny wherever the Committee considers appropriate. The new structure also reduces the number of expenditure decisions required of the Commissioner. Where such decisions are taken they will continue to be reported to the Programmes and Investment Committee.

- 5.6 Where decisions are taken by the Mayor, or significant advice provided, in informal meetings these should be properly minuted so that there is a record of those decisions.

TfL response: TfL agrees with this recommendation and will support the GLA's processes for minuting Mayoral meetings as appropriate.

- 5.7 The Commercial, Legal and Internal Audit teams within TfL all share an obligation to guarantee that procedures and protocols are consistently followed. In this case advice was not always followed and Internal Audit appeared to be under undue pressure in its final report on the procurement process. The authority and accountability of these three parts of the organisation should be reviewed to make certain that their advice is independent and that their accountability reinforces that independence. Where advice is overruled there should be transparent reporting protocols in place so that there is a proper explanation and account of any decision to overrule or ignore advice.

TfL response: TfL will, by the end of October, review the procedures in place to ensure that Commercial, Legal and Internal Audit advice is appropriately considered and followed. In particular, TfL will document the process to be followed in the event that relevant advice from those functions is not being appropriately considered.

It is also proposed that, by the end of October, TfL's processes for handling audit reports be updated to address the review of draft reports and to document the process for such reviews.

- 5.8 The Mayor should conduct a review of employment conditions and the potential for revolving doors among senior staff and the Mayor's own political appointees. He should consider appropriate changes so that there can be no hint of a conflict of interest when contracts are let by TfL or the Greater London Authority whilst recognising the legal requirement to not impose restraints on trade.

TfL response: TfL will support the Mayor in any review in response to this recommendation. TfL's Code of Conduct (the Code), which applies to all Board Members and Advisers, employees of TfL and its subsidiary companies and employees of agencies and consultancies contracted to carry out work for TfL, fully embraces the principles laid out in the Nolan Report on standards of behaviour in public life.

In particular, when carrying out public business, including making public appointments, awarding contracts, or recommending individuals for rewards and benefits, all those bound by the Code are required to make choices on merit. They are also required to declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interest. Any conflict must be notified in writing to TfL and updated as appropriate. Those bound by the Code must not place themselves under any financial or other obligation to outside individuals or organisations that might influence them in the performance of their official duties.

In addition to participating in any review undertaken by the GLA, TfL will provide guidance on the handling of potential conflicts of interest in contractual notice periods and will also review the standard contracts for senior staff to consider whether further safeguards should be introduced.

List of appendices to this report:

Appendix 1 – Report of the Rt. Hon. Dame Margaret Hodge MP into the Garden Bridge
Appendix 2 – Summary of Mayoral Directions
Appendix 3 – Response of the Garden Bridge Trust to the Report

List of Background Papers:

Paper to Finance and Policy Committee 18 July 2013
Paper to Audit and Assurance Committee 11 October 2016 and 13 July 2017
Paper to the Programmes and Investment Committee 28 June 2017

NAO report: <https://www.nao.org.uk/report/investigation-the-department-for-transport-funding-of-the-garden-bridge/>

Charity Commission report: <https://www.gov.uk/government/news/charity-commission-publishes-report-on-garden-bridge-trust>

Papers to Board: <https://tfl.gov.uk/cdn/static/cms/documents/board-20160719-item16-decision-making-structure.pdf>

<https://tfl.gov.uk/cdn/static/cms/documents/board-20160922-item09-standing-orders.pdf>

The Garden Bridge

Executive Summary

1. On 19 October, the Mayor of London, Sadiq Khan formally appointed me to undertake a review of the Garden Bridge project. This review does not seek to assess whether building a Garden Bridge over the River Thames is a good idea; that is a matter for the Mayor, and I made clear at the start of this review process that I had no view. I have studied the papers to which I have been given access and have held meetings with relevant stakeholders and others who have asked to see me.
2. My conclusions on value for money, escalating costs and conduct and procedures are set out in this summary:

Value for money

3. Decisions on the Garden Bridge were driven by electoral cycles rather than value for money. From its inception when there was confusion as to its purpose, through a weak business case that was constructed after contracts had been let and money had been spent, little regard has been had to value for money.
4. The original ambition to fund the Garden Bridge solely through private finance has been abandoned. Furthermore the goalposts have moved several times and each time the risks to the taxpayer have intensified. Looking to the future, the costs of construction have escalated and are likely to increase further. What started life as a project costing an estimated £60 million is likely to end up costing over £200 million. At the same time the Garden Bridge Trust has lost two major donors and has only secured £69 million in private funding pledges, leaving a gap of at least £70 million that needs to be raised for the capital investment. No new pledges have been obtained since August 2016.
5. There are continuing risks and uncertainties associated with the capital costs which I set out in detail in this review which can only lead to further increases in the capital costs. In my judgment the Mayor should not sign any guarantees until it is confirmed that the private capital money to build the bridge has been secured by the Garden Bridge Trust.
6. At the same time I am sceptical that the Garden Bridge Trust will succeed in raising all the private capital monies required and I am firmly of the view that more public money will be needed to complete the construction. The Trust's finances are in a precarious state as is clear from their recent Report and Accounts in which the Trust stated it was extremely difficult to conclude a going concern assessment. Furthermore the project has become very controversial with the public. If the Garden Bridge is not treasured by the public in the same way that it is

by its creators, then the business model, based on raising private finance is far less likely to succeed. Philanthropists will be cautious about associating themselves with the project. Finally I do not believe the Trust will secure the philanthropic support it needs to fund the ongoing management and maintenance of the Garden Bridge.

Escalating Costs

7. The project has already used £37.4 million of public money and the agreement to underwrite cancellation costs by the Government could bring the bill to the taxpayer up to £46.4 million. I believe it is better for the taxpayer to accept the loss than to risk the additional demands if the project proceeds. In the present climate, with continuing pressures on public spending, it is difficult to justify further public investment in the Garden Bridge.

Conduct and procedure of Transport for London and the Greater London Authority

8. The procurements subject to this review comprised one contract that was awarded to Heatherwick Studio for design and consulting services and one contract that was awarded to Arup for engineering and project management services. These were not open, fair or competitive procurements and my review revealed systemic failures and ineffective control systems at many levels.
9. On the basis of my findings I recommend that greater transparency is introduced for procurement processes and more effective checks and balances are put in place to ensure that public money is properly and well spent. This transparency should start at the top and run all the way through the organisation. My recommendations include improved powers to the TfL Board and its committees so that they can intervene where appropriate. The delegations to the Commissioner at TfL should be reviewed. At present the Commissioner is not appropriately and publicly accountable for the public money spent. All decisions about projects taken by the Mayor in informal meetings as well as those taken by senior staff working at TfL should be properly recorded and documented.
10. The Commercial, Legal and Internal Audit teams within TfL all share an obligation to guarantee that procedures and protocols are consistently followed. The authority and accountability of these three parts of the organisation should be reviewed to make certain that their advice is independent and that their accountability reinforces that independence.
11. Finally the Mayor should conduct a review of employment conditions so that there can be no hint of a conflict of interest when contracts are let by TfL or the Greater London Authority.
12. My full findings and rationale for reaching these conclusions are set out in detail in the review which follows.

Introduction

13. On 19 October, the Mayor of London, Sadiq Khan formally appointed me to undertake a review of the Garden Bridge project. This review does not seek to assess whether building a Garden Bridge over the River Thames is a good idea; that is a matter for the Mayor, and I made clear at the start of this review process that I had no view.
14. The terms of reference are as follows:
 - To assess the public sector contribution to the Garden Bridge project and whether value for money has been achieved;
 - To investigate the conduct of Transport for London (TfL), the Greater London Authority (GLA) and other relevant authorities in regard to the Garden Bridge project from first proposal to date;
 - To achieve this through assessing the findings of previous reviews, interviewing current and former GLA and TfL staff and other stakeholders and investigating more deeply as required;
 - To set out any lessons that should be learnt in order to improve the conduct of potential and approved projects in the future;
 - To produce a report for the Mayor of London, which will be published in full.
15. I have conducted this review on my own, with the part-time support of a GLA official. I have studied the papers to which I have been given access. I have held meetings with relevant stakeholders and others who have asked to see me. I am grateful to all those who contributed to this review and freely gave of their time to strengthen my understanding of the project in order to deliver this review. I list the people and organisations to whom I talked (Appendix 1) and those who wrote to me with their view (Appendix 2) and a timeline of events (Appendix 3).
16. I deeply regret that Boris Johnson, the London Mayor ultimately responsible for all the decisions and actions taken on the Garden Bridge refused to co-operate with this review, either in person or in writing and despite several requests. In the absence of any input from the former mayor, inevitably my judgments of his actions are based on the papers I have seen and the evidence given to me by those others that were involved and co-operated with this review.
17. During this review I have reviewed the papers that have been made available to me by TfL, the GLA and organisations and individuals involved. I have aimed throughout to add value

rather than simply repeat the findings of previous reviews into aspects of the Garden Bridge project. My observations, judgments and conclusions are entirely my own, based mainly on the papers made available to me.

Concept

18. One of the most important responsibilities that the Mayor of London enjoys is to take action to continually enhance London and make it a better and more attractive place for people to live in, work in and visit. Renewing the infrastructure through innovative “grands oeuvres” is vital to ensuring that London maintains its leading edge as one of the most appealing capital cities in the world.
19. The ambition to create a Garden Bridge is a perfectly legitimate way that any mayor might choose to improve London’s offer for its citizens and visitors.
20. However if taxpayers’ money is used to deliver that ambition the mayor must also ensure that proper procedures are followed and that value for money is secured. In order for this to happen, there must be a strong clarity of purpose as to what the project is about and what it is intended to achieve. Informed judgments on affordability must be made and the level of risk needs to be openly assessed and acknowledged. The project itself must be properly specified, appropriate governance arrangements need to be put in place, data must be transparent to all parties involved, especially if changes are made. The whole process needs to be open and robust with clear project management systems in place.

Confusion of purpose

21. It is my view that there was no agreement among those to whom I talked about the purpose of the Garden Bridge. The absence of clarity created confusion which undermined value for the taxpayers’ money. The following are a few examples of the myriad of views about the purpose of the Bridge:
 - Official papers submitted to the Finance and Policy Committee at TfL, and incorporated into the Mayor’s decisions after early design and engineering contracts had already been let, talked of “an iconic new pedestrian garden bridge across the River Thames, linking Temple Underground station to the South Bank, with construction and maintenance funded by third parties.” The stated objectives in that paper were to create new walking links, a new amenity space, a visitor attraction and economic benefits for both the North and South of the River at this location.
 - Isabel Dedring, the then Deputy Mayor for Transport (who had day-to-day responsibility for the Garden Bridge on behalf of the Mayor) told me: it “serves two functions. It serves a movement function and it also has something else that’s unique about it which was going to be something about a living bridge of some description.”
 - Sir Edward Lister, who was a Deputy Mayor and Chief of Staff at the GLA under Boris Johnson said: “We were thinking about bridges, but the Garden Bridge came really

not as a – it didn't start its life as a means of transport. It really came in more as a cultural idea" and he told me that they had decided to use the South Bank crossing rather than the Vauxhall location "because that really is a tourist location."

- The designer Thomas Heatherwick talked of the 'multiple dimensions' and said he had spoken to the cultural team at the GLA about his idea at an early stage.
- Justine Simons, then in the culture team and now Deputy Mayor for Culture wrote to me: "As you are aware this is a transport initiative and my area of responsibility is culture, so I have not been directly involved in the Garden Bridge".
- Lord Paul Deighton speaking on behalf of the Government in the House of Lords on 9th January 2014 on the other hand told the House: "It will be a garden and a bridge and will combine benefits of both."
- Joanna Lumley, who was one of the people responsible for raising the idea of a Garden Bridge, firmly told people on Vanessa Feltz's BBC Radio London programme in September 2016 that the Garden Bridge was "a facility for Londoners." Indeed she claimed responsibility for influencing the decision not to allow cycling on the bridge telling me "how can you walk peacefully with little babies, with cyclists doing this."
- Boris Johnson himself reflected the confusion of purpose when he was asked about it by The New Civil Engineer, in January 2014. They reported he "wasn't really sure what it was for", other than making a "wonderful environment for a crafty cigarette or a romantic assignation."

22. This absence of clarity of purpose inevitably influenced the implementation, from the business case to the funding, to the ability to raise private finance and finally to the procurement processes and decisions. The only thing that was clear to me from the evidence provided was that building the Garden Bridge was a top and urgent priority for the then Mayor and as a result this impacted on the actions and the behaviour of those around him.

Business Case

23. The strategic outline business case was produced in May 2014. By this time the following had already been completed:

- Heatherwick Studio had secured a contract from TfL for Bridge Design Consultancy services;
- Arup had secured a contract from TfL for engineering and project management services;

- the Mayor had issued a Mayoral Direction to TfL instructing them to undertake activities to develop and help enable a proposed footbridge;
- The Mayor and the Chancellor had announced a £60 million package of public funding; and finally
- The Garden Bridge Trust had been established.

24. A timely and robust business case is essential for any project and vital if taxpayers' money is at risk. The business case for the Garden Bridge was in my view completed too late, given contracts had already been awarded, and was unconvincing. It therefore did not help to ensure that the project represented value for money.

25. However, it was a condition of central Government's £30 million share of the funding that a satisfactory business case was produced, demonstrating the project provided value for money. On 14 January 2014, the Chief Secretary to the Treasury confirmed in his 2013 autumn settlement letter to the Secretary of State for Transport that the government would fund £30 million for the Bridge. This was on the basis that:

- the Mayor of London would match this funding from Transport for London (TfL) resources;
- a satisfactory business case would be produced, demonstrating that the project provided value for money;
- TfL would fund the Bridge's ongoing maintenance; and
- the Mayor would cover cost overruns or shortfalls in funding.

26. Looking at the evidence provided to me, the business case was constructed after contracts had already been awarded. In my view, this is an unsatisfactory way of implementing a major infrastructure project involving public money. I agree with the assessments carried out by both the Department for Transport and the Treasury that the business case itself is a questionable and weak justification for public investment. Ultimately that arises from the confusion of purpose. If the Mayor, his advisers and the officials at TfL and the GLA had simply argued that this was a cultural investment, the value for money justification might have been different and more credible.

27. Richard de Cani then the key official at TfL who was responsible for progressing the project, told me that "the business case was one of the most thorough business cases that we've done for an infrastructure project....the business case for it is quite robust." He also noted that the business case was "done by consultants". Isabel Dedring, as the Mayor's representative for

the Garden Bridge, disclaimed any responsibility for the business case and said she only saw a summary table and thought responsibility lay with officials at TfL.

28. In my view the claimed benefits of the projects are not grounded in any evidence. I am not alone in questioning the strength of the business case. The National Audit Office investigated the Department for Transport's funding of the Garden Bridge. It reported that DfT had concluded, on reviewing the business case in July 2014, that:
- there was a significant risk that the Bridge could represent poor value for money;
 - the monetised transport benefits arising from faster journey times were minimal;
 - the Bridge was not predominantly a transport scheme; and
 - wider benefits, such as those associated with tourism, were highly uncertain.
29. Had the Government at that point in 2014 challenged the business case more rigorously, less public money might have been spent until the benefits and risks had been more thoroughly examined.
30. Most recently my view about the weak business case was supported by the Treasury, which reviewed the business case for the Public Accounts Committee and concluded that "the potential of the scheme to deliver reasonable value for money is highly sensitive to a number of key assumptions, in particular regarding the property values and business impacts. We also found that several of the assumptions could have been more strongly supported by evidence, in particular the tourism and construction export benefits, while we have identified some risk of double counting in the assessment of property and business impacts, and tourism."
31. According to the Treasury assessment of the business case, the transport benefits in the business case are – even if valid in their calculation - marginal, with savings in journey times amounting to less than 1% of the total benefits. Improvements in health from walking amount to around 4% of the quantified benefits.
32. There is scant assessment in the business case of whether alternatives, like improving the pedestrian experience on Waterloo Bridge or constructing the Garden Bridge in another location, where there is a greater need for pedestrian links, would provide better value for money.
33. The Treasury assessment points out the "business and property impacts assessment is a critical element of the business case." But it also says "little or no supporting evidence is provided in the business case" for the quoted 5% uplift in property values. Similarly the 30% figure quoted for an increase in revenues in new retail units on the North Bank "is not supported by evidence and should be treated with caution." There is in my view insufficient

supporting evidence for these optimistic assertions. The Treasury also claim that there is no proper assessment of whether the anticipated benefits would displace economic activity elsewhere and there is a risk of double counting in the methodology. The Treasury also rightly finds that the financial assessment of the project – based on most of the funding being raised through private donations – has not been rigorously measured and the risks have not been openly evaluated.

34. It is implicit in the materials I reviewed that time was a critical factor driving the process. The Business Case was produced when the Mayor was half-way through his second term of office and it was the pressure of time arising from the political cycle that appears to have trumped the need for a robust business justification of the value of the Garden Bridge and a thorough assessment of the risks. As Treasury observes in their report to the Public Accounts Committee, the government's financial exposure to the project has increased since the business case was first approved and "this suggests the overall case for the project is weaker today than it was in 2014."

The first procurement: tender for design consultancy services awarded to Heatherwick Studio

35. The inspiration for a Garden Bridge came from both Thomas Heatherwick and Joanna Lumley. Joanna Lumley had campaigned for some time for a Garden Bridge and wrote to Boris Johnson after he was re-elected for a second term and proposed that he should consider a Garden Bridge.
36. The Mayor bought into the concept and there were a series of meetings between Thomas Heatherwick, Joanna Lumley, the Mayor and his advisers at City Hall and officials from TfL. These meetings took place at City Hall, at Heatherwick Studio and elsewhere.
37. The importance of these early discussions is their impact on the awarding of two contracts to take forward the design services for the Garden Bridge. The contracts were funded by the taxpayer and were awarded to Heatherwick Studio in March 2013 and to Arup – to whom Heatherwick Studio was sub-contracted – in July 2013. Thomas Heatherwick told me his practice had earned £2,601,438 from the two contracts by the end of November 2016 and expected to earn £2,736,338.
38. In examining the evidence available to me on the awarding of these contracts I explored whether the procurements were fair and transparent, with an absolute level playing field between all of those asked to tender. We know that this issue was discussed at the Mayor's regular meetings but my review has been severely inhibited by the failure to keep proper documented records of all discussions and decisions taken at these meetings. This is completely unacceptable when decisions around spending public money are being made.

39. Boris Johnson held regular meetings with his key political appointees and senior staff at TfL. I have been unable to trace proper minutes of these meetings and the former Mayor has refused to engage with the review. The Garden Bridge appears to have been frequently discussed at these meetings, often based on verbal reports from officials and others. In the absence of written or verbal evidence I have been left with the distinct sense that discussions and decisions taken at these weekly meetings influenced and ultimately biased the procurement process.
40. For example, there was a key briefing paper for the Mayor that went through a number of iterations and that set out options for the procurement of the Garden Bridge. Isabel Deding told me that she had no recollection of taking part in any discussion of this document. She could not recall being involved in the discussion on the options in the paper that then determined the procurement process chosen and enabled Heatherwick Studio to compete. When I asked her about the key briefing document that was used to determine the procurement process she said “I just genuinely don’t remember any of that”. And went on to add “I’ve never procured anything. I don’t know what you do.”
41. I do accept that she may have forgotten some of the details of her involvement in something that happened four years ago. However, from the trail of emails I have seen her involvement was extensive. For instance:
- On the 9th January 2013, one of Sir Peter Hendy’s staff, wrote to colleagues: “Isabel is going to let them [Heatherwick Studio] know that there will be a proposed way forward [a procurement process] that might be shared with them early next week.”
 - On the 21st January 2013 Isabel Deding wrote about the procurement to Michèle Dix (then Managing Director of Planning at TfL): “Why don’t we discuss it at our 121 and then you can come back to [one of Heatherwick Studio’s employees] this afternoon.”
 - Sir Edward Lister told me that “the decision to go through that procurement route would have emerged from there” (the regular meeting with the Mayor.)
42. Before dealing with further details of these contracts, the procedures followed and the events surrounding the procurement, I need to set out overarching concerns that were evident throughout the review. Key stakeholders refused to accept responsibility and laid the blame on others. This made my job much more difficult as I had to come to a view as to where the truth lay and where accountability for what happened should rest. I set out below some of the conflicting accounts following my conversations with key individuals:
- Isabel Deding stated in her interview with me: “Peter [Sir Peter Hendy, the then Commissioner of Transport for London] runs the organisation. It’s his structure and

he's ultimately accountable for what happens within TfL for the stuff that's day to day operations of TfL." "I was not involved in any of the actual procurement of the bridge design or bridge conversations or all that stuff." "Then you've got TfL going 'but it's not your business to run procurement. They would not show us documents that go out, requests for proposals, all that stuff would never get run past City Hall."

- In other interviews I conducted there was blame shifting, one official told me "Isabel was on our backs every day...I can tell you that the pressure on a daily basis was absolute....I don't suppose there was one when we weren't being heavily pressed to get on with it."
- Another official commented that: "Isabel was the main driver on the Mayor's side, on behalf of the Mayor in terms of next steps on the project.....Isabel might phone us up and she would invariably phone Richard [de Cani] up."
- Sir Edward Lister said: "The obvious person was Heatherwick. He was the strongest possible contender for this." When I asked him whether TfL was instructed by the Mayor to award the contract to Heatherwick he replied: "No I don't think he ever said it in so many words but it was pretty clear there was Heatherwick Studios with a beautiful design on the table."

43. Heatherwick Studio was closely involved with City Hall and TfL well before the practice tendered for the work. Heatherwick carried out pro bono work developing the Garden Bridge concept and brought in both Arup and Mace to do more detailed engineering work and costings. The studio built a model of the bridge and was engaged in design work well before the invitation to tender for design services was issued. It was Thomas Heatherwick's idea and he was clearly enthusiastic about making progress. It was open to the Mayor and TfL to work with Heatherwick Studio without a competitive procurement process but they chose not to do so.
44. Having decided to pursue a competitive public procurement both politicians and officials needed to proceed in a fair and open way so that all parties tendering for the project were on a level playing field. I found it difficult to find evidence that demonstrated that this was the case.
45. Even before a formal decision had been taken to proceed with a competitive tender there were a significant number of meetings between Heatherwick Studio and the Mayor as well as his political appointees and TfL officials where the proposed Garden Bridge was discussed and progressed.

46. Thomas Heatherwick joined Boris Johnson, Sir Edward Lister and Isabel Dedring at a meeting seeking private funding that took place with Apple in San Francisco in February 2013. The Mayor did not openly disclose this visit at the time and it took place before the invitation to tender had been issued and before it was publicly known that the proposed pedestrian crossing would be a Garden Bridge.
47. The purpose of the visit was to lobby for money from Apple to fund the construction of the Garden Bridge. Isabel Dedring was clear that “My presence was because of the bridge element, exactly.” Sir Edward Lister said that Heatherwick was brought into the meeting with Apple “to help make the sale” and that Thomas Heatherwick’s presence gave the sales pitch “credibility.” And Thomas Heatherwick himself said that Boris Johnson “did suggest to get money from Apple.” Although it was before procurement had commenced.
48. TfL officials drafted a briefing note that outlined options for the procurement process in January 2013. This briefing went through a number of iterations with changes being made through TfL, namely:
- The original draft of the briefing paper made explicit reference to the proposal being championed by Heatherwick and Lumley and included design details: “The designer Thomas Heatherwick, supported by the actress Joanna Lumley, has proposed a new footbridge in central London connecting Temple with the South Bank. The bridge would be highly sculptural with columns in the River Thames supporting the structure. The Mayor is extremely supportive of the need for additional footbridges across the Thames and **is keen for TfL to support this proposal.**” [bold mine] In later versions this was taken out and amended to “A new footbridge has been proposed in central London connecting Temple with the South Bank.”
 - Similarly the early versions of the briefing note when discussing the funding strategy for the project says: “In any sponsorship process, the combination of the Mayor, Joanna Lumley and Thomas Heatherwick would be instrumental in attracting the right kind of interest.” There is no reference to this in the final version.
 - Early versions state: “Expenditure by TfL will be caught by public procurement regulation so the continued involvement of those involved in the development of the concept is likely to need to be subject to competition.” This may well be the reason why those involved decided to proceed with a formal procurement.
 - There is written advice from officials about ensuring the integrity of the procurement process. The briefing paper says: “TfL would have to ensure that the procurement of the design team was robust and could withstand scrutiny and challenge. It would be very important not to make premature announcements around particular designs or

proposals ahead of the procurement process being completed.” This point was reinforced by Sir Peter Hendy when he wrote to Isabel Dedring on 1st February 2013 warning: “It’s really important that from now onwards this project is a bridge idea for which we are about to run a design competition for which Heatherwick are one of a number of bidders please.”

- The Mayor was also advised to exercise caution. The January 2013 briefing note stated: “The bridge would be considered a major development. It will be important that the Mayor therefore avoids expressing an opinion on this particular structure.” The fact that the Mayor and Thomas Heatherwick met with Apple in San Francisco in February 2013 leads me to believe that he did not follow this advice.

49. As outlined in the points above, the evidence leads me to believe that the procurement options were intentionally developed to enable Heatherwick Studio to qualify. Indeed the first draft of the January 2013 briefing document refers to the impact of the different options on Heatherwick Studio. The first option would enable “TfL to provide specialist support to the Heatherwick team.” The second option would enable “TfL to be responsible for promoting the project, as it did with the Air Line, but working with the Heatherwick design.” Later drafts discuss the use of existing frameworks that TfL have in place for engineering design consultants and observe that “At present, Heatherwick Studio is not on any of the existing TfL procurement frameworks although they are a registered TfL provider.” A scenario is suggested that would involve Heatherwick “**continuing** [my bold] to lead the project and TfL providing support as necessary....This approach would be quicker than TfL led options as there would be no requirement to comply with public procurement rules but it would mean that Heatherwick would be responsible for funding the ongoing work of the design team; negotiating land and rights for the bridge and funding the construction work. Following some informal discussion with Arup, it appears that there has been an element of engineering design already undertaken by the team working with Heatherwick which includes Arup and Mace. We understand that this work has been undertaken on a pro-bono basis. In the absence of funding being secured, it is unlikely that Arup and Mace would agree to continue working on a pro-bono basis, although this is a matter for them to decide.”
50. Heatherwick Studio was consulted on which of the procurement options they would prefer. I found no evidence to suggest that any other bidders were consulted in the same way. In advance of the invitation to tender being issued on 13th February, a member of Sir Peter Hendy’s team emailed Michèle Dix on 18th January 2013 to tell her that “he [Sir Peter Hendy] suggests you discuss this further with Thomas Heatherwick on Monday.” Michèle Dix then wrote an email to Isabel Dedring, also on 18th January and said: “We are meeting TH [Thomas Heatherwick] on Monday at the cable car – he wanted a ride on it and to discuss possible next steps.” This was followed by a further email to Sir Edward Lister from Michèle Dix on 21st

January: "I met TH and he was keen on TfL's involvement and option 3." On the same day an email from a team member at Heatherwick Studio to Michèle Dix said: "Thanks for trip to Air Line...Following on from the discussions regarding our project and Thomas's desire to take option 3, how can we keep momentum and get things moving?"

51. In my discussion with Sir Peter Hendy he made it clear that his view was that the Mayor enjoyed a bigger democratic mandate than any other elected politician and should therefore have the authority to pursue his own priorities. "I took the view – and I still do – that actually if you've got a mandate of between four and five million voters, then if you want to do something which isn't in the Mayor's transport strategy...a Mayoral Direction allows you to tell the organisation what to do." A number of people to whom I talked said that the Mayor had issued a Mayoral Direction instructing TfL to deliver the Garden Bridge. In fact the first Mayoral Direction was issued in August 2013 after the two contracts had been let in March and July that year.
52. Officials and politicians should have followed open, non-discriminatory and fair processes. Even if a Mayoral Direction had been in place, requiring TfL to deliver the Garden Bridge, a duty to follow due process endures and the Mayoral Direction does not give authority to manipulate procurement processes involving the spending of public money in favour of one supplier.
53. The Invitation to Tender for the bridge design services contract was formally launched on 13th February 2013, although all three firms that were invited to tender were notified of the impending tender on 8th February. The firms were Marks Barfield Architects, Wilkinson Eyre and Heatherwick Studio.
54. They were given a deadline for their submissions of 25th February. Heatherwick had been working on the project for around five months; the other two firms (Wilkinson Eyre and Marks Barfield) were given eight working days, which in my view was too little for a project of that magnitude. The head start enjoyed by Heatherwick Studio and the very short time allocated to the other two firms for such a major project is yet another factor that created an unfair playing field, especially because the other competitors were completely unaware of Heatherwick's prior involvement.
55. Julia Barfield and David Marks of Marks Barfield told me that they had been reluctant to participate in the competition for a number of reasons. First they would normally enter a competition like the one proposed with an engineer in the team designing a bridge. They were told that that was not necessary as this would follow in a future stage. Second they were concerned about the very short time they were given to submit a tender. By comparison, they had taken a year to develop proposals for a bridge from Nine Elms to Pimlico and thought the

six week time limit on the contract was seriously short for a substantial feasibility study. They had to be persuaded by the persistence of Richard de Cani to take part in the competition.

56. The specification was very short. It did not mention a Garden Bridge. It asked for design advice to help to develop the concept of a new footbridge, in effect a feasibility study. It emphasised the need to improve pedestrian connectivity and the transport objectives. It did not ask for an iconic new addition to London's landscape, although it did specify that the footbridge "would also be a positive contribution to this important cultural and leisure destination." It specifically said that the design study would help examine the potential for a footbridge, would consider a number of different locations within the South Bank/Temple area and would consider the constraints in the area. The contract was for just six weeks which clearly implied a feasibility study.
57. Neither Wilkinson Eyre nor Marks Barfield knew of the existence of Heatherwick Studio's design for a Garden Bridge. I was told by Jim Eyre of Wilkinson Eyre that it was not uncommon for clients to have a design in mind, but that in those circumstances the design would be shared with other competitors as "a reference design." This did not happen in this competition.
58. The specification was prepared by TfL Planning. The evaluation of the tenders has also been subject to criticism, including from London Assembly's GLA Oversight Committee's review of The Garden Bridge Design Procurement which stated: "The technical and commercial evaluation of the three bids for the design contract was undertaken by the same person in TfL Planning. This is inconsistent with TfL procedures and guidance on managing procurements and accepted good practice. The respective roles of TfL Planning and TfL Commercial (in effect, the procurement department) were not well defined at the outset of the procurement process and thus there was some confusion among those departments". From the evidence I saw, I share those concerns.
59. In my interview with Richard de Cani, we discussed this assessment:
- MH: "We" is "you", isn't it? You were the one who did it. That's the other point. You were the only one who evaluated.
- RDC: So I reviewed the bids, yes.
- MH: But you did it on your own.
- RDC: I did the review of them and I went to Michèle with the results of that and said, "This is what the procurement is, are you happy with this?" So, yes, I did that. It was, as you say, it was a very quick procurement, we were under pressure to do it very quickly."

60. This is in direct contravention of TfL procedures. It is clear that Richard de Cani was acting in an atmosphere of time pressure from the Mayor through Isabel Dedring and from his superiors in TfL. I recognised that he was not leading the project in isolation and without input and endorsements from others. As he told me: “The timescale pressure was coming from City Hall because this was seen as a second-term deliverable, so there were pressures to do this quickly and, as was referred to me, we need to get the A team on it and we need to progress this quickly because it was a mayoral priority in the second term.” However as the senior official who did the work, he must bear responsibility for failing to follow public procurement protocols and TfL procedures.
61. It would appear from the scorings that the evaluation was not based on the specification. Heatherwick Studio’s tender appears to have been evaluated on their particular design proposal; but the brief did not ask for a design proposal. It specified “an initial study” “to help develop this concept” and “to identify and test broad options.” The other two practices submitted bids against the written specification so could not compete with Heatherwick Studio’s specific design proposal. Clearly the tenders should have been evaluated against the specification.
62. The failure to assess against the specification helps to explain the odd scorings. In their tenders Marks Barfield highlighted twelve bridges in which their practice had been involved, five of which had been built. Wilkinson Eyre highlighted twenty bridges they had built and referenced another 100 in their report. Heatherwick Studio talked of five pieces of relevant design; a park in Abu Dhabi, the London bus, the Olympic cauldron, the bridge over the canal in Paddington and the temporary expo building in Shanghai. Yet Heatherwick Studio scored 4 on ‘relevant design experience,’ while the other two practices scored only 3.
63. Heatherwick Studio scored 4 on understanding the brief whereas the other two firms scored 2.5 and 3 on this criterion. In my view this reflected more the failure of the specification to be clear and transparent about the brief, rather than the capability of the two experienced practices.
64. The commercial evaluation has already been assessed and criticised by the GLA Oversight Committee, TfL’s Internal Auditor and Ernst and Young in their independent evaluation of the Internal Audit. The commercial evaluation was based on day rates alone and the total estimated prices they were required to submit were ignored in the evaluation. Yet Heatherwick Studio’s figure of £173,000 was much higher than Marks Barfield’s bid of £15,125 and Wilkinson Eyre’s bid of £49,939.
65. Furthermore Richard de Cani contacted Heatherwick Studio asking for clarification on their rates and this led to a discussion between Heatherwick Studio’s former Head of Business and Richard de Cani. Subsequently Heatherwick Studio decided to reduce its fee (via a reduction in

day rates) because of the Studio's "ongoing support and hopes for the project." This discussion between Richard de Cani and Heatherwick Studio contravened TfL standard procedures.

66. Ernst and Young in their report found that following the discussion between Richard de Cani and Heatherwick Studio, only the day rates of key individuals were evaluated and by this means the evaluation was able to conclude that the Heatherwick tender was as commercially competitive as the other two tenders. Paul Plummer, a TfL official in the commercial division, expressed his concerns on the commercial evaluation to Richard de Cani in an email on 8th March 2013:

"I note your comments that the brief is based on daily rates not fixed sum as clarified. However, all three submissions clearly state fixed sums and I assume the bidders have an expectation of the amount they tendered being invoiced.....How was the Commercial Criteria scores reached as given the range of daily rates submitted? All three cannot have scored 15%. I don't agree with the summary comments that I have seen suggesting rates are consistent across all three bidders. One of the submissions quotes hourly (not daily rates.).....I appreciate there is a requirement to move this forward, but I am not comfortable that we proceed at the moment given the issues highlighted above."

67. The response from Richard de Cani concluded: "In terms of next steps I have already notified Heatherwick Studios that it is our intention to appoint them, subject to agreeing the contract and we need to quickly progress to the next stage of formalising letters etc."

68. Neither Marks Barfield nor Wilkinson Eyre challenged or commented publicly on the unfair procurement process. In part they might have been unwilling to criticise one of their big clients for whom they wished to continue working. In part they were constrained by confidentiality clauses in the tender documents. But, in their representations to me, Marks Barfield in particular were irritated by the use of their name in Boris Johnson's response to a Mayoral question seeking to defend the process. For example, in his response to a Mayoral question from Caroline Pidgeon:

Caroline Pidgeon MBE AM: Thank you very much. Yes, I have had a look at that information. In the assessment to design and build the bridge, Heatherwick Studio was awarded more points for relevant design experience than either of the rival bidders, despite the fact that they have only ever built one bridge, whereas one of the other bidders had built over 25 bridges, even winning the Stirling Prize. Are you 100% satisfied that the process was not prejudged in any way?

Boris Johnson (Mayor of London): Yes, of course. Michelangelo had probably never built a duomo or had never painted the roof of a chapel before he did the Sistine Chapel. It is a

totally ludicrous complaint, in my view. The process was entirely reasonable. I can give you them: Wilkinson Eyre, Marks Barfield and Heatherwick Studios all entered.

69. Marks Barfield said to me: "Now that the facts have slowly begun to emerge, it is clear that we were just there to make up the numbers and the outcome of the so-called competition had in reality already been pre-determined. We feel deeply embarrassed to have been used in this way by a publicly accountable body who should know better."

The second procurement of engineering and project management services awarded to Arup

70. The second tender was issued under one of TfL's procurement frameworks in April 2013. Thirteen companies tendered for the work and Arup was awarded the contract in July 2013. A new contract to continue the work was agreed with the Garden Bridge Trust (the Trust) in April 2015. By that point Arup had been paid £8,422,000 by TfL for their work. They earned further monies from their contract with the Trust.
71. The procurement process was again not consistent with TfL procedures. There were two aspects of the procurement that caused me some concern and that in my view undermine the fairness and transparency of the process. Under the original assessment of the tenders Arup was placed seventh out of thirteen bidders because their costs were higher. Richard de Cani said it was fair that they should be invited for interview as they had the strongest technical bid.
72. It is worth pointing out that Arup had an advantage in that they had been involved with Heatherwick Studio and Mace in developing design proposals for the Garden Bridge for some time. One would expect that their technical bid would therefore be stronger. As Ernst and Young observe in their report: "There is also a challenge as to the extent to which Arup had an advantage over the other bidders from having a more technical understanding of the proposed bridge. Their tender document does not hide the fact that they have had involvement from early on in the Heatherwick Studio design process, however it is unclear due to the lack of detailed assessment documentation the extent to which this had any major impact on their scoring."
73. The detailed comments made by the assessors have been destroyed so it is impossible to come to a conclusion on this issue. Again the rules require the notes to be kept for seven years and this did not happen.
74. Arup's commercial submission took the form of a spread sheet, which I have learnt through this review is out of sync with what is normally submitted for projects of this scale. Arup was the only company that was approached directly by Richard de Cani to ask them to review and reduce their fees. It is worth noting that I found no evidence to suggest that Arup was aware that they had been singled out.

75. No other bidder was asked to revise their charges as part of a 'Best and Final Offer' process. Indeed the Assembly review, quoted a response from TfL's Audit and Assurance Committee about this very issue: "However there were again some failings in the process including the request made to Arup to review their fees when none of the other bidders were asked to do the same. It is good commercial practice and TfL policy to ask all second round bidders for a Best and Final Offer. The understanding of the committee is that there were five bidders still in the process at this point." This was clearly a breach of procurement rules and, given his experience and seniority, Richard de Cani must have been aware of the protocols. Arup did reduce their charges and was subsequently awarded the contract.

The internal audit of the two contracts

76. Both procurements were subject to an internal audit. TfL's Internal Audit conducted a review and this review was later reviewed by Ernst and Young. I agree with the Ernst and Young findings, which stated that there were elements of the internal audit that were neither as thorough nor as robust as it would have expected. I have my own concerns. Marks Barfield told me that they were contacted by the Internal Audit team who appeared only to be interested in whether the practice were going to talk to the press.
77. While audit reports are always subject to changes to ensure factual accuracy, in this case the changes made to the original draft report were more fundamental. The original purpose of the audit was to provide assurance that the procurements had been made in accordance with procurement regulations and approved procedures, and were open, fair and transparent. Yet the principal conclusion in the Executive Summary of the final document focussed on a different purpose - value for money: "The audit did not find any evidence that would suggest that the final recommendations did not provide value for money from the winning bidders." In unpublished drafts only released at the request of the GLA Oversight Committee the conclusion read: "Our audit identified a number of instances where the procurement deviated from TfL policy and procedure and OJEU guidance....taken together these adversely impacted on the openness and objectivity of the procurements."
78. In early versions of the audit report, the conclusion included the following: "The nature of the findings from this audit we believe increase the risk of legal challenge by the unsuccessful bidders for both contracts. It is the informal contact between TfL and individual bidders that has had an adverse impact on the transparency of each procurement." This was deleted from the final audit report.
79. Elsewhere the criticisms made by Internal Audit were watered down. For example, in discussing the contact with Heatherwick Studio over their day rates, the original report said: "the communication did not follow standard TfL standard procedures." This was changed to "should have been made through the e-procurement portal." On the Arup contract, when

discussing how Arup came to be interviewed when they had not scored well, a sentence that originally said: “TfL Planning requested that Arup should be interviewed” was amended to: “a decision was taken to interview Arup.” References to ‘contravening’ procedures were weakened by talking about action being “inconsistent with” TfL procurement policy or that it “did not follow” TfL policy.

Conclusions on the procurement process

80. My review of the available materials, supported by interviews, has led me to the view that both procurements were not open, fair or competitive. Ultimately the then Mayor, Boris Johnson, must be held responsible for this. However those who worked with and for him, at both the political and administrative level, **had a duty to protect and adhere to the processes to ensure value for money**. Both contracts (Arup and Heatherwick Studio) were let before Boris Johnson had issued any Mayoral Direction. Even if there had been a Mayoral Direction in place, this would not have justified the actions taken which have the appearance of manipulating the procurement to achieve a predetermined outcome.
81. The contracts were funded by taxpayers. There is an overriding duty on all public servants and elected politicians to act with integrity in administering public money. The money they are using is not their money; it is the taxpayers’ money. The Mayor’s appointees in City Hall should have stood up to Boris Johnson’s determination to achieve the outcome he wanted. TfL’s commissioner and his staff should not have interpreted a clear and proper desire of the Mayor to build a Garden Bridge as a licence to contravene procedures. The rules exist to protect public money and ensure due process is followed. They were not followed appropriately. Later in the report I set out some recommendations as to how City Hall and TfL should work in the future to avoid this happening again.

Controls in TfL

82. Throughout my review both officials and City Hall political appointees argued that the decisions on the Garden Bridge project were different because they were informed by Mayoral Directions. Mayoral Directions enable a mayor to direct TfL as to how to perform its functions. A mayor may also delegate his powers to TfL to carry out projects and duties outside its normal functions. Often these two things happen in tandem and did so on the Garden Bridge project.
83. Mayoral Directions and Delegations are issued under the cover of a formal Mayoral Decision; and there were four important Mayoral Decisions relating to the Garden Bridge: in August 2013, June 2014, June 2015 and April 2016. All were taken only after the time the contracts to Heatherwick Studio and Arup were issued.

84. The first decision delegated the Mayor's powers to TfL to "develop and help enable the footbridge project" and directed TfL to use these powers to "make budgetary provision in this regard." The second directed TfL to provide from its budget "funding of up to £30 million to the Garden Bridge Trust." The third gave delegated powers to TfL to enable it to fulfil the obligations set out in guarantees to be provided by the GLA to the Port of London Authority, Westminster City Council and the London Borough of Lambeth. The fourth amended the requirements for the Trust, in relation to those guarantees, to have "secured a satisfactory level of funding" to "demonstrating to the Mayor's satisfaction that it has a satisfactory funding strategy [my bold] in place to operate and maintain the Garden Bridge for at least the first five years from its completion."
85. But Mayoral Directions do not absolve the Mayor, his representatives at City Hall or officials at both TfL and GLA from their duty to follow their correct procedures in procurement. Neither does it absolve them from ensuring value for money in public expenditure. In my view, the existence of a Mayoral Direction should act as a 'red flag' for Internal Audit in TfL and they should be vigilant around how public money is spent when a Mayoral Direction has been issued to ensure that proper processes are followed.
86. There is clearly ambiguity in people's understanding of the power of the Mayor. It would appear that the authority of a Mayoral Direction was seen to take precedence over obligations in relation to due process and value for money. Let me make it clear: a Mayoral Direction does not take precedence.
87. Sir Peter Hendy talked about the overarching power of the Mayor. "Though TfL is legally a Board, which is chaired by the Mayor.....the sequence of events in an eight year mayoralty is that the Mayor relies on the Board very strongly in years one, two and three, and then the influence of the Board diminishes because the Mayor starts to get a grip on both the job and what the Mayor wants to do, so that by the time you get to years six, seven and eight, the Board is still performing its legal functions and it's still advising him or her but the Mayor has developed their own ideas about what they want the organisation to do.....You're responsible directly to the Mayor, your board and the Mayor, but you see the Mayor more often."
88. The Garden Bridge was only introduced to the Finance and Policy Committee of TfL Board on 18th July 2013, after contracts to Heatherwick Studio and Arup had been let. That paper sought authority to spend £4 million "for project development costs for the feasibility and planning stage." (In the end Arup was paid £8.422 million for their work for TfL.) It described TfL's role as the "enabler, securing the necessary powers and consents, helping to secure the funding for the construction and future maintenance from third parties." It estimated that the total capital cost would be around £60-£100million. It stated "The project would only continue beyond the feasibility and planning phase should the charitable entity be in a position to fund the project." And it stated: "It will be important that mutually compatible and

legally binding funding agreements are in place for all costs associated with the design, construction and ongoing operation and maintenance of the bridge, with the various parties, before procurement of a contractor commences.”

89. The TfL Board was informed very late after the design contracts had been let the Board was not able or expected to come to a view on the contracts or the project, although this was a novel – and risky – project. The Board was informed of the Mayoral Direction to TfL in September 2013 through the Commissioner’s report. Subsequent reports to the Board reported on the Mayoral Directions as the project clearly overrode the limits and constraints set out in the first paper to the Finance and Policy Committee, in terms of TfL’s role and in terms of TfL’s financial commitments. It is clear that the Board lacked the proper system of control and authority that in my view is appropriate for a body charged with securing value for money.
90. TfL’s Commissioner has delegated authority to spend large sums of money. They can spend up to £25 million on unbudgeted transactions and unbudgeted land transactions and up to £100 million on land acquisitions and procurement. In my view, these freedoms have engendered a culture where accountability beyond the Mayor and the Commissioner seems casual and unimportant and this was reflected in the way decisions were taken on the Garden Bridge. Simply complying with Government regulations and publishing all expenditure over £250 on the TfL website does not constitute effective accountability for the expenditure of public money.
91. I believe that there was a systemic failure and the control systems in place were ineffective for the reasons I will now explain. TfL’s Finance and Policy Committee lacked authority; the advice from TfL’s Commercial division and Legal division was ignored. The funding agreement with the Trust was amended a number of times without formal approval being sought or given by TfL. TfL’s Internal Audit understandably concentrates on larger contracts and focuses on what is happening now, rather than what happened in the past. When Internal Audit did report, their findings were amended to alter the emphasis and lessen the impact of the findings. The Commissioner did not support spending £30 million of TfL’s budget on the Garden Bridge, but had to comply with the Mayoral Direction.

Potential conflicts of interest

92. Richard de Cani came to work for TfL from Arup and returned to the company in 2016. He continued to work on the Garden Bridge project during his notice period after he had decided to take a new job at Arup and was actively engaged in ensuring further monies were released by Government to enable further payments to be made to the Trust. Isabel Dedring left City Hall before the start of the pre-election period for the Mayoral Election in March 2016 and joined Arup. Both they and Arup have assured me that there was no connection between

Arup's contract with TfL for the Garden Bridge and their recruitment by Arup. I found no evidence to suggest otherwise and fully accept those assurances.

93. However at present there are no rules in place governing the future employment of those working for the Mayor or TfL. There is no obligation on former senior employees or political appointees to wait for a quarantine period before they take a job with an organisation that contracts with and earns income from the Mayor or TfL.

RECOMMENDATIONS ON THE CONDUCT OF TRANSPORT FOR LONDON AND THE GREATER LONDON AUTHORITY

- A. Greater transparency should be introduced for procurement processes and more effective checks and balances need to be in place to ensure that public money is properly and well spent. The TfL Board and its committees should receive proper, full and prompt reports setting out information on projects and the performance of contracts in a regular item on their agendas. The Board should have authority to intervene where appropriate and ensure information on performance against contracts is publicly available. While respecting necessary commercial confidentiality, this should not become an excuse for failure to report fully on contracts.
- B. The delegations to the Commissioner at TfL should be reviewed. At present the Commissioner is not appropriately and publicly accountable for the public money spent.
- C. Decisions about projects taken by senior staff working at TfL should be properly recorded and documented within clearly defined formal decision making processes.
- D. TfL's supervisory role and its remit to approve financial decisions should be strengthened so that it is better able to discharge an expanded stewardship role and to guide strategic direction. In this case, the first time a paper was presented to the TfL board was in July 2013, although this was a novel project involving large sums of money. Sir Peter Hendy, the then Commissioner, was clear that he believed authority lay with the Mayor, not the TfL Board. The review of the TfL's Board powers and functions should aim to ensure that the Board can fulfil its role as a check and balance to the power of the Mayor and the Commissioner.
- E. Where decisions are taken by the Mayor, or significant advice provided, in informal meetings these should be properly minuted so that there is a record of those decisions.
- F. The Commercial, Legal and Internal Audit teams within TfL all share an obligation to guarantee that procedures and protocols are consistently followed. In this case advice was not always followed and Internal Audit appeared to be under undue pressure in its final report on the procurement process. The authority and accountability of these three parts of the organisation should be reviewed to make certain that their advice is independent and that

their accountability reinforces that independence. Where advice is overruled there should be transparent reporting protocols in place so that there is a proper explanation and account of any decision to overrule or ignore advice.

- G.** The Mayor should conduct a review of employment conditions and the potential for revolving doors among senior staff and the Mayor's own political appointees. He should consider appropriate changes so that there can be no hint of a conflict of interest when contracts are let by TfL or the Greater London Authority whilst recognising the legal requirement to not impose restraints on trade.

The role of the Garden Bridge Trust

94. The Garden Bridge Trust registered in October 2013 as a charitable organisation to build the Garden Bridge. The Trust was conceived of and developed during the summer of 2013 by officials at TfL, the Mayor and his office and Thomas Heatherwick. Thomas Heatherwick was closely involved with City Hall and TfL in discussions as to who should serve as trustees after Heatherwick Studio had been awarded the design contract.
95. The Chair is Lord Mervyn Davies who was a Trade Minister in the Labour Government and the Vice-Chair is Paul Morrell, a chartered quantity surveyor who was the Government's first Chief Construction Adviser. The trustees give of their time freely and are focused on their purpose to build the Garden Bridge. One of the people working for Heatherwick Studio, Bee Emmott, was seconded to the Trust and became its Executive Director in 2014. Heatherwick Studio earned money from TfL and subsequently - as a sub-contractor to Arup - from both TfL and then the Trust. These interests were no doubt declared, but I believe that the blurring of interests, with the chief executive of the Trust who was closely connected to the design studio being paid out of taxpayers' money, simply reinforced the perception that the whole project was owned and controlled by a small, inner group. Furthermore Joanna Lumley serves as a trustee of the Trust and whilst she didn't have a 'formal' or 'paid' role at Heatherwick Studio she was recognised as an Associate member of the team intensifying perceptions of the cosy nature of those involved in the project.
96. When I asked the Chair of the Trust (Lord Mervyn Davies) why he had chosen not to include local people from the South Bank who would be directly affected by the Garden Bridge development on his board, he said that he could not include anybody from Coin Street because "Well, Coin Street would be conflicted, wouldn't they? Coin Street would -- you know, we've had, for the last three years, huge involvement with Coin Street; I'm meeting them tomorrow. I think they would be conflicted, don't you think?" However another trustee, Alastair Subba Row chairs the Northbank Business Improvement District Freeholders Group. This group promotes the regeneration of the area north of the river. According to the business case the North Bank is expected to benefit most from the creation of the Garden Bridge. The

Garden Bridge business case talks of a 5% increase in the value of planned residential and commercial property and a 30% increase in revenues for retail units planned for the North Bank area. If Coin Street were discounted as a result of a conflicted financial interest, it is unclear to me why Alastair Subba Row's conflict did not concern the Board.

97. Joanna Lumley described the concept as "the people's bridge". However, I found a lack of connection to the local community south of the river. By contrast the presence of others as trustees on the board, including a Special Adviser at Number 10 Downing Street and the brother of a leading Conservative Minister, did nothing to support Joanna Lumley's assertion.
98. This in my view led to a lack of confidence and support in the Trust and the project. I have seen and accept the conclusions of the Charity Commission report on the Trust that interests have been properly declared. However I have long taken the view that when public money is involved, simply declaring interests is not enough to demonstrate high standards of integrity and propriety in any organisation that spends the taxpayers' money.
99. The Garden Bridge Trust was established as a way to manage external funding for the bridge. The Trust clearly needed to command the then Mayor's continuing support and that of the Government, who were putting central government funding into the project. However Coin Street representatives and other local activists felt that the Trust did not engage properly with the local community that was most affected by the Garden Bridge. Kate Hoey MP told the House of Commons during a debate that the Trust "treated local views with disdain, acting always as if anyone who objected was kind of stupid." And when Middle Temple expressed concerns about the impact of the Garden Bridge, instead of engaging with the individuals and their objections Paul Morrell wrote in an email on 5th November 2014: "I think Middle Temple would find it hard to handle the PR fallout if they were to become 'the people who stopped the bridge' which is of course how we would position them in the press."
100. The Trust used an early consultation exercise to justify their claim of 87% of the public supporting for the project. Many of those I met during the review were concerned that the full implications of the Garden Bridge had not been explained to them. They pointed to more recent surveys that claimed most people were opposed to the idea. Local campaigners told me that the first they heard about the project was when the Trust submitted a planning application to Lambeth Council.
101. Throughout my review, the only people to express support for the Garden Bridge were the Trust itself, the Evening Standard and Boris Johnson who wrote that "I remain a fervent believer in the Garden Bridge". Despite this, in a further letter he said that he could not assist me in my review because "I am afraid any interview would not be the best use of my time."

102. On the other hand I encountered substantial hostility to the project, particularly to the spending of public money during a period of public expenditure constraints and local government cuts. If the Garden Bridge is not treasured by the public in the same way that it is by its creators, then the business model which underpins the project is far less likely to succeed. It is clear to me that the Trust will find it exceedingly difficult to raise private funding for both the construction and maintenance of the bridge if there is not strong public support for the bridge.

Capital funding for the Garden Bridge

103. The Mayor originally believed that the Garden Bridge could be built and maintained by private sector funding. The initial estimates to which TfL were working, as presented to TfL's Finance and Policy Committee in July 2013 were that the capital cost would be around £60 - £100 million. An email from Michèle Dix to the Mayor on 18th June 2013 states: "Only initial estimates of the cost of the scheme are currently available. These are that its capital cost would be around £60million."
104. This was already expensive as compared to, for example, the Millennium Footbridge that had cost £18.2 million in 2000 and other proposals for Thames' footbridges elsewhere that were estimated to cost around £25 million. Clearly building a bridge that can hold a garden is a more costly investment, but the Garden Bridge proposals were not peer reviewed to assess the value for money of the Heatherwick Studio design.
105. By the time of the second Mayoral Decision in June 2014, costs had exceeded the original estimates and were thought to be around £159million. According to the NAO report cost estimates for the Garden Bridge increased to £175 million in the funding agreement of July 2015. In August 2016, the Trust's Chairman estimated costs to have reached £185 million. In their recent report and accounts the Trust reports that "the final cost could substantially exceed the formal estimate" and in the Trust's conversation with me, Paul Morrell said: "I think we're now north of £200 million."
106. Sir Edward Lister told me, "When it started life, it was to be 100% privately funded." But this position shifted "when we realised we weren't going to raise the money from the private sector and it would need some Government money to oil the wheels and make it move."
107. So what started as a private endeavour then moved to a project that had to be kick started with public money. However the early internal papers consistently and firmly insist that the project could only proceed if private sector investment was secured. For instance, the 18th July 2013 report to TfL's Finance and Policy Committee clearly states: "The project would only continue beyond the feasibility and planning phase should the charitable entity be in a position to fund the project." Despite these early undertakings, the Trust has yet to fully fund

the capital cost. The Government on the other hand, have agreed to underwrite some of the potential liabilities (up to £9 million) associated with cancelling the project; these liabilities will be met with taxpayers' money.

108. The initial funding commitments to the Garden Bridge project were made by the then Chancellor of the Exchequer to the then Mayor of London without the involvement of the Department for Transport. Boris Johnson used a Mayoral Direction to instruct TfL to contribute £30 million of their resources to the project. The Government's contribution has been subject to a Value for Money report by the National Audit Office that was published in October 2016 and I did not try to look at the same issues again.
109. But given the decision to invest public money, transparency and accountability for using taxpayers' money should have been of paramount importance. Some observations of the Government's role are pertinent if lessons are to be learned for the future. The Government took a decision to commit public money without consulting the responsible department with its relevant experience. This is not a sensible approach to value for money. It was unfortunate that senior officials and ministers did not take more notice of how weak the May 2014 business case was and did not challenge the project before deciding to proceed. It is regrettable that the conditions of grant were not properly and fully adhered to as public money was released to the Trust.
110. It is of great concern to learn from the National Audit Office that when the Permanent Secretary sought a letter of direction from his Minister in May 2016 in response to a request from the Trust for a further uplift in pre-construction expenditure to cover potential cancellation liabilities, he was subject to unacceptable pressure. The NAO report refers to an email they had seen from the Cabinet Secretary Jeremy Heywood saying that the Prime Minister and the Chancellor "felt frustration at the need for a direction".
111. Accounting officers have personal responsibility to ensure value for money in the use of public money. If they feel a particular proposal does not deliver value for money they have a duty to only proceed if the minister gives them a letter of direction to do so. These letters are then placed in the public domain and the minister becomes more directly and openly accountable for his or her decision. Sending such an email to a permanent secretary for pursuing his personal duties to the public for spending public money properly is unacceptable. Had the Government - both civil servants and ministers - taken firmer action earlier and paused the project to undertake a thorough reassessment, less public money might have been spent.
112. When the Department for Transport issued the formal letter of grant to TfL in November 2014 the Department attached conditions to the grant. These required the Mayor to provide an equal amount of funding and that TfL would provide each party's contribution *pari passu* with the other. The conditions specified that a maximum of £8.2025 million of the DfT's £30 million

could be used for pre-construction activities and that the contract for the construction of the bridge should be let under an open, competitive tendering process. Given the pari passu concept, pre-construction expenditure across both TfL and Government should not exceed £16.4 million, as set out in the funding agreement between the Trust and TfL. The Department for Transport also required the Mayor to inform the Department if they became aware of any material risk or issue that could threaten the project's deliverability on time and in budget and that TfL should satisfy themselves that the project continues to represent good value for money throughout. These conditions were never apparently agreed on and they have clearly not all been adhered to.

113. Further conditions have been imposed since those decisions were made. In particular, at the behest of Lambeth Council, the Mayor changed the terms of TfL's agreement with the Trust and £20 million of the £30 million support from TfL is now in the form of a loan, not a grant, which the Trust has agreed to repay during the next 50 years. Costs have escalated and no new assessment of value for money has been undertaken. Instead of using £16.4 million on pre-construction activities set out in the original funding agreement between the Trust and TfL, the Trust has been paid £37,394,123 for pre-construction works.
114. Further commitments have been made by the Government to underwrite some of the losses that could arise if the project is cancelled. According to TfL officials, the total commitment (including the underwriting commitments) now amounts to £46,393,123 of which the Government's contribution would be £22,454,500 and TfL's contribution would be £23,941,623 (This sum includes about £10.7 million which was spent by TfL early in the project on services in kind.) This is all public money that has been spent or committed without construction having commenced.
115. When the Government contribution was first agreed, the Government stipulated to the Mayor in a letter from the Parliamentary Under-Secretary of State that a maximum of £8.2 million from each public body could be spent on pre-construction activities. That figure was first breached in June 2015 when government authorised pre-construction expenditure up to a limit of £9.952 million. In February 2016 the figure for the Government was increased to £13.452 million and in May there was a further increase to £28.452 million. These changes provided an underwriting of the Trust's liabilities if contracts into which they have entered have to be terminated because the project is cancelled. After a review by the present Secretary of State that figure was reduced to £22.452 million. The rules of engagement between the Trust and TfL and the Government have constantly changed and this has exposed public money to ever greater risks. It is worth pointing out that TfL's expenditure has not increased since the Mayoral election and that changes have been to lessen the Government's exposure in underwriting potential liabilities.

116. In January 2016 the Trust entered into a construction contract with Bouygues despite the fact that the Trust had not secured the full funding for the project and had not secured all the necessary permissions. In short, when they entered this contract they had neither the land nor all the money. It is their obligations from this contract that create financial risks to the trustees that the taxpayer is currently underwriting.
117. I am shocked that the Trust entered into this financial commitment with so many issues unresolved and it is astonishing that the Mayor, TfL or the Department for Transport did not stop the Trust from signing this contract. Although the formal authority lay with the Trust, both TfL and the DfT were aware that the Trust intended to enter into a contract. That was not prevented, and then more funding was released. The Trust explained to me that they had been involved in a lengthy procurement process and they did not want to lose the contract. The construction industry is always beset with inflationary pressures, and concern about these pressures was given to me as another reason for committing early. The Trust was also worried that the construction of the Thames Tideway Tunnel would impede the construction of the Garden Bridge and that speeding up the Garden Bridge construction was therefore necessary, although this issue is now resolved and is no longer of concern to either party.
118. Richard de Cani was the TfL official in charge. He told me: "I think it was always a balance of risk, where they'd got to. There was also a strong political push....to make progress with this but we looked at the risks very carefully...There was pressure from the political side at City Hall and from the Government for this to carry on." It is clear from my conversation with Richard de Cani that the letting of the contract was important because it demonstrated progress.
119. In my view based on the evidence I have seen, the decision was both risky and premature. It seems that there was an incentive to get the project to the point of no return. As mentioned earlier, it is implicit in the materials I reviewed that time was a critical factor driving the process and I once again note that this coincided with the Mayor approaching the end of his second term in office. It is difficult to imagine any public authority or elected politician deciding not to complete a half-built bridge, even if the Trust had no more money to complete the construction and the only way to finish the job was to use more public money. So letting the contract was the most likely way of securing the building of the bridge, whatever the implications for either value for money or the taxpayer.
120. There is substantial evidence in the papers that I saw that the original intention had been for the Trust to secure the funding before it signed a construction contract. The first briefing paper to the TfL Finance and Policy Committee in July 2013 said: "It will be important that mutually compatible and legally binding funding agreements are in place for all costs associated with the design, construction and ongoing operation and maintenance of the bridge, with the various parties before procurement of a contractor commences." In a letter

to George Osborne on 27th March 2014, Boris Johnson wrote: “We have agreed the requirements that the Garden Bridge Trust will need to meet before TfL and Government funding for construction can be released, which include demonstrating that they have secured the balance of funds necessary for construction from other sources.” And in a briefing to the then Mayor when he was deciding to provide a guarantee to the Trust on 25th March 2015, officials wrote: “The construction contract will not be let until the Trust is satisfied it has adequate funds to cover its obligations under the contract.”

121. It is concerning to see again various parties telling me that they had no involvement in the decision to let the contract before the money had been secured. When asked about the Bouygues contract – specifically that the Trust had let the contract to construct before they have secured the money or the permissions – Isabel Dedring said: “quite early on, it must have been 2013 Boris was very clear.’ The Garden Bridge is running this, it’s not a City Hall project. TfL has been asked to help out by putting some money in but it needs to be the Garden Bridge Trust front and centre, it’s their decision making.’ **And so we would back right off, no involvement really**”.... “I think that link didn’t happen back to City Hall and I don’t know the extent to which that assurance was happening with TfL. I’m sure it was but I just don’t know enough about it.” Similarly Mike Brown, now Commissioner of TfL, said: “Our view very strongly was we were notified by the Trust, but we didn’t have to approve it.”
122. Others at TfL to whom I talked accepted that they knew what was happening, that regular meetings between the Trust and TfL were taking place and noted that the Government was consulted and City Hall regularly briefed on the letting of the construction contract. They were all responsible, informally or formally, for taking substantial risks by allowing the contract to be signed, for taking an over-optimistic view on the ability to raise further private finance and secure the necessary permissions and therefore for putting the public funding at greater risk. The decision seemed to be driven by electoral cycles rather than good project management. Even though this happened, construction cannot begin unless the current Mayor signs maintenance guarantees as a condition of the planning agreements with Lambeth and Westminster. Any liabilities arising out of cancelling the contract will have to be met.

Securing the necessary permissions

123. Coin Street Community Builders has yet to sign an agreement with the Trust to release land to enable the Garden Bridge to alight on the South Bank River Walkway by the ITV building. The land is controlled by Coin Street Community Builders on a long lease from Lambeth Council. Coin Street board members gave in principle support to the project in March 2013 following a presentation to the board by Joanna Lumley and Thomas Heatherwick. But the two parties have not yet signed a legal agreement with both sides blaming the other for the delay.

124. It is clear that the Trust should have factored in the risks of reaching an agreement with Coin Street into their project plan. Coin Street has a long history of being a tough and determined negotiator and the negotiations were always going to be complicated. Equally, the Coin Street Board assumed that the community would support the building of a Garden Bridge without properly consulting them and they have had to deal with considerable hostility to the project.
125. There are a range of issues that clearly need to be resolved. Coin Street expects to be compensated for its loss of income from relinquishing control of this open space and there are management issues around security, crowd control, the provision of cleaning services and toilet facilities that need to be resolved to the satisfaction of all sides. Whatever the rights and wrongs, if the two parties do not reach agreement the Garden Bridge will not be built and that risk has always and continues to be there. In those circumstances, I completely agree with the National Audit Office that it was inadvisable to enter into a construction contract before the land had been legally secured.
126. The Trust has also not secured the necessary River Works Licence agreement with the Port of London Authority and cannot proceed without it. Furthermore, despite Boris Johnson's Mayoral Decisions, the Mayoral guarantees have not been signed and this is a pre-requisite for satisfying planning conditions and construction starting. This has been made more complicated by the delays incurred to the project. In a letter to me dated 14th December 2016 the Port of London Authority said: "continuing delays to the Garden Bridge project move its construction closer to the likely peaks in freight traffic needed to deliver the Tideway Tunnel Scheme. **A further cumulative navigational risk assessment** [my bold] will therefore need to be provided in due course to discharge the relevant condition" (in the River Works Licence Agreement). So even if the project was given the green light immediately, further work will need to be undertaken before agreement is finally reached.

Fundraising for the capital investment

127. Building the Garden Bridge has always been predicated on raising private funding for the construction, with further private finance to manage and maintain the facility. The previous Mayor and the Trust have consistently and publicly expressed confidence in their ability to raise the money.
128. In a letter from Paul Morrell to Richard de Cani dated 27th January 2016 that informed the funders of the Trust's intention to sign the construction contract and sought release of further tranches of the promised public money, optimism about raising funds was expressed:
- "The Garden Bridge has raised a total of £145 million, of which £85 million is from the private sector. This is enough to cover the cost of the bridge's construction contract, which is in the region of £100 million....Over the last six months, the Trust has secured more than £20 million

in private sector contributions to the project. This is an unprecedented achievement for a capital project that has yet to begin construction. The Garden Bridge Trust expects fundraising to accelerate further once construction commences later this year. The Trustees have a robust strategy to raise the remaining funds, including a series of major opportunities available totalling £42 million and a Patron Scheme that will raise £1.5million. In addition, a strong pool of over 200 prospects has been developed, each with the capacity to give donations at the £500k level....GBT is in advanced discussions with three major corporations for contracts to the value of £15 million which we anticipate will be signed by June 2016.”

129. In a further letter to Lord Ahmad, the minister responsible at the Department for Transport, of 5th April 2016, Lord Davies wrote: "We are on course with our fundraising target with approximately £145 million raised to date and a strong pipeline including advanced discussions with potential major funders."
130. It is true that by spring 2015, the Trust had secured commitments from donors totalling around £85 million. However over half of the pledges were anonymous which significantly contributes to the fragility of the commitments. And while funding pledges were being made, costs also were also increasing in that period, from £159 million in June 2014 to £175 million by summer 2015.
131. Since the Mayoral Election in May 2016 the Trust has lost the support of two major donors and now has pledges amounting to £69 million. The Trust has not secured any new pledges since August 2016. At the same time the capital costs have escalated and Paul Morrell talked of a figure "north of £200 million." So the gap between what is required and what has been promised for the capital investment has grown and is now likely to stand well in excess of £70 million.

Managing and maintaining the proposed Garden Bridge

132. When the Garden Bridge was first conceived the then Mayor expected the management and maintenance of the bridge to be financed by the private sector. In a letter to the Chancellor, George Osborne, dated 28th January 2014, which welcomes the announcement of £30 million funding from central government made in the Autumn statement, Boris Johnson writes: "The maintenance of the Garden Bridge will be a core function of the Trust and I should clarify that I am not intending to underwrite maintenance costs." George Osborne responded on 2nd February: "It is vital that the bridge is properly maintained and so if the necessary private support cannot be found I would encourage you to stand behind this small funding requirement."
133. When planning permission was secured from Westminster Council in December 2014, the Council made it a condition of the planning permission that the Mayor, through the GLA,

should underwrite the maintenance costs. Similar conditions followed from Lambeth Council and the Port of London Authority.

134. The Mayor publicly continued to declare that the GLA would not be responsible for the costs associated with managing and maintaining the Garden Bridge. At the Mayor's Questions on 17th December 2014 he said: "I cannot go further than to say I have made no such undertaking and nor do I intend to make such an undertaking."
135. Similarly a letter was sent from the GLA to Bee Emmott, the Trust's Executive Director, on the 18th February 2015 stating "However in order to discharge the guarantee requirement imposed by Westminster, the Mayor has agreed in principle to provide such a guarantee." Contradicting this on 3rd March – less than two weeks later – the Mayor said on LBC "Maintenance costs will not be borne by the public sector and I have also made that clear."
136. The Mayor gave substance to the guarantee requirement through two Mayoral Decisions in June 2015 and April 2016 – just before the election for his successor. In the first Decision the Mayor agreed to underwrite the management and maintenance costs "contingent on the trust demonstrating to the mayor's satisfaction **that it has secured a satisfactory level of funding** [my bold italics] to operate and maintain the Garden Bridge for at least the first five years from its completion." In the second Mayoral Decision this was amended to: "demonstrating to the mayor's satisfaction that it has a **satisfactory funding strategy** [my bold italics] in place to operate and maintain the Garden Bridge for at least the first five years." As a result of the latter Mayoral Decision, the responsibilities on the Trust were greatly weakened and the risks to the taxpayer were greatly increased, further undermining the value for money of this project.
137. The Trust has developed a plan setting out how it hopes to raise the necessary private funding. The challenges they face have grown as their freedoms have been curtailed. The Trust hopes to secure income from private lettings of the space. However, as part of the planning condition, the Trust can now only close the bridge for up to twelve times a year for private events and has indicated it intends to use a maximum of ten of these. A number of these events have already been allocated as a condition of sponsorship to those who have committed money into the capital cost of the project.
138. The Trust's business plan sets out an ambition to secure about two thirds of the money required from philanthropic sources. Other bodies, like the Tate Gallery or the Victoria and Albert Museum, receive less than one third of their income from philanthropic sources and secure most of their income from trading sources. The Trust wishes to establish an endowment trust and is targeting an initial £15 million. The Trust is not currently fundraising for the endowment fund because they are focused on raising the capital monies they need. In my view it is unrealistic to expect to secure £15 million for an endowment fund, in part

because philanthropic giving depends on there being a positive view of the facility and the project is now very controversial.

139. The other assumptions in their business plan are ambitious to say the least when compared to the rest of the market and therefore I can only conclude that they are unlikely to be realised. For example, the Trust expects to be able to hire out the Bridge for evening receptions for £60,000. Similar unique venues are available at much lower prices; for example the View from the Shard can be hired for between £15,000 and £20,000; the National Portrait Gallery for £22,000; and the Natural History Museum for between £20,000 and £25,000. Similarly the plan says that the Trust expects to attract twenty five corporate members, charging them £25,000 each, with limited benefits to attend the Chairman's annual reception, enjoy private tours of Heatherwick Studio, have first refusal on the small number of private lettings and volunteer to maintain the garden. Corporate sponsorship at the National Portrait Gallery costs between £9,000 and £17,000, the Natural History Museum charges between £5,000 and £35,000 and the National Theatre between £10,000 and £50,000. These venues are able to provide a better range of benefits, with private views of exhibitions and guaranteed access to tickets forming attractive advantages.
140. The Trust is in my view overly defensive with respect to their difficulties in raising money. They wrote to me saying: "The mere existence of the review at this stage is providing a degree of uncertainty about the future of the project and has the potential to damage the Trust's ability to raise the balance of the funds required from the private sector." Whilst it is of course it is true that these uncertainties are undoubtedly factors that contribute to the difficulty the Trust is experiencing, there are other factors at play which lead me to judge that the Trust will not be able to raise the money required to construct the Garden Bridge from private funders, let alone the private funding necessary to manage and maintain the bridge. The Trust has failed to secure strong public support for the project. In these circumstances it is less likely to attract new philanthropic donors who will be cautious about associating themselves with a less than popular project. The economic environment has changed since the Trust was first established and the Brexit decision will undoubtedly deter some global donors from putting their charitable resources into a Garden Bridge in London.
141. The exchange rate effects of the decision to exit Europe together with inflationary pressures on construction costs are likely to lead to a continuing increase in the actual costs of construction for the Trust already north of £200 million. It is always more difficult to raise philanthropic money for revenue purposes rather than for capital purposes. In this instance, the incentives to raise money to pay for the management and maintenance of the bridge have been further curtailed by the planning requirement that the GLA will underwrite all expenditure on management and maintenance. If the GLA is bound to foot the bill, it begs the question, why would any private giver agree to pay the costs?

142. Therefore, if the current Mayor does decide to support the continuation of this project, he must do so in the full knowledge that there will most likely be a further demand, potentially running into many tens of millions of pounds, for more public money to complete the construction and maintain the bridge in the future
143. This is a very expensive project to build and there will be a continuing need to fund £3 million per annum in operational and maintenance costs. This comes during a period of austerity, when Lambeth residents are seeing huge cuts in the budgets for maintaining existing open spaces and parks in their area. In my view it is difficult to justify the risks and costs associated with maintaining the Garden Bridge as representing good value for money.

CONCLUSIONS ON THE VALUE FOR MONEY OF THE PUBLIC SECTOR CONTRIBUTION TO THE GARDEN BRIDGE PROJECT

- H.** Any elected Mayor for London will want to pursue innovative and iconic projects that reinforce the success and attraction of this great capital city. Creating a Garden Bridge could be one such idea and attributing value for money to such ideas will always be highly subjective.
- I.** However the original ambition to fund the Garden Bridge through private finance has been abandoned. Furthermore the goalposts have moved several times and the risks to the taxpayer have intensified. I have commented on the value for money aspects of the project in this report and this is supported by other independent reviews.
- J.** However looking to the future, the costs of construction have escalated and are likely to increase further. What started life as a project costing an estimated £60 million is likely to end up costing over £200 million and there are continuing risks associated with the capital costs
- K.** It is unclear to me that the costs of strengthening Temple Station to make both the bridge and the station structurally sound have been accounted for. Binding agreement has yet to be reached with Coin Street. Officials need to review the Trust's Business Plan as part of the provision of guarantees and the Port of London Authority has also said it wishes to undertake a new risk assessment. These outstanding issues will create new difficulties for the Trust as the planning permissions expire at the end of 2017. Campaigners have warned that they will launch a new judicial review if more public money is committed to the Garden Bridge project. All of this on top of construction cost pressures, creates uncertainties that can only lead to further increases in the capital costs.
- L.** In my judgment the Trust will not succeed in raising all the private capital monies required and will need more public money to complete the construction. Between May 2016 and August 2016 the Trust lost commitments for £14 million and has not gained any new promises for private donations since that time. The Trust's finances are in a precarious state as is clear from

their recent Report and Accounts in which the Trust stated it was extremely difficult to conclude a going concern assessment. Furthermore I do not believe the Trust will secure the philanthropic support it claims it needs to fund the management and maintenance of the Garden Bridge. The cost for that will inevitably fall on the taxpayer and council taxpayer. The Trust has yet to even start to develop realistic plans for paying back the £20 million loan to TfL and I think it is unrealistic to expect that this will be repaid.

- M.** The project has already used £37.4 million of public money and the agreed underwriting by the Government of costs could bring the bill to the taxpayer up to £46.4 million if the project is cancelled. In my judgement it is better for the taxpayer to accept the loss than to risk the additional demands if the project proceeds. In the present climate, with continuing pressures on public spending, it is difficult to justify further public investment in the Garden Bridge.
- N.** In the future, where hybrid structures are put into place to deliver projects funded by both the public and private sector it is vital that the project is well planned, properly assessed and costed and that decisions are taken in a transparent and open way. There should be clarity of purpose, appropriate governance arrangements, open and robust project management protocols and an honest assessment of risk and affordability.

Appendix One: Oral Evidence

The following people contributed orally to this review.

Garden Bridge Trust

Mervyn Davies, Baron Davies of Abersoch CBE, Chairman

Bee Emmott, Executive Director

John Heaps, Board Member

Joanna Lumley OBE, Board Member

Paul Morrell OBE, Deputy Chairman

Greater London Authority

Martin Clarke, Director of Resources

Tom Copley AM, London-wide Assembly Member

Isabel Dedring, Ex-Deputy Mayor for Transport

Len Duvall AM, Chair of Greater London Authority Oversight Committee

Florence Eshalomi AM, Assembly Member for Lambeth and Southwark

Sir Edward Lister, Ex-Deputy Mayor for Planning and Chief of Staff

Caroline Pidgeon OBE AM, London-wide Assembly Member

Katie Smith, Head of Scrutiny

Transport for London

Andy Brown, Head of Corporate Affairs

Mike Brown MVO, Commissioner

Howard Carter, General Counsel

Richard DeCani, Ex-Managing Director Planning

Michèle Dix CBE, Ex-Managing Director Planning

Sir Peter Hendy CBE, Ex-Commissioner

Charles Ritchie, Legal Manager

Clive Walker, Director of Internal Audit

Alex Williams, Acting Managing Director Planning, Transport for London

Dan Anderson, Fourth Street

Michael Ball, Wai-King Cheung, Marilyn Evers, Thames Central Open Spaces

Julia Barfield FRSA MBE RIBA and David Marks MBE FRSA RIBA, Managing Directors, Marks Barfield Architects

Jane Duncan, President, Royal Institute of British Architects

Jim Eyre, Founding Director, Wilkinson Eyre

Thomas Heatherwick, Founder, Heatherwick Studio

Kate Hoey MP, MP for Vauxhall

██████████ Managing Editor, Architect's Journal

Alistair Lenczner, Designer

Walter Menteth, Project Compass

Cllr Tim Mitchell, Ward councillor – St James Ward, Westminster

Cllr Adele Morris, Cllr David Noakes, Ward Councillors – Cathedrals Ward, Southwark

Cllr Jennie Mosley, Ward Councillor – Bishop's Ward, Lambeth

Cllr Lib Peck, Leader of the Council, Lambeth

Scott Rice, Chair and Iain Tuckett, Group Director, Coin Street Community Builders

Ian Ritchie, CBE RA RIBA, Director of Ian Ritchie Architects Ltd.

Sarah Sands, Editor, Evening Standard

Rebecca Sheeran, Director – Transport, National Audit Office

Theo Usherwood, Political Editor, LBC

Appendix Two: Written Evidence

The following people contributed written evidence to this review.

Tariq Ahmad, The Lord Ahmad of Wimbledon, Parliamentary Under Secretary of State for Transport, Department for Transport

Dan Anderson, Fourth Street

Tony Arbour, Chairman, London Assembly

Jennette Arnold OBE AM, Assembly Member for Hackney, Islington and Waltham Forest, London Assembly

Michael Ball, Thames Central Open Spaces

Patrick Barr

John Barradell, Town Clerk and Chief Executive, City of London

Martin Blaiklock

Ajit Chambers

Wai-King Cheung, Thames Central Open Spaces

Nigel Craddock

Lord Malcolm Davidson, Metropolitan Public Gardens Association

Marilyn Evers, Thames Central Open Spaces

Mark Field MP, MP for Cities of London and Westminster

Meg Hillier MP, Chair, Public Accounts Committee

Will Jennings, Artist & Urban Researcher, A Bridge Too Far

Geoff Jensen

Maureen Jethwa

Alistair Lenczner, Expedition Engineering

Phyllis Lewis

Walter Menteth, Project Compass CIC

Amyas Morse, Comptroller and Auditor General of the National Audit Office

Robin Mortimer, Chief Executive, Port of London Authority

Jenny O'Neill, Mulberry Housing Co-op

David Pollock

Martin Redston BSc, CEng, MICE, Martin Redston Associates

Ian Ritchie, CBE RA RIBA, Director of Ian Ritchie Architects Ltd.

Justine Simons, Deputy Mayor for Culture, Greater London Authority

Katie Smith, Head of Scrutiny, Greater London Authority

In total, 48 people contacted me in writing during my review. Those not included in the list had not given their express permission for me to include their name in my report.

Appendix Three: Timeline

2012	
May	11 May: Joanna Lumley writes to the Mayor (Boris Johnson) requesting a meeting about the Garden Bridge proposal
July	26 July: Joanna Lumley and Thomas Heatherwick meet Sir Edward Lister (Mayor's Chief of Staff) and Isabel Dedring (Deputy Mayor for Transport)
September	24 September: Joanna Lumley and Thomas Heatherwick meet the Mayor with Sir Edward Lister and Isabel Dedring
November	26 November: Joanna Lumley and Thomas Heatherwick meet Sir Peter Hendy (TfL Commissioner)
December	17 December: Joanna Lumley and Thomas Heatherwick meet Isabel Dedring, Sir Peter Hendy and Michèle Dix (Managing Director – Planning, TfL)
2013	
January	16 January: TfL finalises a briefing note for next steps on the Garden Bridge, including possible approaches for procurement
	21 January: Joanna Lumley and Thomas Heatherwick visit the Emirates Airline with Michèle Dix, TfL
	31 January: Thomas Heatherwick meets Ed Lister and Peter Hendy
February	1 February: Joanna Lumley and Thomas Heatherwick meet the Mayor, Ed Lister and Isabel Dedring
	Between 3 and 5 February: The Mayor, Ed Lister and Isabel Dedring travel to San Francisco to encourage Apple to sponsor the bridge and are joined at a meeting by Thomas Heatherwick
	13 February: TfL formally launched the procurement for “bridge design consultancy services” to three companies: Marks Barfield, Wilkinson Eyre, Heatherwick Studio
	25 February: deadline for submissions to procurement
March	8 March: All three bidders formally notified of the outcome of their tender
April	12 April: TfL launches procurement exercise for engineering and project management services
May	1 May: Deadline for return of tenders for technical design role
July	18 July: TfL Finance and Policy Committee approves ‘project authority’ to £4m for the Garden Bridge project
	TfL appoints Arup as lead consultant and contract with Heatherwick Studio ends
August	13 August: The Mayor writes to the Chancellor (George Osborne) regarding possible funding for the Garden Bridge
	27 August: Formal direction from the Mayor to TfL to ‘undertake activities to develop

	and help enable a proposed footbridge (the Garden Bridge)'
October	30 October: Garden Bridge Trust incorporated as a charity
November	21 November: Mayor and Chancellor agree a £60m funding package for the Garden Bridge
December	4 December: Government's funding commitment announced in the National Infrastructure Plan
	8 December: Chancellor writes to the Mayor confirming the terms of their funding agreement for the Garden Bridge
2014	
January	28 January: Mayor writes to the Chancellor outlining his objections to the Chancellor's position regarding maintenance costs and risks of construction cost overruns
May	TfL produces the strategic outline business case for the project
June	27 June: Mayor directs TfL to provide up to £30m funding to the Garden Bridge Trust 'for the purposes of securing the delivery and construction of the Garden Bridge'
July	14 July: The Department for Transport (DfT) Board Investment and Commercial Committee scrutinises the business case and concludes there is a risk the project presents poor value for money but agrees to provide funding through an increase in the block grant to TfL
September	25 September: Mayor's direction to TfL reported to the TfL Board in the Commissioner's report
November	12 November: The Secretary of State writes to the Mayor to confirm an increase the TfL grant by £30m and sets terms for how the funding should be used for the Garden Bridge
December	Planning permission secured from Westminster and Lambeth Councils
2015	
February	18 February: The GLA Executive Director – Development, Enterprise and Environment confirms in writing to the Garden Bridge Trust that the Mayor will in principle provide a guarantee for the ongoing maintenance of the Garden Bridge
April	Arup's contract with TfL ends and the Garden Bridge Trust takes over management of the consultant team with its own contract with Arup
May	5 May: Garden Bridge Trust announces the selection of a Joint Venture (Bouygues and Cimolai) as contractor for detailed design, engineering and construction of the bridge
June	4 June: The Mayor approves a decision to provide guarantees to the PLA, Westminster City Council and London Borough of Lambeth
	15 June: TfL Commissioner (Sir Peter Hendy) agrees in a letter to Caroline Pidgeon AM to launch an internal audit panel review of the Garden Bridge design procurement process that led to the appointment of Heatherwick Studio

	19 June: Garden Bridge Trust receives permission for access to a further £1.75m of its £30m funding from DfT for pre-construction activities
July	2 July: TfL signs a funding agreement with the Garden Bridge Trust to specify how funding will be provided and terms and conditions
August	Construction due to begin to original schedule
September	15 September: TfL publishes its internal audit panel review of the Garden Bridge design procurement
November	13 November: TfL converts two-thirds of its funding to the Garden Bridge Trust into a repayable loan – loan facility agreement signed
2016	
January	27 January: The Garden Bridge Trust informs TfL of its intention to sign a construction contract and requests the release of the next stage of funding
	29 January: TfL informs DfT of its intention to authorise the next funding release
February	12 February: DfT confirms to the Mayor that the Department's 'cap' on pre-construction activity can be increased by £3.5m to £13.45m
March	15 March: The Garden Bridge Trust announces that it has signed a construction contract with Bouygues
April	5 April: The Garden Bridge Trust asks DfT for assurance to draw £15m from Government's contribution to the project to cover its contractual liabilities should the project be cancelled
	22 April: The Mayor amended his previous decision (approved June 2015) regarding conditions for the provision of guarantees to the Garden Bridge Trust
	The Garden Bridge Trust asks TfL for under-writing until 31 May 2016. 25 April: TfL underwrites the project's cancellation liabilities up to £1.3million to the end of May 2016 via a variation to the funding agreement
May	24 May: The Accounting Officer sought a ministerial direction to approve a further increase in DfT's pre-construction commitments to the Garden Bridge
	25 May: The Secretary of State for Transport formally directed the Accounting Officer to increase DfT's pre-construction commitments to the Garden Bridge to up to £15m
	25 May: The Government writes to the Garden Bridge Trust, agreeing to underwrite the project's cancellation liabilities up to £15m to the end of September 2016
July	11 July: The Garden Bridge Trust writes to DfT asking for it to extend its underwriting of the project's cancellation liabilities until to September 2017
August	23 August: DfT agrees to extend its underwriting of the project's cancellation liabilities for as long as required, but with liabilities capped at £9m
2017	

January	11 January: The Garden Bridge Trust's financial statement and accounts published for the year ended March 2016
February	28 February: The Charities Commission publishes its report on the Garden Bridge Trust

Appendix 2

Summary of Mayoral Directions

MD1248 - 27 August 2013

Under this Mayoral Decision, the then Mayor directed TfL to exercise its powers (and the Mayor's powers which were delegated to TfL) to undertake activities to promote and develop proposals to facilitate the delivery of the Garden Bridge.

The then Mayor was keen to support the Garden Bridge proposal on the basis that TfL would take the role of "enabler", undertaking activities, including but not limited to the following, to promote the project:

- contributing to the cost of developing the project to the point where third party funding has been identified and secured, with a view to seeking recovery of these costs in due course;
- establishing a clear policy statement of need for a crossing of the Thames in this area which defines specific objectives and outcomes for the project and receives buy in from the relevant local authorities;
- developing strategies for the following matters: procurement of the design; land and consents; funding and sponsorship and procurement for delivery and construction;
- offering technical assistance and advice; and
- advising on and assisting with the formation of a suitable entity which would secure and manage the necessary funds (for example, a new charity).

MD1355 - 27 June 2014

Under this Mayoral Decision, the then Mayor directed TfL to exercise its powers (and the Mayor's powers which were delegated to TfL) to provide funding from TfL's own budget of up to £30million to the Garden Bridge Trust for the purposes of securing the delivery and construction of the Garden Bridge, on such terms and conditions and in such form or manner as considered appropriate by TfL.

The then Mayor made this direction following the establishment of the Garden Bridge Trust to deliver the project, and following his agreement with the Government to make a capital contribution towards the delivery of the Garden Bridge of up to £30million each.

MD1472 - 4 June 2015

Under this Mayoral Decision, the then Mayor directed TfL to exercise its powers (and the Mayor's powers which were delegated to TfL) to:

- perform such activities as are necessary or expedient to fulfil the obligations to be imposed on the GLA in the Guarantees, other than those relating to the establishment, upkeep, maintenance and operation of the gardens and public spaces, and to make appropriate budgetary provision in that regard;
- perform such activities in relation to the Garden Bridge as are necessary or expedient in order to protect the interests of the GLA and of TfL, and (where appropriate) to provide limited support to the delivery of the Garden Bridge project, and to make appropriate budgetary provision in that regard;
- provide funding of up to £60million (incorporating £30million from the Government) to the Trust, for the purposes of securing the delivery and construction of the Garden Bridge, on such terms and conditions and in such form or manner as considered appropriate by TfL
 - (i) do anything that it necessary or expedient for the purposes of (i – iii) above; and
 - (ii) do anything that is conducive or ancillary to the above activities.

This direction was given to TfL following the then Mayor's agreement in principle to provide guarantees in respect of maintenance and operations obligations to be owed by the Garden Bridge Trust to the Port of London Authority, Westminster City Council and the London Borough of Lambeth. In the event that the guarantees were called upon, this direction would have enabled TfL to discharge many of the GLA's obligations under those guarantees. In addition, this direction provided for limited ongoing support by TfL to the delivery of the project, and recognised that TfL's funding obligations now incorporated the Government's £30million contribution.

MD2120 - 9 May 2017

Under this Mayoral Decision, the Mayor revoked the previous Garden Bridge delegations and directions, save (i) to the extent that TfL has entered into binding commitments which it will need to honour; and save that (ii) TfL shall continue to perform activities relating to the Garden Bridge project necessary or expedient to protecting the interests of the GLA and TfL.

Rt Hon Dame Margaret Hodge MP
House of Commons
London
SW1A 0AA

Appendix 3

12 April 2017

Dear Dame Margaret

Garden Bridge review

I am writing to clarify a number of inaccuracies in your review of the Garden Bridge, published on 7 April 2017, and to query the validity of some of your conclusions, particularly where based substantially on your personal opinion or judgement and relying only on selective use of evidence. I am also copying this letter to the Mayor directly, so that he is aware of our concerns.

I have highlighted below our main concerns about your conclusions, focusing only on matters relating to the work of the Trust.

Public support and consultation

You say you “found a lack of connection to the local community south of the river”, citing the opinion of Kate Hoey MP to support your assertion that the Trust did not engage properly with the local community and that local views were treated with disdain.

It is unfortunate that you chose to ignore my letter of 1 December 2016, which set out the many and varied community engagement activities we have undertaken. Similarly, it would have been useful if you had asked us about our extensive consultation when we met. I would happily have taken you through the detail of the more than 50 occasions where local communities had the opportunity to engage in shaping the project. It is also worth noting that Ms Hoey was involved in consultation on the Bridge, specifically, chairing a major meeting with the Trust and CSCB tenants in September 2015. It is unfortunate that her involvement wasn't viewed as providing a useful channel to local people, although of course she has refused offers to meet with the Trust on behalf of her constituents to gain a full understanding of the project and the details upon which we were consulting.

Without having conducted – and published - a valid survey exercise in coming to your conclusions on this point, we must reject your conclusions here in the face of the evidence of work done by ComRes in July 2015 which shows over three quarters of Londoners support the Bridge being built. It is worth noting that this work complies with the guidance and standards set by the British Polling Council and the Market Research Society for survey exercises.

If you had in fact intended to conduct your own informal polling exercise through this review, I question your decision to focus almost entirely on speaking to known opponents of the project. You did not meet with any of the project's supporters nor did you meet with any of the project's funders who plainly support the project. In addition, you fail to explain that planning permission has been obtained, through democratic process, from both Lambeth and Westminster Councils. We would have been very willing to put you in touch with local supporters of the project – residents, local employers, charities and others – if only you had sought to take a balanced approach to your informal survey.

Construction contract

When we met, we explained to you the basis of the Trustees' decision to enter into the construction contract with the Bouygues Travaux Publics/Cimolai S.P.A Joint Venture.

Our contractor was working under a pre-construction services agreement, which is quite usual in the industry, in order to clear the conditions of planning and prepare for construction. The Trust entered into a fixed price (in GBP) contract with the Joint Venture, with the contractors committed to constructing the Bridge within budget and before the required completion date. Signing the contract allowed the contractor to engage a larger workforce to ensure all planning conditions were met in the timescale, thereby reducing the risk of cost escalation.

We have always ensured that we had the necessary resources to meet our obligations and that there were exit points throughout. Given that it is a highly specialist area, I am not clear how you came to your conclusion about this being a "risky and premature" decision without seeking expert advice or input, particularly as you said yourself during the meeting, "I'm not an expert on this".

Related to the contract, you also cite Brexit and its impact on the exchange rate as a likely contributor to cost increase. This is incorrect and irrelevant. The contract is a fixed cost, lump-sum value, design and build contract in GBP, which means the risk of exchange fluctuation – whatever the cause – is with the contractor.

Fundraising

You express scepticism over whether the Trust will be successful in finding donors willing to fund the project, though there is no evidence in your report to support this conclusion. As we explained when we met, we simply cannot approach funders when we are coping with the uncertainties created by third party delays, including your own review.

At no point in your work did you seek to investigate the Trust's fundraising activities further, or indeed meet with any of the Directors of our Fundraising Committee. You did not take the opportunity to receive a presentation of the project, its design, its rationale and its potential to provide sources of income. You report that the Trust has obtained no new pledges since August 2016, but fail to acknowledge that it was the following month that your review of the project was announced, which had a direct impact on fundraising activity.

While you repeat your claims about philanthropists being unlikely to associate themselves with the project, you also fail to consider that the uniqueness and prominence of the Garden Bridge in central London makes it very attractive to corporate donors. It is disappointing that you did not choose to meet any of our existing funders – philanthropic or corporate – to understand their reasons for supporting this project and more broadly, what drives them to become involved in projects such as this.

Your suggestion that the fact certain pledges are anonymous "significantly contributes to the fragility of the commitments" is unsubstantiated and incorrect. In fact, one of our most loyal supporters, who has underwritten our operational costs, is anonymous and wishes to remain so indefinitely. It is perfectly normal in the philanthropy and charity sectors for funders to stipulate anonymity for a variety of different reasons, including the desire to support a project away from the spotlight.

Operations & Maintenance Business Plan

When we met, you had been provided with an outdated version of the Trust's Operations and Maintenance Business Plan. We explained that the Business Plan is a live document going through various iterations and receiving input from external experts. I am unclear as to why none of this is acknowledged in your report.

You make sweeping statements about the philanthropic sector. As noted above, it might have been useful if – prior to coming to such unfounded conclusions about their likely intentions and

drivers - you had taken the opportunity to speak to some of our funders, particularly the one who has already contributed a £2m pledge to the Trust's endowment fund.

You suggest the assumptions in the Business Plan are "ambitious to say the least when compared to the rest of the market" but provide little evidence of anything comparable to the Garden Bridge. The Business Plan has been put together following discussions with several institutions on the South Bank and surrounding areas. It includes a broad range of income streams and is based on conservative estimates. It is also in line with the Mayor's request to keep the Bridge open to the public as long as possible and keep the number of closures to 10 afternoons/evenings per year. It is a robust plan which we are confident will successfully cover the Bridge's maintenance costs.

Selection of Trustees

You claim that the choice of Trustees led to a lack of confidence and support in the Trust and the project but fail to provide any evidence of this. We explained when we met that in putting together the Board we developed a skills matrix and selected Trustees based on the skills and experience required on a Board with responsibility for delivering such a complex, high profile project.

You say it is unclear to you why a Trustee with involvement in a Business Improvement District is not conflicted by being on the Board, but having a trustee from Coin Street Community Builders (CSCB) would create a conflict. You did not accept our explanation but do not explain why.

The south landing point of the Garden Bridge is on land currently on a long lease to CSCB, which provides it with an income source (through, for example, pop-up events) which will be affected by both construction and operation of the Bridge.

A Business Improvement District is a defined area in which a levy is charged on all business rate payers in addition to the business rates bill. This levy is used to develop projects for the benefit of the local area. Northbank works with partners to deliver a range of projects to improve area-wide safety, sustainability and vibrancy. Investment has enabled daily activity to focus on, for example, reducing antisocial behaviour, support and advice for rough sleepers, and enhanced street cleaning.

I hope this makes the distinction clear, but for the removal of any doubt: a Trustee from CSCB would be conflicted as a Board member as we have been in detailed commercial negotiations to build on their land for over three years and the organisation will see a direct benefit from the Bridge. There is a clear and obvious difference between this and having a Trustee who is also involved in the work of the Northbank Business Improvement District some of whose members are simply to be affected by the Bridge.

Scope and methodology

The terms of reference for your review asked you "to assess the public sector contribution to the Garden Bridge project and whether value for money has been achieved; to investigate the conduct of Transport for London (TfL), the Greater London Authority (GLA) and other relevant authorities; and to set out any lessons that should be learnt in order to improve the conduct of potential and approved projects in the future".

The terms of reference did not, as you asserted both in the report and in the media, include offering a recommendation on "whether building a Garden Bridge over the River Thames is a good idea" or whether the project should go ahead. But your report does of course make a clear recommendation. You also state that you worked alone with the part time support of a GLA official. There is no suggestion that you drew on any other expertise on any of the topics that the report covers. It is a great shame that, upon changing your position on offering a recommendation about the future of the project, your methodology was not also strengthened

to offer a more appropriate level of technical expertise to provide a robust evidence base upon which to ground your conclusions. Because of this, we simply cannot accept your recommendation. Rather, as the Mayor has said consistently, "the taxpayer will be better off if the bridge is built" and the many benefits of the project delivered, which would of course also mean that the £20m loan is repaid.

A report of this type would typically set out the reasons for selecting the people you have consulted. This is absent from your report and it is clear from your published list that you have engaged with a very selective – largely opponent – audience. I would like to offer a single, but significant, example of where your work might have benefited from additional technical advice. Value for money is a technical concept with specific methodologies for making relevant assessments that generally involve a detailed exercise with large teams of experts from a variety of disciplines. TfL's Strategic Outline Business Case considered the upfront commitment of £30m each from DfT (via HM Treasury) and TfL and was prepared using the agreed standards and format for business cases, as set out in HM Treasury's Green Book, which provides guidance for public sector bodies on how to appraise proposals before committing funds to a policy, programme or project.

Since the May 2014 business case was considered and published there has not been another Green Book business case commissioned, so I am unclear about the evidence upon which your finding is based. To put it bluntly, it does in fact appear to be based almost entirely on your own opinion and the word of others who have expressed a view, rather than on the word of those with technical expertise in this field.

Following our meeting it was clear to me, as I wrote in my letter of 1 December 2016, that this was a huge and complicated task for one person and that you needed additional technical and other resource to master the complexity and scale of the project. It is regrettable that no such resource was sought.

Report publication

Finally, I found your approach to publication of the report discourteous, particularly as the Trust was a willing participant in your review. I understand that some interested parties, including journalists, had early insight into publication, while those with responsibility for delivery of the project were not offered the same courtesy, having no warning of either the publication of your report or your decision to alter the scope of your recommendations. This put the Trust in a position by which we were unable to provide timely briefing of our funders and key stakeholders. You will understand the importance of our relationships with such critical supporters of the project and, for someone with your extensive experience in the public sphere, I find the lack of respect and disregard for the impact of your findings unacceptable.

Yours sincerely



Lord Davies of Abersoch
Chairman, Garden Bridge Trust

Cc. The Mayor of London

Appendix G: Correspondence between the Commissioner and Len Duvall AM following the Oversight Committee's investigation of the project, May 2016



LONDON ASSEMBLY

Len Duvall AM, Chair of the GLA Oversight Committee

Mike Brown MVO

Commissioner, Transport for London
Transport for London
Windsor House
42-50 Victoria Street
London, SW1H 0TL

COMMISSIONER

24 MAR 2016

TRANSPORT for LONDON

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Ref: 11/OC
22 March 2016

Dear Mike

The Garden Bridge Design Procurement

The GLA Oversight Committee has completed its investigation into issues arising from the procurement of the design contract by TfL for the Garden Bridge project. Please find attached a copy of the Committee's final report *The Garden Bridge Design Procurement*.

The process which led to the decision to award Thomas Heatherwick Studio the contract for design services for the proposed Garden Bridge has been the focus of intense scrutiny over the last two years. The GLA Oversight Committee has held four meetings to shed some light on both the procurement process and the internal audit review. Our investigation has allowed us to conclude that:

- The Mayor should have been more upfront about the range and nature of contacts between his Office, TfL senior management and Heatherwick Studio.
- TfL did not have a clear idea of the extent of its involvement in the early stages of the project. Senior managers now admit that TfL would have followed a different path if it had had a better understanding of its role earlier in the process.
- There was a series of procedural errors in the procurement process.

The Committee also looked in some detail at the way the internal audit review was carried out. An earlier version of the audit report was leaked to the Committee and a comparison of that document and the published version shows that:

- The final published audit failed to address the original objective and scope of the project.
- The early draft judged that the balance of evidence demonstrated that the fairness and objectivity of the procurement process had been "adversely affected" by the errors.
- The conclusion underwent substantial changes to include mitigating statements about TfL's actions in the procurement process, remove criticisms of the process's openness and transparency and insert the value for money judgement.

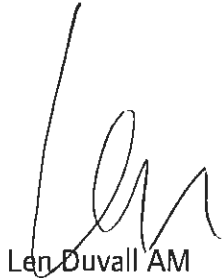
We have identified several opportunities for TfL to improve the fairness and transparency of its decision making, and have attached them with this letter. I should like to invite you to provide a response to the recommendations made in the report.

I would also like to thank you and colleagues at TfL for your cooperation with our scrutiny of this issue and for the actions which your Audit and Assurance Committee is undertaking as a result of issues raised by our Committee.

This report represents the views of a majority of the Committee. The minority report of the GLA Conservatives is included in Appendix 1 of the report.

I would be grateful if you would send a response, covering these recommendations, to the Committee by 18 September 2016, copying in the clerk for the Committee, John Barry (john.barry@london.gov.uk).

Yours sincerely

A handwritten signature in black ink, appearing to read 'Len Duvall', written in a cursive style.

Len Duvall AM
Chair of the GLA Oversight Committee

Recommendations

We welcome the Commissioner's acknowledgement of the importance of improving TfL's internal processes. Better pre-tender planning should help to ensure that all relevant TfL departments are engaged with how procurement is managed, including ensuring that documentation is kept. The GLA Oversight Committee will monitor the implementation of these recommendations, and we ask that the Commissioner reports progress on the action plan to the Committee within six months.

Specifically we recommend that:

in its ongoing work on internal audit, the TfL Audit and Assurance Committee:

- publishes audit reports in full, not just the summary and conclusions as is now the case; and
 - carries out spot checks to monitor the nature and degree of changes by the audited department to internal audit drafts – with a view to assuring the independence of the function.
- TfL should:
 - consider which other officers or teams, besides the manager of the audited project, should comment on initial drafts of internal audit reports;
 - report back to this Committee on progress against all the recommendations of the published audit report around training, tender evaluation and enforcement;
 - consider introducing a co-ordinated, cross-directorate approval process for the finalisation of procurement decisions. It could require a signature from each of the key directorates at the awarding of major contracts and would have the advantage of avoiding potential disputes between directorates; and
 - consider reimbursing the unsuccessful bidders from the Garden Bridge design contract to compensate them for the time and expense incurred in preparing their proposals for a pedestrian bridge.

The Mayor's Office should take responsibility for compiling a written record of all meetings the Mayor holds with external bodies which should include clarity about what capacity he is there in (i.e. as Mayor or as Chair of TfL)

- Where major, priority projects are commissioned by a future Mayor and are not in the Mayor's Transport Strategy, that the Mayor implements them by directing the TfL board. Making it clear that such projects have a different status would offer two benefits: a) better protection of the respective functional body and its officers in the case of external challenge and b) greater clarity to potential bidders about the status of such projects.
- TfL's External Auditor and the National Audit Office may wish to consider whether appropriate steps were taken to ensure the public received value for money as a result of the flaws discovered in the procurement process.



Len Duvall OBE AM
Chair of the GLA Oversight Committee
City Hall
The Queen's Walk
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SE1 2AA

Mike Brown MVO
Commissioner of Transport

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04 May 2016

Dear *Len*

The Garden Bridge Design Procurement

Thank you for your letter of 22 March.

Our Internal Audit team conducted an extensive and independent review of the two procurement exercises. As was presented to the GLA Oversight Committee, we have published the findings of this review on our website, including a series of recommendations. We are putting a plan of management actions into effect in response to these recommendations and I would be happy to update the Committee on this in due course.

The GLA Oversight Committee's report makes a number of recommendations to TfL in particular. My response to these is below.

1 TfL's Audit and Assurance Committee should publish audit reports in full, not just the summary and conclusions as is now the case.

Our Internal Audit team has an extensive work programme that leads to the production of a large volume of work. It is because of the volume of this work that the content of reports is summarised to allow our Audit and Assurance Committee to focus on the most important findings including where activities are being run well, and where management action is required.

While all reports are not published as a matter of routine, we regularly publish summaries of the scope and findings of all reports produced by Internal Audit and will always share internal audit reports with the public on request unless there are specific legal or commercial grounds for confidentiality. These reports can be requested by emailing internalaudit@tfl.gov.uk.

- 2 TfL's Audit and Assurance Committee should carry out spot checks to monitor the nature and degree of changes by the audited department to internal audit drafts – with a view to assuring the independence of the function.**
- 3 TfL should consider which other officers or teams, besides the manager of the audited project, should comment on initial drafts of internal audit reports.**

I am wholly satisfied with our internal audit processes, which were highlighted in May 2015 by the Chartered Institute of Internal Auditors as a model of how to organise a successful internal audit function.

I have no concerns about the independence of our Internal Audit team and the way it carries out its function. I am satisfied that our current processes allow the right teams to comment on draft audit reports, helping to ensure the accuracy of reports while maintaining independence in line with best practice.

In light of the GLA Oversight Committee's concerns, our Audit and Assurance Committee requested at its meeting on 8 March that our External Auditors review how the internal audit of the Garden Bridge design procurements was carried out. The purpose of this review will be to confirm whether or not the audit was conducted in accordance with good audit practice and to identify any lessons which might be learned. We will publish the results of that review and I am sure that they will help our Audit and Assurance Committee to determine how they wish to carry out their oversight of our audit function in future.

In addition, in accordance with Public Sector Internal Audit Standards, the Internal Audit team are subject, every four years, to an external assessment by a qualified, independent assessor. The last such review was carried out in 2012, and the next external assessment will take place later this year. I have asked that the assessment specifically include this issue and the Internal Audit team will act on any recommendations that may emerge from that review.

- 4 TfL should report back to the GLA Oversight Committee on progress against all the recommendations of the published audit report around training, tender evaluation and enforcement.**

We are putting a plan of management actions into effect in response to the recommendations in our internal audit report and I would be happy to update the Committee on this in due course.

- 5 TfL should consider introducing a co-ordinated, cross-directorate approval process for the finalisation of procurement decisions. It could require a signature from each of the key directorates at the awarding of major contracts and would have the advantage of avoiding potential disputes between directorates.**

As I explained in my letter of 29 January, our major procurement decisions are reviewed and approved by the Board and its Committees in accordance with TfL's Standing Orders, which are available on our website and are in line with best practice for corporate governance.

I am satisfied that our processes for approving and finalising procurement decisions are appropriate and in line with best practice. Our structure of Boards and delegated procurement authorities encourages valuable input from across the organisation. It also provides senior officers with the authority they need to do their jobs efficiently and ensures the highest standards of openness, fairness and transparency are maintained.

- 6 TfL should consider reimbursing the unsuccessful bidders from the Garden Bridge design contract to compensate them for the time and expense incurred in preparing their proposals for a pedestrian bridge.**

I have given consideration to this issue as requested by the Committee. I consider that it was entirely appropriate for TfL to have invited bidders to participate in the design contract procurement and the outcome was appropriate and fair. In these circumstances I do not consider that it would be appropriate to compensate unsuccessful bidders for their costs in participating in that process.

I am grateful for the work that the GLA Oversight Committee has undertaken on this issue and I would like to assure you that I am committed to follow through on the actions that we have committed to take in the light of the internal audit report and the Committee's work.

Yours sincerely



Mike Brown MVO

cc. Keith Williams, Chair of the TfL Audit and Assurance Committee

**Appendix H: Correspondence between the Commissioner and Tom Copley AM
relating to the Garden Bridge project**
(primarily relating to conflicts of interest)



TOM COPLEY AM | LONDON ASSEMBLY LABOUR

Working hard for Londoners

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9 January 2017

Dear Mike,

RE: Garden Bridge

I am writing to you to raise my concerns regarding correspondence between the Garden Bridge Trust (GBT), Transport for London (TfL), and the Department for Transport (DfT). This correspondence was obtained by the Architects' Journal under the Freedom of Information Act, and relates to the signing of the construction contract for the Bridge in early 2016.

As you will be aware, this contract resulted in a further £7 million of public funding being awarded to the project, as well as committing the taxpayer to underwriting the project by a further £9 million. At the time Richard de Cani was working his notice period as TfL's Managing Director of Planning having accepted a job at Arup. The correspondence shows Mr De Cani advocated to the DfT that the Trust had satisfied the conditions for the contract to be signed. Due to Arup's role as a major contractor for the Garden Bridge this seems to me to be a clear conflict of interest.

When approached by the Architects' Journal for comment, TfL provided the following response:

"Richard de Cani, as managing director of planning at TfL, led our involvement in the Garden Bridge and was required to continue doing so during his notice period. Any suggestion of improper involvement in relation to the Garden Bridge is completely unfounded".

"The bridge's construction contract is a matter between the Garden Bridge Trust and Bouygues TP Cimolai.

"Our funding agreement with the Trust requires us to make grant payments once certain milestones have been reached, one of which was the signing of the construction contract. We have kept the DfT informed of these payments because of their financial contribution to the project."

I find this response is deeply misleading. The Deed of Grant specifies a number of conditions that have to be met to TfL's satisfaction. I do not believe it is proper that a managing director at TfL with a professional conflict of interest, perceived or otherwise, should have been involved in making judgements that could benefit his new employer.

The Civil Service has clear guidance in its Business Appointment rules which state 'It is in the public interest that people with experience of public administration should be able to move into other sectors, and that such movement should not be frustrated by unjustified public concern over a

Direct telephone: [REDACTED] **Email:** [REDACTED]@london.gov.uk

particular appointment. It is equally important that when a former civil servant takes up an outside appointment or employment there should be no cause for justified public concern, criticism or misinterpretation'. I would expect TfL to also put in such safeguards to prevent accusations of a conflict of interest.

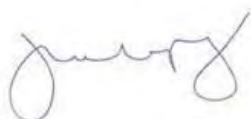
I believe that once TfL was aware of Mr De Cani's new role, this should have precluded his involvement on a project that new employer had a significant financial stake in. Please can you outline TfL's HR guidelines around conflict of interest, and what covenants Mr De Cani's contract contained concerning any future employment?

In my opinion there does seem to be a clear conflict of interest. Please review the relevant correspondence concerning Mr De Cani's involvement in the signing of the contract during his notice period, and disclose details of the discussions that took place about Mr De Cani's future involvement in the Garden Bridge project once TfL was aware he would be working for Arup.

Can you provide assurances around TfL's policy on such matters and assure me that in future where a TfL officer takes a job at another organisation that could stand to benefit financially from a project in which TfL is a partner or stakeholder that they will not be permitted to have any further involvement in that project?

I look forward to hearing from you.

Yours sincerely,

A handwritten signature in blue ink, appearing to read 'Tom Copley', written in a cursive style.

Tom Copley
London-wide Assembly Member



Tom Copley AM
City Hall
Queens's Walk
London
SE1 1AA

Mike Brown MVO
Commissioner of Transport

Transport for London
Windsor House
42-50 Victoria Street
London SW1H 0TL

Phone 0343 222 0000
www.tfl.gov.uk

25 January 2017

Dear Tom

Garden Bridge

Thank you for your letter of 9 January 2017 about the Garden Bridge and the grant payments that were made to the Garden Bridge Trust in early 2016.

I should begin by clarifying the sequence of events in early 2016 that you described in your letter. The construction contract for the Garden Bridge is a contract between the Garden Bridge Trust and Bouygues TP Cimolai. The decision to sign the contract was a matter for those organisations.

Arup's contractual relationship is with the Garden Bridge Trust, not TfL. Once the Garden Bridge Trust had signed that contract, this marked the transition to the next phase of the payment schedule under our funding agreement, which was signed in July 2015 and varied in November 2015. The correspondence referred to in your letter was our explanation of this to the Department for Transport. It had no relation to any approval for the Garden Bridge Trust to enter into its construction contract, which had already taken place and in which neither we nor the Government were involved.

The signing of the Garden Bridge Trust's construction contract did not relate to the provision of a £9 million underwriting, as you suggested in your letter. The Government decided to provide this underwriting in September 2016, and it is provided from the Government's financial contribution to the project. It was effected via a variation of our funding agreement in September 2016.

As an organisation we have a comprehensive Code of Conduct (which includes the seven 'Nolan principles' of public life) and a Business Ethics Policy, which both apply to all of our employees. Through these policies we expect our employees to conduct their business with honesty and integrity and to maintain the highest ethical standards. I have enclosed copies of these policies.

We are also signatories to the GLA Group Governance Framework Agreement, which is an overarching commitment by the GLA and its functional bodies in relation to the culture and individual behaviours of the GLA Group and contains specific corporate governance commitments. This agreement has recently been revised and was considered by our Board on 22 September 2016, and approved by the Mayor on 30 November 2016.

In addition, our standard contract of employment for directors includes the following provisions regarding confidentiality and conflicts of interest:

Confidentiality

You must not disclose or communicate to any person (other than those whose province it is to know the same or upon the instructions or with the approval of the Company) or use for your own purposes or for purposes other than the Company's (or a Group Company's) any of the trade secrets or other confidential information of the Company or a Group Company which you may have received or obtained while in the service of the Company or any Group Company. You must use your best endeavours to prevent the publication or disclosure by any other person of such trade secrets or other confidential information.

These restrictions shall continue to apply after the termination (however it arises) of your employment without limit in point of time but shall cease to apply to information which comes into the public domain other than through your default.

Conflict of interest

You must inform your manager in writing if you have any personal interest that might affect, or could be seen by others to affect, your impartiality in dealing with customers, suppliers, contractors or members of the public or in discharging the responsibility of your role. Further details are set out in the Business Ethics policy.

I am satisfied that these policies and contractual provisions provide the right assurances and accurately describe our ethical values and vision and the behaviour we expect from our employees.

The provisions above were present in Richard de Cani's contract of employment and we do not consider them to have been breached. Nor do we consider Mr de Cani to have been in breach of our Code of Conduct or our Business Ethics Policy. Mr de Cani remains subject to continuing obligations of confidentiality, but we do not place restrictions on the roles that staff can take when they leave the company.

When Mr de Cani handed in his notice, he and I discussed the work that I would expect him to carry out before he left us. This included continuing to lead our contribution to the Garden Bridge.

The grant payments that were made to the Garden Bridge Trust during Mr de Cani's notice period were made because the Trust had met the conditions of payment in a funding agreement that was agreed much earlier, in July 2015. This agreement has been published on our website for some time. Had we not made those grant payments then we would have been in breach of our funding agreement with the Garden Bridge Trust.

We will continue to ensure that our Code of Conduct and Business Ethics Policy are followed at all times, and that all our employees adhere to the highest standards of behaviour in public life.

Yours sincerely



Mike Brown MVO

Encl. TfL Code of Conduct, October 2015
TfL Business Ethics Policy, May 2007

TOM COPLEY AM | LONDON ASSEMBLY LABOUR

Working hard for Londoners

Mr Mike Brown MVO
Commissioner
Transport for London
50 Victoria Street
Westminster
London
SW1H 0TL

City Hall
Queen's Walk
London SE1 2AA
Switchboard: 020 7983 4000
Mincom: 020 7983 4458
Web: www.london.gov.uk

16 March 2017

Dear Mike,

RE: Garden Bridge

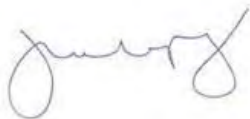
Thank you for attending the Transport Committee meeting earlier this month.

At the meeting I sought clarification about whether Richard de Cani, the then Managing Director for Planning was the only person assessing whether the Garden Bridge Trust had met conditions 'to TfL's satisfaction' when signing the construction contract for the Bridge. Could you please clarify this?

Can you also clarify what criteria were used by TfL to judge whether these conditions had been met before signing the construction contract?

I look forward to hearing from you.

Yours sincerely,



Tom Copley
London-wide Assembly Member



Mike Brown MVO
Commissioner of Transport

Tom Copley AM
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mikebrown@tfl.gov.uk

6 April 2017

Dear Tom

Garden Bridge

Thank you for your letter of 16 March following up on our discussion about the Garden Bridge at the Transport Committee meeting on 2 March.

As I explained in my letter to you of 25 January, the construction contract for the Garden Bridge is between the Garden Bridge Trust and Bouygues TP Cimolai. The decision to sign the contract was a matter for those organisations. There is no requirement in our funding agreement with the Garden Bridge Trust for them to seek our approval before entering into such contracts.

We did not approve the signing of the construction contract, nor were we required to. It was not our decision to proceed with entering into the contract.

During the Transport Committee meeting on 2 March, you asked about how we determined that the Garden Bridge Trust had met the conditions of payment in our funding agreement for the release of grant payments following the signing of the main construction contract in early 2016. *These conditions are set out in the funding agreement, which is available at <https://tfl.gov.uk/corporate/publications-and-reports/template-footbridge>.*

The assessment of the Managing Director of Planning as to whether the conditions of payment had been met was of course informed by advice and input from across the organisation, and was based on our knowledge and scrutiny of the project as well as evidence presented by the Garden Bridge Trust.

Caroline Pidgeon MBE AM has also written to me as Chair of the Transport Committee to pick up on these and other points raised during the Transport Committee meeting on 2 March on which the Committee would like further information.

My reply to Caroline on this subject will contain the same information.

Yours sincerely

A handwritten signature in blue ink, consisting of a stylized 'M' followed by a horizontal line.

Mike Brown MVO

cc: Caroline Pidgeon MBE AM, Chair of the London Assembly Transport Committee

From: [Tagg Ella \(ST\)](#) on behalf of [Brown Mike \(Commissioner\)](#)
To: [Richard de Cani \(MD Planning\)](#)
Cc: [Rogan Kerri](#); [Brown Andy](#); [Nunn Ian](#); [Carter Howard](#); [MacKay Christine](#); [Hawley Anthea](#); [Gourley Jennifer](#);
[Tagg Ella \(ST\)](#); [Branks Kirsten](#); [Hudson Teresa](#)
Subject: GB paper - 18 April
Date: 20 April 2016 09:34:48
Attachments: [Commissioner paper - GB April.doc](#)

Richard,

I refer to the paper attached re. the Garden Bridge, dated 18 April.

I agree to proceed to the variation in payment as outlined.

Best regards

Mike

Mike Brown
Commissioner
Windsor House
42-50 Victoria Street
London
SW1H 0TL



From: [Rogan Kerri \(Head of Network Command\)](#)
To: [Brown Mike \(Commissioner\)](#)
Cc: [Tagg Ella \(ST\)](#); [Branks Kirsten](#)
Subject: : Mayor's meeting - river crossings and BLE
Date: 04 November 2015 17:25:46

Mike

Readout from Richard's 1:1 with Isabel this afternoon as follows:

Garden Bridge – Richard gave a very quick update on what needs to happen next with Lambeth, i.e. they need to do a land deal with Coin St on the Southbank and also get their Planning conditions approved through their Planning Committee by the end of November. Construction has been delayed slightly but still due to start in March and we are considering what the Mayor could do around the start of that.

Thanks

Kerri

From: [Rogan Kerri \(Head of Network Command\)](#)
To: [Daniels Leon](#); [Brown Mike \(Commissioner\)](#); [Dix Michèle](#); [Everitt Vernon](#); [Wright Tricia](#); [Richard de Cani \(MD Planning\)](#); [Carter Howard](#); [Nunn Ian](#); [Brown Nick \(MD\)](#); [Verma Shashi](#); [Powell Gareth](#); [Burton Steve \(ST\)](#); [Craig Graeme](#)
Cc: [Branks Kirsten](#); [Tagg Ella \(ST\)](#); [MacKay Christine](#); [Hickman Misha](#); [Hawley Anthea](#); [Van Der Nest Christian \(ST\)](#); [Thomson Linda](#); [Bradley Clare](#); [Shrestha Rumi](#); [Roach Sam](#); [Hill Rhiannon](#); [Taylor-Ray Judy](#); [Gourley Jennifer](#); [Albrow Jack](#); [Peters James](#); [Osborne Emma](#); [Taylor Lisa](#); [Plowden Ben](#); [Emmerson Garrett](#); [Kinneer Sarah](#); [Hawthorne Julia](#); [Perrins Neil](#)
Subject: 08 October Mayor's meeting notes and actions
Date: 09 October 2015 12:47:11

Dear all

Please find attached and copied below the notes and actions from yesterday's Mayor's meeting.

Notes from TfL/Mayor's Meeting of 8 October:

Attendees:

-
Mayor of London, Will Walden, Roisha Hughes, Isabel Dedring, Tim Steer (GLA)

Mike Brown, Ian Nunn, Howard Carter, Steve Burton, Richard de Cani, Vernon Everitt, Shashi Verma, Kerri Rogan (TfL)

1. Garden Bridge (verbal) update

Richard updated on progress and explained that the Trust were in a good position on funding , and had now confirmed a contractor, meaning construction could start in January.

Richard explained that he was continuing to work with Lambeth officers to work through remaining concerns around TfL's contribution to the scheme, securing land approval and the discharge of planning conditions which is expected to take place at the borough's planning meeting in November. Richard said that the CE of Lambeth was due to meet with Lib Peck this afternoon and committed to providing an update in due course. Ed is also due to speak to Lib Peck.

Kind regards,

Kerri Rogan

Head of Corporate Affairs

Customer Experience, Marketing and Communications
Transport for London
Windsor House (11th floor)
42-50 Victoria Street
London SW1H 0TL

Phone: [REDACTED]
Auto: [REDACTED]
Mobile: [REDACTED]



From: [Rogan Kerri \(Head of Network Command\)](#)
To: [Hendy Peter \(TfL\)](#); [Carter Howard](#); [Daniels Leon](#); [Everitt Vernon](#); [Dix Michèle](#); [Wright Tricia](#); [Wolstenholme Andrew \(Crossrail\)](#); [Brown Mike \(Commissioner\)](#); [Allen Steve \(MD Finance\)](#); [Hendy Peter \(TfL\)](#)
Cc: [Anigbogu Jasmine](#); [Branks Kirsten](#); [Bradley Clare](#); [Hawley Anthea](#); [MacKay Christine](#); [Quinn Amy](#); [Roach Sam](#); [Shrestha Rumi](#); [Tagg Ella \(ST\)](#); [Thomson Linda](#); [Hudson Teresa](#); [Meek Stuart \(Network Control & Resilience Manager\)](#); [De Cani Richard \(CORP\)](#); ["Andrea Browne"](#); [Taylor Lisa](#); [Osborne Emma](#); [Gourley Jennifer](#); [Podwiazka Darek \(Public Affairs & External Relations - LU\)](#); [Murphy Andrea](#)
Subject: 11 September Mayor's meeting notes
Date: 12 September 2013 17:28:29

Dear all

Please find attached and copied below for ease the notes from this week's Mayor's meeting

Notes from TfL/Mayor's Meeting of 11 September:

Attendees:

Mayor, Isabel Dedring, Victoria Hills, Roisha Hughes– GLA
Sir Peter Hendy, Leon Daniels, Steve Allen, Kerri Rogan– TfL

-

Garden Bridge

- Peter and Isabel explained to the Mayor that TfL and City Hall would not take up a position on the trust but could maintain oversight by potentially taking up an observer status.
- Peter and the Mayor agreed that it would be good for the Mayor to meet the trustees at some stage. **Isabel** and **Roisha** to progress.
- **Peter** and **Isabel** to return with an update for the Mayor in due course outlining the short list of people the trust intends on approaching.

Kind Regards,

Kerri Rogan

Acting Head of Corporate Affairs

Customer Experience, Marketing and Communications
Windsor House (11th floor)
42-50 Victoria Street
London SW1H 0TL

Phone: 
Auto: 
Mobile: 

From: [Rogan Kerri \(Head of Network Command\)](#)
To: [Hendy Peter \(TfL\)](#); [Allen Steve \(MD Finance\)](#); [Daniels Leon](#); [Brown Mike \(Commissioner\)](#); [Dix Michèle](#); [Carter Howard](#); [Everitt Vernon](#); [Wright Tricia](#)
Cc: [Hudson Teresa](#); [Tagg Ella \(ST\)](#); [Branks Kirsten](#); [MacKay Christine](#); [Taylor Lisa](#); [Osborne Emma](#); [Hawley Anthea](#); [Thomson Linda](#); [Quinn Amy](#); [Gourley Jennifer](#); [Shrestha Rumi](#); [Roach Sam](#); [Bennett Victoria \(ST\)](#); [Wiseman Claire \(ST\)](#); [Lee Andrew](#); [+CCT Leadership Team](#); [Kennedy-Todd Silka](#); [Gourley Jennifer](#); [Fowler Christopher \(MD's Office\)](#); [Kennedy Benjamin](#); [Emmerson Garrett](#); [Payne Vanessa \(ST\)](#)
Subject: 15 May Mayor's meeting notes and actions
Date: 16 May 2014 17:23:42
Attachments: [image001.png](#)

Dear All

Please find attached and copied below the notes and actions from yesterday's Mayor's meeting.

-

Notes from TfL/Mayor's Meeting of 15 May:

Attendees:

-

Mayor of London, Isabel Dedring, Roisha Hughes, Tim Steer (GLA)

Sir Peter Hendy, Leon Daniels, Kerri Rogan (TfL)

Garden Bridge

The Mayor enquired about progress, Peter and Isabel explained that the project was progressing well and that they had agreed a number of next steps, including a meeting with Mervyn Davies to discuss funding. The Mayor noted the update, no further action.

If you have any queries, please do not hesitate to get in touch.

-

Kind Regards,

Kerri Rogan

Acting Head of Corporate Affairs

Customer Experience, Marketing and Communications
Transport for London
Windsor House (11th floor)
42-50 Victoria Street
London SW1H 0TL

Phone: 
Auto: 
Mobile: 



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From: [Rogan Kerri \(Head of Network Command\)](#)
To: [Daniels Leon](#); [Brown Mike \(Commissioner\)](#); [Dix Michèle](#); [Everitt Vernon](#); [Wright Tricia](#); [Richard de Cani \(MD Planning\)](#); [Carter Howard](#); [Nunn Ian](#); [Craig Graeme](#)
Cc: [Branks Kirsten](#); [Tagg Ella \(ST\)](#); [MacKay Christine](#); [Hawley Anthea](#); [Van Der Nest Christian \(ST\)](#); [Thomson Linda](#); [Bradley Clare](#); [Shrestha Rumi](#); [Roach Sam](#); [Hill Rhiannon](#); [Taylor-Ray Judy](#); [Gourley Jennifer](#); [Albrow Jack](#); [Peters James](#); [Osborne Emma](#); [Taylor Lisa](#); [Plowden Ben](#); [Kinnear Sarah](#); [Hawthorne Julia](#); [Perrins Neil](#); [Matson Lilli](#); [Lee Stuart](#); [Wiseman Claire \(ST\)](#); [Wallis Amy](#); [Powell Gareth](#); [Delves Hannah](#)
Subject: 27 April Mayor's meeting notes and actions
Date: 29 April 2016 17:39:16

Dear all

Please find attached and copied below the notes and actions from this week's Mayor's meeting.

Notes from TfL/Mayor's Meeting of 27 April 2016:

Attendees:

- Mayor of London (Boris Johnson), Martin Clarke, Daniel Moylan, Roisha Hughes, Tim Steer, Fiona Fletcher-Smith (GLA)

Mike Brown, Ian Nunn, Richard De Cani, Kerri Rogan (TfL)

1. Garden Bridge

Richard updated on progress with the Garden Bridge and outlined the Trust's draft Operations and Maintenance Business Plan.

The Mayor confirmed that he was satisfied that the Trust has demonstrated it has a satisfactory funding strategy in place to operate and maintain the Garden Bridge for at least the first five years from its completion.

The Mayor agreed to write to the Executive Director of Resources (Martin Clarke) to confirm the above ahead of Martin considering whether to approve the execution of the guarantee documents, as delegated to him in Mayoral Direction 1472, which is expected to take place before the end of April.

Kind regards,

Kerri Rogan

Head of Corporate Affairs

Customer Experience, Marketing and Communications
Transport for London
Windsor House (11th floor)
42-50 Victoria Street
London SW1H 0TL

Phone: [REDACTED]

Auto: [REDACTED]

Mobile: [REDACTED]



From: [Dix Michèle](#)
To: [Brown Mike \(Commissioner\)](#)
Cc: [Nunn Ian](#); [Everitt Vernon](#); [Carter Howard](#)
Subject: Fw: Note: Commissioner's meeting with the Mayor
Date: 07 June 2016 21:34:10

Commissioner's meeting with the Mayor
26 May 2016
Mayor's Office, City Hall

Sadiq Khan, Mayor of London (SK)
David Bellamy, Chief of Staff (DB)
Nick Bowes, Director of Policy (NB)
Val Shawcross, Deputy Mayor (VS)
Mike Brown MVO, Commissioner of Transport (MB)
Vernon Everitt, MD, Customers, Communication and Technology (VE)
Jamie O'Hara (JOH)

Garden Bridge

SK said he wanted to draw a line under the procurement process but that there were still 'reasonable concerns' from AMs about how the project came about. He wanted an independent review to be carried out, at no cost, and possibly led by another member of the GLA family. He wanted clear recommendations of what went wrong and what could be done in the future to avoid it happening again. VS said it should also look at the role of the Mayor in directing a project to TfL, which in the case of the Garden Bridge, hadn't had proper scrutiny, by our own Board, for example.

ACTION: DB and Alex Williams to discuss who will take forward the audit.

ENDS

Jamie O'Hara
Chief Adviser
Transport for London

T: [REDACTED]
M: [REDACTED]

From: [Hendy Peter \(TfL\)](#)
To: [Allen Steve \(MD Finance\)](#); [Everitt Vernon](#); [Brown Mike \(Commissioner\)](#)
Cc: [Hudson Teresa](#)
Subject: Fw: Note: meeting with the Chancellor
Date: 12 June 2015 00:30:06

From: Roisha Hughes [[mailto:\[REDACTED\]@london.gov.uk](mailto:[REDACTED]@london.gov.uk)]

Sent: Thursday, June 11, 2015 07:20 PM

To: Edwardlister

Cc: Jeff Jacobs; Sarah Gibson ; Leigh Greenhalgh ; Munira Mirza ; Richard Blakeway ; Lan Feng ; Jeremy Skinner ; Fiona Fletcher-Smith ; David Lunts ; Martin Clarke; Neale Coleman; IsabelDedring; Hendy Peter (TfL); Tim Steer ; Amy Selman ; WillWalden

Subject: Note: meeting with the Chancellor

Ed

You and I joined the Mayor's meeting with the Chancellor earlier today. Jennifer Donnellan, Chris West and David Silk attended the meeting from HMT.

The following points were discussed:

1. The Garden Bridge

The Chancellor asked about progress on the project and the Mayor gave an update.

Roisha

Roisha Hughes

Principal Private Secretary to the Mayor

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Attachments: [Agenda Item 1 Garden Bridge OMBP.pdf](#)

From: Rogan Kerri

Sent: 26 April 2016 16:33

To: Brown Mike (Commissioner); Daniels Leon; Richard de Cani (MD Planning); Nunn Ian

Cc: Dix Michèle; Everitt Vernon; Carter Howard; Pollins Andrew; Craig Graeme; Hudson Teresa; Tagg Ella (ST); Branks Kirsten; Taylor Lisa; Osborne Emma; Hawley Anthea; Hill Rhiannon; Taylor-Ray Judy; MacKay Christine; Hickman Misha; Kinnear Sarah; Lee Stuart; Quinn Amy; Adcock Emma; Thomson Linda

Subject: 27 April Mayor's meeting pack

Dear all

Please find copied below and attached the agenda for the last meeting with the current Mayor which is due to take place tomorrow 27 April from 17:00 – 18:00 at Portcullis House, Room 434.

Please note that these papers are now also available on the online iPad app.

Ref	Item	
1	Garden Bridge	Richard de Cani
2	Silvertown DCO and River Crossing update (verbal)	Richard de Cani
3	Achievements over the Mayoral term (verbal)	Mike Brown
4	Crossrail 2 (verbal)	Mike Brown
5	AOB	

Please do not hesitate to get in touch if you have any queries.

Kind regards,

Kerri Rogan

Head of Corporate Affairs

Customers, Communications & Technology
Transport for London

Windsor House (11th floor)
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Phone: [REDACTED]
Auto: [REDACTED]
Mobile: [REDACTED]



From: [William Tricker](#)
To: [Brown Mike \(Commissioner\)](#)
Subject: FAO: Mike Brown MVO, Commissioner of TfL re: letter from Tom Copley AM
Date: 02 February 2018 11:31:55
Attachments: [Letter to MB from TC re. GBT Feb2018.pdf](#)

FAO: Mike Brown MVO, Commissioner of TfL

Please see attached a letter from Tom Copley AM regarding the release of minutes of the Garden Bridge Trust

I have sent a hard copy in the post.

Please can you send me an acknowledgment of this email.

Thanks,

Will

Will Tricker

Research and Support Officer

City Hall, The Queen's Walk, London, SE1 2AA

T: [REDACTED] | E: [REDACTED] [london.gov.uk](mailto:[REDACTED]@london.gov.uk)

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From: [William Tricker](#)
To: [Tagg Ella \(ST\)](#); [Brown Mike \(Commissioner\)](#)
Cc: [Tom Copley](#)
Subject: FAO: Mike Brown MVO, Commissioner of TfL re: minutes of the Garden Bridge Trust
Date: 22 May 2018 14:54:08
Attachments: [Letter to MB re. Garden Bridge Trust May2018.pdf](#)

FAO: Mike Brown MVO, Commissioner of TfL

Please see attached a letter from Tom Copley AM regarding the minutes of the Garden Bridge Trust.

I have sent a hard copy in the post.

Please can you send me an acknowledgment of this email.

Thanks,

Will

Will Tricker

Research and Support Officer

City Hall, The Queen's Walk, London, SE1 2AA

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From: [REDACTED]
To: [Brown Mike \(Commissioner\)](mailto:Brown Mike (Commissioner)@tfl.gov.uk)
Cc: [REDACTED]@tfl.gov.uk; [REDACTED]@tfl.gov.uk; [REDACTED]@tfl.gov.uk; [REDACTED]@tfl.gov.uk
Subject: FOI Request re Garden Bridge Meeting Minutes
Date: 09 November 2015 11:55:38

Dear Mike,

I'm writing to you because of my concern over an FOI request which has now been with TfL for 35 working days yet still hasn't been answered (see correspondence below).

This request – which under the FOI Act should have been answered in the statutory 20 working days – was for the minutes of the early 2013 meeting on the subject of the Garden Bridge/Temple to South Bank footbridge involving Mayor Boris Johnson, TfL's then commissioner and TfL's then managing director of planning.

As you can see from the correspondence below, I was told to expect an (overdue) update on the 2nd of November but have heard nothing despite several requests for information from your FOI team. I've been very reasonable but am beginning to doubt TfL's commitment to transparency:

<https://tfl.gov.uk/info-for/media/press-releases/2014/december/tfl-seeks-public-views-on-its-approach-to-transparency>

I'm also wondering whether this very specific request is being wrongly withheld because its disclosure would be politically embarrassing to TfL or mayor Boris Johnson.

The information I've requested may be awkward for some but it is firmly in the public interest and is, I believe, of great importance to the ongoing inquiry of the London Assembly's oversight committee into the procurement of the Garden Bridge. Please can you tell me when my inquiry will be answered and reassure me of TfL's commitment to transparency?

Yours sincerely,

[REDACTED]
[REDACTED]

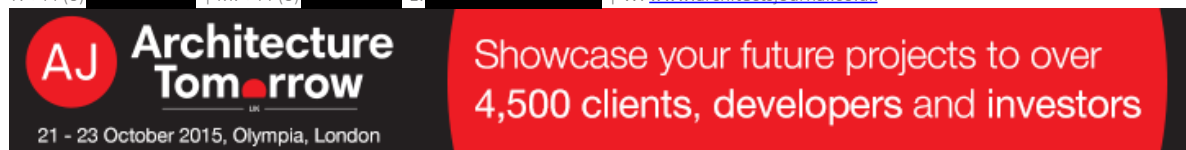
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From: FOI [<mailto:Fol@tfl.gov.uk>]

Sent: 21 October 2015 10:47

To: [REDACTED]

Subject: RE: FOI Request - Garden Bridge Meeting Minutes

Dear Mr [REDACTED]

Our Ref: FOI-1121-1516

Thank you for your e-mail received on 21 September 2015 asking for a copy of the minutes for a meeting regarding the Garden Bridge in early 2013. I apologise for not contacting you sooner.

Your request has been considered in accordance with the requirements of the Freedom of Information (FOI) Act and TfL's information access policy.

Because we are still finalising our response we have not been to resolve your request within the statutory 20 working day period.

We hope to provide you with a full response in the near future. I will provide an update by 2 November 2015 if we have not been able to provide a response by this date. Please accept my apologies for this delay.

In the meantime, if you have any queries relating to your request, please do not hesitate to contact me.

Please see the attached information sheet for details of your right to appeal.

Yours sincerely

Gemma Jacob

FOI Case Officer

FOI Case Management Team

General Counsel

Transport for London

foi@tfl.gov.uk

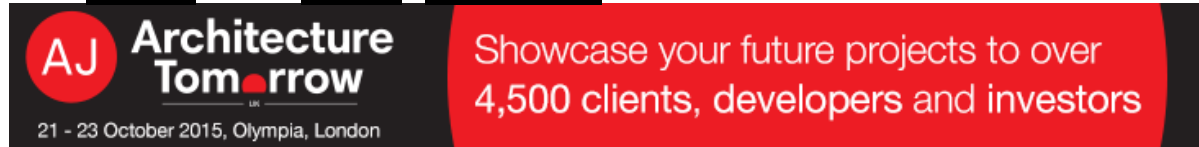
From: [REDACTED] [mailto:[REDACTED]]
Sent: 20 October 2015 13:47
To: FOI
Subject: FAO GEMMA JACOB FOI Request - Garden Bridge Meeting Minutes

Hi Gemma,
I was expecting a response on this yesterday. Is it on its way please?
Best,

[REDACTED]

[REDACTED]

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From: FOI [mailto:FOI@tfl.gov.uk]

Sent: 21 September 2015 14:54

To: [REDACTED]

Subject: FOI Request - Garden Bridge Meeting Minutes

Dear Mr [REDACTED]

Our Ref: FOI-1121-1516

Thank you for your e-mail received on 21 September 2015 asking for a copy of the minutes for a meeting regarding the Garden Bridge in early 2013.

Your request will be processed in accordance with the requirements of the Freedom of Information Act and TfL's information access policy.

A response will be provided to you by 19 October 2015. We publish a substantial range of information on our website on subjects including operational performance, contracts, expenditure, journey data, governance and our financial performance.

This includes data which is frequently asked for in FOI requests or other public queries. Please check

<http://www.tfl.gov.uk/corporate/transparency/> to see if this helps you.

In the meantime, if you would like to discuss this matter further, please feel free to contact me.

Yours sincerely

Gemma Jacob

FOI Case Officer

FOI Case Management Team

General Counsel

Transport for London

foi@tfl.gov.uk

From: [REDACTED] [mailto:[REDACTED]]

Sent: 21 September 2015 14:34

To: FOI

Subject: FOI request

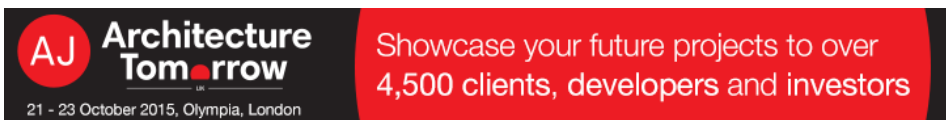
Under the FOI Act, please send me minutes of the early 2013 meeting on the subject of the Garden Bridge/Temple to South Bank footbridge involving Mayor Boris Johnson, TfL's commissioner and TfL's managing director of planning. This followed a presentation to the mayor by Heatherwick Studio on the proposal for a 'Garden Bridge' and is referenced on page 2 of the recently released internal review attached.

Thanks,

[REDACTED]

[REDACTED]

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From: [Brown Mike \(MD\)](#)
To: [Brown Nick \(Chief Operating Officer\)](#)
Subject: FW: For information: Mayor's Question Time - Summary note, Wednesday 25 March 2015
Date: 26 March 2015 13:47:00

From: Hamilton Johnnet

Sent: 26 March 2015 13:35

To: +CEMC Leadership Team; +Government & Stakeholder Relations; +R&U External Relations; +TfL CEM&C Corporate Affairs; +TfL Press Office; Allen Steve (MD Finance); Barry John (ST); Ben White; Bevins Richard; Bishop Hannah; Blake Peter; Bradley Clare; Bradley Peter (ST); Branthwaite James (LO); Brown Andy; Brown Mike (MD); Brown Susie; Burton Steve (ST); Butcher Sue; Buxton Simon; Carter Howard; CCO Knowledge & Engagement Team; Chapman Helen (TPH); Craig Graeme; Daniels Leon; Diana Dawn; Dix Michèle; Dixon Julie; Emmerson Garrett; Evers Mark; Fairhurst Malcolm; Field David (ST); Giroux Alison; Goldstone David; Grainger Beth; Green Amanda; Gumbrell Steve; Hall Brenton (TPH); Hatch Andrew; Hickman Misha; Hiley Andrew; Hill Rhiannon; Hobley Marcus; Johnson Esther (Correspondence); Kafetzi Vicky; Keane Kate; Kemsley Oliver (LSTCC Event Coordinator); Kenny Shamus; Kerry Rachel; Kinnear Sarah; Lancaster Mike; Leedham Miranda (Exc); Lyon Benjamin; MacSherry Pippa; Mann Colin; Miles Andrew (ST); Niven Robert (DLR); Orr Graham; Page Tom; Parker Thomas; Perrins Neil; Plowden Ben; Pollins Andrew; Porter Chris; Powell Gareth; Quinn Amy; Ratnayaka Shamal; Richard de Cani (MD Planning); Riley Tricia; Roach Sam; Rowe David (ST); Seagriff Elaine; Shaffrey Cian; Shrestha Rumi; Skelley Dana (ST); Taylor Lisa; Trinder Stefan; Tucker John; Turner Lucinda; Van Der Nest Christian (ST); Vidion Zoe; Wallace Dorothy (TLL); Williams Alex; Woolston Helen

Subject: For information: Mayor's Question Time - Summary note, Wednesday 25 March 2015

Yesterday's Mayor's Question Time session focussed on the Garden Bridge and a variety of transport issues including the devolution of rail services to TfL and whether London Underground will be able to deliver the Night Tube service despite demands from the trade unions. Members also questioned the Mayor on his views on their recent investigation into Taxi and Private Hire services – 'Future Proof'.

A full transcript of the meeting will be available next week and a summary of the transport-related discussion is set out below.

Opening remarks

The Mayor began by providing an update on his last report for this municipal year. His update was largely on housing and policing.

Garden Bridge

Responding to a question from Caroline Pidgeon (CP) AM on whether he was satisfied with the way in which the procurement process for the Garden Bridge was conducted, the Mayor said the Garden Bridge is a fantastic project for Europe and he was satisfied that TfL had managed a good procurement process. CP pressed further and asked why Heatherwick Studios was awarded higher marks for building bridges when they had built just one bridge, while more experienced bidders like Wilkinson Eyre and Marks Barfield Architects who had built more bridges and received awards, scored highly on relevant experience yet their bids were unsuccessful.

CP revealed that the Mayor had been lobbied by Joanna Lumley who is an associate of Heatherwicks and questioned if this was why Heatherwicks had been appointed.

Boris Johnson (BJ) replied that Heatherwicks are a reputable designer, a great export of Great Britain who designed the Olympic Cauldron among other things, and he had every confidence in the design.

CP was still not convinced and called on the Mayor to agree to an independent audit of the procurement process. The Mayor emphatically said no. CP continued to press the Mayor on this point but he remained firm and said he would not do so as the procurement had been a transparent process and CP was welcome to

inspect the documents.

Turning to the issue of Westminster City Council's planning condition that the Mayor must give an undertaking to be responsible for the continuing maintenance of the proposed bridge, John Biggs (JB) AM asked the Mayor if he had given an undertaking that the GLA would stand as guarantor for the maintenance costs of the bridge.

BJ said his Executive Director Fiona Fletcher-Smith had written to Westminster to give two undertakings for the Garden Bridge. The first was to provide funding of £30m for the bridge. This amount would be generated from private donations and public subscriptions but before doing so, the Mayor stressed the Garden Bridge Trust would have to guarantee that they would stand the annual maintenance costs of around £3.5m.

On hearing this, JB accused the Mayor of lying to the Assembly as had previously said the GLA wouldn't give an undertaking to maintain the bridge. BJ reiterated that he would not release the £30m unless he was sure the maintenance costs will be met.

The Mayor said his second undertaking is in the event of something catastrophic, the GLA would stand the cost.

JB remarked that there had been a public competition for the new bridge at Nine Elms whereas this one seemed to have been secured with a 'bunch of flowers'.

Rail Devolution and London Bridge station chaos

Valerie Shawcross (VS) AM said that the recent scenes at London Bridge station had further highlighted the disadvantage of a 'chaotic' and 'fragmented' rail system in London. She said on 23 February, the Chancellor had agreed that the Mayor would be given more powers over franchises; she asked the Mayor what had been done since then to progress the devolution to City Hall's control of London's suburban rail services.

BJ said he absolutely agreed that the scenes at London Bridge were the result of a lack of no overall political control.

VS continued that while her colleagues supported calls for the devolution of rail services, she felt that was a long way off and customers needed their season tickets refunded now.

The Mayor told Members he had been holding regular meetings with Mark Carne, Chief Executive of Network Rail and Secretary of State for Transport Patrick McLoughlin to make the case for devolution of rail services. BJ felt if this chaos had occurred at a station like Victoria, he would be held accountable.

Joining the session, Darren Johnson (DJ) AM asked the Mayor what leadership he was showing on this matter. BJ said he had held regular discussions with the operators. Also, TfL had provided extra staff at key stations and provided extra buses and assistance to customers by suggesting better routes.

DJ pressed further accusing the Mayor of not showing much political involvement.

BJ replied that he had held constant meetings between TfL and Network Rail.

DJ reflected that information on congestion, increasing staff at affected areas and adapting journeys were lessons he was told had been learnt from the London 2012 Olympics, so why could these not be applied in this case.

The Mayor explained that the two did not compare, he felt Network Rail had overestimated the success of the new signalling and the issue was one of limited political oversight and control.

VS asked the Mayor what progress would be made to move forward the issue of devolution. BJ said on 31 May this year, the suburban services out of Liverpool Street will be managed by TfL with passengers immediately benefitting from Pay

as you go fares. He explained that the next opportunity for devolution will come as the South London rail franchises are renewed, the first of which will be Southeastern in 2018. Also in a few years' time, suburban services out of Paddington will also transfer to TfL as part of Crossrail.

James Cleverly (JC) AM asked the Mayor if he would give his assurance that lessons learnt at refurbished stations would be applied for the future. The Mayor said he had been given assurances from Mark Carne that the situation would improve.

Turning to constituency matters, JC called on the Mayor to join his cause to have his constituents recompensed, the Mayor agreed that he would be supportive.

Steve O'Connell (SO'C) told the Mayor he had spoken with a Train Operating Company to apply a discount when passengers renew their season tickets as compensation. He called on the Mayor to support this. BJ responded that he would support such a move.

Richard Tracey (RT) AM asked for an update on whether a special Government adviser had been appointed following the Network Rail disaster at Christmas as promised.

The Mayor was unsure so agreed to enquire.

Taxi Hire and Private Hire – 'Future Proof'

VS said that the London Assembly's Transport Committee report 'Future Proof', had highlighted that there are currently 67 Metropolitan Police Cab Enforcement officers. The report highlights that this number had stagnated since 2008 despite the number of Private Hire drivers increasing by 10,000 vehicles over this period. She called on the Mayor to increase the number of enforcement officers in the Capital.

The Mayor conceded that this was an area that he had to do a lot more work. He said even though he had doubled the number of enforcement officers since 2008. He added that TfL directly funds 68 dedicated police cab enforcement officers and they work alongside TfL's 41 Taxi and Private Hire compliance officers.

VS argued this wasn't enough. She said the Committee's investigation had found only 14 TfL Compliance Officers worked at night. To rapturous cheers from Taxi and Private Hire drivers in the public gallery she continued to say touting had become endemic and the Assembly believes that touting is massively unenforced and arrest rates had fallen by thirty-seven percent since 2010. She added that there were two sexual assaults every week in Cabs. She called on the Mayor to tell the Chamber what he was doing to increase the number of enforcement officers and remarked he should put 'some welly' into regulating it.

The Mayor said he will be increasing Compliance Officers by 17 per cent and he had asked TfL to bring forward some form of English test and geography of London test. He reiterated his pledge to redouble his efforts in tackling touting but added it shouldn't go unnoticed that there had been thousands of arrests with a 96 per cent conviction rate.

RT asked what the situation with the Taxi firm Uber was. The Mayor responded that the Licensed Taxi Drivers Association (LTDA) chose to bring a prosecution to the Magistrates Court against a small number of Uber drivers on whether a smartphone was a taximeter.

He said because of the LTDA's criminal case it was impossible for TfL to proceed getting guidance from the High Court. However, the LTDA had now dropped their case so he would now proceed.

RT asked if the High Court did decide that the Uber app was a taximeter if the Mayor would support a Government ban of the Uber app similarly to that done in

Germany. The Mayor said only in Delhi did they have an outright ban, in Germany their ban was to restrict drivers using the UberPop service from taking passengers.

The Mayor said he can't dis-invent the mobile phone but the industry needs to make technology their friend. He added that Black cabs are the gold standard so we must help them to be more technologically advanced.

Referring to the Future Proof report, CP said the report found that TfL must 'up their game', she called on the Mayor to ensure that TfL responds to the report's recommendations. The Mayor agreed.

CP asked the Mayor if he would publicly release details of his discussions with the taxi trade. The Mayor refused. She pressed further asking if he would publish the minutes of his meetings with Cab drivers, BJ reiterated he would not as he felt his discussions with them should remain private and not turn into a political 'circus'. He also intimated that CP would tweet what was discussed to which she replied that was her job.

James Cleverly (JC) AM highlighted that on TfL's Taxi webpage it lists some apps but not all. He felt the page should either advertise all apps or list none at all.

The Mayor agreed to look into this.

Victoria Borwick (VB) AM said she hoped the Mayor felt the strength of support for this. She argued we must support the drivers and Londoners who use them. She called on the Mayor to ensure that the Black cab vehicles served the needs of disabled passengers, meet emission standards, and that the drivers can communicate effectively with the passengers. She said in a year's time the Transport Committee should revisit the issue to see how much progress had been made.

As this oral question drew to a close, over a hundred Cab drivers and interested parties left the chamber. One individual could be heard shouting to the Mayor 'what we want is for you to ask TfL to come up with an app just for Black Cab drivers – we would support it and use our knowledge to develop it', the Mayor nodded.

Night Tube

RT asked the Mayor if he will assure Londoners that London Underground (LU) will deliver the Night Tube without being held to ransom over excessive wage demands.

BJ responded that he would. He told Members that LU were in the middle of pay deal negotiations, which reflects what he is asking staff to deliver for Night Tube. He felt the offer was fair and affordable.

RT referred to an article in the Evening Standard published yesterday (25 March) which lists the demands made by Aslef trade union that train drivers should work a four day week, receive a £500 lump sum as part of a deal to operate the Night Tube service and "quality time off" after working nights at weekends.

The Mayor gave his assurance that the Night Tube will be delivered despite the demands of the trade unions. He concluded that it was his wish that legislative change would make it illegal for the unions to hold 'wildcat' strikes.

-Ends-

Kind regards

Johnnet Hamilton

Assembly Engagement Officer

Government and Stakeholder Relations

Transport for London

11th floor | Windsor House | 42-50 Victoria Street | London | SW1H 0TL



[Redacted]



auto

[Redacted]



M:

[Redacted]

E-mail

[Redacted]

tfl.gov.uk

From: [Branks Kirsten](#)
To: [Richard de Cani \(MD Planning\)](#)
Cc: [Carter Howard](#); [Taylor-Ray Judy](#); [Mahmood Isma](#); [Hill Rhiannon](#); [Brown Andy](#); [Gourley Jennifer](#); [Tagg Ella \(ST\)](#); [Brown Mike \(Commissioner\)](#)
Subject: FW: Garden Bridge funding concerns
Date: 10 November 2015 15:21:46

Richard,

Please see below email regarding Garden Bridge received from Caroline Pidgeon. Grateful if you could please pull together a draft response addressing each of Caroline's points. Also copied to Howard.

Many thanks

Kirsten

From: Caroline Pidgeon [mailto:caroline.pidgeon@london.gov.uk]

Sent: 10 November 2015 15:04

To: Brown Mike (Commissioner)

Subject: Garden Bridge funding concerns

Dear Mike

It was good to see you last week. I thought there were many positive points that came out of our discussion. I would like to raise with you a particular angle on the funding arrangements for the Garden Bridge project, which is the prospect of the Garden Bridge Trust requiring further public funding once work on the bridge has started.

Lord Davies, the chair of the Garden Bridge Trust has publically stated that they would start building works when they reach £150 million with their fundraising. This means they plan to start work when they will still be £25 million short.

Of course it is quite common for large capital projects that include a fundraising element to start work while fundraising continues, but there is an important distinction to be drawn. It is one thing having a part-finished museum extension, such as the Tate Modern Extension. Having a part-finished bridge would be another matter. Additional funds would surely have to be provided to complete it. There is a danger that once work starts donors will take the view that the project will happen anyway and that their money is not needed. There are good examples of donors reneging on commitments, such as with the Vilar Hall at the Royal Opera House or the Tanaka Business School at Imperial College. What is the legal status of the donor pledges already received?

Would it not make sense to require the Garden Bridge Trust to have the entire construction budget in place before beginning the work?

Furthermore, surely the budget should be required to include a very large contingency element to reflect its unique nature? Unique buildings do have a tendency to go over budget – the Scottish Parliament building went massively over budget, as did the Millennium Dome.

You know that I have grave concerns about the project as a whole, but the funding and the potential future liabilities on London tax payers is chief among them. To summarise the questions raised here:

- Is it appropriate that the Garden Bridge Trust intends to start work before it has raised the funds required?
- What level of confidence does TfL have in the Garden Bridge Trust as a fundraising organisation?
- What is the legal status of the donor pledges already received?
- Shouldn't the budget include a large contingency?
- What are the terms of the £20 million TfL loan?
- To what extent will TfL be at risk of having to plug a gap in funding the bridge in future?
- What thought has been given to the potential financial liabilities of the Mayor's

underwriting the maintenance costs of the bridge?

I would urge TfL to consider what a 'worst case scenario' would look like on this project, not because it is necessarily going to happen, but so it is aware of the possible consequences if things do not proceed as planned.

Best wishes

Caroline Pidgeon MBE AM

Leader of the Liberal Democrat Group

Deputy Chair Transport Committee

Deputy Chair Police and Crime Committee

www.carolinepidgeon.org

LONDONASSEMBLY Liberal Democrat Group

City Hall, The Queen's Walk, London SE1 2AA



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From: [Brown Andy \(Corporate Affairs\)](#)
To: [Brown Mike \(Commissioner\)](#)
Cc: [Thomson Linda](#); [Branks Kirsten](#); [Tagg Ella \(ST\)](#)
Subject: FW: Garden Bridge Trust board minutes
Date: 23 March 2018 18:35:08

Hi Mike - FYI below from David.

We'll need to wait to see what Jack says, but I think any answer you would give would be something like:

BEGINS

Dear Tom,

Thank you for your email and I'm sorry we haven't been able to send you the minutes of the Garden Bridge Trust's Board meetings yet. The minutes span a large period of time, and we need to be sure that the redactions that the Garden Bridge Trust have applied are appropriate. I do want to get through that process as quickly as possible, and as soon as we have done that I will make sure that a copy is sent to you as well as being published on our website.

Kind regards,

Mike

ENDS

This would be in line with what we have said to the AJ journalist who has been chasing our press office, too.

Andy

[REDACTED] | [REDACTED]

From: David Bellamy [mailto:[REDACTED]@london.gov.uk]

Sent: 23 March 2018 16:06

To: Brown Andy (Corporate Affairs); Jack Stenner

Subject: RE: Garden Bridge Trust board minutes

Thanks Andy. Jack has agreed to do this for me.

Jack, please let us know Tom's reaction. TfL will then need to send a suitable written response to the email.

Thanks,

David.

From: Brown Andy (Corporate Affairs) [mailto:[REDACTED]@tube.tfl.gov.uk]

Sent: 23 March 2018 10:44

To: David Bellamy <[REDACTED]@london.gov.uk>

Subject: FW: Garden Bridge Trust board minutes

Hi David,

Further to our quick chat yesterday - please see below email that Mike has just received from Tom Copley.

Is there any way you could speak to Tom about it, please?

Andy

[REDACTED] | [REDACTED]

From: Tagg Ella (ST)

Sent: 23 March 2018 10:42

To: Brown Andy (Corporate Affairs)

Cc: Branks Kirsten; Thomson Linda

Subject: FW: Garden Bridge Trust board minutes

As requested.

Many thanks

Ella

Ella Tagg

PA to Commissioner

Phone: [REDACTED] (auto [REDACTED])

11th floor, Zone 11Y8, Palestra, 197 Blackfriars Road, London, SE1 8NJ



From: Tom Copley [mailto: [REDACTED]@london.gov.uk]
Sent: 23 March 2018 10:31
To: Brown Mike (Commissioner)
Subject: Garden Bridge Trust board minutes
Dear Mike,

TfL have had the Garden Bridge Trust's board minutes for nearly a month. Please could you let me know when they will be released?

Best wishes,

Tom
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From: [Brown Mike \(MD\)](#)
To: [Fowler Christopher \(Network Incident Response Manager\)](#)
Subject: FW: GARDEN BRIDGE
Date: 12 February 2014 16:58:00
Attachments:

From: Brown Mike (MD)
Sent: 16 January 2014 16:44
To: Hendy Peter (TfL)
Cc: Hudson Teresa; Tagg Ella (ST); Branks Kirsten; Waboso David
Subject: GARDEN BRIDGE

Peter

Having explored this with David, I enclose the CV of [REDACTED]
who we think might be suitable for this.

If you are happy, David and I will progress with her.

Who would she work for?

Mike

Mike Brown
Managing Director
London Underground & London Rail
11th Floor
Palestra
London SE1 8NJ



Begin forwarded message:

From: Waboso David <[REDACTED]@tube.tfl.gov.uk>
Date: 23 December 2013 13:39:31 GMT
To: "Hendy Peter (TfL)" <[REDACTED]@Tfl.gov.uk>
Cc: Dix Michèle <[REDACTED]@tfl.gov.uk>, Branks Kirsten
<[REDACTED]@Tfl.gov.uk>, "Tagg Ella (ST)" <[REDACTED]@Tfl.gov.uk>, "Brown Mike
(MD)" <[REDACTED]@tfl.gov.uk>
Subject: Re: GARDEN BRIDGE

Peter

I'll look into this and get back to you

We have some very good people who might be available

David Waboso
Capital Programmes Director, London Underground

(sent from my iPhone please excuse my spell-checker)

On 23 Dec 2013, at 12:06, "Hendy Peter (TfL)" <[REDACTED]@Tfl.gov.uk> wrote:

David,

When I met Paul Morrell, one of the Trustees of the Garden Bridge project, he asked me about Richard de Cani, as they are impressed with him, for the Project Management of the project. But Richard isn't suitable as (1) he has too much on, and (2) the project will move into delivery mode in a fairly short space of time. Anyway, (3) he's too good and we need him too much!

I said I'd ask whether we knew any good project managers of this high-profile but non-TfL project. Any thoughts?

Regards,

Peter

From: [Branks Kirsten](#)
To: [Brown Mike \(Commissioner\)](#)
Cc: [Hudson Teresa](#)
Subject: FW: GBT - Extension of Year End
Date: 29 July 2016 16:58:40

M – for info.
K

From: Brown Andy
Sent: 29 July 2016 14:44
To: Hudson Teresa
Cc: Tagg Ella (ST); Branks Kirsten; O'Hara Jamie; Williams Alex; Carter Howard; Ritchie Charles; Everitt Vernon; Rogan Kerri; Hill Rhiannon
Subject: FW: GBT - Extension of Year End

Hi Teresa,

Further to my update earlier this week, please see below an email I've received today from the Garden Bridge Trust explaining that, in the absence of a decision yet from the Transport Secretary, they have taken the decision to extend their financial year and therefore delay the submission of their accounts. The Trust has received questions from some media outlets and has made a short statement to this effect, and our press office is in communication with the Garden Bridge Trust press team.

I have discussed the Trust's decision with the DfT. Neither of us had understood from the Trust that this was seemingly so straightforward an option to buy a little time (and we are both quite annoyed they chose not to make that clear when this conversation first began roughly two weeks ago).

I also understand that the DfT's urgent due diligence work on the Trust's financial position has been completed and they have drafted a report. This is now being looked at in draft and the Trust has been given a short window to request factual corrections. It will then be presented to the Transport Secretary later today along with a briefing paper which will make a recommendation for what he should do next.

While the DfT don't know what that recommendation will be yet, I suspect it may be along the lines of the Transport Secretary writing to the Chancellor and/or Prime Minister to get their direction on how to proceed, before making a final decision about the extension of the underwriting in the next 2-4 weeks. But that is only my guess.

Please shout if you have any questions, and I will let you know if I hear any more.

Many thanks,

Andy

From: Bee Emmott [[mailto: \[REDACTED\]@gardenbridge.london](mailto: [REDACTED]@gardenbridge.london)]
Sent: 29 July 2016 12:08
To: Rupert Furness; Brown Andy
Subject: GBT - Extension of Year End

Rupert, Andy

As you both know, we have been working with the DfT over the last few days to provide the necessary information to the Secretary of State to assist with his decision in regards to extending the underwriting as requested by the Trust.

As discussed, the Trusts current year end date is October 2015, which reflects the commencement date of the Trust. Given recent developments and in light of the fact the SoS has yet made a decision, the Trustees have decided to align the future year end to March 2016 which is a common year end date for charities. The new year end for the Trust will therefore be the traditional financial year end of 31 March. This will result in accounts being prepared for a 17 month period from October 2015 to the end of March 2016.

The filing dates for these accounts will be: Companies House: 31 December 2016, Charities Commission: 31st January 2017.

Thanks

Bee

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From: [Branks Kirsten](#)
To: [Brown Mike \(Commissioner\)](#)
Cc: [Tagg Ella \(ST\)](#)
Subject: FW: letter to the Assembly - final versions
Date: 29 January 2016 08:17:44
Attachments: [Draft Mike Brown reply to Len Duvall re Garden Bridge at Oversight Commi... \(2\).doc](#)
[Mayor Letter - Garden Bridge \(2\).doc](#)
[Appendix - Emails sent to three firms in bidding process.pdf](#)
Importance: High

Morning Mike – good luck this morning

The Mayor has now cleared his letter to Len Duvall. One minor amendment to yours as below (in blue). Content we put your electronic signature on and get it out?

K

Representatives from London Underground met with Heatherwick Studio on 25 January 2013 to discuss Temple station. No note or minute was taken. The discussion focussed on the issues which would need to be considered were a bridge to be built in the vicinity of our station and railway. Such meetings with third party scheme promoters are standard practice.

From: Michael Coleman [mailto:██████████@london.gov.uk]
Sent: 28 January 2016 22:49
To: Brown Andy; Tagg Ella (ST); Branks Kirsten
Subject: FW: letter to the Assembly - final versions
Importance: High

Hi all,

Please find attached both letters which have now been agreed by all the relevant people at City Hall – including the Mayor.

There is one small tweak to the Mike Brown response (as discussed with you previously Andy) which was recommended by Isabel. This is highlighted in blue. As you will notice we have also amended the Mayor's response regarding the San Francisco visit.

We will be sending the Mayor's response out first thing tomorrow morning if you can please do the same for Mike's letter.

Many thanks for all your hard work on this Andy.

Regards,

Michael Coleman
Assembly Liaison Manager- Mayor's Office
Greater London Authority

City Hall, The Queens Walk, London SE1 2AA

Tel: +44 (0) ██████████

Email: ██████████@london.gov.uk

Web: www.london.gov.uk / Switchboard +44 (0)20 7983 4000

From: Brown Andy [mailto:██████████@tube.tfl.gov.uk]
Sent: 28 January 2016 18:21
To: Michael Coleman
Subject: Re: letter to the Assembly

Ok thanks Mike

When you have final versions please can you just let me, Ella Tagg and Kirsten Branks know? Ella and Kirsten will do the actual signing and mailout from Mike so the sooner they get it the faster it'll be 'in the system', as it were.

Cheers -- shout if I can help with anything more

Andy

From: Michael Coleman [[mailto:\[REDACTED\]@london.gov.uk](mailto:[REDACTED]@london.gov.uk)]
Sent: Thursday, January 28, 2016 05:50 PM
To: Brown Andy
Subject: RE: letter to the Assembly

Andy – these are the versions we are currently intending to send out. I just need final sign off from Isabel, Ed and Boris but this is just a formality I think. Once they are happy I'll notify you to send round to Mike et al if that's ok.

I think it's most likely that these will go out tomorrow morning but I'll keep you in the loop.

From: Brown Andy [[mailto:\[REDACTED\]@tube.tfl.gov.uk](mailto:[REDACTED]@tube.tfl.gov.uk)]
Sent: 28 January 2016 16:34
To: Michael Coleman
Subject: RE: letter to the Assembly

OK -- I think Vernon Everitt had added that in! :)

From: Michael Coleman [[mailto:\[REDACTED\]@london.gov.uk](mailto:[REDACTED]@london.gov.uk)]
Sent: 28 January 2016 16:33
To: Brown Andy
Subject: RE: letter to the Assembly

Yes excellent. Just taken out 'completely'.

From: Brown Andy [[mailto:\[REDACTED\]@tube.tfl.gov.uk](mailto:[REDACTED]@tube.tfl.gov.uk)]
Sent: 28 January 2016 16:08
To: Michael Coleman
Subject: RE: letter to the Assembly

Mike

I suggest you change point (i) to read as follows:

i. Minutes or notes of any meetings between representatives of TfL and Heatherwick Studio in the period before the tender was released

Representatives from London Underground met with Heatherwick Studio on 25 January 2013 to discuss Temple station. No note or minute was taken. The discussion focussed on the issues which would need to be considered were a bridge to be built in the vicinity of our station and railway. Such meetings with third party scheme promoters are completely standard practice. There were no other meetings between TfL and Heatherwick Studio in the period running up to the release of the invitation to tender in February 2013.

A relatively minor change but will that work do you think? Happy to have another go if necessary

Andy

From: Michael Coleman [[mailto:\[REDACTED\]@london.gov.uk](mailto:[REDACTED]@london.gov.uk)]
Sent: 28 January 2016 15:43
To: Brown Andy
Subject: RE: letter to the Assembly

Andy - could you give me a call when you get a chance?

Much obliged,

Michael Coleman
Assembly Liaison Manager- Mayor's Office
Greater London Authority

City Hall, The Queens Walk, London SE1 2AA

Tel: +44 (0) [REDACTED]

Email: [REDACTED]@london.gov.uk

Web: www.london.gov.uk / Switchboard +44 (0)20 7983 4000

From: Brown Andy [[mailto:\[REDACTED\]@tube.tfl.gov.uk](mailto:[REDACTED]@tube.tfl.gov.uk)]
Sent: 28 January 2016 12:43
To: Michael Coleman

Cc: Hill Rhiannon; Zoe Newcombe; Roisha Hughes; Richard de Cani (MD Planning); Tagg Ella (ST); Branks Kirsten; Rogan Kerri

Subject: RE: letter to the Assembly

Hi Mike

With apologies again for the delay -- please find attached:

- Draft letter for the Mayor to send to Len Duvall
- Draft letter for Mike Brown to send to Len Duvall
- Appendix to Mike Brown's letter
- Letter from Len to the Mayor (for reference only)
- Letter from Len to Mike Brown (for reference only)

These have been cleared by Mike. When you're happy with them and are going to send the Mayor's letter, please can you let us know so we can action sending Mike's letter from this end at the same time?

Any questions please give me a shout.

Thanks

Andy

Andy Brown

Programme Manager, Garden Bridge & Managing Director's Office - TfL Planning

Transport for London

10th Floor, Windsor House, 42-50 Victoria Street, London SW1H 0TL

Direct: +44 (0) [REDACTED] | Auto: [REDACTED]

Mobile: +44 (0) [REDACTED]

From: Michael Coleman [[mailto:\[REDACTED\]@london.gov.uk](mailto:[REDACTED]@london.gov.uk)]

Sent: 20 January 2016 15:19

To: Brown Andy

Cc: Hill Rhiannon; Zoe Newcombe

Subject: RE: letter to the Assembly

Thanks Andy – this approach looks great. I discussed with Roisha too and she's happy.

Can we just ensure that both letters come to us for clearance and we need to ensure that they both go out at the same time.

Many thanks,

Michael Coleman

Assembly Liaison Manager- Mayor's Office

Greater London Authority

City Hall, The Queens Walk, London SE1 2AA

Tel: +44 (0) [REDACTED]

Email: [REDACTED]@london.gov.uk

Web: www.london.gov.uk / Switchboard +44 (0)20 7983 4000

From: Brown Andy [[mailto:\[REDACTED\]@tube.tfl.gov.uk](mailto:[REDACTED]@tube.tfl.gov.uk)]

Sent: 20 January 2016 13:39

To: Michael Coleman

Cc: Hill Rhiannon; Zoe Newcombe

Subject: RE: letter to the Assembly

Hi Mike

That is the last thing I needed, yes, and I am just putting the finishing touches before I send both it and the Commissioner's reply to Len Duvall round for review at this end -- I think they need to be looked at together given between them the answer the Committee's questions.

I am keen to get the two letters signed off together by Chief Officers at this end before sending you the draft, and I hope to have that done by the middle of next week. I hope that's OK.

In the meantime -- below is where I've got to at present with the Mayor's draft so you are aware. It's fairly simple because it relies so much on Mike Brown's separate reply. Can you

give me a shout if not's the kind of thing you were expecting?

Sorry for the delay

Thanks

Andy

BEGINS

Dear Len

Thank you for your letter of 29 December. I have asked Mike Brown MVO, Commissioner of Transport for London, to reply on TfL's behalf to a number of the requests made in your letter which refer directly to TfL's work and activity.

Minutes or note of any meetings between representatives of TfL and Heatherwick Studio in the period before the tender was released

I have asked Mike Brown to reply to you on TfL's behalf in response to this request.

Notes, minutes and details of attendees at any meetings held in the United States of America in relation to sponsorship of the Garden Bridge

I visited San Francisco from Sunday 3rd to Tuesday 5th February 2013, to meet with senior representatives from Apple. I was accompanied by my Chief of Staff, Sir Edward Lister, and the Deputy Mayor for Transport, Isabel Dedring. There were no notes or minutes taken at any of the meetings.

Notes, minutes and details of attendees at the meeting about the Garden Bridge held on 23 May 2013 at Swire House, 59 Buckingham Gate

I met with Barnaby and Merlin Swire at Swire House on 23 May 2013, to discuss possible investment opportunities including the Garden Bridge project. I was accompanied by the Deputy Mayor for Transport, Isabel Dedring. There were no notes or minutes taken at the meeting.

Examples of where, during previous TfL procurement processes, bids submitted after the deadline have been accepted

Clarification on the audited notes concerning a meeting to "review the invoices and commercials relating to the two contracts Garden Bridge audit 1563", specifically on the issue of who scored during the commercial day rate analysis

Details of the Board-level processes for reviewing and monitoring major procurement decisions

A copy of the email sent to the three firms involved in the bidding process, advising them in advance that the procurement was about to start

I have asked Mike Brown to reply to you on TfL's behalf in response to these requests.

Yours sincerely

Boris Johnson

Mayor of London

ENDS

From: Michael Coleman [[mailto: \[REDACTED\]@london.gov.uk](mailto: [REDACTED]@london.gov.uk)]

Sent: 20 January 2016 13:30

To: Brown Andy

Cc: Hill Rhiannon; Zoe Newcombe

Subject: FW: letter to the Assembly

Andy,

Isabel has informed us that it was only her and the Mayor who attended the meeting with the Swire Group at Swire House on 23rd May 2013. There were no formal notes/minutes taken at the meeting. That should now cover both points from our end as we have earlier sent you the San Fran FOI lines. Is that all you require from us?

You may already be aware but there was plenty of discussion during MQT as to why we

have not responded to the points raised during the Oversight Committee meeting. I have subsequently pointed out that the letter was only formally received on 29th December and we are working on providing the response as soon as possible.

I'm briefly meeting with John Barry this afternoon to update him – do you have any further news on this? Is there a chance that we will receive the draft letter by the end of this week? I'm just trying to manage the Assembly's expectations on this one.

Thanks,

Michael Coleman
Assembly Liaison Manager- Mayor's Office
Greater London Authority

City Hall, The Queens Walk, London SE1 2AA

Tel: +44 (0) [REDACTED]

Email: [REDACTED]@london.gov.uk

Web: www.london.gov.uk / Switchboard +44 (0)20 7983 4000

From: Brown Andy [[mailto:\[REDACTED\]@tube.tfl.gov.uk](mailto:[REDACTED]@tube.tfl.gov.uk)]

Sent: 11 January 2016 12:48

To: Tim Steer; Michael Coleman

Cc: Zoe Newcombe; Hill Rhiannon; Dharmina Shah

Subject: RE: letter to the Assembly

Great -- thanks both

Once we've got confirmation on those details I will draft a reply that matches up with the reply from Mike

Andy

From: Tim Steer [[mailto:\[REDACTED\]@london.gov.uk](mailto:[REDACTED]@london.gov.uk)]

Sent: 11 January 2016 12:40

To: Michael Coleman; Brown Andy

Cc: Zoe Newcombe; Hill Rhiannon; Dharmina Shah

Subject: RE: letter to the Assembly

Re point 2, I'll ask Isabel tomorrow. It's in her diary but I don't know whether she went or not, or what was discussed. I'll see if she remembers any more.

Tim

From: Michael Coleman

Sent: 11 January 2016 12:29

To: Andrew J. Brown; Tim Steer

Cc: Zoe Newcombe; Hill Rhiannon; Dharmina Shah

Subject: RE: letter to the Assembly

Hi Andy sorry for the delay in responding – the letter has now been received is exactly the same as the one sent to Mike (see attached).

In terms of your points below.

1. I would recommend liaising with our International Team regarding the San Francisco trip. We currently have two active FOIs on this issue. I've copied Dharmina in to this email and she should be able to assist with notes and attendees etc.
2. The Private Office do not currently have much detail on the Swire House meeting other than that it took place on 23rd March with the Swire Brothers and that the Mayor attended. That is all that is included in the Mayor's diary I'm afraid. I am wondering if Tim can help here? Tim - did Isabel also attend this meeting and does she have any details on who attended/ what was discussed?

Many thanks,

Mike

From: Brown Andy [[mailto:\[REDACTED\]@tube.tfl.gov.uk](mailto:[REDACTED]@tube.tfl.gov.uk)]

Sent: 06 January 2016 16:16

To: Michael Coleman; Roisha Hughes; Tim Steer

Cc: Zoe Newcombe; Hill Rhiannon
Subject: RE: letter to the Assembly

Hi Mike / Roisha / Tim

For info, attached is the letter Mike has now received from the Committee.

Assuming that the Mayor's letter (have you officially received it yet?) is very similar in content, my suggestion is that we prepare two replies (one from the Mayor, one from Mike) which are coordinated and between them cover all of the bullet points.

We will do all the necessary searches through TfL's files as well but please can I ask for any information you are able to provide from the Mayor's, Isabel's and possibly Ed's records in response to the second and third bullets, as below?

- Notes, minutes and details of attendees at any meetings held in the United States of America in relation to sponsorship of the Garden Bridge;
[I think our response to this may legally need to include conference calls with people based in the US, so as well as the trip to San Francisco in February 2013 I believe there were also conference calls organised on 27 March 2013 and 23 May 2013. If you have any views on whether these calls should be included or excluded please let me know and I'll feed that back into our drafting process.]
- Notes, minutes and details of attendees at the meeting about the Garden Bridge held on 23 May 2013 at Swire House, 59 Buckingham Gate;
[Having looked through Richard and Michèle's diaries we can't find anything about this meeting so I am assuming it was just the Mayor at the meeting -- is it in his diary? And if so do you have a record of whether there were other GLA attendees?]

Many thanks

Andy

From: Brown Andy

Sent: 05 January 2016 16:31

To: 'Michael Coleman'; Hill Rhiannon; Collings Rosanna; Lampard Fiona

Cc: Tim Steer; Zoe Newcombe; Roisha Hughes

Subject: RE: letter to the Assembly

Thanks Mike -- and yes very happy to coordinate a reply.

If the letter the Committee has cleared is anything like the draft I've seen there's quite a lot of FOI style information to be provided, so may end up quite a detailed reply!

Rhiannon / Rosanna / Fiona -- FYI this will be coming our way

Thanks

Andy

From: Michael Coleman [[mailto: \[REDACTED\]@london.gov.uk](mailto: [REDACTED]@london.gov.uk)]

Sent: 05 January 2016 16:23

To: Brown Andy; Roisha Hughes

Cc: Tim Steer; Zoe Newcombe

Subject: RE: letter to the Assembly

Thanks Andy - as briefly discussed with Roisha - I've been chasing the Assembly as they had promised to write to us setting out the commitments off the back of the meeting. This letter has now been cleared downstairs and a hard copy is on its way up to the 8th floor as we speak. It's addressed to the Mayor.

I suggest that we allocate this to you to coordinate and you can work with us/Tim/Isabel regarding any additional information you require.

I'll speak to Zoe in the morning as to the best approach.

Hope this makes sense.

Mike

From: Brown Andy [[mailto: \[REDACTED\]@tube.tfl.gov.uk](mailto: [REDACTED]@tube.tfl.gov.uk)]

Sent: 05 January 2016 16:17

To: Roisha Hughes

Cc: Michael Coleman; Tim Steer

Subject: RE: letter to the Assembly

Hi Roisha

This is on my radar but I was waiting for a letter from the Oversight Committee to which we can reply -- that's my experience of how they usually do things and I understand from TfL's Assembly Engagement team that Len Duvall is currently reviewing a draft of such a letter so one is definitely in the works. I'm not sure, though, who that letter will be addressed to: the Mayor, Mike Brown, Richard de Cani or some combination of the three. If you'd rather the Mayor wrote his own letter quickly, to initiate that exchange, then I am happy to draft something. That may take a bit of time though, depending on how much of the information informally requested during the 17 December session we want to include in that letter, and because I will need to get whatever I draft signed off at my end.

Thanks

Andy

From: Roisha Hughes [[mailto: \[REDACTED\]@london.gov.uk](mailto: [REDACTED]@london.gov.uk)]

Sent: 05 January 2016 16:11

To: Michael Coleman; Brown Andy; Tim Steer

Subject: letter to the Assembly

Dear Mike, Andy and Tim

Hope you are both well. I was just wondering who, if anyone, is drafting a letter from BJ to the Oversight Committee following the session on 17 December re the Garden Bridge.

Thanks

Roisha

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From: [Hudson Teresa](#)
To: [Brown Mike \(Commissioner\)](#)
Cc: [Branks Kirsten](#)
Subject: Fw: Meeting on 26th July
Date: 25 July 2016 18:59:51

Mike,

Feedback from Andy on Garden Bridge meeting if it helps.

T

From: Brown Andy
Sent: Monday, July 25, 2016 06:51 PM GMT Standard Time
To: Hudson Teresa
Cc: Peters James; Tagg Ella (ST); Branks Kirsten; Flude Tom; O'Hara Jamie; Quin Nicholas
Subject: Re: Meeting on 26th July

Hi Teresa

I've just had the following brief update through from DfT -- no word yet from the Trust but it sounds like they are licking their wounds

I will speak to Rupert first thing tomorrow to see if there is any more intel he can share

BEGINS

So, the meeting with Mervyn, Bee and John Heaps took place earlier. The SoS asked them lots of challenging questions and said that he wanted to carry out an audit of the Trust's current finances etc before reaching a decision. This is difficult for the Trustees of course, and I gather they were somewhat deflated and demotivated afterwards (I bumped into them having a cup of tea outside Starbucks on my way out of the office). They were hoping that the SoS would show at least some emotional buy in to the project, but he didn't.

Shall we speak some time [tomorrow](#)? I'm talking to Bee at [0930](#), but apart from that my diary is pretty clear: do you want to ring me when you have a moment?

ENDS

Andy

On 25 Jul 2016, at 18:04, Brown Andy <[\[REDACTED\]](#)> wrote:

Hi Teresa

I haven't heard anything from the DfT or the Trust yet but I am chasing the Trust for an update

The meeting was at 5pm and only due to last 30 minutes; I suspect that they are either continuing to discuss with DfT officials after the SoS left, or the Trust has gone into a huddle to think what to do next

As soon as I hear anything more I'll send it through to you

Andy

On 25 Jul 2016, at 18:00, Hudson Teresa <[\[REDACTED\]](#)> wrote:

Jamie/Andy,
Mike is keen to know if there is any update from this afternoon's discussion, please?
Many thanks.

T

From: Peters James
Sent: 25 July 2016 13:11
To: Hudson Teresa
Cc: Tagg Ella (ST); Branks Kirsten; Brown Andy; Flude Tom; O'Hara Jamie; Quin Nicholas
Subject: FW: Meeting on 26th July
Teresa

As discussed earlier, please find attached an updated DfT briefing for tomorrow ahead of the Weekly Meeting.

This now includes the section on the Garden Bridge from Planning, highlighted for ease. Please let me know if you need anything further.

Thanks

Jamie

James Peters

Government Relations

Customers, Communication & Technology

11G2 Windsor House, 42-50 Victoria Street, London SW1H 0TL

Tel: [REDACTED] | Auto: [REDACTED] | Mobile: [REDACTED] | Email: [REDACTED]
[REDACTED] [tfl.gov.uk](mailto:[REDACTED]@tfl.gov.uk)

From: Quin Nicholas

Sent: 22 July 2016 13:48

To: Tagg Ella (ST)

Cc: Quinn Amy; Branks Kirsten; Hudson Teresa; Flude Tom; Peters James; O'Hara Jamie

Subject: RE: Meeting on 25th July

Ella,

Please find attached a briefing for Tuesday's meeting, which have been signed off by Vernon.

As discussed last week, there is more to follow on Garden Bridge on Monday. I am off on Monday, but Jamie P and Tom are poised to pull together key lines based on whatever happens between now and then.

Please let me know if you have any questions.

Nick

Nick Quin | Government Relations

Transport for London | Government and Stakeholder Relations, 11th Floor, Windsor House, 50 Victoria Street, London SW1H 0TL

Tel: [REDACTED] | Mobile: [REDACTED] | E-mail: [REDACTED] [tfl.gov.uk](mailto:[REDACTED]@tfl.gov.uk)

From: Tagg Ella (ST)

Sent: 20 July 2016 12:54

To: Quin Nicholas

Cc: Quinn Amy; Branks Kirsten; Hudson Teresa

Subject: FW: Meeting on 25th July

Hi Nick,

FYI

Many thanks

Kind Regards

Ella

Ella Tagg

PA to Commissioner's Office

14th floor, Windsor House

42-50 Victoria Street

London, SW1H 0TL

Tel: [REDACTED] /Ext: [REDACTED]

Email: [REDACTED] [tfl.gov.uk](mailto:[REDACTED]@tfl.gov.uk)

From: Jacqui Scully [[mailto:\[REDACTED\]@dft.gsi.gov.uk](mailto:[REDACTED]@dft.gsi.gov.uk)]

Sent: 20 July 2016 12:52

To: Tagg Ella (ST)

Subject: RE: Meeting on 25th July

Hi Ella

David Prout

Bernadette Kelly

Jonathan Moor

Patricia Hayes

Rachael Etebar

Best

Jacqui

Jacqui Scully | Miss, Permanent Secretary's Private Office, Department for Transport

{office} | [REDACTED] | [REDACTED]

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From: Tagg Ella (ST) [mailto: [REDACTED]@tfl.gov.uk]

Sent: 20 July 2016 12:45

To: Jacqui Scully < [REDACTED]@dft.gsi.gov.uk >

Cc: Branks Kirsten < [REDACTED]@tfl.gov.uk >; Hudson Teresa < [REDACTED]@tfl.gov.uk >

Subject: RE: Meeting on 25th July

Ok thanks Jacqui. If you could please bear to provide me with the names of the Ex Co who will be attending, when you have a moment, I would be very grateful.

Many thanks

Kind Regards

Ella

Ella Tagg

PA to Commissioner's Office

14th floor, Windsor House

42-50 Victoria Street

London, SW1H 0TL

Tel: [REDACTED] /Ext [REDACTED]

Email: [REDACTED]@tfl.gov.uk

From: Jacqui Scully [mailto: [REDACTED]@dft.gsi.gov.uk]

Sent: 20 July 2016 12:34

To: Tagg Ella (ST)

Subject: RE: Meeting on 25th July

Importance: High

Hi Ella

It is definitely a meeting with Philip and Exco, as I said previously. Philip though as well as TfL Budget 2020 they should also discuss the relationships between TfL and DfT, HS2 and Crossrail 2.

Best

Jacqui

Jacqui Scully | Miss, Permanent Secretary's Private Office, Department for Transport

{office} | [REDACTED] | [REDACTED]

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From: Tagg Ella (ST) [mailto: [REDACTED]@tfl.gov.uk]

Sent: 20 July 2016 10:52

To: Jacqui Scully < [REDACTED]@dft.gsi.gov.uk >

Cc: Branks Kirsten < [REDACTED]@tfl.gov.uk >; Hudson Teresa < [REDACTED]@tfl.gov.uk >

Subject: RE: Meeting on 25th July

Hi Jacqui,

Sorry to bombard you but Mike has just come back from seeing Philip this morning and Philip does seem to think next weeks meeting with Mike is just a one to one – can you please confirm if this is correct or will it include the DfT Ex Co and if so could you provide the names. And just to confirm that the meeting is on Tuesday 26 July at 9.15am (25 July as noted in the subject heading).

Many thanks

Kind Regards

Ella

Ella Tagg

PA to Commissioner's Office

14th floor, Windsor House

42-50 Victoria Street

London, SW1H 0TL

Tel: [REDACTED] /Ext [REDACTED]

Email: [REDACTED]@tfl.gov.uk

From: Tagg Ella (ST)
Sent: 20 July 2016 08:30
To: 'Jacqui Scully'
Cc: Branks Kirsten; Hudson Teresa
Subject: RE: Meeting on 25th July
Thanks Jacqui,

We are preparing Mike's briefing – can you also please check that the discussion will only be about TFL Budget 2020 or will there be any other matters raised? We really do need to know so that Mike can be fully briefed beforehand.

Many thanks
Kind Regards
Ella

Ella Tagg
PA to Commissioner's Office

14th floor, Windsor House
42-50 Victoria Street
London, SW1H 0TL
Tel: [REDACTED] /Ext [REDACTED]
Email: [REDACTED] [tfl.gov.uk](mailto:[REDACTED]@tfl.gov.uk)

From: Jacqui Scully [[mailto:\[REDACTED\]@dft.gsi.gov.uk](mailto:[REDACTED]@dft.gsi.gov.uk)]
Sent: 19 July 2016 18:11
To: Tagg Ella (ST)
Subject: Meeting on 25th July

Hello Ella

Just to confirm that the meeting on the 26th here at GMH will be to discuss TFL Budget 2020 with Exco members. The meeting will be in Philip's office and all members of Exco will attend, the meeting will be in the form of a discussion.

Regards
Jacqui

Jacqui Scully
Miss, Permanent Secretary's Private Office
5/16 GMH, Great Minster House
33 Horseferry Road, London, SW1P 4DR
[REDACTED] [REDACTED]

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From: [Rupert Furness](#)
To: [Brown Mike \(Commissioner\)](#); [Nunn Ian](#)
Subject: Fwd: FW: FAO Lord Ahmad: Letter from the Garden Bridge Trust
Date: 06 April 2016 18:51:14
Attachments: [image001.png](#)
[2016-04-05 Letter to Lord Ahmed.pdf](#)

Hi both

Good to see you earlier. Here's the letter from Lord Davies which I also shared with Andy Brown in Richard de Cani's team this morning.

As promised I'll send Ian some thoughts next week on how we might impose more structure on the management of the TfL-DfT relationship (ie the current mixture of ad hoc and semi-regular formal and less formal meetings)..

Rupert Furness
London Transport Division
Department for Transport



----- Forwarded message -----

From: Ellen Gyampoh
Date: 6 Apr 2016 2:57 p.m.
Subject: FW: FAO Lord Ahmad: Letter from the Garden Bridge Trust
To: Anna Park , Rupert Furness , Miriam Waddimba
Cc: Joseph Kumpitsch

All – Please see the attached letter from the GBT to Lord Ahmad.

Joe – Grateful if you would please put this on Chapter as an MC with Rupert and Miriam as lead officials.

Thanks

Elle

Ms Ellen Gyampoh | Diary manager (Dft and Home Office), APS (Dft), to Lord Tariq Ahmad of Wimbledon, Transport Minister, Department for Transport

5/21 | [REDACTED] | [REDACTED] | [REDACTED]dft.gsi.gov.uk

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From: Hannah Jones [mailto:[REDACTED]@gardenbridge.london]

Sent: 05 April 2016 16:21

To: Lord Ahmad_PUSS

Cc: Ellen Gyampoh

Subject: FAO Lord Ahmad: Letter from the Garden Bridge Trust

Dear Lord Ahmad,

Please find attached a letter from Lord Davies, Chairman of the Garden Bridge Trust. This has also been sent in the post today.

Best regards,

Hannah

Hannah Jones

Project Support Officer, Garden Bridge Trust
Somerset House, Strand, London, WC2R 1LA
[@TheGardenBridge](#)

t: +44 [REDACTED]

e: [REDACTED] [gardenbridge.london](mailto:[REDACTED]@gardenbridge.london)

w: www.gardenbridge.london



Are you one of the 80% of Londoners who want the Garden Bridge? If so, please send your message of support [here](#)

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From: Rogan Kerri
To: Brown Mike (Commissioner)
Subject: Fwd: Garden Bridge letter of comfort - ref text message
Date: 06 April 2016 15:04:44

FYI

Sent from my iPad

Begin forwarded message:

From: "Tagg Ella (ST)" <[REDACTED]@tfl.gov.uk>
Date: 6 April 2016 at 14:54:13 BST
To: Rogan Kerri <[REDACTED]@tfl.gov.uk>
Cc: Branks Kirsten <[REDACTED]@tfl.gov.uk>
Subject: FW: Garden Bridge letter of comfort

Hi K – can you flag to Mike please? Thanks. E

From: Brown Andy
Sent: 06 April 2016 14:52
To: Brown Mike (Commissioner)
Cc: Branks Kirsten; Tagg Ella (ST); Richard de Cani (MD Planning)
Subject: RE: Garden Bridge letter of comfort

Hi Mike,

I spoke to Andrea and Justine Curry earlier, after we spoke.

They were of the view that they would also have concerns about the Mayor taking a decision like this during the pre-election period. They said that only 'business as usual' decisions can be taken during this time and it would be hard to argue that was the case here. It is also hard to claim that it is urgent and all other options have been exhausted while the DfT are still considering helping out.

So broadly speaking they shared Fiona's reluctance for the GLA or TfL to get involved in April.

I gather from Rupert at the DfT that they are also reluctant to take a decision before the election, and are putting some pressure on the Trust to explore every avenue that might let them get just the other side of the election before the DfT takes any decision. He mentioned he was seeing you later this afternoon and said he may bring it up with you.

Thanks,

Andy

From: Brown Andy
Sent: 06 April 2016 11:51
To: Brown Mike (Commissioner); Richard de Cani (MD Planning)
Cc: Branks Kirsten; Tagg Ella (ST)
Subject: RE: Garden Bridge letter of comfort

Hi Mike

Yes I'll make sure I'm at City Hall in good time.

I have also just spoken to Fiona Fletcher Smith on the phone.

She told me that the Mayor is keen for the GLA to give this underwriting to the Trust, and that she has been put in the difficult position of having to explain to him (and may need to put it down formally in writing) that she cannot support such a course of action during the pre-election period. She expects that to be the crux of the conversation this afternoon.

I explained our position (i.e. Richard's email below) and she agreed that the best way forward would be to see what the Government is willing to provide.

Andy

From: Brown Mike (Commissioner)
Sent: 06 April 2016 11:51
To: Richard de Cani (MD Planning)
Cc: Brown Andy; Branks Kirsten; Tagg Ella (ST)
Subject: RE: Garden Bridge letter of comfort

Thanks Richard

I think Ella and Kirsten have arranged for Andy to come with me on the detail.

Mike

From: Richard de Cani (MD Planning)
Sent: 06 April 2016 09:35
To: Brown Mike (Commissioner)
Cc: Brown Andy; Branks Kirsten; Tagg Ella (ST)
Subject: Fwd: Garden Bridge letter of comfort

Mike

Andy is fully up to speed on all of this if you wanted a word beforehand or for him to attend the meeting with you.

The crux of it is that the trust need their ongoing expenditure guaranteed for a limited period whilst the final consents are secured and before the private funding can be drawn down. Without his they cannot carry on committing to expenditure with their contractor.

The options are

trust stops - bridge doesn't happen

Trust stands contractor down and renegotiates fresh contract - takes time and costs more money

Or they carry on with current contract with government basically standing behind them

The exposure to government is capped and time limited whilst final issues are resolved. Andy has list of what these final issues are (in the note from last Friday)

We have said government to do this and trust has written to Lord Ahmad.

If mayor wants to help then he should

Speak to government to get them to do it (after all he is guaranteeing the operations once built so it is time the government showed their support)

Or if he wants to do something himself then wait until government responds first and offer to do it jointly with them - 50/50 support. TfL cannot do this without a direction but the GLA can - although they see it as a contentious decision and one not to take in purdah. This is their call but that is easier than a direction I would have thought.

For the mayor to jump in now seems off when we have pushed this into government

We should wait for a government response first.

Richard

Sent from my iPhone

Begin forwarded message:

From: "Brown Mike (Commissioner)" <[REDACTED]@tfl.gov.uk>
Date: 6 April 2016 08:28:17 WEST
To: Brown Andy <[REDACTED]@tfl.gov.uk>
Cc: "Richard de Cani (MD Planning)" <[REDACTED]@tfl.gov.uk>, Hudson Teresa <[REDACTED]@tfl.gov.uk>, "Tagg Ella (ST)" <[REDACTED]@tfl.gov.uk>
Subject: FW: Garden Bridge letter of comfort

Andy,

See below suggestion that Mike stays on after the Mayor's meeting today to discuss. Is there anything he should be aware of please?

Many thanks

Kirsten

From: Roisha Hughes [mailto:[REDACTED]@london.gov.uk]
Sent: 05 April 2016 21:10
To: Edwardlister; Fiona Fletcher-Smith; Richard de Cani (MD Planning)
Cc: Brown Mike (Commissioner)
Subject: Re: Garden Bridge letter of comfort

Dear all
Yes we are hoping to have a word tomorrow afternoon after the main TfL meeting. I think it is worth the Mayor being briefed on the latest as soon as poss.
I know Richard is away so am copying to Mike and it would be great if Mike could join the discussion with Boris, Ed and Fiona.

Roisha

From: Edward Lister
Sent: Tuesday, April 05, 2016 06:12 PM
To: Fiona Fletcher-Smith; 'Richard de Cani (MD Planning)'
Cc: Roisha Hughes
Subject: FW: Garden Bridge letter of comfort

Guys

Roisha is sorting out a date and time for us to discuss with the Mayor.

Ed

Sent with Good (www.good.com)

-----Original Message-----

From: Brown Andy [mailto: [REDACTED]@tfl.gov.uk]
Sent: Tuesday, April 05, 2016 09:59 AM GMT Standard Time
To: Fiona Fletcher-Smith; Richard de Cani (MD Planning); Roisha Hughes
Cc: Edward Lister; Tim Steer; Rogan Kerri
Subject: RE: Garden Bridge letter of comfort

Just to add that I'm told the letter from the Trust to DfT has not been sent yet but will go today. It has been delayed purely by the logistics of getting Trustees in the right place at the right time to agree specifics and then sign the letter.

I will send on a copy of that letter as soon as I have it.

Andy

-----Original Message-----

From: Fiona Fletcher-Smith [mailto: [REDACTED]@london.gov.uk]
Sent: 05 April 2016 09:58
To: Richard de Cani (MD Planning); Roisha Hughes
Cc: Edward Lister; Tim Steer; Brown Andy; Rogan Kerri
Subject: RE: Garden Bridge letter of comfort

Our big problem is that this would constitute a controversial decision during the election period. I would, therefore, have to advise against any letter of comfort.

It would be useful for me (and possibly Martin) to join the Mayor's meeting for that item.

-----Original Message-----

From: Richard de Cani (MD Planning) [mailto: [REDACTED]@tfl.gov.uk]
Sent: 05 April 2016 09:26
To: Roisha Hughes
Cc: Edward Lister; Tim Steer; Andrew J. Brown; Rogan Kerri; Fiona Fletcher-Smith
Subject: Re: Garden Bridge letter of comfort

Roisha

We have been having a conversation with the dft about this and Lord Davies has written to Lord Ahmad asking for assistance. We will try and get hold of a copy of that letter. We would expect this letter to trigger a discussion in government and response from them, possibly even this week.

We have also been discussing this with Fiona as well to see what is possible for the GLA to do at this time.

What we were going to suggest is to include this on the meeting agenda with the Mayor/TfL for next week and discuss where we have got to at that point.

Does that make sense ?

I am on leave this week but Andy is fully aware of current developments with this.

Richard
Sent from my iPhone

> On 5 Apr 2016, at 08:04, Roisha Hughes wrote:

>

> Dear Richard

> You'll remember that the Trustees have requested a letter of comfort and we talked about getting this from HMT. The Mayor wonders if it would be preferable for City Hall to provide this- could you possibly let us know what this letter would need to say and we could hopefully discuss with the relevant people at TfL and in the GLA?

> Many thanks

> Roisha

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From: [Waboso David](#)
To: [Brown Mike \(Commissioner\)](#)
Subject: Fwd: GARDEN BRIDGE
Date: 10 January 2014 15:29:39

Mike FYI and for steer before I respond back - thanks

David Waboso
Capital Programmes Director, London Underground

(sent from my iPhone please excuse my spell-checker)

Begin forwarded message:

From: Waboso David <[REDACTED]@tube.tfl.gov.uk>
Date: 10 January 2014 15:26:12 GMT
To: Hadjiry Anne <[REDACTED]@tube.tfl.gov.uk>
Cc: Eastaugh Andy <[REDACTED]@tube.tfl.gov.uk>, "George McNulty (Programme Director of Infrastructure)" <[REDACTED]@tube.tfl.gov.uk>
Subject: Re: GARDEN BRIDGE

Ta - timely as this just came up at BMR

I will talk to Mike and get back to you

David Waboso
Capital Programmes Director, London Underground

(sent from my iPhone please excuse my spell-checker)

On 10 Jan 2014, at 15:15, "Hadjiry Anne" <[REDACTED]@tube.tfl.gov.uk> wrote:

I strongly recommend we give Joanne the opportunity.
She will not let us down

With kind regards

Anne Hadjiry
Programme Director - Deep Tube and BCV Upgrades
London Underground
Templar House
81-87 High Holborn
London WC1V 6NU

Auto([REDACTED] [REDACTED] or [REDACTED]

Mobile; [REDACTED]

<image001.jpg>

From: Eastaugh Andy
Sent: 10 January 2014 15:11
To: Waboso David; George McNulty (Programme Director of Infrastructure)
Cc: Hadjiry Anne
Subject: FW: GARDEN BRIDGE

David,

I've had a couple of expressions of interest for the Garden Bridge role;

[REDACTED] from Anne's team. I don't know her, Anne is happy to support her application, ([REDACTED] is interested but would like more info).

[REDACTED] although not a perm staff member, [REDACTED] was our SPM for the Shepherd's Bush/Westfield project, so has a lot of experience on commercially and politically sensitive projects.

I'm not sure whether we'd be happy to recommend an NPL?

If we want to progress, I'll get CVs.

regards

Andy Eastaugh
Head of TfL PMO

 Office [REDACTED] [REDACTED] (auto [REDACTED])

 Mobile [REDACTED]

 Email [REDACTED] [tube.tfl.gov.uk](mailto:[REDACTED]@tube.tfl.gov.uk)

From: Waboso David
Sent: 23 December 2013 13:47
To: Eastaugh Andy; George McNulty (Programme Director of Infrastructure)
Subject: Fwd: GARDEN BRIDGE

Andy/George - please talk to other L1's and see if we can't find a promising PM to put forward from your or their areas

George in case I lose signal again feel free to respond back to Peter on my behalf but copy me in

Thanks

David Waboso
Capital Programmes Director, London Underground

(sent from my iPhone please excuse my spell-checker)

Begin forwarded message:

From: Waboso David <[REDACTED]@tube.tfl.gov.uk>
Date: 23 December 2013 13:39:31 GMT
To: "Hendy Peter (TfL)" <[REDACTED]@Tfl.gov.uk>
Cc: Dix Michèle <[REDACTED]@tfl.gov.uk>, Branks Kirsten
<[REDACTED]@Tfl.gov.uk>, "Tagg Ella (ST)"
<[REDACTED]@Tfl.gov.uk>, "Brown Mike (MD)"
<[REDACTED]@tfl.gov.uk>
Subject: Re: GARDEN BRIDGE

Peter

I'll look into this and get back to you

We have some very good people who might be available

David Waboso
Capital Programmes Director, London Underground

(sent from my iPhone please excuse my spell-checker)

On 23 Dec 2013, at 12:06, "Hendy Peter (TfL)"
<[REDACTED]@Tfl.gov.uk> wrote:

David,

When I met Paul Morrell, one of the Trustees of the Garden Bridge project, he asked me about Richard de Cani, as they are impressed with him, for the Project Management of the project. But Richard isn't suitable as (1) he has too much on, and (2) the project will move into delivery mode in a fairly short space of time. Anyway, (3) he's too good and we need him too much!

I said I'd ask whether we knew any good project managers of this high-profile but non-TfL project. Any thoughts?

Regards,

Peter

From: [Carter Howard](#)
To: [Brown Mike \(Commissioner\)](#); [Richard de Cani \(MD Planning\)](#); [Everitt Vernon](#); [Nunn Ian](#); [Dix Michèle](#)
Cc: [Brown Andy \(Corporate Affairs\)](#); [Walker Clive \(Risk & Assurance\)](#); [Gourley Jennifer](#); [Branks Kirsten](#); [Tagg Ella \(ST\)](#)
Subject: Fwd: GLA Oversight Letter to AAC Chair on the Garden Bridge Procurement
Date: 22 February 2016 19:31:04
Attachments: [tflaudit \(v2\).docx](#)
[ATT00001.htm](#)

All

Keith Williams has prepared the attached notes for the GLA Oversight Committee meeting that he is attending this week. He has shared them with the TfL Audit and Assurance Committee members in advance of the meeting.

Howard

Begin forwarded message:

From: Keith Williams <[REDACTED]@ba.com>
Date: 22 February 2016 18:16:35 GMT
To: Carter Howard <[REDACTED]@TfL.gov.uk>, "Wright Steve" <[REDACTED]@btinternet.com>, "Barnes Richard" <[REDACTED]@richardbarnes.co.uk>, "Belcher Charles" <[REDACTED]@btinternet.com>, "Cooke Brian" <[REDACTED]@TheCookees.org.uk>, "Grey-Thompson Baroness" <[REDACTED]@tanni.co.uk>, Samantha Pitman <[REDACTED]@ba.com>, "Tanni's PA" <[REDACTED]@tanni.co.uk>
Subject: RE: GLA Oversight Letter to AAC Chair on the Garden Bridge Procurement

I am due to appear before the GLA oversight committee on Thursday this week.

I have spent some considerable time over the last month on the review undertaken by TFL and am attaching my findings (together with some comment on recent press interest) for your information.

I will be happy to take any questions/ observations that you might have ahead of Thursday.

I will ask Clive and the management to come to Audit committee on 8 March to update us on their actions.

Keith Williams

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From: [Carter Howard](#)
To: [Brown Mike \(Commissioner\)](#); [Richard de Cani \(MD Planning\)](#); [Everitt Vernon](#); [Nunn Ian](#)
Cc: [Walker Clive \(Risk & Assurance\)](#); [Brown Andy \(Corporate Affairs\)](#); [Gourley Jennifer](#); [Branks Kirsten](#); [Tagg Ella \(ST\)](#)
Subject: Fwd: GLA Oversight Letter to AAC Chair on the Garden Bridge Procurement
Date: 23 February 2016 10:26:21

All

To see the discussion between AAC members (and also copied to Isabel) about Keith's note.

Howard

Sent from my iPad

Begin forwarded message:

From: Tanni Grey-Thompson <[REDACTED]@tanni.co.uk>
Date: 22 February 2016 23:25:15 GMT
To: Brian Cooke <[REDACTED]@thecookes.org.uk>
Cc: Steve Wright <[REDACTED]@btinternet.com>, Keith Williams <[REDACTED]@ba.com>, Carter Howard <[REDACTED]@TfL.gov.uk>, "Barnes Richard" <[REDACTED]@richardbarnes.co.uk>, Belcher Charles <[REDACTED]@btinternet.com>, Samantha Pitman <[REDACTED]@ba.com>, Tanni's PA <[REDACTED]@tanni.co.uk>, Dedring Isabel <[REDACTED]@london.gov.uk>
Subject: Re: GLA Oversight Letter to AAC Chair on the Garden Bridge Procurement

Just to add that I'm hearing the garden bridge being mentioned in all sorts of discussions (even one on Europe today) so I tend to agree with Brian.

It's usually just thrown in as 'another thing'. Make a change from the cycle super highway

T

The Baroness Grey-Thompson DBE
The House of Lords
London
SW1A OPW

On 22 Feb 2016, at 21:52, Brian Cooke <[REDACTED]@thecookes.org.uk> wrote:

Thanks Keit

I agree with Steve a good summary.

I have a couple of suggestions you may like to add to avoid

confusion, firstly in para 5 under Main Issues to possibly add the words "in any organisation" after the word practice.

And secondly in the final line of para 3 under the role of Richard de Cani Insert 'then' before MD planning.

I remain of the view that this is largely political opportunism on the part of the opposition on the assembly who have never liked any part of the project and they want to spin it out as long as possible to get it as close to the election that they can. I suspect they may also try to blame Isabel as she, too, is going to Arup. You might just want to be aware of that possible angle. So that she is aware I'm copying her into this.

Hope it goes well.

Regards

Brian
Brian Cooke
Mobile [REDACTED]

Sent from my iPad

On 22 Feb 2016, at 19:54, Steve Wright
<[REDACTED][btinternet.com](mailto:[REDACTED]@btinternet.com)> wrote:

Good Work, Keith.

Steve

From: Keith Williams [[mailto:\[REDACTED\]@ba.com](mailto:[REDACTED]@ba.com)]
Sent: 22 February 2016 18:17
To: Carter Howard <[REDACTED][TfL.gov.uk](mailto:[REDACTED]@TfL.gov.uk)>; 'Wright Steve' <[REDACTED][btinternet.com](mailto:[REDACTED]@btinternet.com)>; 'Barnes Richard ' <[REDACTED][richardbarnes.co.uk](mailto:[REDACTED]@richardbarnes.co.uk)>; 'Belcher Charles' <[REDACTED][btinternet.com](mailto:[REDACTED]@btinternet.com)>; 'Cooke Brian' <[REDACTED][TheCookees.org.uk](mailto:[REDACTED]@TheCookees.org.uk)>; 'Grey-Thompson Baroness' <[REDACTED][tanni.co.uk](mailto:[REDACTED]@tanni.co.uk)>; Samantha Pitman <[REDACTED][ba.com](mailto:[REDACTED]@ba.com)>; 'Tanni's PA' <[REDACTED][tanni.co.uk](mailto:[REDACTED]@tanni.co.uk)>

Subject: RE: GLA Oversight Letter to AAC Chair on the Garden Bridge Procurement

I am due to appear before the GLA oversight committee on Thursday this week.

I have spent some considerable time over the last month on the review undertaken by TFL and am attaching my findings (together with some comment on recent press interest) for your information.

I will be happy to take any questions/ observations

that you might have ahead of Thursday.

I will ask Clive and the management to come to Audit committee on 8 March to update us on their actions.

Keith Williams

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From: [Carter Howard](#)
To: [Williams Alex](#); [Everitt Vernon](#); [Walker Clive \(Risk & Assurance\)](#); [Brown Mike \(Commissioner\)](#); [Brown Andy \(Corporate Affairs\)](#)
Cc: [Clarke Andrea \(Exc\)](#); [Curry Justine](#); [Ritchie Charles](#); [Brown Matt](#); [Gourley Jennifer](#)
Subject: Fwd: Letter from Len Duvall - Garden Bridge - EY Response
Date: 19 August 2018 13:30:26
Attachments: [ATT00001.htm](#)
[Letter LD to External Auditor 16 August 2018.pdf](#)
[ATT00002.htm](#)
[Mike Brown Garden Bridge 070818.pdf](#)
[ATT00003.htm](#)
[Letter LD to External Auditor 6 July 2018.dot](#)
[ATT00004.htm](#)

For info.

Howard

Sent from my iPad

Begin forwarded message:

From: Karl Havers <[REDACTED]@uk.ey.com>
Date: 18 August 2018 at 07:59:23 BST
To: Carter Howard <[REDACTED]@tfl.gov.uk>
Subject: FW: Letter from Len Duvall - Garden Bridge - EY Response

Hi Howard

I have not responded except to say I am on holiday!

Will get to on my return – but I had hoped we would not hear again on this.

Kind regards

Karl

Karl Havers | Partner
Ernst & Young LLP
Mobile [REDACTED] | [REDACTED]@uk.ey.com

From: Mary-Clare Walsh [[mailto:\[REDACTED\]@london.gov.uk](mailto:[REDACTED]@london.gov.uk)]
Sent: Thursday, August 16, 2018 1:31 PM
To: Adam Swain <[REDACTED]@uk.ey.com>; Karl Havers <[REDACTED]@uk.ey.com>
Cc: Rebecca Arnold <[REDACTED]@london.gov.uk>; Sharon Edwards <[REDACTED]@london.gov.uk>; Ed Williams <[REDACTED]@london.gov.uk>
Subject: FW: Letter from Len Duvall - Garden Bridge - EY Response

Dear Adam

Please find attached a reply from Len Duvall AM to Karl Havers regarding the Garden Bridge.

Kindest Regards

Mary-Clare

Mary-Clare Walsh

Deputy Head of Office

LONDON

ASSEMBLY

LABOUR

T 020 7983 4357 |

E [REDACTED] [london.gov.uk](mailto:[REDACTED]@london.gov.uk)

City Hall, The Queen's Walk, London, SE1 2AA

From: Adam Swain [[mailto:\[REDACTED\]@uk.ey.com](mailto:[REDACTED]@uk.ey.com)]

Sent: 30 July 2018 18:58

To: Sharon Edwards <[\[REDACTED\]@london.gov.uk](mailto:[REDACTED]@london.gov.uk)>

Cc: Rebecca Arnold <[\[REDACTED\]@london.gov.uk](mailto:[REDACTED]@london.gov.uk)>; Karl Havers

<[\[REDACTED\]@uk.ey.com](mailto:[REDACTED]@uk.ey.com)>; [\[REDACTED\]@tfl.gov.uk](mailto:[REDACTED]@tfl.gov.uk); Ed Williams

<[\[REDACTED\]@london.gov.uk](mailto:[REDACTED]@london.gov.uk)>

Subject: Letter from Len Duvall - Garden Bridge - EY Response

Dear Sharon

Please see our response to the letter sent from Len Duvall to Karl Havers in relation to Garden Bridge.

Kind regards

Adam--

From: [Richard de Cani \(MD Planning\)](#)
To: [Brown Mike \(Commissioner\)](#)
Cc: [Tagg Ella \(ST\)](#); [Branks Kirsten](#); [Rogan Kerri \(Head of Network Command\)](#)
Subject: Fwd: Letter from Richard de Cani, TfL
Date: 07 October 2015 19:20:49
Attachments: [Letter to Sean Harriss Lambeth 7 Oct 15 .pdf](#)
[ATT00001.htm](#)

Mike

Part of the process with Lambeth has been reassuring them about how the funding will work. Attached is a copy of the letter I sent today to their chief exec clarifying how our money will be used and how re final 10m payment is ring fenced to the very end and only payable if they haven't raised enough funds.

I am briefing Eddie by phone tmrw on this and speaking to Isabel. Lambeth chief exec and officers are seeing the leader tmrw at 2 to present this and hopefully get her to agree to continue with negotiations. I am told things are looking positive.

Your very helpful point today about Vauxhall. We are actually due to commence a consultation on the 10th nov on the Vauxhall gyratory scheme based on a scheme Lambeth really support. I am talking to surface about the launch of this and whether we can supercharge it into a wider opportunity for the leader to kick this off and take centre stage as the person who has made this happen. I would hope city hall go along with this.

This is on the mayors meeting agenda tmrw for a verbal update. Beforehand I will have spoken to Eddie and Isabel. I will let you know what happens in the morning.

Richard

Sent from my iPhone

Begin forwarded message:

From: Taylor-Ray Judy <[REDACTED]@tfl.gov.uk>
Date: 7 October 2015 16:53:19 BST
To: "[REDACTED]@lambeth.gov.uk" <[REDACTED]@lambeth.gov.uk>
Cc: "Roebuck,Sandra" <[REDACTED]@lambeth.gov.uk>, "[REDACTED]@lambeth.gov.uk" <[REDACTED]@lambeth.gov.uk>
Subject: Letter from Richard de Cani, TfL

Dear Sean

Please find attached letter from Richard de Cani.

Kind regards

Judy

Judy Taylor-Ray

PA to Richard De Cani | MD - Planning | Transport for London

10Y2 | Windsor House | 42-50 Victoria Street | London SW1H 0TL

[REDACTED] | Auto: [REDACTED] | [REDACTED]@tfl.gov.uk

From: [Richard de Cani \(MD Planning\)](#)
To: [Brown Mike \(Commissioner\)](#)
Cc: [Tagg Ella \(ST\)](#); [Branks Kirsten](#); [Rogan Kerri \(Head of Network Command\)](#)
Subject: Fwd: Letter to Sean Harriss from Richard de Cani
Date: 07 October 2015 19:22:37
Attachments: [Letter to Sean Harriss, Lambeth - 1 Oct 15.pdf](#)
[ATT00001.htm](#)

Mike

This is a copy of the letter I sent to Lambeth at the end of last week about the transport benefits.

Richard

Sent from my iPhone

Begin forwarded message:

From: Taylor-Ray Judy <[REDACTED]@tfl.gov.uk>
Date: 1 October 2015 16:31:40 BST
To: "Richard de Cani (MD Planning)" <[REDACTED]@tfl.gov.uk>
Subject: FW: Letter to Sean Harriss from Richard de Cani

From: Taylor-Ray Judy
Sent: 01 October 2015 16:07
To: [REDACTED]@lambeth.gov.uk'
Cc: 'Roebuck,Sandra'; [REDACTED]@lambeth.gov.uk'
Subject: Letter to Sean Harriss from Richard de Cani
Please find attached letter from Richard de Cani.
Judy Taylor-Ray
PA to Richard De Cani | MD - Planning | Transport for London
10Y2 | Windsor House | 42-50 Victoria Street | London SW1H 0TL
[REDACTED] | Auto: [REDACTED] | [REDACTED]@tfl.gov.uk

From: [Brown Mike \(Commissioner\)](#)
To: [Everitt Vernon](#)
Cc: [Gasson Sarah](#); [Brown Matt](#); [Williams Alex](#); [Hughes David \(Tfl Investment Delivery Planning Director\)](#); [Wild Mark \(CEO Crossrail\)](#); [Carter Howard](#)
Subject: Fwd: Temple Garden Bridge
Date: 07 July 2016 22:44:11
Attachments: [image001.jpg](#)

See e mail chain below - with the facts as they are. It really is not relevant whether we get money back etc. The current position is no more money to be spent and we recover what has been spent as per the agreement reached up front with the trust.

I have talked to David and Howard and they will discuss with Val prior to Finance committee tomorrow on this basis.

Thanks

Mike

Sent from my iPhone

Begin forwarded message:

From: "Brown Mike (Commissioner)" <[REDACTED]@tfl.gov.uk>
Date: 7 July 2016 at 19:02:11 BST
To: David Hughes <[REDACTED]@tfl.gov.uk>, Coff Tanya <[REDACTED]@tfl.gov.uk>, Nunn Ian <[REDACTED]@tfl.gov.uk>, "Wild Mark (MD)" <[REDACTED]@tfl.gov.uk>
Cc: "Tagg Ella (ST)" <[REDACTED]@Tfl.gov.uk>, Branks Kirsten <[REDACTED]@Tfl.gov.uk>
Subject: FW: Temple Garden Bridge

See below.

We need to ensure 1) happens please asap. And that we have in place the necessary controls to prevent any more work happening – as stated in 2).

Mike

From: David Bellamy [[mailto:\[REDACTED\]@london.gov.uk](mailto:[REDACTED]@london.gov.uk)]

Sent: 07 July 2016 18:13

To: val shawcross; Brown Mike (Commissioner)

Cc: Carter Howard

Subject: RE: Temple Garden Bridge

Many thanks Mike. For clarity, I believe you mean “£633k”, not million, below.

The Mayor has been clear that no more public funds are to be spent on this project.

I think this now requires two actions:

<!--[if !supportLists]-->1. <!--[endif]-->Obtaining repayment from the Trust for the spend to date, which shouldn't come from Tfl's contribution to the project

<!--[if !supportLists]-->2. <!--[endif]-->Before any work restarts, agreeing terms and a payment schedule so that the Trust meets the full costs of all Garden Bridge-related activities and that there is no risk of the money not being

paid should the Trust or project run into financial difficulties. We'll need to explicitly approve this before it is signed.

Please can TfL proceed on this basis.

As ever, happy to discuss ([REDACTED])

David.

From: Valerie Shawcross

Sent: 07 July 2016 18:01

To: Mike Brown; David Bellamy

Cc: [REDACTED] [tfl.gov.uk](mailto:[REDACTED]@tfl.gov.uk)

Subject: RE: Temple Garden Bridge

Thanks for this Mike. This is useful. At Committee. I can simply say that this project is suspended and for the avoidance nod doubt there will be no new money spent on the GB.

But I do need help screening the vast amount of material for the Panels and Boards. Hopefully the new members will assist.

Val

Sent with Good (www.good.com)

-----Original Message-----

From: Brown Mike (Commissioner) ([REDACTED] [tfl.gov.uk](mailto:[REDACTED]@tfl.gov.uk))

Sent: Thursday, July 07, 2016 05:54 PM GMT Standard Time

To: Valerie Shawcross; David Bellamy

Cc: [REDACTED] [tfl.gov.uk](mailto:[REDACTED]@tfl.gov.uk)

Subject: Temple Garden Bridge

Val / David

With regard to the above.

The original project approval was in July 2014, with a further financial authority given in July 2015. This was originally concept design work – also considering whether we could incorporate a lift into the design.

The final uplift in spend was approved by the LU projects board in September and authorised by the Finance Director (CFO) on 2ND March 2016 – some 2 months before the previous Mayor's term in office ended.

This was done on the basis that it was legally agreed (document dated 25th January 2015) that all LU (TfL) costs – other than the small element of the original £633 million we would have spent anyway on feasibility of a step free access scheme - would be fully reimbursed by the Garden Bridge Trust. (This was not part of the core £30million).

No closures were envisaged as part of this work. There has been some early

indication that some short period (e.g. weekend) closures of Temple station might be required for the overall bridge construction phase.

In a letter just received from the Garden Bridge Trust they have asked us to suspend any work started and that have reaffirmed that any costs incurred in the very early stages of the work would be reimbursed (we estimate the spend to date has been less than £200k).

We were instructed by the previous TfL board to report such approvals to the Finance committee on an ongoing basis. I would normally have expected this to have gone to the last meeting of the old mayoralty. It seems that the timeline of approval to the submission dates required of papers meant this did not happen. I hope this explains the position.

Mike

Mike Brown

Commissioner

Windsor House

42-50 Victoria Street

London

SW1H 0TL



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From: [Brown Mike \(Commissioner\)](#)
To: [Carter Howard](#)
Cc: [Everitt Vernon](#); [Hudson Teresa](#); [Tagg Ella \(ST\)](#); [Branks Kirsten](#); [Williams Alex](#)
Subject: Garden Bridge
Date: 08 May 2016 13:31:36

Howard

Fiona Fletcher Smith called. She met with the Mayor this morning and amongst other things gave an update as to where we are on the funding guarantees on the above.

It became clear that the Mayor is not prepared to be party to any further commitments (he had assumed all had been taking care of under the previous administration). He may raise it with me to tomorrow - so a brief position statement would be useful for my back pocket.

Thanks

Mike

Sent from my iPad

From: [Gourley Jennifer](#) on behalf of [Carter Howard](#)
To: [Everitt Vernon](#); [Nunn Ian](#)
Cc: [Carter Howard](#); [Brown Mike \(Commissioner\)](#); [Williams Alex](#); [Walker Clive \(Internal Audit\)](#); [Brown Andy](#); [Quinn Amy](#); [MacKay Christine](#); [Hawthorne Julia](#); [Hudson Teresa](#); [Branks Kirsten](#); [Tagg Ella \(ST\)](#); [Gourley Jennifer](#)
Subject: Garden Bridge Audit Work
Date: 06 June 2016 17:16:12
Attachments: [Garden Bridge Audit Work.docx](#)
[Garden Bridge Appendix 1.pdf](#)
[Garden Bridge Appendix 2.pdf](#)
[Garden Bridge Appendix 3.docx](#)

Vernon/Ian

I have discussed this with each of you last week. We agreed that I would prepare a short note on the background to the Garden Bridge scrutiny to date and list some options for further work which could be done in the light of the discussion that Mike had with the Mayor.

A draft note is attached which attempts to do that. Happy to take comments.

Clive and I met with Ernst & Young today to discuss the finalisation of their report and I have a meeting with Keith Williams tomorrow to bring him up to speed.

I have for now taken the Ernst & Young report off the agenda for the AAC meeting on 14 June but it could go as a late item if that work is completed in time.

Happy to discuss.

Howard

Howard Carter, General Counsel, Transport for London
Windsor House, 42-50 Victoria Street London SW1H 0TL

e-mail: [\[REDACTED\]](#) [tfl.gov.uk](mailto:[REDACTED]@tfl.gov.uk)

Tel: [\[REDACTED\]](#) ([\[REDACTED\]](#))

Fax: 020 3054 3556 (83556)

From: [Kennedy Benjamin](#)
To: [Brown Mike \(Commissioner\)](#)
Subject: Garden Bridge private sector funding info for DfT today
Date: 03 April 2014 10:26:21

Mike, probably not necessary but a bit of extra info on Garden Bridge private sector fund raising (which is what I was told DfT specifically wants to talk about today – not sure why they want to talk to you about it!)

From: Wainberg Simon
Sent: 03 April 2014 10:23
To: Kennedy Benjamin
Subject: RE: Garden Bridge

Ben,

Sorry, realised I hadn't come back to you on this... fund raising is the responsibility of the GB trust, and TfL are not really involved in this work apart from some associated discussions with the Wellcome Trust a potential funder. I don't have an update on funding efforts / progress but Richard De Cani is attending/observing a GB trust meeting today, so he may come back with an update on this. What I do know is that in addition to the £60 from Govt / TfL , there is £30m on the table from a family (who wishes to remain anonymous) and potentially £20+m from the Wellcome Trust, but this is subject to some conditions which are being discussed at the moment.

Regards,
Simon

From: [Gourley Jennifer](#) on behalf of [Carter Howard](#)
To: ["Keith Williams"](#)
Cc: [Carter Howard](#); [Samantha Pitman](#); [Brown Mike \(Commissioner\)](#); [Richard de Cani \(MD Planning\)](#); [Brown Andy](#); [Everitt Vernon](#); [Walker Clive \(Internal Audit\)](#); [Branks Kirsten](#); [Tagg Ella \(ST\)](#); [Gourley Jennifer](#)
Subject: Garden Bridge
Date: 22 February 2016 17:08:10
Attachments: [tflaudit \(v2\).docx](#)

Keith

Following our conversation, I have made some suggested changes to the draft note.

Happy to discuss.

Howard

Howard Carter, General Counsel, Transport for London
Windsor House, 42-50 Victoria Street London SW1H 0TL

e-mail: [REDACTED] [tfl.gov.uk](mailto:[REDACTED]@tfl.gov.uk)

Tel: [REDACTED] ([REDACTED])

Fax: 020 3054 3556 (83556)

From: [Gourley Jennifer](#) on behalf of [Carter Howard](#)
To: [Brown Mike \(Commissioner\)](#); [Everitt Vernon](#); [Richard de Cani \(MD Planning\)](#)
Cc: [Carter Howard](#); [Walker Clive \(Internal Audit\)](#); [Clarke Andrea \(Exc\)](#); [Brown Andy](#); [Branks Kirsten](#); [Tagg Ella \(ST\)](#); [Shrestha Rumi](#); [Taylor-Ray Judy](#); [Gourley Jennifer](#)
Subject: Garden Bridge
Date: 22 February 2016 13:39:08
Attachments: [tflaudit \(v2_HC amendments\).docx](#)

Mike/Vernon/Richard

Keith Williams wishes to write to the Audit and Assurance Committee with his views on the Garden Bridge procurement and the position that he intends to take at the GLA Oversight Committee this week. His proposed draft is attached.

I have a number of comments to suggest on the note for accuracy, which I have marked on the attached draft.

Keith makes many helpful points but you will see that towards the end (highlighted yellow) he concludes that:

‘In my opinion it would have been helpful if the report had highlighted a greater seriousness of the failings when taken together.’

and

‘My overall summary is that the procurement fell well short of TFL’s policies and guidelines and that the Audit committee should make this clear to management at the next meeting.’

Happy to discuss.

Howard

Howard Carter, General Counsel, Transport for London
Windsor House, 42-50 Victoria Street London SW1H 0TL

e-mail: [\[REDACTED\]](#) [tfl.gov.uk](mailto:[REDACTED]@tfl.gov.uk)

Tel: [\[REDACTED\]](#) ([\[REDACTED\]](#))

Fax: 020 3054 3556 (83556)

From: [Richard de Cani \(MD Planning\)](#)
To: [Edwardlister](#); [IsabelDedring](#); [Brown Mike \(Commissioner\)](#)
Cc: ["Fiona Fletcher-Smith"](#); [Tagg Ella \(ST\)](#); [Branks Kirsten](#); [Steer Tim](#)
Subject: Garden Bridge
Date: 02 October 2015 17:52:09

Eddie, Isabel and Mike - a quick update on the Garden Bridge at the end of the week.

We have been in regular contact with Lambeth officers throughout the week and they are in the process of preparing for a meeting with their Leader on Monday. We have provided them with a great deal of background information on the funding and the overall business case to deal with questions and to explain the basic rationale behind our contribution and the case for the project. In very simple terms – a large part of our £30m funding is being used up to front to get to a point where the project is viable for the private sector to fund. The Trust is doing well at raising funds - c£90m from the private sector towards construction. I am also aware that private sector funders of the bridge have also contacted the Leader to express their frustration and support and commitment to wanting to work with Lambeth as part of a longer term relationship – if she allows the project to go ahead.

I spoke to the Chief Exec today and their meeting with the Leader on Monday is to discuss what she wants to do next.

The basic options are:

- 1 – proceed with the land negotiations and take the right steps towards discharging conditions – currently planned for a November Committee meeting; or
- 2 – do not proceed any further with the land in which case it is highly likely the work will stop and the Trust will stand everything down.

Happy to answer any questions.

Richard

From: [Brown Mike \(MD\)](#)
To: [Hendy Peter \(TfL\)](#)
Cc: [Waboso David](#); [Hudson Teresa](#); [Thomson Linda](#)
Subject: GARDEN BRIDGE
Date: 28 January 2014 08:22:00
Attachments:

Peter

I attach a CV of a possible candidate for the Garden Bridge.

He has, and does, works for us on contract, is known to us, is very experienced, and could be made available

The previous suggested candidate, Joanne could possibly work under him?

Let me know if you want me to follow through.

Mike

From: [Richard de Cani \(MD Planning\)](#)
To: [Brown Mike \(Commissioner\)](#); [Nunn Ian](#); [Carter Howard](#)
Cc: [Tagg Ella \(ST\)](#); [Rogan Kerri](#); [MacKay Christine](#); [Hickman Misha](#); [Branks Kirsten](#); [Gourley Jennifer](#); [Brown Andy](#)
Subject: GB project update - 1 April 2016
Date: 01 April 2016 14:45:22
Attachments: [GB project update - 1 April 2016.docx](#)

Mike Ian and Howard

Given the amount of activity underway I thought it would be helpful to set out where we are on the Garden bridge – the steps towards construction, outstanding risks and key issues. I am on leave next week but it may be helpful to have 5 mins on this at the weekly meeting on the 11th – just to draw out a couple of issues.

Thanks

Richard

From: [Richard de Cani \(MD Planning\)](#)
To: [Brown Mike \(Commissioner\)](#); [Nunn Ian](#); [Carter Howard](#)
Cc: [Gourley Jennifer](#); [Hickman Misha](#); [MacKay Christine](#); [Tagg Ella \(ST\)](#); [Branks Kirsten](#); [Ritchie Charles](#); [Brown Andy](#)
Subject: GB
Date: 18 February 2016 18:08:01
Attachments: [GB funding note 18 Feb 2016.docx](#)

All – I thought it would be helpful if I sent a summary of the current position with the Garden Bridge funding and public sector payments. As the construction contract has now been awarded, TfL is due to make its next payment to the Trust on Monday next week – of £2.5m, followed by a further payment of £4.5m a month later. These payments are in accordance with the funding agreement which has been signed by TfL.

The paper summarises the current status of the project and the outstanding risks to delivery.

If you have any comments or questions then please let me know

Richard

From: [Rebecca Olajide](#)
To: [REDACTED] [london.gov.uk](#)
Cc: [Gareth Bacon](#); [val shawcross](#); [Brown Mike \(Commissioner\)](#)
Subject: Letter for the attention of Keith Prince AM
Date: 30 June 2017 14:17:01
Attachments: [image001.png](#)
[170630_Letter from LMD to Keith Prince AM \(002\).pdf](#)

Dear Keith Prince AM,
Please find attached a letter from Lord Davies, Chairman of the Garden Bridge Trust.
Many thanks and best wishes,
Rebecca Olajide
Team Administrator, Garden Bridge Trust
Somerset House, Strand, London, WC2R 1LA

Tel: +44 [REDACTED]
Email: [REDACTED]@gardenbridge.london
w: www.gardenbridge.london

Are you one of the 80% of Londoners who want the Garden Bridge? If so, please send your message of support [here](#).

Click [here](#) to report this email as SPAM.

From: [Stephen Bramah](#)
To: [Brown Mike \(Commissioner\)](#)
Cc: [Members Correspondence](#)
Subject: Letter from Tom Copley AM
Date: 16 March 2017 16:07:31
Attachments: [Mike Brown Garden Bridge 160317.pdf](#)

Please see attached from Tom Copley AM

Best wishes

Stephen

Stephen Bramah

Research & Support Officer to Fiona Twycross & Tom Copley
London-wide Assembly Members

City Hall
The Queen's Walk
London, SE1 2AA
Tel: [REDACTED]

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From: [William Tricker](#)
To: [Brown Mike \(Commissioner\)](#)
Cc: [Members Correspondence](#); [Tom Copley](#)
Subject: Minutes of Garden Bridge Trust board meetings- Tom Copley AM
Date: 13 December 2017 14:17:08
Attachments: [Letter to Mike Brown re_GBT records_Dec2017.pdf](#)

Hi Mike,

Please see attached a letter from Tom Copley AM regarding minutes of the Garden Trust board meetings.

I have also sent a hard copy in the post.

Please let me know if anything is unclear.

Thanks,

Will

Will Tricker

Research and Support Officer

City Hall, The Queen's Walk, London, SE1 2AA

T: [REDACTED] | E [REDACTED] [london.gov.uk](mailto:[REDACTED]@london.gov.uk)

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From: [Hawthorne Julia](#)
To: [Rogan Kerri](#); [Brown Mike \(Commissioner\)](#); [Carter Howard](#)
Cc: [Nunn Ian](#); [Hudson Teresa](#); [Tagg Ella \(ST\)](#); [Branks Kirsten](#); [MacKay Christine](#); [Richard de Cani \(MD Planning\)](#); [Hill Rhiannon](#); [Brown Andy](#); [Gourley Jennifer](#); [Bohan Amy](#); [Adcock Emma](#)
Subject: RE: 27 April Mayor's meeting - Garden Bridge paper -FOR REVIEW
Date: 25 April 2016 17:04:15

Hi Kerri

Ian is happy with this paper, no further comments. Just one small typo to 1.3 'These Mayoral Decisions' instead of 'This'.

Kind regards

Julia

Julia Hawthorne | PA to Ian Nunn | Chief Finance Officer

Transport for London | Windsor House | 14th Floor | 42-50 Victoria Street | London SW1H 0TL

(020) [REDACTED] | Auto: [REDACTED] | [REDACTED] [tfl.gov.uk](mailto:[REDACTED]@tfl.gov.uk)

From: Rogan Kerri

Sent: 25 April 2016 10:38

To: Brown Mike (Commissioner); Carter Howard

Cc: Nunn Ian; Hudson Teresa; Tagg Ella (ST); Branks Kirsten; MacKay Christine; Hawthorne Julia; Richard de Cani (MD Planning); Hill Rhiannon; Brown Andy; Gourley Jennifer; Bohan Amy; Adcock Emma

Subject: 27 April Mayor's meeting - Garden Bridge paper -FOR REVIEW

Importance: High

Mike, Howard

As you know we are due to take a paper on the Garden Bridge OMBP, along with the full draft OMBP to our last meeting with the Mayor which is due to take place on Wednesday 27 April

The paper has not changed much since an earlier version which you cleared other than the fact it now reflects a Mayoral Decision which we need to obtain and includes some explanation of the urgency of the decision required.

Assuming the Mayor agrees the request, we will then suggest he write to Martin Clarke as per the draft attached.

Howard – for you info I understand that Charles Ritchie has been involved in the drafting of this updated paper.

I would be grateful if you could let me know whether you have any comments if possible by **noon tomorrow 26 April**.

Kind regards,

Kerri Rogan

Head of Corporate Affairs

Customers, Communications & Technology

Transport for London

Windsor House (11th floor)

42-50 Victoria Street

London SW1H 0TL

Phone: [REDACTED]

Auto: [REDACTED]

Mobile: [REDACTED]



From: [Hudson Teresa](#)
To: [Adcock Emma](#); [Rogan Kerri](#); [Brown Mike \(Commissioner\)](#); [Carter Howard](#)
Cc: [Nunn Ian](#); [Tagg Ella \(ST\)](#); [Branks Kirsten](#); [MacKay Christine](#); [Hawthorne Julia](#); [Richard de Cani \(MD Planning\)](#); [Hill Rhiannon](#); [Brown Andy](#); [Gourley Jennifer](#); [Bohan Amy](#)
Subject: RE: 27 April Mayor's meeting - Garden Bridge paper -FOR REVIEW
Date: 26 April 2016 12:04:00

Mike is content – no additional comments.

Many thanks.

T

From: Adcock Emma
Sent: 25 April 2016 16:01
To: Rogan Kerri; Brown Mike (Commissioner); Carter Howard
Cc: Nunn Ian; Hudson Teresa; Tagg Ella (ST); Branks Kirsten; MacKay Christine; Hawthorne Julia; Richard de Cani (MD Planning); Hill Rhiannon; Brown Andy; Gourley Jennifer; Bohan Amy
Subject: RE: 27 April Mayor's meeting - Garden Bridge paper -FOR REVIEW

Hi Kerri

No comments from Howard.

Emma

From: Rogan Kerri
Sent: 25 April 2016 10:38
To: Brown Mike (Commissioner); Carter Howard
Cc: Nunn Ian; Hudson Teresa; Tagg Ella (ST); Branks Kirsten; MacKay Christine; Hawthorne Julia; Richard de Cani (MD Planning); Hill Rhiannon; Brown Andy; Gourley Jennifer; Bohan Amy; Adcock Emma
Subject: 27 April Mayor's meeting - Garden Bridge paper -FOR REVIEW

Importance: High

Mike, Howard

As you know we are due to take a paper on the Garden Bridge OMBP, along with the full draft OMBP to our last meeting with the Mayor which is due to take place on Wednesday 27 April

The paper has not changed much since an earlier version which you cleared other than the fact it now reflects a Mayoral Decision which we need to obtain and includes some explanation of the urgency of the decision required.

Assuming the Mayor agrees the request, we will then suggest he write to Martin Clarke as per the draft attached.

Howard – for you info I understand that Charles Ritchie has been involved in the drafting of this updated paper.

I would be grateful if you could let me know whether you have any comments if possible by **noon tomorrow 26 April**.

Kind regards,

Kerri Rogan

Head of Corporate Affairs

Customers, Communications & Technology

Transport for London

Windsor House (11th floor)

42-50 Victoria Street

London SW1H 0TL

Phone: 

Auto: 

Mobile: 



From: [Brown Mike \(Commissioner\)](#)
To: [Carter Howard](#)
Cc: [Allen Steve \(MD Finance\)](#); [Nunn Ian](#); [Brown Nick \(MD\)](#); [Daniels Leon](#); [Everitt Vernon](#); [Richard de Cani \(MD Planning\)](#); [Dix Michèle](#); [Wright Tricia](#); [Perrins Neil](#); [Branks Kirsten](#); [Tagg Ella \(ST\)](#); [Kenny Shamus](#); [Wiseman Claire \(ST\)](#); [Rogan Kerri \(Head of Network Command\)](#)
Subject: Re: Actions from the 17 September Business Planning discussion with the Board
Date: 18 September 2015 18:22:50

Thanks. Good for me.

Mike

Sent from my iPad

On Sep 18, 2015, at 4:40 PM, Carter Howard <[\[REDACTED\]](#)> wrote:

All

The actions that we noted during the informal Business Plan discussion with the Board on 17 September were as follows:

Garden Bridge

<!--[if !supportLists]-->•<!--[endif]--> Isabel Dedring and Michael Liebreich to discuss Garden Bridge Mayoral Direction

Old Oak Common and HS2

<!--[if !supportLists]-->•<!--[endif]--> Arrange an informal Board discussion on HS2 and OAC and invite Victoria Hills. NB: The first available time immediately after a TfL Board meeting will be the 18 December Board

<!--[if !supportLists]-->•<!--[endif]--> Provide briefing to the Mayor on HS2 route from OOC into Euston and beyond

Step Free Access

<!--[if !supportLists]-->•<!--[endif]--> Existing Action: SFA information (priority and confirmation of costs) to be provided to Members

TfL future approach to Technology and Data

<!--[if !supportLists]-->•<!--[endif]--> Mike Brown and Michael Liebreich to discuss

Issues to address in informal discussions:

<!--[if !supportLists]-->•<!--[endif]--> Cash balances

<!--[if !supportLists]-->•<!--[endif]--> pensions – what we can do (inc closing to new applicants), when, impact and update on discussions with Government

<!--[if !supportLists]-->•<!--[endif]--> information/assurance that staffing duplication costs (not just capital projects) are being reviewed as sources of savings and

<!--[if !supportLists]-->•<!--[endif]--> where we think savings may be possible and the prioritisation

Rail Devolution

<!--[if !supportLists]-->•<!--[endif]--> RUP to have a paper on Rail Devolution
NB: The next meetings are on 16 October 2015 and 24 February 2016

Timetable

• Set out a timetable for discussion with Isabel on future briefings and decisions in relation to the Budget and Business Plan

Let me know if you think we have missed anything.

Howard

From: [Richard de Cani \(MD Planning\)](#)
To: [Carter Howard](#); [Brown Mike \(Commissioner\)](#)
Cc: [Everitt Vernon](#); [Dix Michèle](#)
Subject: Re: Agenda of TfL Audit & Assurance Com_8 March'16
Date: 01 March 2016 14:15:17

Howard and mike

I think we need to have a conversation about this and how we respond to it and whether it is appropriate to just forward this on to the board. You are aware that this is the same report that we have responded on separately saying it is inaccurate. It is based on his own analysis of information he has collected from FOIs etc.

I think we need to have some time, quite urgently to discuss garden bridge and these issues and how we are going to deal with them going forward.

Perhaps we could find some time on Thursday to do this.

Richard

Sent from my iPhone

On 1 Mar 2016, at 14:07, Carter Howard <[\[REDACTED\]@TfL.gov.uk](#)> wrote:

All

We have received this request to circulate the note below to the Board. It will need a cover note putting it in context – could Andy coordinate that?

Also copied to Mike so he is aware of the request to circulate this to the Board.

Howard

Howard Carter, General Counsel, Transport for London
Windsor House, 42-50 Victoria Street London SW1H 0TL

e-mail: [\[REDACTED\]@tfl.gov.uk](#)

Tel: [\[REDACTED\]](#) [\[REDACTED\]](#)

Fax: 020 3054 3556 (83556)

From: ProjectCompass [[mailto:\[REDACTED\]@gmail.com](#)]

Sent: 01 March 2016 12:13

To: Secretariat

Cc: [\[REDACTED\]@parliament.uk](#); [\[REDACTED\]@parliament.uk](#)

Subject: Agenda of TfL Audit & Assurance Com_8 March'16

- We ask that the enclosed email be sent as a matter of urgency direct to all members of the TfL Board as listed below.
- We also request that you confirm back to us that this item has been duly circulated.
-
- TfL Board Members: [Boris Johnson, Chairman](#), [Isabel Dedring, Deputy Chair](#), [Peter Anderson](#), [Sir John Armitt CBE](#), [Sir Brendan Barber](#), [Richard Barnes](#), [Charles Belcher](#), [Roger Burnley](#), [Brian Cooke](#), [Baroness Tanni Grey-Thompson DBE](#), [Angela Knight](#), [Michael Liebreich](#), [Eva Lindholm](#), [Daniel Moylan](#), [Bob Oddy](#), [Keith Williams](#), [Steve Wright](#)

As a member of the TfL Board and under its remit and terms of reference we are writing to inform you of:

- Legal opinion related to the TfL Internal Audit Sept 2015 and the TfL procurement of the Thames Garden Bridge by Parishil Patel of Essex Chambers:
<http://www.architectsjournal.co.uk/news/garden-bridge-contests-legally-defective-throughout/10003526.article?blocktitle=News&contentID=13628>
- Analysis of evidence on the matter which does not concur with the findings of the TfL Internal Audit:
http://www.projectcompass.co.uk/index.php?page=aboutus&sub=publications_garden_bridge

We note the TfL AUDIT AND ASSURANCE COMMITTEE its remit and meeting 8th March, and the agenda Item 10.4.11 as below:

- 10.4.11. At the Audit and Assurance Committee held on 8 December 2015, Members discussed the Director of Internal Audit's attendance at the GLA's Oversight Committee on 22 October 2015, at which he answered questions about the internal audit of the design and development

procurements for the Garden Bridge. Subsequently, on 25 February 2016, the Chair of Audit and Assurance Committee also attended the Oversight Committee to answer questions about the audit. A recording of his appearance at the Committee can be found on the GLA website. The Chair will provide an update on his appearance at the Oversight Committee at this meeting.

4.12 Follow up of the recommendations raised by the Internal Audit memorandum is in progress and will be reported to the meeting of the Audit and Assurance Committee held on 14 June 2016.

With the exception of the legal opinion evidence has been available prior to issue of the meeting agenda last night. We would express our concern should the committee, under the terms of its remit, not raise, respond and act upon evidence in this matter. We trust that in the justifiable public interest the committee will do so with requisite urgency.

- You may find the enclosed LGA Summary Guide, which sets out the legal context, of some value in your deliberations.
<http://www.local.gov.uk/documents/10180/6869714/Managing+the+risk+of+procurement+fraud/82c90add-fc57-4654-b9ca-f29048e6428b>

See in particular p5 'manipulation of procurement procedures', p6 'conflict of interest' and p14/15 on inquiries.

I look forward to hearing from you

Yours sincerely

Walter Menteth, Director

Project

Compass

better procurement - better design

see: www.projectcompass.co.uk

follow: @ProjCompassEU

support: [donate](#)

Click [here](#) to report this email as SPAM.

From: [Hendy Peter \(TfL\)](#)
To: [Dix Michèle](#); [Brown Mike \(Commissioner\)](#); [Allen Steve \(MD Finance\)](#); [Everitt Vernon](#); [Daniels Leon](#); [Carter Howard](#)
Cc: [Hudson Teresa](#)
Subject: Re: Autumn Statement
Date: 10 November 2013 10:52:18

Believable. Garden Bridge came from nowhere. Glad they won't do it as I'm sure the 'matched funding' would be ours.

Peter

----- Original Message -----

From: Dix Michèle
Sent: Sunday, November 10, 2013 08:18 AM
To: Hendy Peter (TfL); Brown Mike (MD); Allen Steve (MD Finance); Everitt Vernon; Daniels Leon; Carter Howard
Subject: Autumn Statement

Hi Peter

Some informal feedback from a DfT official to Matt Yates in our team is that the GOB ext is very unlikely to receive money in the Autumn statement and we should work towards a budget announcement. They said it hasn't been on the radar long enough and there's no money left! It's all going up North.

This shouldn't stop us from trying though - but one ask rather than multiple asks might have been better eg just GOB and not GOB and Garden Bridge.

Regards Michele

From: [Brown Mike \(Commissioner\)](#)
To: [Rogan Kerri \(Head of Network Command\)](#)
Cc: [Tagg Ella \(ST\)](#); [Branks Kirsten](#)
Subject: Re: Discussions re Garden Bridge
Date: 08 November 2016 19:39:54

Let's talk tomorrow. I think we have a slot?
Mike

Sent from my iPhone

On 8 Nov 2016, at 12:17, Rogan Kerri <[\[REDACTED\]](#)> wrote:

Mike

Yesterday I took a call from Claire Hamilton who you may recall works in the GLA Transport Team supporting Val. Claire is now on secondment working with Margaret Hodge, supporting her with her review of the Garden Bridge

Claire explained to me that Margaret's plan over the next few weeks is to speak to many of those involved in/ with strong opinions regarding the Garden Bridge. This will primarily concentrate on those 'external' groups/ people, such as journalists, AMs, the Trust itself. Margaret will want to speak to you, and possibly Howard, but would like to do that later in the process, and is doing the same with GLA officers she needs to speak to.

In that context though, Margaret would like to speak to Andy Brown, as one of the people with the most expertise on the history, and possibly an officer within audit.

I said to Claire I would speak to you first before she did anything to check you were happy with the proposal to engage with Andy and potentially others before speaking to you. Does this sit OK with you? If so I will give Howard and Alex the heads up before responding to Claire.

Separately, Margaret has asked Claire to look into some other unusual/ big ticket projects across London (not just in TfL) and as such Claire has asked if we would mind her speaking to a number of individuals within TfL for some informal information gathering, to understand how different projects could or have been designed, approved, funded etc in the past. To give you an idea she is likely to be interested in the following schemes:

- Cycle hire*
- Cable car*
- New Routemaster*
- Current fledgling river crossings such as Diamond Jubilee and CW-Rotherhithe*

Are you happy for Claire to speak to the relevant colleagues re the above projects? If so I suggest we ask the relevant MD to nominate an individual

who they are comfortable with

Thanks

Kerri

Sent from my iPad

From: [Brown Mike \(Commissioner\)](#)
To: [Rogan Kerri](#)
Cc: [Branks Kirsten](#); [Tagg Ella \(ST\)](#); [Hudson Teresa](#); [O'Hara Jamie](#); [Wiseman Claire \(ST\)](#); [Quin Nicholas](#)
Subject: RE: Draft email to David Bellamy re Garden Bridge
Date: 19 May 2016 08:48:00

Fine with me

Thanks

Mike

From: Rogan Kerri
Sent: 19 May 2016 08:38
To: Brown Mike (Commissioner)
Cc: Branks Kirsten; Tagg Ella (ST); Hudson Teresa; O'Hara Jamie; Wiseman Claire (ST); Quin Nicholas
Subject: Fw: Draft email to David Bellamy re Garden Bridge

Mike

Fyi

Howard and Alex also aware and happy with the suggested approach below

As always do shout if you have any concerns

Thanks

Kerri

From: Everitt Vernon <[\[REDACTED\]@tfl.gov.uk](mailto:everitt@tfl.gov.uk)>
Sent: Thursday, 19 May 2016 08:34
To: Brown Andy; Rogan Kerri
Cc: Williams Alex; Quinn Amy
Subject: RE: Draft email to David Bellamy re Garden Bridge

Andy

Fine with me.

Vernon

From: Brown Andy
Sent: 19 May 2016 08:25
To: Rogan Kerri; Everitt Vernon
Cc: Williams Alex; Quinn Amy
Subject: Draft email to David Bellamy re Garden Bridge
Importance: High

Hi Vernon and Kerri

We had another meeting with David Bellamy yesterday about the Garden Bridge (which went well, I think). He asked to get some more information about risk and the profile of the additional exposure that the Garden Bridge Trust is asking for over the next four months.

I understand he will be speaking with Lord Davies (the Chairman of the Trust) on the phone early this afternoon, so I am keen to get this information to him as soon as possible. The whole question of the additional exposure is urgent because if a solution isn't found within the next few working days there is the potential for the Trustees to walk away.

I know you've asked to see everything before it goes to City Hall. Do you have any objection to my sending the email below directly to David?

Thanks

Andy

Hi David

Thanks again for your time earlier today and on Friday.

I promised to send you a summary of the key risks to the Garden Bridge project as well as an indication of how the Garden Bridge Trust's liabilities vary throughout the four month period they are asking to be covered for (June - September 2016).

Below is a short note about that (with attachments), as well as a reminder of the salient points about the request for an underwriting and an update on my conversations with the Department for Transport and the Garden Bridge Trust.

If you have any questions please do drop me a line.

Many thanks

Andy

Andy Brown

Programme Manager, Garden Bridge & Managing Director's Office - TfL Planning

Transport for London

10th Floor, Windsor House, 42-50 Victoria Street, London SW1H 0TL

Direct: +44 (0) [REDACTED] | Auto: [REDACTED]

Mobile: +44 (0) [REDACTED]

The need for an underwriting to cover for potential liabilities

The majority of the private money that the Trust has secured will be released by the sponsors and donors once the construction of the bridge commences. However, before that point the Trust has a number of cancellation liabilities, and they need to have the reserves or an underwriting in place now to cover these liabilities.

To cover these potential costs and allow the project to continue beyond the end of May, the Trust is seeking an underwriting of a maximum liability of £15m and up to 30 September 2016. After this point, all of the key, uninsurable risks will have been removed. Any remaining risks to the construction of the project will be insured against and the Trust will be able to meet fully all of its liabilities, even in the event of project termination.

If the Trust is not able to secure such an underwriting by the end of May, the Trustees are obliged to call an end to the project. The Trust's next Board meeting is on 23 May. The Trust's Executive Director has indicated that in practice the Trustees need to have certainty (i.e. in writing) by Wednesday 25 May that a suitable underwriting will be provided, to allow them to continue with the project.

If the public sector provided this underwriting it would do so by TfL varying its funding agreement with the Trust to allow access to up to a further £15m in the event of project cancellation before 30 September 2016.

The public sector has already provided c£37.7m to the Trust. If the full extent of the further underwriting were called upon the total public contribution to the project would be c£51.4m, which is within the £60m total previously approved.

The Department for Transport's exposure

The Garden Bridge Trust has also been in conversations with the Transport Minister, Lord Ahmad, to request the DfT's support and involvement in the underwriting they are requesting. The Chairman of the Trust, Lord Davies, wrote to the Minister on 13 May 2016 to make that request in writing. His letter is attached.

TfL has spoken to officials at the DfT, who have made clear their Permanent Secretary is unwilling to increase the Department's exposure any further without a Ministerial Direction.

We understand from the DfT that it has now been arranged for the Chancellor and the

Mayor to meet on Monday 23 May, and that the Secretary of State for Transport's office have asked the Chancellor's office to ensure that the Garden Bridge is on the agenda. If the DfT were willing to increase their exposure by £15m (or any other amount agreed with the Mayor) to provide for this underwriting then all that would be required is for the Minister to set this out in a letter to the Mayor. The legal arrangements to make the underwriting available to the Trust can be handled exclusively between TfL and the Garden Bridge Trust.

Profile of the Trust's termination liabilities

The Trust is requesting access to up to £15m until the end of September 2016, but the amount they would actually need to call upon would vary depending on the date of the project's cancellation (were that to happen).

The attached tables show a breakdown of the Trust's termination costs in each month between April - October 2016, with the bottom line of the second table showing the draw the Trust would need to make upon the £15m underwriting in order to meet all its liabilities. In summary this is as follows:

Month	May 2016	June 2016	July 2016	August 2016	September 2016
Call on underwriting	£233,000	£3,653,000	£9,350,000	£13,513,000	£8,980,000

TfL has already provided the Garden Bridge Trust with a small underwriting facility which expires at the end of May. This was agreed prior to the election as an interim measure to allow the Trustees to continue beyond the end of April and then for further discussions to take place following the election.

Key risks to project delivery during this period

The Trust maintains a detailed and comprehensive Quantitative Risk Assessment of the risks to the project's delivery. The majority of these risks are minor risks that could affect the project during the construction phase, but the attached summary table explains the key risks which have the potential to delay or prevent construction of the bridge beginning in September 2016.

In extreme circumstances, any of these risks have the potential to cause the cancellation of the project before September, which would cause any underwriting to be called upon. The risk with the greatest potential impact and over which the Garden Bridge Trust has little influence is the engagement of Lambeth Council and Coin Street Community Builders in serious negotiations to progress land arrangements on the South Bank.

From: [Brown Mike \(Commissioner\)](#)
To: [Brown Andy](#)
Cc: [Branks Kirsten](#); [Tagg Ella \(ST\)](#)
Subject: RE: Draft follow up answers to Margaret Hodge
Date: 30 December 2016 13:17:00

Looks fine

Thanks

Mike

From: Brown Andy
Sent: 30 December 2016 12:57
To: Brown Mike (Commissioner)
Cc: Branks Kirsten; Tagg Ella (ST)
Subject: Draft follow up answers to Margaret Hodge

Hi Mike

There were three actions that we took away from our meeting with Margaret Hodge on 19 December:

- 1 Provide copies of the Commissioner's reports to the TfL Board where the Garden Bridge is mentioned
- 2 Provide TfL's scheme of delegation for granting Authorities
- 3 Confirm whether, under the GBT-TfL funding agreement, the Trust needed TfL's permission before it could sign the main construction contract

They are thankfully more straightforwardly factual than some of the questions we have answered previously.

I've drafted the attached answers, which Howard and Alex have reviewed and are happy with (Vernon has said he will not have the chance to review them but is happy for us to crack on without him).

Are you happy for me to send them on to Margaret's team?

I will send them with copies of all ten Commissioner's Reports referred to in Q1, and both our current standing orders and the standing orders in place in early 2013.

Thanks

Andy

██████████ | ██████████

From: [Brown Mike \(Commissioner\)](#)
To: [Richard de Cani \(MD Planning\)](#)
Cc: [Everitt Vernon](#); [Harrison-Cook Victoria](#); [IsabelDedring](#); [Brown Matt](#); [Carter Howard](#); [Brown Andy \(Corporate Affairs\)](#); [Clarke Andrea \(Exc\)](#); [Curry Justine](#); [WillWalden](#); [Jonathan Edwards](#)
Subject: Re: Draft Garden Bridge letter to LBC
Date: 10 February 2016 19:11:38

Ok. Can we arrange for it to go out??
Thanks

Sent from my iPhone

On 10 Feb 2016, at 19:07, Richard de Cani (MD Planning) <[REDACTED][tfl.gov.uk](mailto:[REDACTED]@tfl.gov.uk)> wrote:

mike

I am happy with the letter because it is a factual record of what happened and I think we should send it to them

How they choose to use it is up to them but at least we can refer to the fact they have had it.

Ideally they would quote sections from it.

As ITV London are also covering this perhaps we should send a copy to them as well.

Richard

Sent from my iPhone

On 10 Feb 2016, at 19:00, Brown Mike (Commissioner) <[REDACTED][tfl.gov.uk](mailto:[REDACTED]@tfl.gov.uk)> wrote:

I remain am more than happy to send the letter if we need to.....but as I say, I want Richard and Isabel to be content.
LBC have to close this down...
Mike

From: Everitt Vernon
Sent: 10 February 2016 18:53
To: Harrison-Cook Victoria; Richard de Cani (MD Planning)
Cc: IsabelDedring; Brown Matt; Carter Howard; Brown Mike (Commissioner); Brown Andy; Clarke Andrea (Exc); Curry Justine; WillWalden; [REDACTED][london.gov.uk](mailto:[REDACTED]@london.gov.uk)
Subject: Re: Draft Garden Bridge letter to LBC
Let's send the list of what we want. If they deliver fine, no letter. If not, we throw the book.

Vernon

Vernon Everitt
Managing Director, Customer Experience, Marketing & Communications,

Transport for London
11th floor, Windsor House
42-50 Victoria Street

London
SW1H 0TL

Email: [REDACTED] [tfl.gov.uk](mailto:[REDACTED]@tfl.gov.uk)

Tel: [REDACTED]

Mob: [REDACTED]

From: Harrison-Cook Victoria

Sent: Wednesday, February 10, 2016 06:52 PM

To: Richard de Cani (MD Planning)

Cc: IsabelDedring; Brown Matt; Carter Howard; Brown Mike (Commissioner);
Everitt Vernon; Brown Andy; Clarke Andrea (Exc); Curry Justine; WillWalden;
Jonathan Edwards <[REDACTED]@london.gov.uk>

Subject: Re: Draft Garden Bridge letter to LBC

I made this clear to Theo by email earlier this afternoon. I asked him to confirm receipt but he hasn't responded.

Sent from my iPad

On 10 Feb 2016, at 18:50, "Richard de Cani (MD Planning)"

<[REDACTED]@tfl.gov.uk> wrote:

On the heatherwick tender I did do the evaluation on my own but again signed off by MD Planning

Sent from my iPhone

On 10 Feb 2016, at 18:32, Isabel Dedring

<[REDACTED]@london.gov.uk> wrote:

Agreed, but looking at the transcript from Dale just now this is not what Theo did.

And also he has said that Richard somehow had sole signoff on Heatherwick which I understand is not true either....

From: Brown Matt [[mailto:\[REDACTED\]@tfl.gov.uk](mailto:[REDACTED]@tfl.gov.uk)]

Sent: Wednesday, February 10, 2016 06:17 PM

To: Richard de Cani (MD Planning)

<[REDACTED]@tfl.gov.uk>; [REDACTED]@tfl.gov.uk;

Mike Brown; Isabel Dedring;

[REDACTED]@tfl.gov.uk

Cc: [REDACTED]@tfl.gov.uk; Andrew J.

Brown; Clarke Andrea (Exc)

<[REDACTED]@tfl.gov.uk>; Curry Justine

<[REDACTED]@tfl.gov.uk>; Will Walden; Jonathan

Edwards

Subject: RE: Draft Garden Bridge letter to LBC

All,

One amend suggested below as it was their reporter (Usherwood) not their political editor (Cheal) who made the allegations.

However, I have just had Cheal on the phone.

He has said:

<!--[if !supportLists]-->?<!--[endif]-->

>They recognise that they and we have built up a good relationship over years, and do not want to jeopardise this.
<!--[if !supportLists]--><!--[endif]--
>They fully recognise that this has not been their finest hour, and Usherwood has been reprimanded.
<!--[if !supportLists]--><!--[endif]--
>They would like to draw a line under it and have asked us if the following will suffice:
 <!--[if !supportLists]-->o<!--[endif]-->They have taken down the web story
 <!--[if !supportLists]-->o<!--[endif]-->Usherwood will go on the radio this evening and clarify / retract / apologise. He will say that the insinuations he made were “completely unfounded”
 <!--[if !supportLists]-->o<!--[endif]-->To this, Jon and I think we should also require Usherwood to remove his earlier Tweets and issue a new Tweet clarifying and retracting

How does this feel as redress? In my view it is reasonable.

Matt

From: Richard de Cani (MD Planning)
Sent: 10 February 2016 18:00
To: Carter Howard; Brown Mike (Commissioner); IsabelDedring; Everitt Vernon
Cc: Brown Matt; Harrison-Cook Victoria; Brown Andy; Clarke Andrea (Exc); Curry Justine; WillWalden
Subject: RE: Draft Garden Bridge letter to LBC
This is fine with me – thanks very much
Richard

From: Carter Howard
Sent: 10 February 2016 17:59
To: Brown Mike (Commissioner); IsabelDedring; Richard de Cani (MD Planning); Everitt Vernon
Cc: Brown Matt; Harrison-Cook Victoria; Brown Andy; Clarke Andrea (Exc); Curry Justine; WillWalden
Subject: Draft Garden Bridge letter to LBC

All

As requested, a draft letter (or e-mail might be quicker) to LBC is below based on the Press Statement.

I think it would be best from Mike and it is written on that basis and we should agree who will be the addressee.

Howard

ON COMMISSIONER LETTERHEAD
LBC Radio Ltd

[30 Leicester Square](#)

[London](#)

[WC2H 7LA](#)

[Addressee? Managing Editor and Group
Head of News - or James Rea

[thisisglobal.com](#) - or both]

Dear [Mr Rea]

Garden Bridge

I refer to the interview on today's Nick Ferrari breakfast show concerning the Garden Bridge.

Your broadcast contained a number of factual inaccuracies which you should correct as follows:

- The initial invitation to tender for the design contract made it clear that bids would be assessed on day rates and not a fixed fee. The figures quoted in the LBC report in relation to the bids submitted were not part of the assessment.
- While we are unable to reveal the exact day rates quoted by the bidders for reasons of commercial confidentiality, they were within a very narrow range - less than 4 per cent between the highest and lowest. As a result, the submissions received the same commercial score in the evaluation. The contract awarded to the Heatherwick Studio was awarded based on the day rates but with a capped fee of £60,000. That contract has now concluded and Heatherwick Studio has been paid less than £53,000 for its work.

Your **reporter** also insinuated that there has been some unspecified impropriety on the part of Transport for London's Managing Director of Planning, Richard de Cani, in his role in the procurement of consultants and advisers for the Garden Bridge. Richard has worked at TfL for 17 years and has been involved in hundreds of procurements. Any suggestion of improper involvement in either procurement contract for the Garden Bridge is completely unfounded.

As has been recorded publicly through our engagement with the London Assembly, the initial appointment of Heatherwick Studio followed a competitive process where three designers were invited to bid. Bidders were not asked to submit fixed fee bids and hence the evaluation of submissions was based on day rates as set out in the tender documents. All bidders were treated fairly and there was

no bias in our assessment.
Richard was not involved in the scoring of the technical procurement and interview process, which was awarded to Arup. Once Arup was shortlisted, Richard was part of a wide-ranging panel that took the decision to award the contract to Arup, which was approved by Richard's predecessor as Managing Director of Planning.
An extensive and thorough review was undertaken by TfL's separate audit team, which concluded that the procurement for the Garden Bridge was acceptable in relation to the selection of bidders. When I started in my post as Commissioner in July 2015, I re-examined all of the background information relating to this audit and am satisfied that the process which we followed was transparent and fair to all parties concerned.

It is very regretful that LBC did not check these matters with TfL prior to broadcast. I look forward to a retraction of the unfounded allegations and a correction of the factual errors shortly.

[Mike Brown sign off]

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From: [Brown Mike \(Commissioner\)](#)
To: [Hudson Teresa](#)
Cc: [Branks Kirsten](#); [Tagg Ella \(ST\)](#)
Subject: Re: Draft message
Date: 20 May 2016 09:36:23

Thanks - Will call you shortly.

Mike

Sent from my iPhone

On 20 May 2016, at 09:26, Hudson Teresa <[\[REDACTED\]](#)> wrote:

M,
Please see the draft weekly message. May I seek your views, please?
Many thanks.

T

From: Tucker John
Sent: 20 May 2016 09:12
To: Hudson Teresa
Cc: Tagg Ella (ST); Branks Kirsten; Everitt Vernon; Poulter Sarah; Rogan Kerri
Subject: Draft message

Teresa

Here's the draft as cleared by Vernon. There is one gap (see square brackets below) for Ian to add a paragraph on commercial but he's not able to get that to me until 11. I assume that will be too late for you?

In which case we can either leave it out and use next week, or if Mike is comfortable clearing this as is, we can add the commercial para in when it arrives.

Also attached for issue with this note is the final batch of Q&As from the 19th.

John

20th May: Message from Mike Brown

DRAFT

This week has seen further announcements by the Mayor on our work. Graeme Craig supported the Mayor's announcement on delivering more affordable homes and the Mayor also confirmed his support to the Garden Bridge provided that arrangements for public access are widened. The first Mayor's Questions of this new term take place next week.

The transformation of the way in which we work has also progressed at pace. For example, the Executive Committee agreed our new strategy for Telecommunications Networks. This is a difficult area because we have a highly complex legacy of networks and contracts which need to be untangled to save money while providing the core services we rely on to operate. The way in which the multi-disciplinary team have gripped this and worked together on a pan-TfL basis to deliver is a great example of how I want us to work across all fronts.

Our Business and Finance Review workstreams also forge ahead. I am delighted

that Dana Skelley is leading on how our engineering functions should operate in future. Dana will share progress with us over the coming weeks. [PARAGRAPH ON COMMERCIAL]

It was a great privilege to launch the legacy programme for 100 Years of Women Transport (YOWIT) with Val Shawcross who has made such a huge contribution to transport in London. The impact of the programme has been enormous, generating a network of around 12,500 women working in a whole range of roles in transport. We launched a new toolkit for schools to promote the fantastic careers available [ADD LINK]. And YOWIT also won diversity marketing campaign of the year at the Excellence in Diversity Awards. I am personally determined to improve diversity across our own workforce and I am working with the Executive Committee to look at how we put even more energy and pace behind our equality and inclusion objectives so that we really reflect the London we serve.

London's businesses are important partners in building a modern and successful city. I attended the London Chamber of Commerce and Industry Patrons' Lunch this week to speak about the vital role that transport has in generating jobs, homes and growth while improving the environment and harnessing technology. I also talked about our work to keep our network affordable for the millions of people who rely on us to get them to work.

I attach the final batch of answers to the questions posed on 19th April. These cover our Professional Services.

Thank you,

Mike

From: [Brown Mike \(Commissioner\)](#)
To: [Williams Alex](#)
Cc: [Everitt Vernon](#); [Carter Howard](#)
Subject: Re: Evening Standard and Garden Bridge
Date: 21 July 2016 17:43:07
Attachments: [image001.png](#)

Ok - yes. Need to have the facts ready..
Mike

Sent from my iPhone

On 21 Jul 2016, at 17:40, Williams Alex <[REDACTED]@tfl.gov.uk> wrote:

Mike / Vernon / Howard

Looks like the Garden Bridge story will break tomorrow. Met with the press team this afternoon and preparing a reactive line, highlighting previous work has been done under 4 MD's from the previous Mayor.

Regards

Alex Williams | Acting Managing Director of Planning | TfL Planning
Transport for London | 10th Floor, Windsor House, 50 Victoria Street, London
SW1H 0TL

Telephone Number: [REDACTED] | Email: [REDACTED]@tfl.gov.uk

From: Rupert Furness [[mailto:\[REDACTED\]@dft.gsi.gov.uk](mailto:[REDACTED]@dft.gsi.gov.uk)]

Sent: 21 July 2016 17:30

To: Bee Emmott; Brown Andy; Fiona Fletcher-Smith ([REDACTED]@london.gov.uk); Tim Steer; Williams Alex

Cc: Rachael Gilbert

Subject: Evening Standard and Garden Bridge

Importance: High

Dear all,

The Evening Standard have just been in touch with our Press Office to say that they will be running a story tomorrow saying that the Trust have requested an extension to the DfT's current £15m underwriting guarantee and that unless we agree to this the Trust won't be able to get their accounts signed off next week. I don't know where they've got their facts from. They have asked for our comments on it. Our Press Office will be suggesting a neutral line for now, ie that we are in regular discussion with the Trust about the project. But this has the potential to be very difficult tomorrow.

Rupert Furness
Deputy Director, Head of London
Transport Division
5/22 GMH, Great Minster House
33 Horseferry Road, London, SW1P
4DR

██████████ ██████████
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From: [Brown Mike \(Commissioner\)](#)
To: [Carter Howard](#)
Cc: [Nunn Ian](#); [Everitt Vernon](#); [Williams Alex](#); [Brown Andy \(Corporate Affairs\)](#); [Walker Clive \(Risk & Assurance\)](#); [Clarke Andrea \(Exc\)](#); [Brown Matt](#); [Gourley Jennifer](#); [Branks Kirsten](#); [Hudson Teresa](#); [Tagg Ella \(ST\)](#)
Subject: Re: EY Draft Garden Bridge Audit Review - TfL restricted
Date: 16 August 2016 18:58:12

Thanks - I will have a final look later.

Mike

Sent from my iPhone

On 16 Aug 2016, at 18:24, Carter Howard <[\[REDACTED\]](#)> wrote:

All

Please see attached what I believe is now the final draft of the EY Garden Bridge Audit Review which picks up on the most recent comments.

The report is still marked final draft and if we have no further comments then I could ask EY to provide the final version for release and we could agree how we are going to make the report public.

Howard

From: [Brown Mike \(Commissioner\)](#)
To: [Rupert Furness](#)
Cc: [Nunn Ian](#)
Subject: Re: FAO Lord Ahmad: Letter from the Garden Bridge Trust
Date: 06 April 2016 22:12:37

Rupert

Good to meet too. Again sorry for the late arrival...

Thanks for sight of the letter.

And I look forward to seeing what you and Ian come up with!

Mike

Sent from my iPhone

On 6 Apr 2016, at 18:51, Rupert Furness <[REDACTED]@dft.gsi.gov.uk> wrote:

Hi both

Good to see you earlier. Here's the letter from Lord Davies which I also shared with Andy Brown in Richard de Cani's team this morning.

As promised I'll send Ian some thoughts next week on how we might impose more structure on the management of the TfL-DfT relationship (ie the current mixture of ad hoc and semi-regular formal and less formal meetings)..

Rupert Furness
London Transport Division
Department for Transport

[REDACTED]

----- Forwarded message -----

From: Ellen Gyampoh <[REDACTED]@dft.gsi.gov.uk>
Date: 6 Apr 2016 2:57 p.m.
Subject: FW: FAO Lord Ahmad: Letter from the Garden Bridge Trust
To: Anna Park <[REDACTED]@dft.gsi.gov.uk>, Rupert Furness <[REDACTED]@dft.gsi.gov.uk>, Miriam Waddimba <[REDACTED]@dft.gsi.gov.uk>
Cc: Joseph Kumpitsch <[REDACTED]@dft.gsi.gov.uk>

All – Please see the attached letter from the GBT to Lord Ahmad.

Joe – Grateful if you would please put this on Chapter as an MC with Rupert and Miriam as lead officials.

Thanks

Elle

Ms Ellen Gyampoh | Diary manager (Dft and Home Office), APS (Dft), to Lord Tariq Ahmad of Wimbledon, Transport Minister, Department for Transport

5/21 | [REDACTED] | [REDACTED] | [REDACTED]@dft.gsi.gov.uk

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From: Hannah Jones [[mailto:\[REDACTED\]@gardenbridge.london](mailto:[REDACTED]@gardenbridge.london)]

Sent: 05 April 2016 16:21

To: Lord Ahmad_PUSS <[\[REDACTED\]@dft.gsi.gov.uk](mailto:[REDACTED]@dft.gsi.gov.uk)>

Cc: Ellen Gyampoh <[\[REDACTED\]@dft.gsi.gov.uk](mailto:[REDACTED]@dft.gsi.gov.uk)>

Subject: FAO Lord Ahmad: Letter from the Garden Bridge Trust

Dear Lord Ahmad,

Please find attached a letter from Lord Davies, Chairman of the Garden Bridge Trust. This has also been sent in the post today.

Best regards,

Hannah

Hannah Jones

Project Support Officer, Garden Bridge Trust

Somerset House, Strand, London, WC2R 1LA

[@TheGardenBridge](#)

t: +44 [REDACTED]

e: [\[REDACTED\]@gardenbridge.london](mailto:[REDACTED]@gardenbridge.london)

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<2016-04-05 Letter to Lord Ahmed.pdf>

From: [Brown Mike \(Commissioner\)](#)
To: [Canning Thomas](#)
Cc: [Everitt Vernon](#); [Carter Howard](#); [Brown Matt](#); [Brown Andy \(Corporate Affairs\)](#); [Harrison-Cook Victoria](#); [Beaney Joanne](#); [Tagg Ella \(ST\)](#); [Branks Kirsten](#); [Thomson Linda](#)
Subject: Re: FOR REVIEW - Statement for AJ on concerns about Commissioners role in Garden Bridge & TfL's decision to release £7m - TFL RESTRICTED
Date: 18 January 2018 19:12:54

That is fine.

Thanks

Mike

Sent from my iPhone

On 18 Jan 2018, at 18:37, Canning Thomas <[REDACTED]@tfl.gov.uk> wrote:

Good evening Mike,

Please see below from [REDACTED] of Architects Journal in relation to the Garden Bridge. His points seem to focus on a belief that the Garden Bridge Trust didn't meet the conditions for payment of the January 2016 payment related to the signing of the construction contract. He also plans to state that you were directly involved in this decision (following comments made by Richard De Cani in the Margaret Hodge transcripts).

These accusations have meant that 'observers' to the wider story of the Garden bridge criticising TfL and yourself, and saying your actions require further scrutiny/investigation - with some saying you should consider his position. He does not state who these observers are.

We have prepared the following statement, which Vernon, Howard Carder, Matt Brown and Andy Brown have reviewed and are happy with. We would welcome any thoughts you have on this before we send it to City Hall for final approval. He has asked for a comment this evening as he is publishing the story tomorrow.

A Transport for London (TfL) spokesperson said: "TfL's involvement in the Garden Bridge project followed four Mayoral Directions signed by the previous Mayor. As we have made clear previously, grant payments were made to the Garden Bridge Trust as they had met the conditions of payment, outlined in a funding agreement from July 2015.

"In January 2016, we considered the evidence supplied by the Trust, as well as wider information we had on the status of the project from them, and determined that the Conditions of Payment had been met. No payment was made to the Trust until we received confirmation that the contract had been signed - meeting the conditions of this payment. Had TfL not made this payment, we would have been in breach of our funding agreement."

Information for reporter:

- We have taken every opportunity to learn lessons from the various internal and external reviews into this project and all of the management actions we have implemented are set out in our response to Dame Margaret Hodge's review, published on our website. TfL's response to the Dame Margaret Hodge report can be found here - <https://tfl.gov.uk/cdn/static/cms/documents/pic-20170628-item19-garden-bridge-review.pdf>

Regards

Tom

TfL Press Office

From: [REDACTED]
Sent: 18 January 2018 14:55
To: Harrison-Cook Victoria; Canning Thomas
Cc: TfL Press Office
Subject: Story on the Garden Bridge & TfL's decision to release £7m
Dear Victoria, Thomas,

Last week, Mike Brown sent this letter to the London Assembly's oversight committee:

https://www.london.gov.uk/sites/default/files/response_from_mike_brown_to_chair_regarding_garden_bridge_issues.pdf

In it he confirms that the organisation was directly responsible for the decision to release £7m on the project in early 2016, a grant which triggered the Garden Bridge Trust's signing of a construction contract with Bouygues. He wrote: 'We considered the evidence supplied...as well as the wider information we had available on the status of the project from our regular progress meetings with the Trust, and determined that the Conditions of Payment had been met and it was necessary to release the payment to the Trust'.

However, there is doubt as to whether a number of the six Conditions of Payment, set out in the Deed of Grant signed by TfL and the Trust in 2015 and set out in Brown's letter on page 3, were met and 2 were plainly not met.

- The Trust has demonstrated to TfL's satisfaction that it has secured a satisfactory level of funding to operate

and maintain the Garden Bridge once it is built for at least the first five years

See failure of proposed deal with Coin St Community Builders (leaseholder on southern landing site), failure to sign mayoral guarantee and explanation by Sadiq Khan of why he withdrew the offer of a guarantee

- The Trust has demonstrated to TfL's satisfaction that it has secured, or is able to secure, all necessary consents needed to deliver the project. Land on the southern side had not been secured and Planning permission was dependent on the mayoral guarantee to underwrite the maintenance costs. This was never signed by either mayor and indeed that guarantee was dependent on satisfying the condition above which was never met by the Trust

Observers believe the amount of money this decision has cost the taxpayer is actually well above £7m and is perhaps closer to £16-£18m if you consider that the alternative course of action by TfL at this point in time would have undoubtedly ended the project far sooner – before Sadiq Khan's election – and thus halted all additional spending on the Garden Bridge including cancellation costs.

Therefore, I have a number of commentators criticising Brown and saying his actions require further scrutiny/investigation with some saying he should consider his position. How does he and/or TfL respond to that please?

Additionally, has he or TfL changed his position on Richard de Cani's conflict of interest over this episode please?

Brown's latest admission appears to destroy the defence TfL made more than a year ago that De Cani, who was on his way to Arup, didn't really have to make a judgement because the payment was automatic:

[https://www.architectsjournal.co.uk/news/exclusive-tfl-hit-by-garden-bridge-conflict-of-interest-claims/10015964.article?](https://www.architectsjournal.co.uk/news/exclusive-tfl-hit-by-garden-bridge-conflict-of-interest-claims/10015964.article?search=https%3a%2f%2fwww.architectsjournal.co.uk%2fsearcharticles%3fqsearch%3d1%26keywords%3dconflict+of+interest)

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I'd also like to know please how Brown explains his previous statements on this matter including explicitly claiming that the crucial correspondence between de Cani and the DfT on this matter FOLLOWED the signing of the construction contract – something which is demonstrably untrue. The correspondence took place at the end of January and the contract was signed on February 9th.

Brown wrote in a letter to Tom Copley in January 2017: 'Arup's contractual relationship is with the Garden Bridge Trust, not TfL. Once the Trust had signed the contract, this marked the transition to the next phase of the payment schedule under the funding agreement, which was signed in July 2015 and varied in November 2015.

'The correspondence referred to in your letter was our explanation of this to the DfT. It had no relation to any approval for the Garden Bridge Trust to enter into its construction contract, which had already taken place and in which neither we nor the Government were involved.'

One further point to make you aware of. I'm reporting that AJ understands that Brown himself was directly involved in making this decision. That is what Richard de Cani told Margaret Hodge in his interview with her now made public by the GLA.

Can you come back to me with any comment by 5.30pm today please?

Many thanks,

Will


Managing Editor

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From: [Brown Mike \(Commissioner\)](#)
To: [Harrison-Cook Victoria](#)
Cc: [Everitt Vernon](#); [Carter Howard](#); [Richard de Cani \(MD Planning\)](#); [Brown Andy \(Corporate Affairs\)](#); [Brown Matt](#); [Beaney Joanne](#); [Canning Thomas](#); [Branks Kirsten](#); [Tagg Ella \(ST\)](#); [Gourley Jennifer](#); [Shrestha Rumi](#); [Lee Stuart](#)
Subject: Re: FOR REVIEW: Letter to the Observer regarding the Garden Bridge
Date: 16 February 2016 08:52:52

Yes. That is fine
Mike

Sent from my iPhone

On 16 Feb 2016, at 07:54, Harrison-Cook Victoria <Victoria.Harrison-Cook@tfl.gov.uk> wrote:

Mike

An article appeared in the Observer on Sunday about the Garden Bridge which had several inaccuracies that we want to address. The letter to the editor below has been drafted in your name and has been approved by Richard, Howard and Vernon.

I would be grateful if you could review and let me know if you have any comments.

Thanks

Victoria

Dear Sir

It is wrong that one person appointed Heatherwick Studio and also wrong that anyone at TfL agrees that anything was inconsistent with our procedures, ('Garden bridge: a project promoted and sold with half-truths, deceptions and evasions')

As the public record shows, the initial appointment of Heatherwick Studio followed a competitive process. This was a relatively small contract with a capped fee well below the threshold for the Official Journal of the European Union. All bidders were treated fairly and there was no bias in our assessment.

The appointment of Arup was through the established TfL framework of suppliers. 11 bidders were invited to tender and four invited to interview. Richard de Cani was not involved in the scoring and interview process and everything was conducted wholly in keeping with our procedures, with the final decision made by a panel which was approved by the Managing Director of Planning at the time.

An extensive audit identified no issues in either procurement with regard to the selection of bidders.

Yours sincerely

Mike Brown MVO

Garden bridge: a project promoted and sold with half-truths, deceptions and evasions

[Rowan Moore](#)

Dissenting voices have been drowned out by relentless cheerleading for London's proposed Thames crossing

In a gushing article on the designer Thomas Heatherwick, published soon after it was announced that [Sky TV would sponsor](#) his proposed garden bridge, Richard Morrison of the *Times* wondered why the project attracts opponents "whose hostility seems implacable". Why indeed? Why should so much anger be stirred by a project that started with Joanna Lumley's innocent and benign dream of commemorating Princess Diana by projecting greenery across the Thames? Why should so many want to trample on Joanna's flowers?

Well, I can't speak for the Ramblers' Association, the Dean and Chapter of St Paul's Cathedral, the Royal Society for the Protection of Birds, the guerrilla gardeners and structural engineers who have seen it as a travesty of their crafts, the residents of the areas near its landings, the lawyers of the Middle Temple, the president of the Royal Institute of British Architects, the Taxpayers' Alliance, the Metropolitan Public Gardens Association, the Green party, the Liberal Democrats, and the various others who have raised doubts about the project. Nor will I dwell here on the well-aired reasons to be doubtful: the blocking of well-loved views, the spurious claims for usefulness and sustainability, the clumsiness of the design, the cost to the public, the potential impacts of crowds, the likely effects of private sponsorship on allegedly public space, the many ways of both crossing the Thames and greening London that would cost less.

But, speaking for myself, what really provokes are the half-truths, deceptions and evasions with which the project is promoted and sold. Take the deft manoeuvre whereby [brief rebellions](#) by the Labour mayoral candidate Sadiq Khan and the leader of Lambeth council Lib Peck were neutralised. Khan and Peck had expressed concern about its cost to the public purse: £60m plus an uncertain liability for the estimated £3.5m per year running costs. They and Transport for London, which had been due to put up half the £60m, and the Garden Bridge Trust then went into a huddle, from which it emerged that TfL's contribution would be limited "to £10m rather than the original £30m contribution."

Peck felt enabled to declare victory and withdraw her opposition: "I'm pleased that Londoners are getting a better financial deal," she said, "particularly at a time of austerity when all public sector organisations are being forced to make deep cuts to services. We've been in tough negotiations ... and we've successfully agreed a deal that will cut London taxpayers' contribution towards the garden bridge by two thirds."

This left the national taxpayer – no less than Londoners in the grip of austerity and tough choices on spending – with an undiminished obligation for the £30m promised by the Treasury. It also turned out that TfL's payment had not

so much been reduced as converted into a loan, to be paid back at a distant point in the future, if at all, which is in the end not much of a concession.

Or else there is the story of the processes by which Heatherwick and his team were appointed to design the bridge, whose layers of murk have been penetrated by [persistent reporting by ██████████ of the Architects' Journal](#), and which last week caused both the London Assembly and the president of the Riba to say that the project should be halted pending proper scrutiny, and has prompted [Khan's off-on support to wobble again](#).

Heatherwick had long been working with Lumley in the days when it was intended to be a free gift from private sponsors to the citizens of London. It was then decided that public funding would be needed, at which point it became subject to the rules whereby major public projects are commissioned. There has to be an element of competition, to establish that taxpayers are getting the best people for the job, at the best price. Two additional design teams were invited to tender.

Heatherwick won. There is nothing wrong with that, except that the decision was based in part on an assessment that he was better qualified for the job than the other two practices, both of whom had considerably more experience of designing bridges. This judgment appeared to have been made by one man, TfL's Richard de Cani in a way that, as he was forced to agree when [questioned by the London Assembly](#), was inconsistent with TfL's procedures. [De Cani is now going to work for the engineers Arup](#), who are working with Heatherwick on the bridge, as he is entitled to do, but his departure underlines the need for assessments to be made by a broad-based panel who cannot be accused of favouritism.

It also emerged that, before the selection process was carried out, [Boris Johnson flew to San Francisco](#) so that he and Heatherwick could ask Apple to contribute a sliver of their billions to help pay for the Heatherwick-designed bridge. This suggests that Heatherwick was already seen as the project's likely designer.

Or you could take the Garden Bridge Trust's impressive-looking claim that nearly [80% of Londoners support it](#). This is based on a ComRes poll that asked respondents if "they supported the proposal for a garden bridge". It didn't spell out the costs, risks or doubts, or ask if people thought that it was the best use of public money, or consult people outside London who would also have to pay for it. In which circumstances the result is hardly surprising. It is like asking people if they would like a free holiday. As someone who has nothing against gardens on bridges, if they do what they are supposed to do without unacceptable impacts, I might have said yes myself.

The common theme is an attitude that the bridge is a preordained reality, in the face of which facts, rules and opinion must be bent. It assumes that power of networking and spin will prevail. It has been sustained among other things by the relentless cheerleading and propagandising of London's *Evening Standard*, to which, with Sky's sponsorship in place, might now be added something similar from the Murdoch media. When debate on a significant project is deflected and numbed, it is frustrating for those who want to raise reasoned objections, which would be why the opposition is so implacable. More than that, it is no way to make major decisions in a democracy.

Victoria Harrison-Cook | Chief Press Officer, Strategy and Campaigns

Transport for London | TfL Press Office, 11th Floor, Windsor House, 50 Victoria Street, London

SW1H 0TL

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From: [Brown Mike \(Commissioner\)](#)
To: [Brown Andy \(Corporate Affairs\)](#)
Subject: Re: FOR YOUR APPROVAL: MQT ORAL UPDATE REQUEST - Garden Bridge
Date: 16 January 2017 20:06:28

Yes - really good

Mike

Sent from my iPhone

On 16 Jan 2017, at 19:46, Brown Andy <[REDACTED]@tfl.gov.uk> wrote:

Mike

How about something like this for the supplementary question you asked me to change - I have run it past Vernon and he's happy (and I originally had something in about this all being before the election but we couldn't quite get it work without sounding odd):

Q: Do you think that TfL's outgoing Managing Director of Planning should have been allowed to approve multi-million pound grant payments to the Garden Bridge Trust while he was on notice to leave and work for Arup, one of the Trust's main suppliers?

A: I have seen no evidence of anything improper. However, I have been clear that since the beginning of the project there hasn't been enough transparency and openness around the Garden Bridge. That's exactly why I have asked Dame Margaret Hodge MP to carry out her review.

From: Mayors Questions
Sent: 16 January 2017 18:00
To: Brown Mike (Commissioner)
Cc: Everitt Vernon; Williams Alex; Brown Andy; McNeill David (GM&C); Flude Tom; O'Hara Jamie; Branks Kirsten; Tagg Ella (ST); Collings Rosanna; Mayors Questions
Subject: FOR YOUR APPROVAL: MQT ORAL UPDATE REQUEST - Garden Bridge

Dear Mike,

We have had a late request from the Mayor's office to provide an oral update on the Garden Bridge, ahead of Mayor's Question Time on Wednesday.

The update below has been drafted by Andy Brown and cleared by Alex Williams and Vernon Everitt.

Please can you let me know if you have any comments on this?

Thank you

Rosanna

Oral Update – Garden Bridge

I have been clear that I support construction of the Garden Bridge, subject to no new public funds being required. The position that I set out in May last year remains true – that given previous expenditure, the taxpayer will be better off if the bridge is built.

However, building the bridge is the Garden Bridge Trust's responsibility. They need to reach agreement with landowners and raise the necessary funds without requiring further money from London taxpayers.

The Garden Bridge Trust's accounts and annual report were published earlier this month. They highlighted a number of risks to the project, including the provision of a guarantee from the GLA.

I will only allow the guarantee documentation to be signed if I am convinced no more London taxpayers' money would be spent on the project. My team are reviewing the documentation and the Garden Bridge Trust is aware of this position.

Separately, in September 2016 I asked Dame Margaret Hodge MP to carry out a review to look at the procurement process around the bridge, and whether there has been enough transparency and openness in the past.

Dame Margaret indicated that she would likely require around six months to carry out the review – but she will take as long as she needs to get the bottom of all the issues.

Background

Public spend to date

● No grant payments have been made to the Garden Bridge Trust since March 2016, and TfL has ceased all expenditure on the project.

The public expenditure on the Garden Bridge remains at approximately £37m, as you stated in May 2016.

The Government's £9 million underwriting is additional this, but will only be called upon if the project is cancelled before construction begins.

Expenditure is summarised in the following table:

	c. £million
TfL	
Services in kind, covered under the funding agreement (primarily securing planning permission, legal fees and internal TfL staff costs)	10.67
Grant payments, as per the funding agreement	13.25
TfL TOTAL SPEND	23.92
DfT	
Grant payments, as per the funding agreement	13.45
PROJECT TOTAL SPEND	37.37
Government underwriting (up to)	9.00
TOTAL PUBLIC COST IF PROJECT IS CANCELLED NOW	46.37

Garden Bridge Trust accounts

The Garden Bridge Trust submitted its accounts to Companies House at the end of December 2016 and these were published online on 10 January 2017.

The current risks to the project meant that the Trustees did not feel able to conclude that the charity is a going concern. The areas of risk

highlighted in the report are about acquiring land; the signing of the mayoral guarantee; the Trust's funding position; and the cost of the project.

• The report says that Trustees recognise that these issues are outside of their control and if they cannot be resolved they may lead to further delay and, in the worst case, failure of the project.

Westminster land assembly

• The Garden Bridge's north landing will be on the roof of Temple station. To acquire the land for this from London Underground, it is necessary for Westminster City Council to make use of certain local authority powers they possess to remove open space rights for local landowners, including the Duke of Norfolk. The landowners in question have been surveyed and have not expressed major objection to this (there will likely be some small compensation payments to certain landowners as a result).

• The first step in this process requires a decision by Westminster City Council. The Council took this decision shortly before Christmas.

• This has provoked some anger from opponents of the bridge, who would obviously rather the Council did not facilitate the land assembly and construction of the bridge. They have protested to some of the Councillors in Westminster, which has led to the December decision being called-in for

scrutiny.

● The Scrutiny Committee meeting is expected to take place on Thursday 19 January.

Potential Supplementary Questions

Q: Do you think that TfL's outgoing Managing Director of Planning should have been allowed to approve multi-million pound grant payments to the Garden Bridge Trust while he was on notice to leave and work for Arup, one of the Trust's main suppliers?

A: Richard de Cani led TfL's involvement in the Garden Bridge and was required to continue doing so during his notice period. Any suggestion of improper involvement in relation to the Garden Bridge is completely unfounded. TfL has a Code of Conduct and a Business Ethics Policy which apply to all of its employees. They are happy that these policies were followed in this instance.

Q: How much money has the Garden Bridge Trust raised to plug the funding gap for the project, and do you think they will ever raise enough?

A: This information is available in the Trust's published accounts – they have raised £129 million towards their total cost of £185 million, meaning they have a further £56 million to go.

Raising that money is the Trust's responsibility so I suggest you speak to them about the plans they have in place to secure it.

Q: How can you say 'no more public money' and at the same time be thinking about signing an unlimited guarantee for the ongoing costs of the bridge?

A: I have been very clear – I will only allow the guarantee documentation to be signed if I am convinced no more

London taxpayers' money would be spent on the project. That means reviewing all of the documentation including the Trust's business plan for how it will fund the ongoing costs of the bridge. This review is underway and the Garden Bridge Trust is aware of this position.

Q: What will happen if the Garden Bridge Trust starts building the bridge and then runs out of money half-way through?

A: It is the Garden Bridge Trust's job to make sure that doesn't happen and to convince me, the local authorities and the Port of London Authority that they are up to the task.

I have been clear that I won't be committing any more of London taxpayer's money to the project.

Q: Shouldn't all work on the project be stalled until Margaret Hodge's review has reported back?

A: Dame Margaret's review is looking at what has happened in the past, to learn lessons for how we can improve things in the future.

As long as no more of London taxpayers' money is being spent on the project, I am happy for work to continue.

Q: Is there a risk that planning permission will run out before work has started?

A: The Garden Bridge Trust need to begin building the bridge by December 2017, or their permission will expire. They are responsible for building the bridge so that is their risk to manage.

Q: Isn't your constant negative commentary on the Garden Bridge and the review affecting the Garden Bridge Trust's ability to raise funds?

A: I have been clear and consistent about my position - that I support construction of the Garden Bridge, subject to no new public funds being required. The Trust needs to press

ahead with raising the remaining funds, and I don't see how my position could get in the way of that. The scope of Dame Margaret's review is clear. It is concerned with learning lessons about procurement, openness and transparency. It's findings won't affect the current financial reality of the project, and it should not affect the Trust's ability to continue fundraising.

Rosanna Collings
GLA Relations Manager
Government and Stakeholder Relations
Public Affairs
Transport for London

rosannacollings@tfl.gov.uk

☎ [REDACTED] | ☎ Mobile [REDACTED]

From: [Harrison-Cook Victoria](#)
To: [Carter Howard](#); [Richard de Cani \(MD Planning\)](#)
Cc: [Everitt Vernon](#); [Brown Mike \(Commissioner\)](#); [Nunn Ian](#); [Quincey Andrew \(Director, Commercial\)](#); [Walker Clive \(Internal Audit\)](#); [Clarke Andrea \(Exc\)](#); [O'Hara Jamie](#); [Curry Justine](#); [Taylor-Ray Judy](#); [Shrestha Rumi](#); [Branks Kirsten](#); [Gourley Jennifer](#); [Adcock Emma](#); [Brown Andy](#); [Ross Stuart](#); [Brown Matt](#)
Subject: RE: Garden Bridge - TfL Restricted
Date: 15 October 2015 10:41:56

For your records, this is the letter I am now sending.

Thanks

Victoria

Sir,

Following a rigorous and detailed audit of the procurement processes relating to the design of the Garden Bridge (Met police urged to investigate garden bridge contracts, 11 October), no issues were identified with regard to Transport for London's (TfL's) selection of bidders, the development of the tender and documentation, the procedure to award contracts and provide feedback, or the procedures to manage the projects and contracts. The audit found no evidence to suggest that the final recommendations did not provide value for money from the winning bidders.

Two separate tenders were issued by TfL. The value of the first, to develop the concept for a bridge, was below the threshold which would necessitate a procurement under Official Journal of the European Union (OJEU) rules and was issued to three designers. The second tender, for the technical design was issued to all firms on the TfL Engineering Project Management Framework, which was created via OJEU.

The design submissions were assessed on relevant design expertise, relevant experience and understanding of the brief. Heatherwick scored highly because of their broad design expertise and their considered response to the brief. They scored lower in relevant experience than the other two bidders.

It is incorrect to say the TfL Board was not consulted. The Board has been kept informed of the project through the Commissioner's Report, including the Mayoral Directions. On 18 July 2013, the Finance and Policy Committee approved project development costs and in March 2014 the Board approved the £30m TfL contribution to the project as part of the Budget approval process, as recommended by the Finance and Policy Committee.

Howard Carter

General Counsel

Transport for London

From: Carter Howard
Sent: 15 October 2015 10:18
To: [Richard de Cani \(MD Planning\)](#); [Harrison-Cook Victoria](#)
Cc: [Everitt Vernon](#); [Brown Mike \(Commissioner\)](#); [Nunn Ian](#); [Quincey Andrew \(Director, Commercial\)](#); [Walker Clive \(Internal Audit\)](#); [Clarke Andrea \(Exc\)](#); [O'Hara Jamie](#); [Curry Justine](#); [Taylor-Ray Judy](#); [Shrestha Rumi](#); [Branks Kirsten](#); [Gourley Jennifer](#); [Adcock Emma](#); [Brown Andy](#); [Ross Stuart](#); [Brown Matt](#)
Subject: Re: Garden Bridge - TfL Restricted
[I don't feel strongly either.](#)

[Howard](#)

From: [Richard de Cani \(MD Planning\)](#)
Sent: Thursday, October 15, 2015 10:10 AM
To: [Harrison-Cook Victoria](#)
Cc: [Carter Howard](#); [Everitt Vernon](#); [Brown Mike \(Commissioner\)](#); [Nunn Ian](#); [Quincey Andrew \(Director, Commercial\)](#); [Walker Clive \(Internal Audit\)](#); [Clarke Andrea \(Exc\)](#); [O'Hara Jamie](#); [Curry Justine](#); [Taylor-Ray Judy](#); [Shrestha Rumi](#); [Branks Kirsten](#); [Gourley Jennifer](#); [Adcock Emma](#); [Brown Andy](#); [Ross Stuart](#); [Brown Matt](#)
Subject: Re: Garden Bridge - TfL Restricted
there isn't much in it but I think I preferred our original words

Sent from my iPhone

On 15 Oct 2015, at 09:06, Harrison-Cook Victoria <[REDACTED]@tfl.gov.uk> wrote:

All

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General Counsel

Transport for London

From: Carter Howard

Sent: 14 October 2015 15:06

To: Richard de Cani (MD Planning); Everitt Vernon

Cc: Brown Mike (Commissioner); Nunn Ian; Quincey Andrew (Director, Commercial); Carter Howard; Walker Clive (Internal Audit); Clarke Andrea (Exc); O'Hara Jamie; Curry Justine; Harrison-Cook Victoria; Taylor-Ray Judy; Shrestha Rumi; Branks Kirsten; Gourley Jennifer; Adcock Emma

Subject: RE: Garden Bridge - TfL Restricted

All

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Letter to the Assembly – Richard to send response to Len Duvall

MQT – I will put this into the usual process

Letter to the Observer – Press Office to send that to the paper

Howard

From: Carter Howard

Sent: 14 October 2015 10:22

To: Richard de Cani (MD Planning); Everitt Vernon

Cc: Brown Mike (Commissioner); Nunn Ian; Quincey Andrew (Director, Commercial); Carter Howard; Walker Clive (Internal Audit); Clarke Andrea (Exc); Curry Justine; Harrison-Cook Victoria; Taylor-Ray Judy; Shrestha Rumi; Branks Kirsten; Gourley Jennifer; Adcock Emma

Subject: Garden Bridge - TfL Restricted

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Happy to make any suggested amendments.

Howard

Emma Adcock | PA to Andrea Clarke, Director of Legal

Transport for London | 6th Floor, Windsor House | 42-50 Victoria Street, London | SW1H 0TL

██████████ tfl.gov.uk | Tel: ██████████ (ext. ██████████) | Fax: 0203 054 3556 (ext. 83556)

From: [Brown Andy](#)
To: [Richard de Cani \(MD Planning\)](#); [Carter Howard](#); [Everitt Vernon](#)
Cc: [Brown Mike \(Commissioner\)](#); [Nunn Ian](#); [Quincey Andrew \(Director, Commercial\)](#); [Walker Clive \(Internal Audit\)](#); [Clarke Andrea \(Exc\)](#); [O'Hara Jamie](#); [Curry Justine](#); [Harrison-Cook Victoria](#); [Taylor-Ray Judy](#); [Shrestha Rumi](#); [Branks Kirsten](#); [Gourley Jennifer](#); [Adcock Emma](#); [Hill Rhiannon](#)
Subject: RE: Garden Bridge - TfL Restricted
Date: 15 October 2015 09:57:01
Attachments: [Letter from RdC to Len Duvall 15 Oct 15.pdf](#)

Dear all,

Please find attached a scanned copy of the signed letter from Richard to Len Duvall AM. This has just been taken by our Assembly Engagement team to be delivered hard copy to the Principal Committee Manager, John Barry, at City Hall for delivery to Len, along with the full folder of draft versions of the audit report.

Many thanks,

Andy

Andy Brown

Programme Manager, Managing Director's Office - TfL Planning

Transport for London

10th Floor, Windsor House, 42-50 Victoria Street, London SW1H 0TL

Direct: +44 (0) [REDACTED] | Auto: [REDACTED]

Mobile: +44 (0) [REDACTED]

From: Carter Howard

Sent: 14 October 2015 15:06

To: Richard de Cani (MD Planning); Everitt Vernon

Cc: Brown Mike (Commissioner); Nunn Ian; Quincey Andrew (Director, Commercial); Carter Howard; Walker Clive (Internal Audit); Clarke Andrea (Exc); O'Hara Jamie; Curry Justine; Harrison-Cook Victoria; Taylor-Ray Judy; Shrestha Rumi; Branks Kirsten; Gourley Jennifer; Adcock Emma

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Cc: Brown Mike (Commissioner); Nunn Ian; Quincey Andrew (Director, Commercial); Carter Howard; Walker Clive (Internal Audit); Clarke Andrea (Exc); Curry Justine; Harrison-Cook Victoria; Taylor-Ray Judy; Shrestha Rumi; Branks Kirsten; Gourley Jennifer; Adcock Emma

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Emma Adcock | PA to Andrea Clarke, Director of Legal

Transport for London | 6th Floor, Windsor House | 42-50 Victoria Street, London | SW1H 0TL

From: [Carter Howard](#)
To: [Richard de Cani \(MD Planning\)](#); [Everitt Vernon](#)
Cc: [Brown Mike \(Commissioner\)](#); [Nunn Ian](#); [Quincey Andrew \(Director, Commercial\)](#); [Carter Howard](#); [Walker Clive \(Internal Audit\)](#); [Clarke Andrea \(Exc\)](#); [O'Hara Jamie](#); [Curry Justine](#); [Harrison-Cook Victoria](#); [Taylor-Ray Judy](#); [Shrestha Rumi](#); [Branks Kirsten](#); [Gourley Jennifer](#); [Adcock Emma](#)
Subject: RE: Garden Bridge - TfL Restricted
Date: 14 October 2015 15:06:26
Attachments: [Reply to Len Duvall AM re Garden Bridge procurement 5 Oct 2015 v7 \(clean\).docx](#)
[GBT MOs v2.doc](#)
[GB draft letter to the Observer \(clean3\).docx](#)

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From: [Everitt Vernon](#)
To: [Harrison-Cook Victoria](#); [Carter Howard](#); [Richard de Cani \(MD Planning\)](#)
Cc: [Brown Mike \(Commissioner\)](#); [Nunn Ian](#); [Quincey Andrew \(Director, Commercial\)](#); [Walker Clive \(Internal Audit\)](#); [Clarke Andrea \(Exc\)](#); [O'Hara Jamie](#); [Curry Justine](#); [Taylor-Ray Judy](#); [Shrestha Rumi](#); [Branks Kirsten](#); [Gourley Jennifer](#); [Adcock Emma](#); [Brown Andy](#); [Ross Stuart](#); [Brown Matt](#)
Subject: RE: Garden Bridge - TfL Restricted
Date: 15 October 2015 11:00:28

Fine with me

From: Harrison-Cook Victoria
Sent: 15 October 2015 10:29
To: Carter Howard; Richard de Cani (MD Planning)
Cc: Everitt Vernon; Brown Mike (Commissioner); Nunn Ian; Quincey Andrew (Director, Commercial); Walker Clive (Internal Audit); Clarke Andrea (Exc); O'Hara Jamie; Curry Justine; Taylor-Ray Judy; Shrestha Rumi; Branks Kirsten; Gourley Jennifer; Adcock Emma; Brown Andy; Ross Stuart; Brown Matt
Subject: RE: Garden Bridge - TfL Restricted
Richard and I have just spoken. I'll get the wording in the second paragraph reverted to the original and then send it to the Observer.

Thanks

Victoria

From: Carter Howard
Sent: 15 October 2015 10:18
To: Richard de Cani (MD Planning); Harrison-Cook Victoria
Cc: Everitt Vernon; Brown Mike (Commissioner); Nunn Ian; Quincey Andrew (Director, Commercial); Walker Clive (Internal Audit); Clarke Andrea (Exc); O'Hara Jamie; Curry Justine; Taylor-Ray Judy; Shrestha Rumi; Branks Kirsten; Gourley Jennifer; Adcock Emma; Brown Andy; Ross Stuart; Brown Matt
Subject: Re: Garden Bridge - TfL Restricted
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Sent: Thursday, October 15, 2015 10:10 AM
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Cc: Carter Howard; Everitt Vernon; Brown Mike (Commissioner); Nunn Ian; Quincey Andrew (Director, Commercial); Walker Clive (Internal Audit); Clarke Andrea (Exc); O'Hara Jamie; Curry Justine; Taylor-Ray Judy; Shrestha Rumi; Branks Kirsten; Gourley Jennifer; Adcock Emma; Brown Andy; Ross Stuart; Brown Matt
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Howard Carter

General Counsel

Transport for London

From: Carter Howard

Sent: 14 October 2015 15:06

To: Richard de Cani (MD Planning); Everitt Vernon

Cc: Brown Mike (Commissioner); Nunn Ian; Quincey Andrew (Director, Commercial); Carter Howard; Walker Clive (Internal Audit); Clarke Andrea (Exc); O'Hara Jamie; Curry Justine; Harrison-Cook Victoria; Taylor-Ray Judy; Shrestha Rumi; Branks Kirsten; Gourley Jennifer; Adcock Emma

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From: Carter Howard

Sent: 14 October 2015 10:22

To: Richard de Cani (MD Planning); Everitt Vernon

Cc: Brown Mike (Commissioner); Nunn Ian; Quincey Andrew (Director, Commercial); Carter Howard; Walker Clive (Internal Audit); Clarke Andrea (Exc); Curry Justine; Harrison-Cook Victoria; Taylor-Ray Judy; Shrestha Rumi; Branks Kirsten; Gourley Jennifer; Adcock Emma

Subject: Garden Bridge - TfL Restricted

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Emma Adcock | PA to Andrea Clarke, Director of Legal

Transport for London | 6th Floor, Windsor House | 42-50 Victoria Street, London |

SW1H 0TL

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From: [Brown Mike \(Commissioner\)](#)
To: [Everitt Vernon](#); [Williams Alex](#); [Carter Howard](#); [Nunn Ian](#)
Cc: [Brown Andy](#); [Hudson Teresa](#); [Tagg Ella \(ST\)](#); [Branks Kirsten](#)
Subject: RE: Garden Bridge
Date: 28 June 2016 13:12:00

Not sure I really understand either – keep us posted please

Mike

From: Everitt Vernon
Sent: 28 June 2016 13:06
To: Williams Alex; Brown Mike (Commissioner); Carter Howard; Nunn Ian
Cc: Brown Andy; Hudson Teresa; Tagg Ella (ST); Branks Kirsten
Subject: RE: Garden Bridge

Thanks Alex.

I don't understand what a 1 year delay means, including for our financial contribution. Is it purely in the hope that the £/Euro exchange rate recovers?! So they must be completely unhedged for their Euro denominated liability? Crikey. Has the Trust told City Hall?

Vernon

From: Williams Alex
Sent: 28 June 2016 13:00
To: Brown Mike (Commissioner); Carter Howard; Everitt Vernon
Cc: Brown Andy; Hudson Teresa; Tagg Ella (ST); Branks Kirsten
Subject: Garden Bridge

Mike et al

Note that the Garden Bridge Trust have just informed us that there is a meeting this afternoon at 4 pm to consider whether to continue, suspend or cease work on the bridge project. They are concerned about lack of progress with Coin St and Westminster, however the main reason probably relates to Brexit. The contract with Bouygues is a fixed price contract and with currency fluctuations they make a loss. Andy will attend the meeting and feedback. I think they are likely to suspend for a year, however we will feedback afterwards

Regards

Alex Williams | Acting Managing Director of Planning | TfL Planning
Transport for London | 10th Floor, Windsor House, 50 Victoria Street, London SW1H 0TL

Telephone Number: [REDACTED] | Email: [REDACTED] tfl.gov.uk

From: [Brown Mike \(Commissioner\)](#)
To: [Nunn Ian](#)
Cc: [Tagg Ella \(ST\)](#); [MacKay Christine](#); [Hawthorne Julia](#); [Carter Howard](#); [Brown Andy \(Corporate Affairs\)](#)
Subject: Re: Garden Bridge / Finance Committee
Date: 23 January 2017 08:15:16

Yes - thanks

Mike

Andy - will you pull me together a little note (probably one we have already).

Sent from my iPhone

On 23 Jan 2017, at 08:03, Nunn Ian <[\[REDACTED\]@tfl.gov.uk](#)> wrote:

Mike,

This arrived last night from Michael Liebreich.

No doubt Ben and Ron will wish to discuss at lunch today.

Ian

Sent from my iPhone

Begin forwarded message:

From: Michael Liebreich <[\[REDACTED\]@liebreichassociates.com](#)>
Date: 22 January 2017 22:42:30 GMT
To: "Ron Kalifa ([\[REDACTED\]@worldpay.com](#))"
<[\[REDACTED\]@worldpay.com](#)>
Cc: "Ron Kalifa PA (Lesley Hargrave)"
([\[REDACTED\]@worldpay.com](#))"
<[\[REDACTED\]@worldpay.com](#)>, "Ben Story"
([\[REDACTED\]@gmail.com](#))" <[\[REDACTED\]@gmail.com](#)>,
"Ben Story PA (Petra Wosterfiled)" ([\[REDACTED\]@rolls-royce.com](#))"
<[\[REDACTED\]@rolls-royce.com](#)>, "Carter Howard"
<[\[REDACTED\]@TfL.gov.uk](#)>, Nunn Ian <[\[REDACTED\]@tfl.gov.uk](#)>,
Jo Jagger <[\[REDACTED\]@liebreichassociates.com](#)>
Subject: Garden Bridge / Finance Committee

Ron,

Please see attached a note about the Garden Bridge. It is presumably too late to add it to the agenda for this week's meeting, and Howard might suggest we hold any discussion in private. However, I do believe there are some material issues which the Committee should discuss.

See what you think.

Regards,

Michael

Michael Liebreich

Founder and Chairman of the Advisory Board, Bloomberg New Energy
Finance

Advisory Board Member, UN Sustainable Energy for All

Founder & Chairman, Finance for Resilience

Board Member, Transport for London

Visiting Professor, Imperial College Energy Futures Lab

Chairman, St Mark's Hospital Foundation

Co-founder and Chairman, Pearlshare

Twitter: @MLiebreich

Click [here](#) to report this email as SPAM.

From: [Brown Andy](#)
To: [Brown Mike \(Commissioner\)](#)
Cc: [Branks Kirsten](#); [Tagg Ella \(ST\)](#); [Richard de Cani \(MD Planning\)](#)
Subject: RE: Garden Bridge letter of comfort
Date: 06 April 2016 14:51:52

Hi Mike,

I spoke to Andrea and Justine Curry earlier, after we spoke.

They were of the view that they would also have concerns about the Mayor taking a decision like this during the pre-election period. They said that only 'business as usual' decisions can be taken during this time and it would be hard to argue that was the case here. It is also hard to claim that it is urgent and all other options have been exhausted while the DfT are still considering helping out.

So broadly speaking they shared Fiona's reluctance for the GLA or TfL to get involved in April.

I gather from Rupert at the DfT that they are also reluctant to take a decision before the election, and are putting some pressure on the Trust to explore every avenue that might let them get just the other side of the election before the DfT takes any decision. He mentioned he was seeing you later this afternoon and said he may bring it up with you.

Thanks,

Andy

From: Brown Andy
Sent: 06 April 2016 11:51
To: Brown Mike (Commissioner); Richard de Cani (MD Planning)
Cc: Branks Kirsten; Tagg Ella (ST)
Subject: RE: Garden Bridge letter of comfort

Hi Mike

Yes I'll make sure I'm at City Hall in good time.

I have also just spoken to Fiona Fletcher Smith on the phone.

She told me that the Mayor is keen for the GLA to give this underwriting to the Trust, and that she has been put in the difficult position of having to explain to him (and may need to put it down formally in writing) that she cannot support such a course of action during the pre-election period. She expects that to be the crux of the conversation this afternoon.

I explained our position (i.e. Richard's email below) and she agreed that the best way forward would be to see what the Government is willing to provide.

Andy

From: Brown Mike (Commissioner)
Sent: 06 April 2016 11:51
To: Richard de Cani (MD Planning)
Cc: Brown Andy; Branks Kirsten; Tagg Ella (ST)
Subject: RE: Garden Bridge letter of comfort

Thanks Richard

I think Ella and Kirsten have arranged for Andy to come with me on the detail.

Mike

From: Richard de Cani (MD Planning)
Sent: 06 April 2016 09:35
To: Brown Mike (Commissioner)
Cc: Brown Andy; Branks Kirsten; Tagg Ella (ST)
Subject: Fwd: Garden Bridge letter of comfort

Mike

Andy is fully up to speed on all of this if you wanted a word beforehand or for him to attend the meeting with you.

The crux of it is that the trust need their ongoing expenditure guaranteed for a limited period whilst the final consents are secured and before the private funding can be drawn down. Without his they cannot carry on committing to expenditure with their contractor.

The options are

trust stops - bridge doesn't happen

Trust stands contractor down and renegotiates fresh contract - takes time and costs more money

Or they carry on with current contract with government basically standing behind them

The exposure to government is capped and time limited whilst final issues are resolved. Andy has list of what these final issues are (in the note from last Friday)

We have said government to do this and trust has written to Lord Ahmad.

If mayor wants to help then he should

Speak to government to get them to do it (after all he is guaranteeing the operations once built so it is time the government showed their support)

Or if he wants to do something himself then wait until government responds first and offer to do it jointly with them - 50/50 support. TfL cannot do this without a direction but the GLA can - although they see it as a contentious decision and one not to take in purdah. This is their call but that is easier than a direction I would have thought.

For the mayor to jump in now seems off when we have pushed this into government

We should wait for a government response first.

Richard

Sent from my iPhone

Begin forwarded message:

From: "Brown Mike (Commissioner)" <[REDACTED]@tfl.gov.uk>
Date: 6 April 2016 08:28:17 WEST
To: Brown Andy <[REDACTED]@tubc.tfl.gov.uk>
Cc: "Richard de Cani (MD Planning)" <[REDACTED]@tfl.gov.uk>, Hudson Teresa <[REDACTED]@TfL.gov.uk>, "Tagg Ella (ST)" <[REDACTED]@TfL.gov.uk>
Subject: FW: Garden Bridge letter of comfort

Andy,

See below suggestion that Mike stays on after the Mayor's meeting today to discuss. Is there anything he should be aware of please?

Many thanks

Kirsten

From: Roisha Hughes [mailto:[REDACTED]@london.gov.uk]
Sent: 05 April 2016 21:10
To: Edwardlister; Fiona Fletcher-Smith; Richard de Cani (MD Planning)
Cc: Brown Mike (Commissioner)
Subject: Re: Garden Bridge letter of comfort

Dear all

Yes we are hoping to have a word tomorrow afternoon after the main TfL meeting. I think it is worth the Mayor being briefed on the latest as soon as poss.

I know Richard is away so am copying to Mike and it would be great if Mike could join the discussion with Boris, Ed and Fiona.

Roisha

From: Edward Lister
Sent: Tuesday, April 05, 2016 06:12 PM
To: Fiona Fletcher-Smith; 'Richard de Cani (MD Planning)'
Cc: Roisha Hughes
Subject: FW: Garden Bridge letter of comfort

Guys

Roisha is sorting out a date and time for us to discuss with the Mayor.

Ed

Sent with Good (www.good.com)

-----Original Message-----

From: Brown Andy [mailto: [redacted]@tfl.gov.uk]
Sent: Tuesday, April 05, 2016 09:59 AM GMT Standard Time
To: Fiona Fletcher-Smith; Richard de Cani (MD Planning); Roisha Hughes
Cc: Edward Lister; Tim Steer; Rogan Kerri
Subject: RE: Garden Bridge letter of comfort

Just to add that I'm told the letter from the Trust to DfT has not been sent yet but will go today. It has been delayed purely by the logistics of getting Trustees in the right place at the right time to agree specifics and then sign the letter.

I will send on a copy of that letter as soon as I have it.

Andy

-----Original Message-----

From: Fiona Fletcher-Smith [mailto: [redacted]@london.gov.uk]
Sent: 05 April 2016 09:58
To: Richard de Cani (MD Planning); Roisha Hughes
Cc: Edward Lister; Tim Steer; Brown Andy; Rogan Kerri
Subject: RE: Garden Bridge letter of comfort

Our big problem is that this would constitute a controversial decision during the election period. I would, therefore, have to advise against any letter of comfort.

It would be useful for me (and possibly Martin) to join the Mayor's meeting for that item.

-----Original Message-----

From: Richard de Cani (MD Planning) [mailto: [redacted]@tfl.gov.uk]
Sent: 05 April 2016 09:26
To: Roisha Hughes
Cc: Edward Lister; Tim Steer; Andrew J. Brown; Rogan Kerri; Fiona Fletcher-Smith
Subject: Re: Garden Bridge letter of comfort

Roisha

We have been having a conversation with the dft about this and Lord Davies has written to Lord Ahmad asking for assistance. We will try and get hold of a copy of that letter. We would expect this letter to trigger a discussion in government and response from them, possibly even this week.

We have also been discussing this with Fiona as well to see what is possible for the GLA to do at this time.

What we were going to suggest is to include this on the meeting agenda with the Mayor/Tfl for next week and discuss where we have got to at that point.

Does that make sense ?

I am on leave this week but Andy is fully aware of current developments with this.

Richard
Sent from my iPhone

> On 5 Apr 2016, at 08:04, Roisha Hughes wrote:
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> Dear Richard
> You'll remember that the Trustees have requested a letter of comfort and we talked about getting this from HMT. The Mayor wonders if it would be preferable for City Hall to provide this- could you possibly let us know what this letter would need to say and we could hopefully discuss with the relevant people at Tfl and in the GLA?
> Many thanks
> Roisha
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> You must have registered under the 'individual' registration system to have your say in the elections. Find out more:
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From: Brown Andy
To: Brown Mike (Commissioner)
Cc: Richard de Cani (MD Planning); Hudson Teresa; Tagg Ella (ST)
Subject: Re: Garden Bridge letter of comfort
Date: 06 April 2016 08:37:48

Hi Kirsten

Do you have the note Richard sent to Mike on Friday?

That is an up to date assessment of where the project is and what the key risks are. The discussions about a 'letter of comfort' (which in reality needs to be a more legal document such as a Deed of Guarantee) specifically relate to section 6 of that note.

The letter from the Trust to DfT has now been sent but I am still trying to get hold of a copy. I'll forward it on as soon as I get it.

Give me a shout if you / Mike want more or different briefing info than that note?

Thanks

Andy

On 6 Apr 2016, at 08:28, Brown Mike (Commissioner) <[REDACTED]@tfl.gov.uk> wrote:

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Many thanks
Kirsten

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From: [Brown Mike \(Commissioner\)](#)
To: [Everitt Vernon](#)
Cc: [Hudson Teresa](#); [Branks Kirsten](#); [Tagg Ella \(ST\)](#)
Subject: RE: garden bridge review
Date: 16 May 2016 12:35:00

Ok – thanks

Mike

From: Everitt Vernon
Sent: 16 May 2016 12:35
To: Brown Mike (Commissioner)
Cc: Hudson Teresa; Branks Kirsten; Tagg Ella (ST)
Subject: FW: garden bridge review

Mike

Confirmation that this is coming ...

Vernon

From: Gasson Sarah
Sent: 16 May 2016 12:03
To: Everitt Vernon; Brown Andy; Williams Alex; Carter Howard
Cc: Brown Matt; Henshaw Jenna; O'Hara Jamie; Lee Stuart; Quinn Amy; Canning Thomas; Beaney Joanne
Subject: garden bridge review

Heads up from City Hall (which they have asked us to keep quiet currently) tomorrow they plan to announce a review of the procurement into the Garden Bridge.

We'll share the release when we have it. They plan to let the Trust know late today.

Thanks

Sarah

Sarah Gasson | Chief Press Officer – Strategy & Campaigns

Transport for London | TfL Press Office, 11th Floor, Windsor House, 42-50 Victoria Street, London, SW1H 0TL

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The main press office number is 0845 604 4141

From: [Brown Mike \(Commissioner\)](#)
To: [Carter Howard](#)
Cc: [val.shawcross](#); [Nunn Ian](#); [Everitt Vernon](#); [Brown Andy \(Corporate Affairs\)](#); [Tagg Ella \(ST\)](#); [Branks Kirsten](#); [Gourley Jennifer](#)
Subject: Re: Garden Bridge Review follow up
Date: 07 April 2017 21:09:56

Howard

Thanks - we discussed some of this earlier.

I think this is really sensible as an approach. Quite properly it involves the board and the chairs of the appropriate committees and should seek to bring all the recommendations together.

If Val is content, it would be then worth approaching the 3 board members concerned for an initial discussion and scoping session.

Mike

Sent from my iPhone

On 7 Apr 2017, at 19:05, Carter Howard <[\[REDACTED\]](#)> wrote:

Val/Mike

I said that I would provide some suggestions for how we could follow up on the Garden Bridge Review and take forward the recommendations relevant to TfL.

My suggestions are:

- We follow up the e-mail that went to the Board this morning with an e-mail that says that Val and Mike will give consideration to the Review and the recommendations and that we will make a proposal to the Board for how that should be taken forward.
- The process for considering the Review should be led by Board members. This could be the Chairs of the three most relevant Board Committees - Ron/Finance, Greg/PIC and Anne/Audit.
- Those members could be asked to look at the issues and make recommendations to the Board on any changes to procurement processes, reporting and implementation of Mayoral Directions, delegations, Standing Orders, audit processes etc. There have already been changes on some of these which can be set out and explained e.g. procurement processes, reporting Mayoral Directions, transparency of financial reporting, monitoring processes for major projects etc.
- Those members and Val would meet with relevant staff (Mike, Ian, me and others as appropriate) to agree a series of actions to follow up on the

recommendations.

- The recommendations would be presented to the Mayor for his views and then reported to the Board for consideration and agreement.
- There are aspects of the recommendations which are for the GLA so we will need to work with them on those and I assume that the Mayor will wish to have a full list of actions responding to all of the recommendations for the GLA and TfL.
- The agreed actions would be tracked so that the Board can monitor their implementation.

If you are happy with that as the way forward then I can let you have a timetable, arrange meetings with members and set out some suggested actions in response to the report for consideration.

Howard

From: [Brown Mike \(Commissioner\)](#)
To: [val.shawcross](#)
Cc: [Carter Howard](#); [Steer Tim](#); [Nunn Ian](#); [Everitt Vernon](#); [Brown Andy \(Corporate Affairs\)](#); [Tagg Ella \(ST\)](#); [Branks Kirsten](#); [Gourley Jennifer](#)
Subject: Re: Garden Bridge Review follow up
Date: 10 April 2017 18:11:49

Val (and Howard)
That all sound very appropriate.
Thanks
Mike

Sent from my iPhone

On 10 Apr 2017, at 16:45, Valerie Shawcross <[\[REDACTED\]@london.gov.uk](#)> wrote:

Great thanks Howard. I spoke to Sadiq's press adviser and he thought this approach would be fine.

val

Valerie Shawcross CBE
Deputy Mayor for Transport
City Hall The Queen's Walk London SE1 2AA
Tel: [\[REDACTED\]](#)

From: Carter Howard [[mailto:\[REDACTED\]@TfL.gov.uk](mailto:[REDACTED]@TfL.gov.uk)]

Sent: 10 April 2017 14:44

To: Valerie Shawcross; Mike Brown; Tim Steer

Cc: [\[REDACTED\]@tfl.gov.uk](#); [\[REDACTED\]@tfl.gov.uk](#); Andrew J. Brown; Tagg Ella (ST); Branks Kirsten; Gourley Jennifer

Subject: Re: Garden Bridge Review follow up

Val

That's all fine and a sensible way to proceed. I am on leave today but will sort the e-mail for the Board tomorrow if that is ok.

Howard

From: Valerie Shawcross [[mailto:\[REDACTED\]@london.gov.uk](mailto:[REDACTED]@london.gov.uk)]

Sent: Monday, April 10, 2017 10:52 AM

To: Brown Mike (Commissioner); Carter Howard; Tim Steer <[\[REDACTED\]@london.gov.uk](#)>

Cc: Nunn Ian; Everitt Vernon; Brown Andy (Corporate Affairs); Tagg Ella (ST); Branks Kirsten; Gourley Jennifer

Subject: RE: Garden Bridge Review follow up

Hi Colleagues,

I appreciate that you are keen that TfL is seen to be absolutely vigilant in following through recommendations. However I'm also keen to be efficient in our time use as feel very strongly that the whole way we have shaped the Board, its practices, procedures and structures have been focussed on better scrutiny, transparency and accountability. So I don't feel we are so far back that we need to create new special structures.

Looking at your excellent suggestions Howard and Mike I would suggest in red where we could avoid creating bespoke system.

- *We follow up the e-mail that went to the Board this morning with an e-mail that says that Val and Mike will give consideration to the Review and the recommendations and that we will make a proposal to the Board for how that should be taken forward. Yes I agree*

- *The process for considering the Review should be led by Board members. This could be the Chairs of the three most relevant Board Committees -*

Ron/Finance, Greg/PIC and Anne/Audit. Why don't we simply give this as a task to the Audit Committee to review and report back to the main Board ? They could hold a special session if they wish inviting key officers and Board members to discuss the implications of the report in public. Giving ownership to one Committee cuts down bureaucracy, empowers them with responsibility and they anyway have a cross cutting role. Other key members diaries are difficult and in reality there are enormous tasks for them to carry out already in delivering the Business Plan.

- *Those members could be asked to look at the issues and make recommendations to the Board on any changes to procurement processes, reporting and implementation of Mayoral Directions, delegations, Standing Orders, audit processes etc. There have already been changes on some of these which can be set out and explained e.g. procurement processes, reporting Mayoral Directions, transparency of financial reporting, monitoring processes for major projects etc. The Audit Committee could do this.*
 - *Those members and Val would meet with relevant staff (Mike, Ian, me and others as appropriate) to agree a series of actions to follow up on the recommendations. Yes I agree*
 - *The recommendations would be presented to the Mayor for his views and then reported to the Board for consideration and agreement. Yes I agree*
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 - *The agreed actions would be tracked so that the Board can monitor their implementation. Yes I agree*
- Anyone want to debate this approach?*

Val

Valerie Shawcross CBE

Deputy Mayor for Transport

City Hall The Queen's Walk London SE1 2AA

Tel: [REDACTED]

From: Brown Mike (Commissioner) [[mailto:\[REDACTED\]@tfl.gov.uk](mailto:[REDACTED]@tfl.gov.uk)]

Sent: 07 April 2017 21:10

To: [REDACTED] [tfl.gov.uk](mailto:[REDACTED]@tfl.gov.uk)

Cc: Valerie Shawcross; [REDACTED] [tfl.gov.uk](mailto:[REDACTED]@tfl.gov.uk); [REDACTED] [tfl.gov.uk](mailto:[REDACTED]@tfl.gov.uk); Andrew J. Brown; Tagg Ella (ST); Branks Kirsten; Gourley Jennifer

Subject: Re: Garden Bridge Review follow up

Howard

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Sent from my iPhone

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To: [Carter Howard](#)
Cc: [val.shawcross](#); [Tagg Ella \(ST\)](#); [Branks Kirsten](#); [Gourley Jennifer](#); [Brown Andy \(Corporate Affairs\)](#)
Subject: Re: Garden Bridge Review
Date: 11 April 2017 17:24:05

Howard

Looks good.

Thanks

Mike

Sent from my iPhone

On 11 Apr 2017, at 15:13, Carter Howard <[\[REDACTED\]](#)> wrote:

Val/Mike

A draft e-mail to go to the Board is below.

I have let Anne know about the proposal and she is fine with that. I have a meeting with her tomorrow to discuss the Audit and Assurance Transformation Project and we have agreed that we will also have a discussion about how best to take this forward.

Let me know if you are ok for this to go to the Board.

Howard

DRAFT e-mail for the Board

Dear All

Following the e-mail circulating a copy of the Garden Bridge Review, Val and Mike have discussed the best way to take forward the consideration of the

recommendations in the Review for TfL.

We are proposing that the Audit and Assurance Committee should take the lead in considering the Review. There will be a report on the governance of the project, the previous reviews, actions undertaken to date and proposals for taking forward the recommendations made in the Review to the AAC. The proposed actions will then be presented to the Board to consider.

If members have any questions or any particular views that they would like to be taken into account in the meantime then please let me know.

Howard

From: [Brown Mike \(Commissioner\)](#)
To: [REDACTED] [london.gov.uk](#)"; [REDACTED] [london.gov.uk](#)"; [Richard de Cani \(MD Planning\)](#); [REDACTED] [london.gov.uk](#)"
Cc: [REDACTED] [london.gov.uk](#)"; [REDACTED] [london.gov.uk](#)"; [Rogan Kerri](#)
Subject: Re: Garden Bridge URGENT
Date: 24 September 2015 12:21:15

Roisha. That's fine.
Mike

From: Roisha Hughes [mailto:[REDACTED]@london.gov.uk]
Sent: Thursday, September 24, 2015 10:26 AM
To: IsabelDedring; Richard de Cani (MD Planning); Edwardlister; Brown Mike (Commissioner)
Cc: Andrea Kechiche ; David Hayward ; Rogan Kerri
Subject: RE: Garden Bridge URGENT

Dear all

Would it be possible for you all to come and meet the Mayor at 3pm specifically to discuss the Garden Bridge, ahead of the main Mayor / TfL meeting at 3.30pm.

Sorry for the late notice but this is obviously a priority and I am concerned about how much we have to get through this pm!

roisha

From: Isabel Dedring
Sent: 23 September 2015 20:46
To: [REDACTED]@tfl.gov.uk'; Edward Lister; Mike Brown
Cc: Roisha Hughes; Andrea Kechiche
Subject: Re: Garden Bridge URGENT

Thanks richard

Ed, can you join the TFL meeting briefly tomorrow so we can discuss?

From: Richard de Cani (MD Planning) [mailto:[REDACTED]@tfl.gov.uk]
Sent: Wednesday, September 23, 2015 06:28 PM
To: Edward Lister; Isabel Dedring; Mike Brown
Cc: Roisha Hughes
Subject: RE: Garden Bridge URGENT

Ed

The GLA could CPO the land but it would take time and delay the start of construction - it would also be challenged by those opposing the project.

Coin Street already have a 77 year lease from Lambeth so whether there is an option that involves Coin Street granting a sub lease to the Trust without Lambeth's consent – earlier legal advice suggested not, but worth looking at again.

I haven't seen the Lambeth letter but only half the bridge is technically in Lambeth – the other half is in Westminster. So it would be possible to commit to no public money being spent on the bridge in Lambeth.

On the planning conditions – there are lots to discharge and these have been programmed in for the next few months. Whilst Lambeth may be disruptive and not approve them, they would have difficulty in doing this if they were in accordance with the consent Lambeth has already granted. I am not sure whether the Mayor can call in conditions when he didn't do so for the original application – will check.

On Vauxhall – this is in our current programme of work and a priority for us but the scope of this

is driven quite heavily by what Lambeth want - so subject to Mike's thoughts, we could look at this.

Richard

From: Edward Lister [[mailto:\[REDACTED\]@london.gov.uk](mailto:[REDACTED]@london.gov.uk)]
Sent: 23 September 2015 18:12
To: Richard de Cani (MD Planning); IsabelDedring; Brown Mike (Commissioner)
Cc: RoishaHughes
Subject: RE: Garden Bridge URGENT

The Mayor has been briefed by Isabel. I have just left a message with Lib Peck so hopefully she will ring me. I think the question is what can we do?

1. Can we CPO the land?
2. What are the planning conditions they will use against the bridge?
3. Why should we do schemes like the Vauxhall gyratory which are important to Lambeth?
4. Other options?

I think we need a quick meeting to discuss options and make recommendations to the Mayor.

Ed

From: Richard de Cani (MD Planning) [[mailto:\[REDACTED\]@tfl.gov.uk](mailto:[REDACTED]@tfl.gov.uk)]
Sent: 23 September 2015 17:55
To: Edward Lister; Isabel Dedring; Mike Brown
Subject: Garden Bridge URGENT

Eddie, Isabel and Mike

I have just been told by Lambeth Officers that the Leader of Lambeth has written to the Mayor saying she can no longer support the bridge if it is receiving public funding – you may have already seen this letter.

The letter apparently says that they will not do a land deal with the Trust and Coin Street if the project has public funding. As we know, the project has 60m of public funding and there is absolutely no prospect of this proceeding without this contribution.

This is hugely significant and if this position is maintained it will mean the bridge cannot happen.

I have no idea why she has chosen to do this now – if the objective was to reduce public money being spent then Lambeth should not have granted consent last year. I am told that Lambeth put up all of the Leaders correspondence on their web site so this may be live quite soon.

Richard

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From: [Brown Mike \(Commissioner\)](#)
To: [Williams Alex](#); [Everitt Vernon](#)
Cc: [O'Hara Jamie](#); [Carter Howard](#); [Hudson Teresa](#); [Brown Andy](#); [Branks Kirsten](#); [Tagg Ella \(ST\)](#)
Subject: RE: Garden Bridge
Date: 13 May 2016 13:25:00

That is very helpful

Thanks

Mike

From: Williams Alex
Sent: 13 May 2016 13:05
To: Brown Mike (Commissioner); Everitt Vernon
Cc: O'Hara Jamie; Carter Howard; Hudson Teresa; Brown Andy; Branks Kirsten; Tagg Ella (ST)
Subject: FW: Garden Bridge

Mike / Vernon

Good business-like meeting with the GLA on the Garden Bridge this morning and the note below provides more detail on the actions. David Bellamy, Nick Boles and Jack Stenner attended from the GLA and we went through the key components of Andy's note

My take is that they recognise that to stop the project now will be seen as a waste of public money and they want to proceed. They understood the urgency on some of the issues, including the Coin Street position and the under writing, and the actions below highlight the next steps to resolve them. We will speak to the Trust today on point 4, on additional public access, as them seem to want some change in exchange for the Mayors support

Likely to be further meetings next week and we will feedback if there is any more news

Regards

Alex Williams | Acting Managing Director of Planning | TfL Planning
Transport for London | 10th Floor, Windsor House, 50 Victoria Street, London SW1H 0TL

Telephone Number: [REDACTED] | Email: [REDACTED] [tfl.gov.uk](mailto:[REDACTED]@tfl.gov.uk)

From: Fiona Fletcher-Smith [[mailto:\[REDACTED\]@london.gov.uk](mailto:[REDACTED]@london.gov.uk)]

Sent: 13 May 2016 11:43

To: David Bellamy; Nick Bowes; Jack Stenner; Carter Howard; Williams Alex; Martin Clarke; Brown Andy

Subject: Garden Bridge

Actions:

1. Provide legal advice on the guarantees. What is the potential for a claim if the GLA didn't sign these and an attempt to quantify the claim (abortive costs). HC
2. Set up a meeting to take the mayoral team through the guarantees. MC/AB
3. Speak to Lambeth for a take on the Coin St issue and decide whether a meeting is facilitated between Lambeth and Coin St. JS
4. Speak to the Trust about what additional public access can be offered in return for underwriting. AB
5. Set out the risk register between June and Sept. AB
6. Check if there is anything else to be published to further transparency. Audit Cttee will meet on 14th June, papers published on 6th. HC

7. Speak to DfT about them taking some of the underwriting risk. AB

8. Provide breakdown of the £11m offer to Coin St. AB

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From: [Carter Howard](#)
To: [Brown Mike \(Commissioner\)](#); [Everitt Vernon](#); [Richard de Cani \(MD Planning\)](#)
Cc: [Walker Clive \(Internal Audit\)](#); [Clarke Andrea \(Exc\)](#); [Brown Andy](#); [Branks Kirsten](#); [Tagg Ella \(ST\)](#); [Shrestha Rumi](#); [Taylor-Ray Judy](#); [Gourley Jennifer](#)
Subject: RE: Garden Bridge
Date: 22 February 2016 16:29:56

All

I have had a helpful discussion with Keith. He has asked me to make some further changes to his note which I am doing now.

Howard

From: Gourley Jennifer **On Behalf Of** Carter Howard
Sent: 22 February 2016 13:39
To: Brown Mike (Commissioner); Everitt Vernon; Richard de Cani (MD Planning)
Cc: Carter Howard; Walker Clive (Internal Audit); Clarke Andrea (Exc); Brown Andy; Branks Kirsten; Tagg Ella (ST); Shrestha Rumi; Taylor-Ray Judy; Gourley Jennifer
Subject: Garden Bridge

Mike/Vernon/Richard

Keith Williams wishes to write to the Audit and Assurance Committee with his views on the Garden Bridge procurement and the position that he intends to take at the GLA Oversight Committee this week. His proposed draft is attached.

I have a number of comments to suggest on the note for accuracy, which I have marked on the attached draft.

Keith makes many helpful points but you will see that towards the end (highlighted yellow) he concludes that:

‘In my opinion it would have been helpful if the report had highlighted a greater seriousness of the failings when taken together.’

and

‘My overall summary is that the procurement fell well short of TFL’s policies and guidelines and that the Audit committee should make this clear to management at the next meeting.’

Happy to discuss.

Howard

Howard Carter, General Counsel, Transport for London
Windsor House, 42-50 Victoria Street London SW1H 0TL

e-mail: [\[REDACTED\]@tfl.gov.uk](#)

Tel: [\[REDACTED\]](#) ([\[REDACTED\]](#))

Fax: 020 3054 3556 (83556)

From: Lambert Laura on behalf of Hendy Peter
To: Gourley Jennifer
Cc: Carter Howard; Brown Mike (Commissioner); Richard de Cani (MD Planning); Everitt Vernon; Morgan Sophia; Wise Suzanne; Mark Carne; Wyld Barney; Branks Kirsten; Taqo Ella (ST); Taylor-Ray Judy; Shrestha Rumi
Subject: RE: Garden Bridge
Date: 15 October 2015 15:14:48

Thanks.

Please keep me informed as to the progress - hopefully the Assembly won't want to see me - there's no reason for these Audit Reports that they should.

Kind Regards

Sir Peter Hendy CBE

Chair

Internal: [REDACTED] | Direct Line: [REDACTED]

Email: [REDACTED] [networkrail.co.uk](mailto:[REDACTED]@networkrail.co.uk)

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www.networkrail.co.uk

From: Gourley Jennifer [mailto:[REDACTED]@tfl.gov.uk]

Sent: 12 October 2015 10:40

To: Hendy Peter

Cc: Carter Howard; Brown Mike (Commissioner); Richard de Cani (MD Planning); Everitt Vernon; Lambert Laura; Morgan Sophia; Wise Suzanne; Carne Mark; Wyld Barney; Branks Kirsten; Tagg Ella (ST); Taylor-Ray Judy; Shrestha Rumi

Subject: RE: Garden Bridge

Peter

The Audit Report is published on the TfL website (<https://tfl.gov.uk/corporate/publications-and-reports/temple-footbridge>) but I have attached a copy to this email for ease.

The leaked earlier draft version of the report was published on the Architects Journal website (<http://www.architectsjournal.co.uk/news/tfls-garden-bridge-probe-slammed-as-a-whitewash/8689652.article?blocktitle=News-feature&contentID=9529>) but again I have attached a copy for ease.

Regards

Jennifer Gourley | PA to Howard Carter, General Counsel

Transport for London | 6th Floor, Windsor House | 42-50 Victoria Street, London | SW1H 0TL

[REDACTED] [tfl.gov.uk](mailto:[REDACTED]@tfl.gov.uk) | Tel: [REDACTED] (ext. [REDACTED]) | Fax: 020 3054 3556 (ext. 83556)

-----Original Message-----

From: Carter Howard

Sent: 12 October 2015 07:52

To: [REDACTED] [networkrail.co.uk](mailto:[REDACTED]@networkrail.co.uk); Everitt Vernon; Brown Mike (Commissioner); [REDACTED] [networkrail.co.uk](mailto:[REDACTED]@networkrail.co.uk); [REDACTED] [networkrail.co.uk](mailto:[REDACTED]@networkrail.co.uk);

[REDACTED] [networkrail.co.uk](mailto:[REDACTED]@networkrail.co.uk)

Cc: [REDACTED] [networkrail.co.uk](mailto:[REDACTED]@networkrail.co.uk); [REDACTED] [networkrail.co.uk](mailto:[REDACTED]@networkrail.co.uk); Richard de Cani (MD Planning)

Subject: Re: Garden Bridge

Peter

The Audit Report has been finalised and issued. I'll send you a copy of what was published.

There were some issues with the procurement process which are set out in the report. There has also been some inaccurate reporting (e.g. that we sacked the auditor who did the report) which we are rebutting.

An earlier draft version of the Audit Report was leaked to the AJ and the Assembly and they have asked for all drafts of the report which we are about to give them. There are also numerous FOI requests to TfL and the GLA so the Assembly scrutiny is likely to continue.

Howard

----- Original Message -----

From: Hendy Peter [mailto:[REDACTED]@networkrail.co.uk]

Sent: Sunday, October 11, 2015 11:01 AM

To: Carter Howard; Everitt Vernon; Brown Mike (Commissioner); Wise Suzanne <[REDACTED]@networkrail.co.uk>; Mark Carne; Wyld Barney <[REDACTED]@networkrail.co.uk>

Cc: Lambert Laura <[REDACTED]@networkrail.co.uk>; Morgan Sophia <[REDACTED]@networkrail.co.uk>

Subject: Garden Bridge

Howard,

There's an article in the Observer today in which somebody called Peter Smith is quoted as saying TfL broke the law in respect of the Garden Bridge procurement - and makes a number of allegations about process and mentions me specifically.

I imagine you'll want to refute such a clear allegation - if you didn't I certainly would! - but could you let me know where you are with all this? I assume the Internal Audit report (commissioned by me to report on the process of procurement) has concluded - and I assume it is a satisfactory report?

Thanks. Copied to Suzanne Wise, Barney Wild and Mark Carne at NR for information.

Peter

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From: [Gourley Jennifer](#)
To: [Peter Hendy](#)
Cc: [Carter Howard](#); [Brown Mike \(Commissioner\)](#); [Richard de Cani \(MD Planning\)](#); [Everitt Vernon](#); [\[redacted\]@networkrail.co.uk](#); [\[redacted\]@networkrail.co.uk](#); [\[redacted\]@networkrail.co.uk](#); [Mark Carne](#); [\[redacted\]@networkrail.co.uk](#); [Branks Kirsten](#); [Tagg Ella \(ST\)](#); [Taylor-Ray Judy](#); [Shrestha Kumi](#)
Subject: RE: Garden Bridge
Date: 12 October 2015 10:39:52
Attachments: [audit-of-the-procurement-of-design-and-development-services-accessible.pdf](#)
[TfL-audit_AJ_article.pdf](#)

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Jennifer Gourley | PA to Howard Carter, General Counsel
Transport for London | 6th Floor, Windsor House | 42-50 Victoria Street, London | SW1H 0TL
[tfl.gov.uk](#) | Tel: [\[redacted\]](#) (ext. [\[redacted\]](#)) | Fax: 020 3054 3556 (ext. 83556)

-----Original Message-----
From: Carter Howard
Sent: 12 October 2015 07:52
To: [\[redacted\]@networkrail.co.uk](#); [Everitt Vernon](#); [Brown Mike \(Commissioner\)](#); [\[redacted\]@networkrail.co.uk](#); [\[redacted\]@networkrail.co.uk](#); [\[redacted\]@networkrail.co.uk](#)
Cc: [\[redacted\]@networkrail.co.uk](#); [\[redacted\]@networkrail.co.uk](#); [Richard de Cani \(MD Planning\)](#)
Subject: Re: Garden Bridge

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Howard
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From: Hendy Peter [[mailto:\[redacted\]@networkrail.co.uk](mailto:[redacted]@networkrail.co.uk)]
Sent: Sunday, October 11, 2015 11:01 AM
To: Carter Howard; Everitt Vernon; Brown Mike (Commissioner); Wise Suzanne <[\[redacted\]@networkrail.co.uk](mailto:[redacted]@networkrail.co.uk)>; Mark Carne; Wylid Barney <[\[redacted\]@networkrail.co.uk](mailto:[redacted]@networkrail.co.uk)>
Cc: Lambert Laura <[\[redacted\]@networkrail.co.uk](mailto:[redacted]@networkrail.co.uk)>; Morgan Sophia <[\[redacted\]@networkrail.co.uk](mailto:[redacted]@networkrail.co.uk)>
Subject: Garden Bridge

Howard,
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I imagine you'll want to refute such a clear allegation - if you didn't I certainly would! - but could you let me know where you are with all this?
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Thanks. Copied to Suzanne Wise, Barney Wild and Mark Carne at NR for information.

Peter

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From: [Hendy Peter](#)
To: [Everitt Vernon](#)
Cc: [Carter Howard](#); [Brown Mike \(Commissioner\)](#); [Wise Suzanne](#); [Mark Carne](#); [Wyld Barney](#); [Lambert Laura](#); [Morgan Sophia](#); [Richard de Cani \(MD Planning\)](#)
Subject: Re: Garden Bridge
Date: 12 October 2015 08:46:01

Ok. I just don't care for the clear statement that what was done was illegal. I should have thought that's worth refuting again.

P

> On 12 Oct 2015, at 08:25, Everitt Vernon <[REDACTED]@tfl.gov.uk> wrote:

>

> The Observer article already has this from us:

>

> TFL said it was "satisfied" that the procurement processes were "fair and transparent". It added: "An extensive and thorough review was undertaken by a separate audit team, which concluded the procurement of designers for the garden bridge was acceptable in relation to the selection of bidders and there is no evidence the processes did not provide value for money."

>

> They won't print that again.

>

> There are some other factual inaccuracies on which we'll decide today whether or not to write to them formally.

>

> Vernon

>

>

>

> Vernon Everitt

> Managing Director, Customer Experience, Marketing & Communications,

> Transport for London

> 11th floor, Windsor House

> 42-50 Victoria Street

> London

> SW1H 0TL

>

> Email: [REDACTED]@tfl.gov.uk

> Tel: [REDACTED]

> Mob: [REDACTED]

>

> ----- Original Message -----

> From: Hendy Peter [[mailto:\[REDACTED\]@networkrail.co.uk](mailto:[REDACTED]@networkrail.co.uk)]

> Sent: Monday, October 12, 2015 08:14 AM

> To: Carter Howard

> Cc: Everitt Vernon; Brown Mike (Commissioner); Wise Suzanne <[REDACTED]@networkrail.co.uk>; Mark Carne; Wyld Barney <[REDACTED]@networkrail.co.uk>; Lambert Laura

> <[REDACTED]@networkrail.co.uk>; Morgan Sophia <[REDACTED]@networkrail.co.uk>; Richard de Cani (MD Planning)

> Subject: Re: Garden Bridge

>

> Thanks.

> Are you going to rebut what was written in the Observer yesterday?

> Cheers

> Peter

>

>> On 12 Oct 2015, at 07:50, Carter Howard <[REDACTED]@tfl.gov.uk> wrote:

>>

>> Peter

>>

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>> There were some issues with the procurement process which are set out in the report. There has also been some inaccurate reporting (e.g. that we sacked the auditor who did the report) which we are rebutting.

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>>

>> Howard

>>

>> ----- Original Message -----

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>> Sent: Sunday, October 11, 2015 11:01 AM

>> To: Carter Howard; Everitt Vernon; Brown Mike (Commissioner); Wise Suzanne <[REDACTED]@networkrail.co.uk>; Mark Carne; Wyld Barney <[REDACTED]@networkrail.co.uk>

>> Cc: Lambert Laura <[REDACTED]@networkrail.co.uk>; Morgan Sophia <[REDACTED]@networkrail.co.uk>

>> Subject: Garden Bridge

>>

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>> Peter

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From: [Brown Mike \(Commissioner\)](#)
To: [Carter Howard](#)
Cc: [Everitt Vernon](#); [Nunn Ian](#); [Williams Alex](#); [Branks Kirsten](#); [Tagg Ella \(ST\)](#); [Gourley Jennifer](#); [Clarke Andrea \(Exc\)](#); [Brown Andy \(Corporate Affairs\)](#)
Subject: Re: Howard Carter: Garden Bridge - TfL restricted - Private and confidential
Date: 09 March 2017 20:08:25

Thanks....and for the earlier appropriate advice...
Mike

Sent from my iPhone

On 9 Mar 2017, at 18:01, Carter Howard <[REDACTED]@TfL.gov.uk> wrote:

Mike

I thought you should be aware that although we tried to talk Michael out of discussing the GBH with the Press, he went ahead anyway.

Howard

Sent from my iPad

Begin forwarded message:

From: Michael Liebreich <[REDACTED]@liebreichassociates.com>
Date: 9 March 2017 at 11:13:40 GMT
To: Carter Howard <[REDACTED]@TfL.gov.uk>
Cc: Jo Jagger <[REDACTED]@liebreichassociates.com>, [REDACTED]@tfl.gov.uk", [REDACTED]@tfl.gov.uk", "Ron Kalifa ([REDACTED]@worldpay.com)", [REDACTED]@worldpay.com", Everitt Vernon <[REDACTED]@TfL.gov.uk>, "Nunn Ian" <[REDACTED]@tfl.gov.uk>
Subject: RE: Howard Carter: Garden Bridge - TfL restricted - Private and confidential

Thanks Howard,
I think I do need to give them something because the current angle is that the board was either hoodwinked or useless. I'll stick to your formulation and after that I'll make no comment and send them to Matt.
Regards,
Michael

From: Jo Jagger [[mailto:\[REDACTED\]@liebreichassociates.com](mailto:[REDACTED]@liebreichassociates.com)]
Sent: 08 March 2017 22:30
Subject: Howard Carter: Garden Bridge - TfL restricted - Private and confidential

From: Carter Howard <[REDACTED]@TfL.gov.uk>
Date: 8 March 2017 at 7:22:22 pm GMT
To: "[REDACTED]@liebreichassociates.com" <[REDACTED]@liebreichassociates.com>
Cc: "[REDACTED]@worldpay.com" <[REDACTED]@worldpay.com>, [REDACTED]@liebreichassociates.com" <[REDACTED]@liebreichassociates.com>, Everitt Vernon <[REDACTED]@TfL.gov.uk>, Nunn Ian <[REDACTED]@tfl.gov.uk>, Brown Matt <[REDACTED]@tfl.gov.uk>
Subject: Re: Garden Bridge - TfL restricted - Private and confidential

Michael

Thanks for asking us about this and apologies that I missed your call earlier.

Our strong preference would be that you offered no comment and referred the request to the TfL Press Office. This ensures there is only one person speaking for TfL and avoids it becoming a personal issue for you. We would also co-ordinate any reply with City Hall.

If you were to comment then we would suggest in your first bullet point that you said:

I have been very much reassured to see that it is a condition of the release of TfL's remaining funding to the Garden Bridge Trust (as it is of various other of their key contracts) "that GBT has demonstrated to TfL's satisfaction that it has secured, or is able to secure, a sufficient level of funding ... to cover the costs of construction of the Garden Bridge."

The quotes you give are an accurate reference to our funding agreements but it's a minefield of complexity if you refer to 'construction loans' and 'key contracts' and draws us into a lot of detail. The danger of starting a dialogue in the media on these and other issues is that they will keep coming back to you.

We would be happy to brief the Finance Committee at any point if that would be helpful.

Howard

-----Original Message-----

From: Michael Liebreich
To: Howard Carter
Cc: Ron Kalifa
Cc: Jo Jagger
Cc: Vernon Everitt
Cc: Ian Nunn
Subject: RE: Garden Bridge - TfL restricted - Private and confidential
Sent: Mar 8, 2017 5:26 PM

Howard,

Sorry to bother you again on the Garden Bridge. The Kate Hoey letter has put a spotlight on the issue of risk to TfL's budget from any construction cost fundraising shortfall – and a couple of journalists (Conor Sullivan at the FT and Mark Townsend at the Observer) have been alerted to the fact that I raised this issue at the December 2015 board meeting. They are asking me for a comment.

What I want to be able to tell them is the following:

I have been very much reassured to see that it is a condition of the release of TfL's construction loan to the Garden Bridge Trust (as it is of various other of their key contracts) "that GBT has demonstrated to TfL's satisfaction that it has secured, or is able to secure, a sufficient level of funding ... to cover the costs of construction of the Garden Bridge." If and when the Garden Bridge Trust requests the release of TfL's loan to begin construction, I would expect the Finance Committee to have the opportunity to examine whether or not this condition has been satisfactorily met.

I don't think this should cause too many problems, please let me know if I have missed any implications.

I'm copying Vernon because AFAIK he is still the point person on any public statements by board members.

I'm also copying Ron and Ian, to keep them in the loop. Given the condition in the loan agreement, I think that the board needs an opportunity to scrutinise any decision before funds are advanced - and the right committee to take a detailed look is surely the Finance Committee.

Regards,

Michael

From: Jo Jagger [mailto: [REDACTED]@liebreichassociates.com]
Sent: 20 February 2017 11:51
Subject: Howard Carter: Garden Bridge - TfL restricted - Private and confidential

From: Carter Howard < [REDACTED]@TfL.gov.uk >
Date: 20 February 2017 at 10:42:24 am GMT
To: 'Michael Liebreich' < [REDACTED]@liebreichassociates.com >
Cc: "Ron Kalifa ([REDACTED]@worldpay.com)" < [REDACTED]@worldpay.com >
Subject: RE: Garden Bridge - TfL restricted - Private and confidential
Hi Michael

The quote is from clause 4.1.1 of the Loan

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From: [REDACTED]
To: [FOI](#)
Cc: [Caroline Pidgeon](#); [Tom Copley - London Assembly](#); [REDACTED] [london.gov.uk](#); [Margaret Hodge](#); [Claire Hamilton](#); [Brown Mike \(Commissioner\)](#); [Jonathan Edwards](#); [Gasson Sarah](#)
Subject: RE: Internal Review on FOI request
Date: 11 January 2017 16:15:49

Dear Gemma,

What is the status of the internal review you referred to in your email of November 30th (see full correspondence below) please?

You said then that you hoped to provide a response in the next few weeks and that was almost six weeks ago.

By my calculations, I've now been waiting 50 working days since my request for an internal review and almost 90 working days since my original FOI request.

Given the mayor's public pledge to 'shine a light' on the Garden Bridge project and Dame Margaret Hodge's ongoing inquiry into the scheme's procurement and value for money it seems bizarre and worrying that TfL is withholding this important information.

Can you please update me?

Yours sincerely,

[REDACTED]
[REDACTED]

Managing Editor

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From: FOI [<mailto:Fol@tfl.gov.uk>]

Sent: 30 November 2016 16:46

To: [REDACTED]

Subject: RE: Internal Review

Dear Mr [REDACTED]

Thank you for your e-mail regarding your outstanding internal review request. We are still carrying out the internal review for this case but hope to be able to provide a response in the next few weeks.

I apologise for any inconvenience caused by the delay.

Yours sincerely

Gemma Jacob

Information Access Advisor

FOI Case Management Team

General Counsel

Transport for London

foi@tfl.gov.uk

From: [REDACTED] [[mailto:\[REDACTED\]](mailto:[REDACTED])]

Sent: 30 November 2016 14:12

To: FOI

Subject: RE: Internal Review

Hi,

A response on this is due today (see below). Can you update me please?

Thanks,

Will

[REDACTED]

Managing Editor

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From: FOI [<mailto:Fol@tfl.gov.uk>]

Sent: 02 November 2016 16:31

To: [REDACTED]

Subject: Internal Review

Dear Mr [REDACTED]

TfL Ref: IRV-080-1617

Thank you for your request for an internal review which was received on 2 November 2016.

You have stated that you are dissatisfied with the handling of your request for information under the Freedom of Information Act.

The review will be conducted by an internal review panel in accordance with TfL's Internal Review Procedure, which is available via the following URL:

<http://content.tfl.gov.uk/internal-review-procedure.pdf>

Every effort will be made to provide you with a response by 30 November 2016. However, if the review will not be completed by this date, we will contact you and notify you of the revised response date as soon as possible.

In the meantime, if you would like to discuss this matter further, please feel free to contact me.

Yours sincerely

Gemma Jacob

Information Access Advisor

FOI Case Management Team

General Counsel

Transport for London

foi@tfl.gov.uk

From: [REDACTED] [[mailto:\[REDACTED\]](mailto:[REDACTED])]

Sent: 02 November 2016 16:25

To: FOI

Cc: Gasson Sarah; Jonathan Edwards

Subject: RE: FOI-1302-1617 - APPEAL

Dear Lee,

Thanks for your reply of October 24th to my earlier FOI relating to the Garden Bridge. I would like to appeal as I'm surprised and disappointed that you have concluded that you don't have the information I require or have requested.

Given the FOI Act, the mayor's public pledge to 'shine a light' on the Garden Bridge and the political importance of this topic including Dame Margaret Hodge's current inquiry, can you please reconsider this as a matter of urgency? I have tried to contact you by phone today but you don't seem to have a telephone number.

In my FOI request, I did not actually ask for a specific 'study document' as you term it but merely 'the study on a pedestrian bridge' produced by Heatherwick Studio.

The dictionary defines a study as 'a detailed investigation and analysis of a subject or situation'. Everything you list in your answer which was produced by Heatherwick Studio – 'design advice, considering different design options for the new bridge and supporting the preparation of further briefs and tender documents' – would fall into this category. Therefore, what I've requested is exactly what you have described and yet the information has been withheld. I do hope this is an oversight and not a disingenuous attempt to suppress something which, I note, has not been published on the dedicated TfL page relating to the Garden Bridge:

<https://tfl.gov.uk/corporate/publications-and-reports/temple-footbridge>

Many thanks,

[REDACTED]
[REDACTED]

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From: FOI [<mailto:Fol@tfl.gov.uk>]

Sent: 24 October 2016 16:04

To: [REDACTED]

Subject: FOI-1302-1617

Dear Mr [REDACTED]

Our Ref: FOI-1302-1617

Thank you for your e-mail which was received by us on 5 October 2016 asking for information about the Garden Bridge.

Your request has been considered in accordance with the requirements of the Freedom of Information Act and our information access policy. I can confirm we do not hold the information you require.

TfL's contract with Heatherwick Studio for bridge design services is available on our website at

<https://tfl.gov.uk/corporate/publications-and-reports/temple-footbridge>.

Heatherwick Studio carried out a range of activities under that contract including providing design advice, considering different design options for the new bridge and supporting the preparation of further briefs and tender documents.

The production of a study document was not a requirement of that contract.

If this is not the information you are looking for, or if you are unable to access it for some reason, please do not hesitate to contact me.

Please see the attached information sheet for details of your right to appeal as well as information on copyright and what to do if you would like to re-use any of the information we have disclosed.

Yours sincerely

Lee Hill

Senior FOI Case Officer

FOI Case Management Team

General Counsel

Transport for London

From: [REDACTED] [[mailto:\[REDACTED\]](mailto:[REDACTED])]

Sent: 05 October 2016 14:13

To: FOI

Subject: FOI request

Hi,

Under the FOI Act, please send me the study on a pedestrian bridge between Temple and the South Bank which was produced by Heatherwick Studio and commissioned by TfL in March 2013 subject to a contract of May 2013.

Thanks,

[REDACTED]
[REDACTED]

Managing Editor

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From: [Brown Mike \(Commissioner\)](#)
To: [Brown Andy \(Corporate Affairs\)](#)
Cc: [Tagg Ella \(ST\)](#); [Branks Kirsten](#)
Subject: Re: Letter from Tom Copley
Date: 21 March 2017 12:37:08

Thanks

Mike

Sent from my iPad

> On 21 Mar 2017, at 12:31 PM, Brown Andy (Corporate Affairs) <[REDACTED]@tfl.gov.uk> wrote:
>
> Yes - I have written it and it's currently with Alex for approval
>
> It overlaps as well with the longer letter you'll need to send to Caroline Pidgeon picking up all of the "I'll come back to you on that" points from the 2 March Transport Committee meeting - which I've also written a bit for
>
> Andy
>
>> On 21 Mar 2017, at 12:27, Brown Mike (Commissioner) <[REDACTED]@tfl.gov.uk> wrote:
>>
>> I think i got a letter from him before i went off, on the garden bridge.
>>
>> Is someone drafting a response for me to see.....?
>>
>> Thanks
>>
>> Mike
>>
>> Sent from my iPad

From: [Brown Mike \(Commissioner\)](#)
To: [Branks Kirsten](#)
Cc: [Tagg Ella \(ST\)](#)
Subject: Re: letter to the Assembly - final versions
Date: 29 January 2016 10:08:13

Yes!

Sent from my iPhone

On 29 Jan 2016, at 08:17, Branks Kirsten <[REDACTED]@tfl.gov.uk> wrote:

Morning Mike – good luck this morning
The Mayor has now cleared his letter to Len Duvall. One minor amendment to yours as below (in blue). Content we put your electronic signature on and get it out?

K

Representatives from London Underground met with Heatherwick Studio on 25 January 2013 to discuss Temple station. No note or minute was taken. The discussion focussed on the issues which would need to be considered were a bridge to be built in the vicinity of our station and railway. Such meetings with third party scheme promoters are standard practice.

From: Michael Coleman [[mailto:\[REDACTED\]@london.gov.uk](mailto:[REDACTED]@london.gov.uk)]

Sent: 28 January 2016 22:49

To: Brown Andy; Tagg Ella (ST); Branks Kirsten

Subject: FW: letter to the Assembly - final versions

Importance: High

Hi all,

Please find attached both letters which have now been agreed by all the relevant people at City Hall – including the Mayor.

There is one small tweak to the Mike Brown response (as discussed with you previously Andy) which was recommended by Isabel. This is highlighted in blue. As you will notice we have also amended the Mayor's response regarding the San Francisco visit.

We will be sending the Mayor's response out first thing tomorrow morning if you can please do the same for Mike's letter.

Many thanks for all your hard work on this Andy.

Regards,

Michael Coleman

Assembly Liaison Manager- Mayor's Office

Greater London Authority

City Hall, The Queens Walk, London SE1 2AA

Tel: +44 (0) [REDACTED]

Email: [REDACTED]@london.gov.uk

Web: www.london.gov.uk / Switchboard +44 (0)20 7983 4000

From: Brown Andy [[mailto:\[REDACTED\]@tube.tfl.gov.uk](mailto:[REDACTED]@tube.tfl.gov.uk)]

Sent: 28 January 2016 18:21

To: Michael Coleman

Subject: Re: letter to the Assembly

Ok thanks Mike

When you have final versions please can you just let me, Ella Tagg and Kirsten Branks know? Ella and Kirsten will do the actual signing and mailout from Mike so the sooner they get it the faster it'll be 'in the system', as it were.

Cheers -- shout if I can help with anything more

Andy

From: Michael Coleman [[mailto:\[REDACTED\]@london.gov.uk](mailto:[REDACTED]@london.gov.uk)]

Sent: Thursday, January 28, 2016 05:50 PM

To: Brown Andy

Subject: RE: letter to the Assembly

Andy – these are the versions we are currently intending to send out. I just need final sign off from Isabel, Ed and Boris but this is just a formality I think. Once they are happy I'll notify you to send round to Mike et al if that's ok.

I think it's most likely that these will go out tomorrow morning but I'll keep you in the loop.

From: Brown Andy [[mailto:\[REDACTED\]@tube.tfl.gov.uk](mailto:[REDACTED]@tube.tfl.gov.uk)]

Sent: 28 January 2016 16:34

To: Michael Coleman

Subject: RE: letter to the Assembly

OK -- I think Vernon Everitt had added that in! :)

From: Michael Coleman [[mailto:\[REDACTED\]@london.gov.uk](mailto:[REDACTED]@london.gov.uk)]

Sent: 28 January 2016 16:33

To: Brown Andy

Subject: RE: letter to the Assembly

Yes excellent. Just taken out 'completely'.

From: Brown Andy [[mailto:\[REDACTED\]@tube.tfl.gov.uk](mailto:[REDACTED]@tube.tfl.gov.uk)]

Sent: 28 January 2016 16:08

To: Michael Coleman

Subject: RE: letter to the Assembly

Mike

I suggest you change point (i) to read as follows:

<!--[if !supportLists]-->i. <!--[endif]-->*Minutes or notes of any meetings between representatives of TfL and Heatherwick Studio in the period before the tender was released*

Representatives from London Underground met with Heatherwick Studio on 25 January 2013 to discuss Temple station. No note or minute was taken. The discussion focussed on the issues which would need to be considered were a bridge to be built in the vicinity of our station and railway. Such meetings with third party scheme promoters are completely standard practice.

There were no other meetings between TfL and Heatherwick Studio in the period running up to the release of the invitation to tender in February 2013.

A relatively minor change but will that work do you think? Happy to have another go if necessary

Andy

From: Michael Coleman [[mailto:\[REDACTED\]@london.gov.uk](mailto:[REDACTED]@london.gov.uk)]

Sent: 28 January 2016 15:43

To: Brown Andy

Subject: RE: letter to the Assembly

Andy - could you give me a call when you get a chance?

Much obliged,

Michael Coleman

Assembly Liaison Manager- Mayor's Office

Greater London Authority

City Hall, The Queens Walk, London SE1 2AA

Tel: +44 (0) [REDACTED]

Email: [REDACTED] [london.gov.uk](mailto:[REDACTED]@london.gov.uk)

Web: www.london.gov.uk / Switchboard +44 (0)20 7983 4000

From: Brown Andy [[mailto:\[REDACTED\]@tube.tfl.gov.uk](mailto:[REDACTED]@tube.tfl.gov.uk)]

Sent: 28 January 2016 12:43

To: Michael Coleman

Cc: Hill Rhiannon; Zoe Newcombe; Roisha Hughes; Richard de Cani (MD Planning); Tagg Ella (ST);

Branks Kirsten; Rogan Kerri

Subject: RE: letter to the Assembly

Hi Mike

With apologies again for the delay -- please find attached:

<!--[if !supportLists]-->• <!--[endif]-->Draft letter for the Mayor to send to
Len Duvall

<!--[if !supportLists]-->• <!--[endif]-->Draft letter for Mike Brown to send to
Len Duvall

<!--[if !supportLists]-->• <!--[endif]-->Appendix to Mike Brown's letter

<!--[if !supportLists]-->• <!--[endif]-->Letter from Len to the Mayor (for
reference only)

<!--[if !supportLists]-->• <!--[endif]-->Letter from Len to Mike Brown (for
reference only)

These have been cleared by Mike. When you're happy with them and are going to send the Mayor's letter, please can you let us know so we can action sending Mike's letter from this end at the same time?

Any questions please give me a shout.

Thanks

Andy

Andy Brown

Programme Manager, Garden Bridge & Managing Director's Office - TfL Planning

Transport for London

10th Floor, Windsor House, 42-50 Victoria Street, London SW1H 0TL

Direct: +44 (0) [REDACTED] | Auto: [REDACTED]

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From: Michael Coleman [[mailto:\[REDACTED\]@london.gov.uk](mailto:[REDACTED]@london.gov.uk)]

Sent: 20 January 2016 15:19

To: Brown Andy

Cc: Hill Rhiannon; Zoe Newcombe

Subject: RE: letter to the Assembly

Thanks Andy – this approach looks great. I discussed with Roisha too and she's happy.

Can we just ensure that both letters come to us for clearance and we need to ensure that they both go out at the same time.

Many thanks,

Michael Coleman

Assembly Liaison Manager- Mayor's Office

Greater London Authority

City Hall, The Queens Walk, London SE1 2AA

Tel: +44 (0) [REDACTED]

Email: [REDACTED] [london.gov.uk](mailto:[REDACTED]@london.gov.uk)

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From: Brown Andy [[mailto:\[REDACTED\]@tfl.gov.uk](mailto:[REDACTED]@tfl.gov.uk)]

Sent: 20 January 2016 13:39

To: Michael Coleman

Cc: Hill Rhiannon; Zoe Newcombe

Subject: RE: letter to the Assembly

Hi Mike

That is the last thing I needed, yes, and I am just putting the finishing touches before I send both it and the Commissioner's reply to Len Duvall round for review at this end -- I think they need to be looked at together given between them the answer the Committee's questions.

I am keen to get the two letters signed off together by Chief Officers at this end before sending you the draft, and I hope to have that done by the middle of next week. I hope that's OK.

In the meantime -- below is where I've got to at present with the Mayor's draft so you are aware. It's fairly simple because it relies so much on Mike Brown's separate reply. Can you give me a shout if not's the kind of thing you were expecting?

Sorry for the delay

Thanks

Andy

BEGINS

Dear Len

Thank you for your letter of 29 December. I have asked Mike Brown MVO, Commissioner of Transport for London, to reply on TfL's behalf to a number of the requests made in your letter which refer directly to TfL's work and activity.

Minutes or note of any meetings between representatives of TfL and Heatherwick Studio in the period before the tender was released

I have asked Mike Brown to reply to you on TfL's behalf in response to this request.

Notes, minutes and details of attendees at any meetings held in the United States of America in relation to sponsorship of the Garden Bridge

I visited San Francisco from Sunday 3rd to Tuesday 5th February 2013, to meet with senior representatives from Apple. I was accompanied by my Chief of Staff, Sir Edward Lister, and the Deputy Mayor for Transport, Isabel Dedring. There were no notes or minutes taken at any of the meetings.

Notes, minutes and details of attendees at the meeting about the Garden Bridge held on 23 May 2013 at Swire House, 59 Buckingham Gate

I met with Barnaby and Merlin Swire at Swire House on 23 May 2013, to discuss possible investment opportunities including the Garden Bridge project. I was accompanied by the Deputy Mayor for Transport, Isabel Dedring. There were no notes or minutes taken at the meeting.

Examples of where, during previous TfL procurement processes, bids submitted after the deadline have been accepted

Clarification on the audited notes concerning a meeting to "review the invoices and commercials relating to the two contracts Garden Bridge audit 1563", specifically on the issue of who scored during the commercial day rate analysis

Details of the Board-level processes for reviewing and monitoring major procurement decisions

A copy of the email sent to the three firms involved in the bidding process, advising them in advance that the procurement was about to start

I have asked Mike Brown to reply to you on TfL's behalf in response to these requests.

Yours sincerely

Boris Johnson

Mayor of London

ENDS

From: Michael Coleman [mailto: [REDACTED]@london.gov.uk]

Sent: 20 January 2016 13:30

To: Brown Andy

Cc: Hill Rhiannon; Zoe Newcombe

Subject: FW: letter to the Assembly

Andy,

Isabel has informed us that it was only her and the Mayor who attended the meeting with the Swire Group at Swire House on 23rd May 2013. There were no formal notes/minutes taken at the meeting. That should now cover both points from our end as we have earlier sent you the San Fran FOI lines. Is that all you require from us?

You may already be aware but there was plenty of discussion during MQT as to why we have not responded to the points raised during the Oversight Committee meeting. I have subsequently pointed out that the letter was only formally received on 29th December and we are working on providing the response as soon as possible.

I'm briefly meeting with John Barry this afternoon to update him – do you have any further news on this? Is there a chance that we will receive the draft letter by the end of this week? I'm just trying to manage the Assembly's expectations on this one.

Thanks,

Michael Coleman

Assembly Liaison Manager- Mayor's Office

Greater London Authority

City Hall, The Queens Walk, London SE1 2AA

Tel: +44 (0) [REDACTED]

Email: [REDACTED]@london.gov.uk

Web: www.london.gov.uk / Switchboard +44 (0)20 7983 4000

From: Brown Andy [[mailto: \[REDACTED\]@tube.tfl.gov.uk](mailto: [REDACTED]@tube.tfl.gov.uk)]

Sent: 11 January 2016 12:48

To: Tim Steer; Michael Coleman

Cc: Zoe Newcombe; Hill Rhiannon; Dharmina Shah

Subject: RE: letter to the Assembly

Great -- thanks both

Once we've got confirmation on those details I will draft a reply that matches up with the reply from Mike

Andy

From: Tim Steer [[mailto: \[REDACTED\]@london.gov.uk](mailto: [REDACTED]@london.gov.uk)]

Sent: 11 January 2016 12:40

To: Michael Coleman; Brown Andy

Cc: Zoe Newcombe; Hill Rhiannon; Dharmina Shah

Subject: RE: letter to the Assembly

Re point 2, I'll ask Isabel tomorrow. It's in her diary but I don't know whether she went or not, or what was discussed. I'll see if she remembers any more.

Tim

From: Michael Coleman

Sent: 11 January 2016 12:29

To: Andrew J. Brown; Tim Steer

Cc: Zoe Newcombe; Hill Rhiannon; Dharmina Shah

Subject: RE: letter to the Assembly

Hi Andy sorry for the delay in responding – the letter has now been received is exactly the same as the one sent to Mike (see attached).

In terms of your points below.

<!--[if !supportLists]-->1. <!--[endif]-->I would recommend liaising with our International Team regarding the San Francisco trip. We currently have two active FOIs on this issue. I've copied Dharmina in to this email and she should be able to assist with notes and attendees etc.

<!--[if !supportLists]-->2. <!--[endif]-->The Private Office do not currently have much detail on the Swire House meeting other than that it took place on 23rd March with the Swire Brothers and that the Mayor attended. That is all that is included in the Mayor's diary I'm afraid. I am wondering if Tim can help here? Tim - did Isabel also attend this meeting and does she have any details on who attended/ what was discussed?

Many thanks,

Mike

From: Brown Andy [[mailto: \[REDACTED\]@tube.tfl.gov.uk](mailto: [REDACTED]@tube.tfl.gov.uk)]

Sent: 06 January 2016 16:16

To: Michael Coleman; Roisha Hughes; Tim Steer

Cc: Zoe Newcombe; Hill Rhiannon

Subject: RE: letter to the Assembly

Hi Mike / Roisha / Tim

For info, attached is the letter Mike has now received from the Committee.

Assuming that the Mayor's letter (have you officially received it yet?) is very similar in content, my suggestion is that we prepare two replies (one from the Mayor, one from Mike) which are coordinated and between them cover all of the bullet points.

We will do all the necessary searches through TfL's files as well but please can I ask for any information you are able to provide from the Mayor's, Isabel's and possibly Ed's records in response to the second and third bullets, as below?

<!--[if !supportLists]-->•<!--[endif]-->Notes, minutes and details of attendees at any meetings held in the United States of America in relation to sponsorship of the Garden Bridge;
[I think our response to this may legally need to include conference calls with people based in the US, so as well as the trip to San Francisco in February 2013 I believe there were also conference calls organised on 27 March 2013 and 23 May 2013. If you have any views on whether these calls should be included or excluded please let me know and I'll feed that back into our drafting process.]

<!--[if !supportLists]-->•<!--[endif]-->Notes, minutes and details of attendees at the meeting about the Garden Bridge held on 23 May 2013 at Swire House, 59 Buckingham Gate;
[Having looked through Richard and Michèle's diaries we can't find anything about this meeting so I am assuming it was just the Mayor at the meeting -- is it in his diary? And if so do you have a record of whether there were other GLA attendees?]

Many thanks

Andy

From: Brown Andy
Sent: 05 January 2016 16:31
To: 'Michael Coleman'; Hill Rhiannon; Collings Rosanna; Lampard Fiona
Cc: Tim Steer; Zoe Newcombe; Roisha Hughes
Subject: RE: letter to the Assembly

Thanks Mike -- and yes very happy to coordinate a reply.

If the letter the Committee has cleared is anything like the draft I've seen there's quite a lot of FOI style information to be provided, so may end up quite a detailed reply!

Rhiannon / Rosanna / Fiona -- FYI this will be coming our way

Thanks

Andy

From: Michael Coleman [[mailto: \[REDACTED\]@london.gov.uk](mailto: [REDACTED]@london.gov.uk)]
Sent: 05 January 2016 16:23
To: Brown Andy; Roisha Hughes
Cc: Tim Steer; Zoe Newcombe
Subject: RE: letter to the Assembly

Thanks Andy - as briefly discussed with Roisha – I've been chasing the Assembly as they had promised to write to us setting out the commitments off the back of the meeting. This letter has now been cleared downstairs and a hard copy is on its way up to the 8th floor as we speak. It's addressed to the Mayor.

I suggest that we allocate this to you to coordinate and you can work with

us/Tim/Isabel regarding any additional information you require.
I'll speak to Zoe in the morning as to the best approach.
Hope this makes sense.
Mike

From: Brown Andy [mailto: [REDACTED]@tfl.gov.uk]
Sent: 05 January 2016 16:17
To: Roisha Hughes
Cc: Michael Coleman; Tim Steer
Subject: RE: letter to the Assembly

Hi Roisha

This is on my radar but I was waiting for a letter from the Oversight Committee to which we can reply -- that's my experience of how they usually do things and I understand from TfL's Assembly Engagement team that Len Duvall is currently reviewing a draft of such a letter so one is definitely in the works. I'm not sure, though, who that letter will be addressed to: the Mayor, Mike Brown, Richard de Cani or some combination of the three.

If you'd rather the Mayor wrote his own letter quickly, to initiate that exchange, then I am happy to draft something. That may take a bit of time though, depending on how much of the information informally requested during the 17 December session we want to include in that letter, and because I will need to get whatever I draft signed off at my end.

Thanks

Andy

From: Roisha Hughes [mailto: [REDACTED]@london.gov.uk]
Sent: 05 January 2016 16:11
To: Michael Coleman; Brown Andy; Tim Steer
Subject: letter to the Assembly

Dear Mike, Andy and Tim

Hope you are both well. I was just wondering who, if anyone, is drafting a letter from BJ to the Oversight Committee following the session on 17 December re the Garden Bridge.

Thanks

Roisha

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From: [Brown Mike \(Commissioner\)](#)
To: [Rogan Kerri \(Head of Network Command\)](#)
Cc: [Brown Andy \(Corporate Affairs\)](#); [Williams Alex](#); [Doyne Stephanie](#); [Hughes David \(TfL Investment Delivery Planning Director\)](#); [Coff Tanya](#); [Nunn Ian](#)
Subject: Re: Mayor's Meeting - Garden Bridge
Date: 11 July 2016 19:37:57

Need to just double check that there is no more spending than we know of.

Copied to Ian for overall position and Tanya and David H re LU. Assume nothing re the river??

Mike

Sent from my iPhone

On 11 Jul 2016, at 18:06, Rogan Kerri <[REDACTED]@tfl.gov.uk> wrote:

Andy, Alex

See below

Could I ask you to pull something together involving the other relevant individuals at ExCo level? Can we look to finalise something by COP tomorrow? I was going to suggest speaking notes for Mike which I would share with Val (in some form) for info unless you think it would be easier to do as a note for the Mayor?

Mike -FYI

Steph – can we add to 121 pack please

Thanks

Kerri

From: Ibitson Ami
Sent: 11 July 2016 16:19
To: Rogan Kerri
Cc: Tim Steer; val shawcross
Subject: FW: Mayor's Meeting - Garden Bridge

Hi Kerri

Please see below - the Mayor has asked for the Garden Bridge to be added to the agenda for Thursday. I believe this is just an update on the current status of the project, and following up from Friday's FPC meeting. I know his team were keen to see any payment schedules that had already been agreed etc.

Let me know if you need me to find out anything further to assist.

Thanks

Ami

Ami Ibitson

Executive Assistant to Valerie Shawcross CBE

Deputy Chair, Transport for London

Tel: [REDACTED] Ext: [REDACTED] (Windsor House)

Mobile: [REDACTED]

Email address: [REDACTED]@tfl.gov.uk

From: David Hayward [[mailto:\[REDACTED\]@london.gov.uk](mailto:[REDACTED]@london.gov.uk)]

Sent: 11 July 2016 16:13

To: Ibitson Ami

Cc: Nick Bowes; val shawcross; Ali Picton; David Bellamy

Subject: FW: Mayor's Meeting Papers

Ami

Thank you for these papers.

As discussed, the Mayor has asked for the Garden Bridge to be added to the agenda for the meeting on Thursday.

Many thanks

David

David Hayward | Diary Secretary to the Mayor of London

City Hall | The Queen's Walk | London | SE1 2AA | Tel: [REDACTED]

GREATER LONDON AUTHORITY

From: Ibitson Ami [mailto:[REDACTED]@tfl.gov.uk]

Sent: 07 July 2016 18:07

To: David Hayward

Subject: Mayor's Meeting Papers

Hi David

Please see the meeting papers, attached.

Ami

Ami Ibitson

Executive Assistant to Valerie Shawcross CBE

Deputy Chair, Transport for London

Tel: [REDACTED] Ext: [REDACTED] (Windsor House)

Mobile: [REDACTED]

Email address: [REDACTED]@tfl.gov.uk

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From: [Brown Mike \(Commissioner\)](#)
To: [val.shawcross](#)
Cc: [David Bellamy](#); [Carter Howard](#)
Subject: Re: Temple Garden Bridge
Date: 07 July 2016 19:03:20

Val.

Of course.

We will sort out some support for just that.

Mike

Sent from my iPhone

On 7 Jul 2016, at 18:02, Valerie Shawcross <[\[REDACTED\]@london.gov.uk](#)> wrote:

Thanks for this Mike. This is useful. At Committee. I can simply say that this project is suspended and for the avoidance nod doubt there will be no new money spent on the GB.

But I do need help screening the vast amount of material for the Panels and Boards. Hopefully the new members will assist.

Val

Sent with Good ([www.good.com](#))

-----Original Message-----

From: Brown Mike (Commissioner) [[\[REDACTED\]@tfl.gov.uk](#)]
Sent: Thursday, July 07, 2016 05:54 PM GMT Standard Time
To: Valerie Shawcross; David Bellamy
Cc: [\[REDACTED\]@tfl.gov.uk](#)
Subject: Temple Garden Bridge

Val / David

With regard to the above.

The original project approval was in July 2014, with a further financial authority given in July 2015. This was originally concept design work – also considering whether we could incorporate a lift into the design.

The final uplift in spend was approved by the LU projects board in September and authorised by the Finance Director (CFO) on 2ND March 2016 – some 2 months before the previous Mayor's term in office ended.

This was done on the basis that it was legally agreed (document dated 25th January 2015) that all LU (TfL) costs – other than the small element of the

original £633 million we would have spent anyway on feasibility of a step free access scheme - would be fully reimbursed by the Garden Bridge Trust. (This was not part of the core £30million).

No closures were envisaged as part of this work. There has been some early indication that some short period (e.g. weekend) closures of Temple station might be required for the overall bridge construction phase.

In a letter just received from the Garden Bridge Trust they have asked us to suspend any work started and that have reaffirmed that any costs incurred in the very early stages of the work would be reimbursed (we estimate the spend to date has been less than £200k).

We were instructed by the previous TfL board to report such approvals to the Finance committee on an ongoing basis. I would normally have expected this to have gone to the last meeting of the old mayoralty. It seems that the timeline of approval to the submission dates required of papers meant this did not happen.

I hope this explains the position.

Mike

Mike Brown

Commissioner

Windsor House

42-50 Victoria Street

London

SW1H 0TL

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From: [Brown Mike \(Commissioner\)](#)
To: [David Bellamy](#); [val shawcross](#)
Cc: [Carter Howard](#)
Subject: RE: Temple Garden Bridge
Date: 07 July 2016 18:58:00

David

Sorry – yes. I do mean £633k.

I agree absolutely with the suggested actions.

Thanks

Mike

From: David Bellamy [mailto: [REDACTED]@london.gov.uk]

Sent: 07 July 2016 18:13

To: val shawcross; Brown Mike (Commissioner)

Cc: Carter Howard

Subject: RE: Temple Garden Bridge

Many thanks Mike. For clarity, I believe you mean “£633k”, not million, below.

The Mayor has been clear that no more public funds are to be spent on this project. I think this now requires two actions:

1. Obtaining repayment from the Trust for the spend to date, which shouldn't come from TfL's contribution to the project
2. Before any work restarts, agreeing terms and a payment schedule so that the Trust meets the full costs of all Garden Bridge-related activities and that there is no risk of the money not being paid should the Trust or project run into financial difficulties. We'll need to explicitly approve this before it is signed.

Please can TfL proceed on this basis.

As ever, happy to discuss ([REDACTED])

David.

From: Valerie Shawcross

Sent: 07 July 2016 18:01

To: Mike Brown; David Bellamy

Cc: [REDACTED] [tfl.gov.uk](mailto:[REDACTED]@tfl.gov.uk)

Subject: RE: Temple Garden Bridge

Thanks for this Mike. This is useful. At Committee. I can simply say that this project is suspended and for the avoidance nod doubt there will be no new money spent on the GB.

But I do need help screening the vast amount of material for the Panels and Boards.

Hopefully the new members will assist.

Val

Sent with Good (www.good.com)

-----Original Message-----

From: Brown Mike (Commissioner) [mailto: [REDACTED]@tfl.gov.uk]

Sent: Thursday, July 07, 2016 05:54 PM GMT Standard Time

To: Valerie Shawcross; David Bellamy

Cc: [REDACTED] [tfl.gov.uk](mailto:[REDACTED]@tfl.gov.uk)

Subject: Temple Garden Bridge

Val / David

With regard to the above.

The original project approval was in July 2014, with a further financial authority given in July 2015. This was originally concept design work – also considering whether we could incorporate a lift into the design.

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I hope this explains the position.

Mike

Mike Brown
Commissioner
Windsor House
42-50 Victoria Street
London
SW1H 0TL



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From: [Brown Mike \(Commissioner\)](#)
To: [Brown Matt](#)
Cc: [Brown Andy \(Corporate Affairs\)](#); [Williams Alex](#); [Dix Michèle](#); [Everitt Vernon](#); [Carter Howard](#); [Beaney Joanne](#); [Harrison-Cook Victoria](#); [Tagg Ella \(ST\)](#); [Branks Kirsten](#); [O'Hara Jamie](#)
Subject: Re: TfL confidential: Draft Garden Bridge response
Date: 06 April 2017 17:42:26

Matt / Andy
Thanks
Mike

Sent from my iPhone

On 6 Apr 2017, at 17:27, Brown Matt <[REDACTED]@tfl.gov.uk> wrote:

Thanks very much.

From: Brown Andy (Corporate Affairs)

Sent: 06 April 2017 17:17

To: Brown Matt

Cc: Brown Mike (Commissioner); Williams Alex; Dix Michèle; Everitt Vernon; Carter Howard; Beaney Joanne; Harrison-Cook Victoria; Tagg Ella (ST); Branks Kirsten; O'Hara Jamie

Subject: RE: TfL confidential: Draft Garden Bridge response

Matt - as discussed, this is fine based on my conversation with Mike, but we'll obviously need to do a final review once we've actually seen the report (which we are expecting tomorrow morning)

Thanks

Andy

[REDACTED] | [REDACTED]

From: Brown Andy (Corporate Affairs)

Sent: 06 April 2017 16:47

To: Brown Matt

Cc: Brown Mike (Commissioner); Williams Alex; Dix Michèle; Everitt Vernon; Carter Howard; Beaney Joanne; Harrison-Cook Victoria; Tagg Ella (ST); Branks Kirsten; O'Hara Jamie

Subject: Re: TfL confidential: Draft Garden Bridge response

Matt - I have discussed this with Mike. I'll give you a call.

Andy

On 6 Apr 2017, at 16:02, Brown Matt <[REDACTED]@tfl.gov.uk> wrote:

All,

As you are aware, the Hodge review of the Garden Bridge could well be published tomorrow.

We have prepared the following reactive statement, that would be issued once the calls start to come in following the report's publication. We will of course revisit it once we have had sight of the report itself, although it's doubtful that we'll want to say much more than this.

Below the statement is a short Q&A, which once again seeks to keep our response tight and focus on the work ahead to review the findings and recommendations. I'll run answer (1) past City Hall as

soon as is practical.

The lines etc. reflect Vernon's views. Let me know if you have any immediate observations, otherwise I'll re-circulate once we know when the report is to be published.

Thanks,

Matt

A TfL Spokesperson said:

"We welcome Dame Margaret Hodge's independent review of the Garden Bridge project. We will review it in detail and ensure that the recommendations relevant to TfL are addressed."

Additional information to reporter:

- TfL's involvement in the Garden Bridge project has been under four Mayoral Directions signed by the previous Mayor These are available here:

<!--[if !supportLists]--><!--[endif]--

><https://www.london.gov.uk/decisions/md1248-temple-south-bank-footbridge-development-proposals>

<!--[if !supportLists]--><!--[endif]--

><https://www.london.gov.uk/decisions/md1472-garden-bridge-guarantees>

<!--[if !supportLists]--><!--[endif]--

><https://www.london.gov.uk/decisions/md1355-garden-bridge-development-proposals>

<!--[if !supportLists]--><!--[endif]--

><https://www.london.gov.uk/decisions/md1248-temple-south-bank-footbridge-development-proposals>

- We aim to be open and transparent about our involvement in the Garden Bridge project. The relevant materials relating to our involvement have been published on our website - <https://tfl.gov.uk/corporate/publications-and-reports/temple-footbridge>

REACTIVE Q AND A - SUBJECT TO THE CONTENTS OF THE HODGE REVIEW:

<!--[if !supportLists]-->1<!--[endif]-->If pressed whether TfL still supports the Garden Bridge.

"The Mayor has made clear that no more of Londoners' money for which he is responsible should be spent on the project. Following Dame Margaret Hodge's review into the project, we and the Mayor will review her report in detail and consider the implications of her findings."

<!--[if !supportLists]-->2<!--[endif]-->If pressed about TfL staff involvement in the project.

"The involvement of TfL staff in the Garden Bridge project has been under four Mayoral Directions, signed by the previous Mayor. We will of course review Dame Margaret Hodge's report in detail and ensure that the recommendations relevant to TfL are addressed."

Matt Brown Director of News

Transport for London | TfL Press Office, 11th Floor, Windsor House, 50 Victoria Street, London SW1H 0TL

Tel: [REDACTED] | Fax: 020 7126 4560 | Mobile: [REDACTED] | Email:
[REDACTED] [tfl.gov.uk](mailto:[REDACTED]@tfl.gov.uk)

From: [Brown Mike \(Commissioner\)](#)
To: [Hughes David \(TfL Investment Delivery Planning Director\)](#)
Cc: [Gasson Sarah](#); [Carter Howard](#); [Everitt Vernon](#); [Williams Alex](#); [Brown Matt](#); [Brown Andy \(Corporate Affairs\)](#); [Tagg Ella \(ST\)](#); [Branks Kirsten](#); [Hudson Teresa](#); [Hill Rhiannon](#); [Griffin Kate](#); [Daniels Leon](#)
Subject: Re: To clear: Garden Bridge line on additional costs
Date: 08 July 2016 17:12:47

Thanks all.

Helpful.

Mike

Sent from my iPad

On 8 Jul 2016, at 14:44, David Hughes <[\[REDACTED\]](#)<[\[REDACTED\]@tfl.gov.uk](mailto:[REDACTED]@tfl.gov.uk)>> wrote:

That seems pretty helpful wording to me.

We'll speak with the Trust next week about tweaking the payment arrangements between them and us, so as to give effect to Val's steer to myself and Howard in the margins of this morning's FPC.

From: Gasson Sarah

Sent: 08 July 2016 14:23

To: Carter Howard

Cc: David Hughes; Everitt Vernon; Brown Mike (Commissioner); Williams Alex; Brown Matt; Brown Andy; Tagg Ella (ST); Branks Kirsten; Hudson Teresa; Hill Rhiannon; Griffin Kate; Daniels Leon

Subject: RE: To clear: Garden Bridge line on additional costs

For info, the Garden Bridge Trust have just issued the below to [\[REDACTED\]](#) at AJ following the comment this morning from City Hall. He hasn't come our way again yet.

Thanks

Sarah

A Garden Bridge Trust spokesperson said:

“London Underground has completed initial work at Temple. Its work is now paused whilst the Trust completes all required planning and land matters ahead of starting full construction. This includes concluding land deals with Coin Street Community Builders and on the Northbank with Westminster City Council. It is hoped these will be concluded by the end of July. The Trust is also focussing on discharging the outstanding planning conditions in Lambeth and Westminster, discharging obligations within Section 106 agreements and finalising the sequencing of river works. Once all planning and property matters have been resolved the next phase of the London Underground work will commence. All works will be paid for by the Trust. It is full steam ahead across the planning priorities and fundraising is also very active.”

From: Gasson Sarah

Sent: 08 July 2016 10:08

To: Carter Howard

Cc: David Hughes; Everitt Vernon; Brown Mike (Commissioner); Williams Alex; Brown Matt; Brown Andy; Tagg Ella (ST); Branks Kirsten; Hudson Teresa; Hill Rhiannon; Griffin Kate; Daniels Leon

Subject: RE: To clear: Garden Bridge line on additional costs

All,

Howard and Val spoke this morning and City Hall tell us the below line has been

approved to go from their end now.

They intend to issue to Will now, they have also sent the line to the Trust for info.

Thanks

Sarah

A spokesperson for Mayor of London said: "The previous Mayor first approved plans for enabling work to prepare Temple Tube station for the arrival of the Garden Bridge two years ago in the summer of 2014, but final authorisation was only provided in March this year, two months before the Mayoral election. This enabling work has since been suspended and that will be reported to the Finance and Policy Committee today. Sadiq Khan has been clear that no new public funds should be committed to the Garden Bridge and he has pledged to make the project more open and transparent – standards that were not always met under the previous administration."

Information for reporter:

The Mayor supports construction of the Garden Bridge, subject to no new public funds being required. He expressed concerns during his election campaign about the way that the procurement process was carried out. His team are looking in more detail at some of the issues raised about the procurement. More details will be released in due course.

The Mayor is determined to run the most open and transparent administration London has ever seen. That is why he has already taken the step of publishing the Garden Bridge Trust's list of funders, as well as the previously undisclosed draft business plan.

From: Gasson Sarah

Sent: 07 July 2016 22:29

To: Carter Howard

Cc: David Hughes; Everitt Vernon; Brown Mike (Commissioner); Williams Alex; Brown Matt; Brown Andy; Tagg Ella (ST); Branks Kirsten; Hudson Teresa; Hill Rhiannon; Griffin Kate; Daniels Leon

Subject: Re: To clear: Garden Bridge line on additional costs

I agree. I have suggested this to the city hall press office and they will pass on the message to Val.

On 7 Jul 2016, at 22:25, Carter Howard <[REDACTED]> wrote:

I think that would be helpful.

From: David Hughes

Sent: Thursday, July 07, 2016 10:21 PM

To: Everitt Vernon; Gasson Sarah

Cc: Brown Mike (Commissioner); Williams Alex; Brown Matt; Brown Andy; Tagg Ella (ST); Branks Kirsten; Hudson Teresa; Hill Rhiannon; Carter Howard; Griffin Kate; Daniels Leon

Subject: RE: To clear: Garden Bridge line on additional costs

We (myself and Howard) have the opportunity to discuss with

Val immediately prior to tomorrow morning's FPC at 1000.

That might be the most sensible approach.

David

David Hughes

Director of Strategy & Service Development, London Underground

TfL - 11th Floor, Palestra

197 Blackfriars Road, London SE1 8NJ

Tel: [REDACTED]

Mobile: [REDACTED]

eMail: [REDACTED] [tfl.gov.uk](mailto:[REDACTED]@tfl.gov.uk)



Please consider the environmental impact of printing this e-mail

From: Everitt Vernon
Sent: 07 July 2016 22:07
To: Gasson Sarah
Cc: Brown Mike (Commissioner); David Hughes; Williams Alex; Brown Matt; Brown Andy; Tagg Ella (ST); Branks Kirsten; Hudson Teresa; Hill Rhiannon; Carter Howard; Griffin Kate; Daniels Leon
Subject: Re: To clear: Garden Bridge line on additional costs
Below is the advice from Kate. Don't we need a discussion between Howard or Alex and City Hall before any lines are sent out by anyone?
Further to Sarah's email below, please note that LUL will be reimbursed for the costs of the enabling works by GBT under the terms of a costs agreement entered in to in January 2016.

The incorrect reference in the FPC paper needs to be clarified, but I do not believe that we should refer to the suspension of the enabling works in such clarification. As I have already said, the GBT stressed that the suspension must be kept confidential. We are within days/weeks of settling the land agreements with Westminster, Lambeth, the PLA and Coin Street Community Builders. We are at crucial and sensitive stages of these negotiations. If the suspension is publicised now, it could shake the confidence of these land partners and derail the project.

Kate

Vernon Everitt
Managing Director, Customers, Communication and Technology
Transport for London
Windsor House
[42-50 Victoria Street](#)
[London](#)
[SW1H 0TL](#)
Email: [REDACTED] [tfl.gov.uk](mailto:[REDACTED]@tfl.gov.uk)
Tel: [REDACTED]
Mob: [REDACTED]
Sent from my iPhone

On 7 Jul 2016, at 22:02, Everitt Vernon
<[\[REDACTED\]@tfl.gov.uk](mailto:[REDACTED]@tfl.gov.uk)> wrote:

I'd be grateful for advice from Alex and Howard on this. I'm afraid I'm not close enough to this to know whether this is the right line or not.
Vernon

Vernon Everitt
Managing Director, Customers, Communication and Technology
Transport for London
Windsor House
[42-50 Victoria Street](#)

[London](#)
[SW1H 0TL](#)

Email: [REDACTED] [tfl.gov.uk](mailto:[REDACTED]@tfl.gov.uk)

Tel: [REDACTED]

Mob: [REDACTED]

Sent from my iPhone

On 7 Jul 2016, at 21:58, Gasson Sarah

<[REDACTED]@tfl.gov.uk> wrote:

Yes that is correct, they have said nothing publicly. I have tried to argue that point. City hall's counter argument is that this will have to be discussed tomorrow at the committee so they feel it should be in the line.

On 7 Jul 2016, at 21:51, Everitt Vernon

<[REDACTED]@TfL.gov.uk> wrote:

I realise this isn't really our problem, but won't this flush out that things are slipping. The Trust has said nothing publicly has it?
Vernon

Vernon Everitt
Managing Director,
Customers, Communication
and Technology
Transport for London
Windsor House
[42-50 Victoria Street](#)
[London](#)
[SW1H 0TL](#)

Email:

[REDACTED] [tfl.gov.uk](mailto:[REDACTED]@tfl.gov.uk)

Tel: [REDACTED]

Mob: [REDACTED]

Sent from my iPhone

On 7 Jul 2016, at 21:40,

Gasson Sarah

<[REDACTED]@tfl.gov.uk>

wrote:

Hi Mike,

I know you
have been part
of the
discussions
with City Hall

on this one
today.

A short update
of the situation
below, along
with a
suggested line
for your
clearance. We
are proposing
this comes
from City Hall,
rather than us,
which is what
they first
requested.

There is
enabling work
needed to
Temple station
for the Garden
Bridge that we
are carrying
out and the
Garden Bridge
Trust are then
paying us back
for, this is the
work
mentioned in
the committee
paper and
equals circa
£3m.

Today the
Garden Bridge
Trust asked to
us to suspend
this planned
work due to the
project timings
being pushed
back.

Separate roof
work is
planned to the
station later in
the project that
the Trust
would carry
out and we

would simply supervise. This comes at no cost to us. This roof work was incorrectly referenced in the committee paper and has caused some confusion today.

City Hall remain concerned that £3m will be spent on the project when Sadiq has said no more will. Regardless of the fact we will get this back from the Trust, they are still unhappy and insist on a stronger line.

So far only the Architects Journal have been in touch about this, but they have been following the project closely and their articles often result in additional wider coverage. They have asked for a response this evening and City Hall are keen something goes back to him asap.

The line below was suggest by

City Hall and
has been
slightly
tweaked by us.
Can you
confirm you
are content?
Thanks
Sarah

A
spokesperson
for
the
Mayor,
said:
“The
previous
Mayor
first
approved
plans
for
enabling
work
to
prepare
Temple
Tube
station
for
the
arrival
of
the
Garden
Bridge
two
years
ago
in
the
summer
of
2014,
but
final
authorisation
was
only
provided
in
March
this

year.
This
enabling
work
has
since
been
suspended
and
that
will
be
reported
to
the
Finance
and
Policy
Committee
today.
The
new
Mayor
has
been
clear
that
no
new
public
funds
should
be
committed
to
the
Garden
Bridge
and
he
has
pledged
to
make
the
project
more
open
and
transparent.”
Information
for
reporter:

The Mayor supports construction of the Garden Bridge, subject to no new public funds being required. He expressed concerns during his election campaign about the way that the procurement process was carried out. His team are looking in more detail at some of the issues raised about the procurement. More details will be released

in
due
course.

The
Mayor
is
determined
to
run
the
most
open
and
transparent
administration
London
has
ever
seen.
That
is
why
he
has
already
taken
the
step
of
publishing
the
Garden
Bridge
Trust's
list
of
funders,
as
well
as
the
previously
undisclosed
draft
business
plan.

From: [Brown Mike \(Commissioner\)](#)
To: [Richard de Cani \(MD Planning\)](#); [Roisha Hughes](#); [IsabelDedring](#)
Cc: [Tim Steer](#); [Rogan Kerri](#); [Tagg Ella \(ST\)](#); [Hill Rhiannon](#); [Claire Hamilton](#); [Edwardlister](#); [Jonathan Edwards](#)
Subject: RE: Urgent - Garden bridge letter/FOI
Date: 28 January 2016 12:55:00

Both cleared by me...

Mike

-----Original Message-----

From: Richard de Cani (MD Planning)
Sent: 28 January 2016 12:33
To: Roisha Hughes; IsabelDedring
Cc: Brown Mike (Commissioner); Tim Steer; Rogan Kerri; Tagg Ella (ST); Hill Rhiannon; Claire Hamilton; Edwardlister; Jonathan Edwards
Subject: RE: Urgent - Garden bridge letter/FOI

Roisha

There are two letters, one from the Mayor and one from Mike, which need to be reviewed and cleared as a pair. Both have just gone to Mike's office for review with his letter for signature. I will keep you posted and we know the pressure on timescales to get these sorted this afternoon.

Richard

-----Original Message-----

From: Roisha Hughes [<mailto:██████████@london.gov.uk>]
Sent: 28 January 2016 11:04
To: Richard de Cani (MD Planning); IsabelDedring
Cc: Brown Mike (Commissioner); Tim Steer; Rogan Kerri; Tagg Ella (ST); Hill Rhiannon; Claire Hamilton; Edwardlister; Jonathan Edwards
Subject: RE: Urgent - Garden bridge letter/FOI

Thanks everyone

I know that Jon Edwards is dealing with a media enquiry from ██████████ with a deadline that has passed. If at all possible, I think we need to get the letter to the Assembly first before going back to the media enquiry, but that probably means we need to get the letter out early this pm Roisha

-----Original Message-----

From: Richard de Cani (MD Planning) [<mailto:██████████@tfl.gov.uk>]
Sent: 28 January 2016 09:32
To: Isabel Dedring
Cc: Mike Brown; Tim Steer; Rogan Kerri; Tagg Ella (ST); Hill Rhiannon; Claire Hamilton; Roisha Hughes; Edward Lister
Subject: Re: Urgent - Garden bridge letter/FOI

Isabel

It will be today. It has taken time as we have had to collate information from across the GLA and TfL.

Richard

Sent from my iPhone

> On 28 Jan 2016, at 08:59, Isabel Dedring <██████████@london.gov.uk> wrote:
>
>
> Mike

>
> There is some delayed material waiting for clearance @ TFL on this
>
> Claire and Tim will clarify exactly what the correspondence code is
> but can you and Kerri identify where it is and make sure we can get it
> out today
>
> We are getting chased daily and it is now a media issue as well
>
> Thanks a lot
>
> I
>
> If you're not on the electoral register, you won't be able to vote for The Mayor of London or London
Assembly next May.
>
> You must have registered under the 'individual' registration system to
> have your say in the elections. Find out more:
> [http://londonelects.org.uk/news-centre/news-listing/way-you-register-v
ote-changing](http://londonelects.org.uk/news-centre/news-listing/way-you-register-vote-changing)
>
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GREATER LONDON AUTHORITY

EMAIL NOTICE:

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From: [Dix Michèle](#)
To: [Richard de Cani \(MD Planning\)](#); [Edwards David \(TfL Press Office\)](#)
Cc: [Everitt Vernon](#); [Carter Howard](#); [Walker Clive \(Risk & Assurance\)](#); [Harrison-Cook Victoria](#); [Brown Matt](#); [Ross Stuart](#); [Beaney Joanne](#); [Duty Press Officer](#); [Brown Mike \(Commissioner\)](#)
Subject: Re: URGENT CLEARANCE: Garden Bridge statement for the Observer.
Date: 11 October 2015 10:58:37

Hi all

If this was a weekly mayoral meeting Peter or Peter and I would have attended. If this was a separate to a regular weekly mayoral meeting I would need to check as I wasn't invited to all meetings.

Regards Michele

From: Richard de Cani (MD Planning)
Sent: Sunday, October 11, 2015 10:43 AM
To: Edwards David (TfL Press Office)
Cc: Everitt Vernon; Carter Howard; Walker Clive (Internal Audit); Harrison-Cook Victoria; Brown Matt; Ross Stuart; Beaney Joanne; Duty Press Officer; Brown Mike (Commissioner); Dix Michèle
Subject: Re: URGENT CLEARANCE: Garden Bridge statement for the Observer.

David

This article incorrectly names me as the person who attended the Mayors meetings in early 2013, which is not the case it was Michele. I took over the role this year.

Richard

Sent from my iPhone

On 11 Oct 2015, at 10:11, Edwards David (TfL Press Office) <[\[REDACTED\]](#)> wrote:

Good morning,

The article has been published and is detailed below.

Met police urged to investigate garden bridge contracts

Campaigners to issue formal complaint about Boris Johnson and his role in procurement process

An artist's impression of the proposed London garden bridge.



An artist's impression of the proposed London garden bridge. Photograph: EPA

[Mark Townsend](#)

Saturday 10 October 2015 22.19 BST

[@townsendmark](#)

Scotland Yard is to be asked to investigate misconduct allegations involving London mayor [Boris Johnson](#) and the Transport for London (TfL) procurement process behind the capital's proposed garden bridge.

Campaigners are to submit a formal complaint to the Metropolitan police over allegations of

“malfeasance in public office” regarding the mayor and the decision to award designer [Thomas Heatherwick](#) and the engineering firm Arup lucrative contracts for work on the controversial bridge across the Thames.

The central allegation is that the [procurement process was rigged](#) and that Heatherwick and Arup had been lined up to win the contracts before tenders were issued. It has now emerged that, just days before the invitation to tender was announced by Transport for London, Johnson – who is the chairman of TfL – met Heatherwick privately.

The mayor’s private diaries, seen by the *Observer*, reveal that on 1 February 2013 Johnson had a “meeting with Thomas Heatherwick”. On 13 February, [TfL](#) invited Heatherwick Studio to tender for the project along with two other firms, a process that he went on to win, despite appearing to have the least relevant design experience.

Heatherwick scored more highly than other firms in the crucial “relevant design experience” category, even though he had designed just one bridge, while competitors had designed up to 25. Additionally, despite submitting the highest quote, the bid was judged by TfL as the most “economically advantageous”.

Mayor of London Boris Johnson.



Mayor of London Boris Johnson. Photograph: James Gourley/Rex

A further cause of disquiet is that another key meeting, in which Johnson first raised the possibility of building a garden bridge with TfL executives, appears not to have been recorded in the mayor's official monthly records.

It has emerged that in early 2013, Johnson met then TfL commissioner Peter Hendy and its director of strategy, Richard De Cani, to determine the feasibility of a living bridge concept. Although Johnson is meant to publish a monthly report to the London assembly listing his key decisions and activities, the meeting that effectively gave the go-ahead to a scheme that would [soon lead to £30m of TfL money being allocated](#) to the garden bridge is omitted.

Elsewhere, a senior transport source with knowledge of the process claimed the TfL board was not granted an opportunity to make a decision on the garden bridge, describing this as "highly unusual" for a project of such significance.

According to TfL papers, it appears that the first time the project was even mentioned to the board was in July 2013, when Hendy informed members: "We have appointed [Thomas Heatherwick](#) and Arup to develop plans for a new pedestrian crossing of the Thames." Normally, even modest transport initiatives require approval by the TfL board.

Pressure on Johnson has been amplified by a former UK government adviser delivering a withering assessment of the process to appoint Heatherwick and Arup, although there is no suggestion either firm behaved improperly.

"TfL broke the law, simple as that, and it is a great shame no other bidder has challenged the decision in the courts," said Peter Smith, formerly procurement director for the Department of Social Security and for NatWest.

Vital material relating to the evaluation process has either been lost or destroyed by TfL, meaning that the official audit report into the procurement processes of the bridge design contained no discussion about how Heatherwick scored top marks. Critics also ask why just one TfL employee evaluated the technical bids – a situation described as extremely poor practice by Smith. There are also questions over how Arup won its contract, and why it was asked to resubmit its bid while other firms were not.

The garden bridge was the idea of actress Joanna Lumley, a childhood friend of Johnson, [who revealed](#) that Heatherwick would be "happy to work on the bridge" as long ago as 2004.

The mayor's diaries also show that he and TfL officials met Lumley in September 2012, while transport executives also met her in July and December that year.

TfL said it was "satisfied" that the procurement processes were "fair and transparent". It added: "An extensive and thorough review was undertaken by a separate audit team, which concluded the procurement of designers for the garden bridge was acceptable in relation to the selection of bidders and there is no evidence the processes did not provide value for money."

The mayor's office declined to comment. Heatherwick Studio and Arup were contacted for comment, but had not done so at time of going to press.

More news Topics

Sent from my iPad air

On 9 Oct 2015, at 16:18, Everitt Vernon <[\[REDACTED\]](#)> wrote:

Fine with me.

Vernon

Vernon Everitt
Managing Director, Customer Experience, Marketing & Communications,
Transport for London
11th floor, Windsor House
42-50 Victoria Street
London
SW1H 0TL

Email: [\[REDACTED\]](#) tfl.gov.uk

Tel: [REDACTED]
Mob: [REDACTED]

From: Richard de Cani (MD Planning)
Sent: Friday, October 09, 2015 03:46 PM
To: Edwards David (TfL Press Office); Carter Howard; Everitt Vernon; Walker Clive (Internal Audit)
Cc: Harrison-Cook Victoria; Brown Matt; Ross Stuart; Beaney Joanne
Subject: RE: URGENT CLEARANCE: Garden Bridge statement for the Observer.

I am happy if others are

From: Edwards David (TfL Press Office)
Sent: 09 October 2015 15:37
To: Carter Howard; Everitt Vernon; Richard de Cani (MD Planning); Walker Clive (Internal Audit)
Cc: Harrison-Cook Victoria; Brown Matt; Ross Stuart; Beaney Joanne
Subject: RE: URGENT CLEARANCE: Garden Bridge statement for the Observer.

Richard

Would you be happy with the following

“TfL is satisfied that the procurement processes for the appointment of Heatherwick Studios and ARUP were fair and transparent. An extensive and thorough review was undertaken by a separate audit team which concluded the procurement of designers for the Garden Bridge was acceptable in relation to the selection of bidders and there is no evidence the processes did not provide value for money.”

David B Edwards MCIPR | Press Officer | Corporate Desk - Major Projects
Tel: [REDACTED] | Auto: [REDACTED] | Mob: [REDACTED] | Fax: 020 3054 8370 |

From: Carter Howard
Sent: 09 October 2015 15:28
To: Everitt Vernon; Richard de Cani (MD Planning); Edwards David (TfL Press Office); Walker Clive (Internal Audit)
Cc: Harrison-Cook Victoria; Brown Matt; Ross Stuart; Beaney Joanne
Subject: Re: URGENT CLEARANCE: Garden Bridge statement for the Observer.

Is the second paragraph correct ? Isn't it mixing up the original appointments by us with what happened later ?

From: Everitt Vernon
Sent: Friday, October 09, 2015 03:06 PM
To: Richard de Cani (MD Planning); Edwards David (TfL Press Office); Carter Howard; Walker Clive (Internal Audit)
Cc: Harrison-Cook Victoria; Brown Matt; Ross Stuart; Beaney Joanne
Subject: RE: URGENT CLEARANCE: Garden Bridge statement for the Observer.

If you are happy with it Richard then so am I.

Vernon

From: Richard de Cani (MD Planning)
Sent: 09 October 2015 14:21
To: Edwards David (TfL Press Office); Carter Howard; Walker Clive (Internal Audit); Everitt Vernon
Cc: Harrison-Cook Victoria; Brown Matt; Ross Stuart; Beaney Joanne
Subject: RE: URGENT CLEARANCE: Garden Bridge statement for the Observer.

I am fine with this

From: Edwards David (TfL Press Office)
Sent: 09 October 2015 14:11
To: Richard de Cani (MD Planning); Carter Howard; Walker Clive (Internal Audit); Everitt Vernon
Cc: Harrison-Cook Victoria; Brown Matt; Ross Stuart; Beaney Joanne
Subject: URGENT CLEARANCE: Garden Bridge statement for the Observer.

Importance: High

Hello

We have been approached by Mark Townsend at the Observer asking a few questions around the procurement of the Garden Bridge.

The first question was whether the appointment of Heatherwick Studios for the first procurement was fair.

The second related to the appointment of ARUP and whether this process, with the appointment of Heatherwick Studios, was also a fair process.

The Observer has also been speaking with David Smith who writes for Spending Matters. David was the former President of the Chartered Institute of Purchasing and Supply and a former Commercial Director at DwP, who says the procurement process was unlawful

and that the matter should be referred to the Met Police.

I have prepared the following response. Could you please confirm you are happy for me to share this with City Hall.

A TfL spokesperson said:

"An extensive and thorough review of the procurement was undertaken by a separate audit team which concluded the procurement of designers for the Garden Bridge was acceptable in relation to the selection of bidders and there is no evidence the process did not provide value for money.

"The second tender to progress the technical design through the planning process was issued to all firms on the TfL Engineering Project Management Framework. This framework had already been published, created via OJEU, with a team led by Arup appointed. Heatherwick Studio are a sub consultant as part of the Arup team."

Many thanks

David

David B Edwards MCIPR | Press Officer | Corporate Desk - Major Projects

Transport for London | TfL Press Office, 11th Floor (11Y1), Windsor House, 50 Victoria Street, London SW1H

0TL

Tel: [REDACTED] | Auto: [REDACTED] | Mob: [REDACTED] | Fax: 020 3054 8370 | E-mail:

[REDACTED] [tfl.gov.uk](mailto:[REDACTED]@tfl.gov.uk)

www.tfl.gov.uk/media

The main press office number is 0343 222 4141

From: [Edwards David \(TfL Press Office\)](#)
To: [Richard de Cani \(MD Planning\)](#)
Cc: [Everitt Vernon](#); [Carter Howard](#); [Walker Clive \(Risk & Assurance\)](#); [Harrison-Cook Victoria](#); [Brown Matt](#); [Ross Stuart](#); [Beaney Joanne](#); [Duty Press Officer](#); [Brown Mike \(Commissioner\)](#); [Dix Michèle](#)
Subject: Re: URGENT CLEARANCE: Garden Bridge statement for the Observer.
Date: 11 October 2015 11:36:28

Morning Richard,

We are aware this article has some inaccuracies and would like the opportunity to review this on Monday and then go back to the Observer. As its a weekly we do have the time and it would be good to go back with a response that address all the points we would like to make.

Shall we speak on Monday morning?

Regards

David

Sent from my iPhone

On 11 Oct 2015, at 10:43, Richard de Cani (MD Planning) <[REDACTED]@tfl.gov.uk> wrote:

David

This article incorrectly names me as the person who attended the Mayors meetings in early 2013, which is not the case it was Michele. I took over the role this year.

Richard

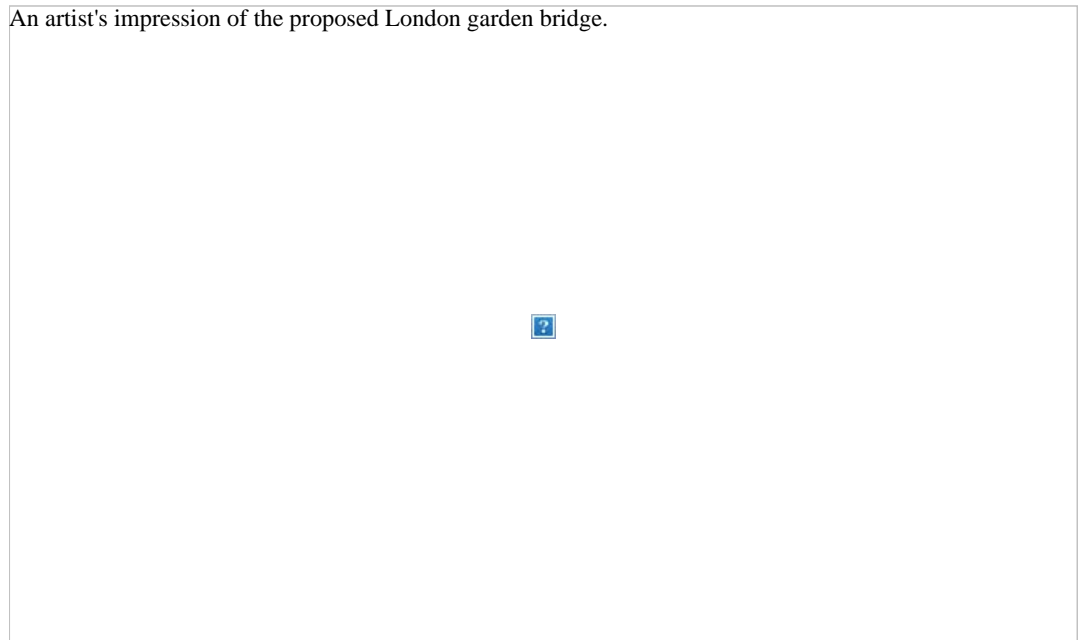
Sent from my iPhone

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The garden bridge was the idea of actress Joanna Lumley, a childhood friend of Johnson, [who revealed](#) that Heatherwick would be "happy to work on the bridge" as long ago as 2004.

The mayor's diaries also show that he and TfL officials met Lumley in September 2012, while transport executives also met her in July and December that year.

TfL said it was "satisfied" that the procurement processes were "fair and transparent". It added: "An extensive and thorough review was undertaken by a separate audit team, which concluded the procurement of designers for the garden bridge was acceptable in relation to the selection of bidders and there is no evidence the processes did not provide value for money."

The mayor's office declined to comment. Heatherwick Studio and Arup were contacted for comment, but had not done so at time of going to press.

More newsTopics

Sent from my iPad air

On 9 Oct 2015, at 16:18, Everitt Vernon <[\[REDACTED\]](#)> wrote:

Fine with me.

Vernon

Vernon Everitt
Managing Director, Customer Experience, Marketing & Communications,
Transport for London
11th floor, Windsor House
42-50 Victoria Street
London
SW1H 0TL

Email: [\[REDACTED\]](#) [tfl.gov.uk](mailto:[REDACTED]@tfl.gov.uk)

Tel: [\[REDACTED\]](#)

Mob: [\[REDACTED\]](#)

From: Richard de Cani (MD Planning)
Sent: Friday, October 09, 2015 03:46 PM
To: Edwards David (TfL Press Office); Carter Howard; Everitt Vernon; Walker Clive (Internal Audit)
Cc: Harrison-Cook Victoria; Brown Matt; Ross Stuart; Beany Joanne
Subject: RE: URGENT CLEARANCE: Garden Bridge statement for the Observer.

I am happy if others are

From: Edwards David (TfL Press Office)
Sent: 09 October 2015 15:37
To: Carter Howard; Everitt Vernon; Richard de Cani (MD Planning); Walker Clive (Internal Audit)
Cc: Harrison-Cook Victoria; Brown Matt; Ross Stuart; Beany Joanne
Subject: RE: URGENT CLEARANCE: Garden Bridge statement for the Observer.

Richard

Would you be happy with the following

“TfL is satisfied that the procurement processes for the appointment of Heatherwick Studios and ARUP were fair and transparent. An extensive and thorough review was undertaken by a separate audit team which concluded the procurement of designers for the Garden Bridge was acceptable in relation to the selection of bidders and there is no evidence the processes did not provide value for money.”

David B Edwards MCIPR | Press Officer | Corporate Desk - Major Projects
Tel: [REDACTED] | Auto: [REDACTED] | Mob: [REDACTED] | Fax: 020 3054 8370 |

From: Carter Howard
Sent: 09 October 2015 15:28
To: Everitt Vernon; Richard de Cani (MD Planning); Edwards David (TfL Press Office); Walker Clive (Internal Audit)
Cc: Harrison-Cook Victoria; Brown Matt; Ross Stuart; Beany Joanne
Subject: Re: URGENT CLEARANCE: Garden Bridge statement for the Observer.
[Is the second paragraph correct ? Isn't it mixing up the original appointments by us with what happened later ?](#)

From: Everitt Vernon
Sent: Friday, October 09, 2015 03:06 PM
To: Richard de Cani (MD Planning); Edwards David (TfL Press Office); Carter Howard; Walker Clive (Internal Audit)
Cc: Harrison-Cook Victoria; Brown Matt; Ross Stuart; Beany Joanne
Subject: RE: URGENT CLEARANCE: Garden Bridge statement for the Observer.

If you are happy with it Richard then so am I.

Vernon

From: Richard de Cani (MD Planning)
Sent: 09 October 2015 14:21
To: Edwards David (TfL Press Office); Carter Howard; Walker Clive (Internal Audit); Everitt Vernon
Cc: Harrison-Cook Victoria; Brown Matt; Ross Stuart; Beany Joanne
Subject: RE: URGENT CLEARANCE: Garden Bridge statement for the Observer.

I am fine with this

From: Edwards David (TfL Press Office)
Sent: 09 October 2015 14:11
To: Richard de Cani (MD Planning); Carter Howard; Walker Clive (Internal Audit); Everitt Vernon
Cc: Harrison-Cook Victoria; Brown Matt; Ross Stuart; Beany Joanne
Subject: URGENT CLEARANCE: Garden Bridge statement for the Observer.

Importance: High

Hello

We have been approached by Mark Townsend at the Observer asking a few questions around the procurement of the Garden Bridge.

The first question was whether the appointment of Heatherwick Studios for the first procurement was fair.

The second related to the appointment of ARUP and whether this process, with the appointment of Heatherwick Studios, was also a fair process.

The Observer has also been speaking with David Smith who writes for Spending Matters. David was the former President of the Chartered Institute of Purchasing and Supply and a former Commercial Director at DwP, who says the procurement process was unlawful and that the matter should be referred to the Met Police.

I have prepared the following response. Could you please confirm you are happy for me to share this with City Hall.

A TfL spokesperson said:

"An extensive and thorough review of the procurement was undertaken by a separate audit team which concluded the procurement of designers for the Garden Bridge was acceptable in relation to the selection of bidders and there is no evidence the process did not provide value for money.

"The second tender to progress the technical design through the planning process was issued to all firms on the TfL Engineering Project Management Framework. This framework had already been published, created via OJEU, with a team led by Arup appointed. Heatherwick Studio are a sub consultant as part of the Arup team."

Many thanks

David

David B Edwards MCIPR | Press Officer | Corporate Desk - Major Projects

Transport for London | TfL Press Office, 11th Floor (11Y1), Windsor House, 50 Victoria Street, London SW1H 0TL

Tel: [REDACTED] | Auto: [REDACTED] | Mob: [REDACTED] | Fax: 020 3054 8370 | E-mail:

[REDACTED] [tfl.gov.uk](mailto:[REDACTED]@tfl.gov.uk)

www.tfl.gov.uk/media

The main press office number is 0343 222 4141

From: [Brown Mike \(Commissioner\)](#)
To: [Brown Andy \(Corporate Affairs\)](#)
Cc: [Thomson Linda](#); [Branks Kirsten](#); [Tagg Ella \(ST\)](#)
Subject: Re: Urgent official query to the head of TfL from the Charity Commission re Garden Trust charity
Date: 16 July 2018 18:06:48
Attachments: [image002.png](#)

That's fine. Let's keep it as you and Howard suggest.

Thanks

Mike

Sent from my iPhone

On 16 Jul 2018, at 17:52, Brown Andy (Corporate Affairs)

<[\[REDACTED\]](#)[\[REDACTED\]@tube.tfl.gov.uk](mailto:[REDACTED]@tube.tfl.gov.uk)> wrote:

Hi Mike

When we spoke earlier you suggested we delete the text in red below, and asked me to check with Howard.

I had a chat with him after the weekly meeting and he felt that there was no harm in including that text, and without it we weren't fully answering their question (which made the reply weaker).

So his inclination would be to keep it in. I got the impression you didn't feel strongly about it, but if you do and want it cut then please say.

Then I'll get it made up into a proper letter for you tomorrow.

Andy

From: Brown Andy (Corporate Affairs)

Sent: 16 July 2018 11:47

To: Brown Mike (Commissioner)

Cc: Thomson Linda; Branks Kirsten; Tagg Ella (ST)

Subject: FW: Urgent official query to the head of TfL from the Charity Commission re Garden Trust charity

Hi Mike

We have received the attached letter in to you from the Charity Commission which is asking about the same point on the Garden Bridge that Tom Copley and Len Duvall have been raising recently - the decision to release £7m grant payment to the Garden Bridge Trust in early 2016.

(Weirdly they wrote in to our Members Correspondence address and are trying to say they couldn't find an address for you, but no matter...)

I've drafted a reply below for you to send back, which has been reviewed by Howard as well as the press team. Let me know what you think?

I've also attached your most recent letter back to Tom Copley on this matter, for reference. This draft is consistent with that letter.

Andy

[REDACTED] | [REDACTED]
[begins]

Dear Ms Butler,

Thank you for your letter of 13 July regarding the Garden Bridge Trust. The Trust made a formal request to draw down funding against its agreement with us after the Trust awarded the main construction contract for the project in early 2016. We did not approve the signing of the contract, nor were we required to do so.

We determined that the Trust had met the conditions of payment. This assessment was made by our Managing Director of Planning and was informed by discussions with colleagues from across the organisation and based on our knowledge and scrutiny of the project as well as evidence presented by the Garden Bridge Trust.

I was not involved in that assessment, but I have not seen any information that would cause me to have concerns relating to it **or other issues which might suggest that the trustees acted otherwise than in good faith.**

We have always sought to be open and transparent and we have published details about our funding agreements with the Garden Bridge Trust, our work to initiate the project and secure planning permission for it, and our submission to Dame Margaret Hodge MP's review of the project on our website at <https://tfl.gov.uk/corporate/publications-and-reports/temple-footbridge>. This is, of course, in addition to participating in all of the official reviews and scrutiny of the project that have taken place, and responding to a large volume of requests under the Freedom of Information Act 2000.

I should also note for the record that the minutes of the Garden Bridge Trust Board meetings were produced entirely by the Trust. We were not involved in writing or approving any of the content.

Yours sincerely,

Mike

Mike Brown MVO

[ends]

From: Peters-Day Alex

Sent: 13 July 2018 15:46

To: Brown Andy (Corporate Affairs); Brown Matt

Cc: Preteceille Lauren; Henshaw Jenna

Subject: FW: Urgent official query to the head of TfL from the Charity Commission re Garden Trust charity

Hi Andy and Matt

We've just received this into the Members inbox from the Charity Commission re the Garden Trust. Could you advise how to approach?

Thanks,

Alex

From: Claire Butler [[mailto: \[REDACTED\]@charitycommission.gsi.gov.uk](mailto: [REDACTED]@charitycommission.gsi.gov.uk)]

Sent: 13 July 2018 15:26

To: Members Correspondence

Subject: Urgent official query to the head of TfL from the Charity Commission re Garden Trust

charity

Dear Mr Brown

Please find the attached letter from the regulator of charities concerning an urgent query about the TfL's funding agreement with the Garden Trust Charity.

Please note that I have experienced difficulties in obtaining a correspondence address for you, which has delayed the progression of our investigation into the charity and therefore a speedy response would be much appreciated.

I look forward to hearing from you.

Yours sincerely

Claire Butler

W: <https://www.gov.uk/charity-commission>

Follow us on Twitter | @ChtyCommission

On track to meet your filing deadline? Charities have ten months from their financial year end to file their Annual Return and Accounts. Find out more at www.charitycommission.gov.uk.

Remember to file on time and use our online services.

Want to know more about how we handle your data? See the Charity Commission's Personal information charter

<https://www.gov.uk/government/organisations/charity-commission/about/personal-information-charter>

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From: [Rogan Kerri](#)
To: [Brown Mike \(Commissioner\)](#)
Cc: [Tagg Ella \(ST\)](#); [Branks Kirsten](#)
Subject: Update on Garden Bridge meeting with the DfT
Date: 24 February 2016 15:26:35

The Minister is very supportive

He was briefed on the progress and remaining risks by Lord Davies of the Trust

All remaining planning issues are going to plan – Westminster council approved final conditions last night

Remaining Lambeth conditions going to committee on the 8th march

Land on the north side with Westminster about to start its process of disposal from Westminster from the trust. On the south side, Lambeth have agreed the principle of varying their lease with Coin Street to allow Coin Street to let a sub lease with the trust to build the bridge. A big issue remains Coin Street who have to do their own deal with the trust on the sub lease. Coin Street want more cash for a gold plated building – this is difficult.

Contract to Bouygues has been let – there is a get out clause should these final conditions not be met

Plan is still to start moving the Wellington ship in June and on site by July

The trust's comms lead Jackie Brock Doyle has been trying to speak to Will about a possible event

The big issue for the trust is managing cash flow – making sure they have cash from funders to cover liabilities. Most of the private sector cash comes in from July when construction fully started. Big issue is managing liabilities in the run up to that point (May/June) where Lord Davis is going to speak to Government about some sort of letter of comfort

The AJ continues with its negative criticisms – same old story. How could Heatherwick have won it – internal pressure to award them the contract etc etc. There is a story today timed to fire the assembly up ahead of Keith's appearance tomorrow

This story is basically going to say that TfL commercial were unhappy with our scoring approach and emails released under FOI show that was the case but they were encouraged to change their approach

But the same emails show the head of commercial and head of commercial law being happy with it – we just can't win and it is still very personal

Sent from my BlackBerry 10 smartphone on the O2 network.

From: [Murdoch Caroline](#)
To: [Allen Steve \(MD Finance\)](#); [Brown Mike \(Commissioner\)](#); [Carter Howard](#); [Daniels Leon](#); [Dix Michèle](#); [Everitt Vernon](#); [Hendy Peter \(TfL\)](#); [Wright Tricia](#)
Cc: [Hudson Teresa](#); [Tagg Ella \(ST\)](#); [Branks Kirsten](#)
Subject: Note of weekly meeting 080113
Date: 14 January 2013 11:43:04

Dear Chief Officers

Please find attached a note of Peter & Leon's meeting with Isabel last week.

Note of weekly meeting between Sir Peter Hendy, Leon Daniels and Isabel Dedring
9 January 2013

-

1. Garden Bridge

The Mayor and others continue to seek progress. Heatherwick is keen to understand from TfL what the process is that they will need to go through to make this work. PH updated that he will receive a briefing at the end of this week, and thereafter this will be shared with Heatherwick etc. PH emphasised the needs for a proper process to be followed. ID reported that Ed Lister would be talking to developers about whether there is a real appetite for this project.

Please come back to me if you have any queries.

Kind regards

Caroline

From: [Murdoch Caroline](#)
To: [Allen Steve \(MD Finance\)](#); [Brown Mike \(Commissioner\)](#); [Carter Howard](#); [Daniels Leon](#); [Dix Michèle](#); [Everitt Vernon](#); [Wright Tricia](#)
Cc: [Hendy Peter \(TfL\)](#); [Hudson Teresa](#); [Branks Kirsten](#); [Tagg Ella \(ST\)](#); [Little Alison](#); [Buxton Simon](#); [Anigbogu Jasmine](#)
Subject: Note of weekly meeting 101212
Date: 17 December 2012 08:30:56

Dear Chief Officers

Please find attached a note of Peter's most recent meeting with Isabel.

Note of weekly meeting between Peter Hendy, Leon Daniels and Isabel Dedring

10 December 2012

Also present Caroline Murdoch

1. Garden Bridge

PH reported on his meeting with Thomas Heatherwick and Joanna Lumley about the Garden Bridge. PH has asked Michele Dix and Howard Carter to look into what might be required to deliver the scheme. TfL will then meet with TH & JL again to outline what is likely to be required and establish whether TfL might fund a feasibility study. ID mentioned that the Mayor is seeing them again on Monday 17 December. PH agreed to join that meeting.

Any questions please come back to me.

Kind regards

Caroline

From: [Greg Taylor](#)
To: [IsabelDedring](#); [Hendy Peter \(TfL\)](#); [Roisha Hughes](#)
Cc: [Edwardlister](#); [Flude Tom](#); [Brown Mike \(Commissioner\)](#); [Hobbs Geoff](#); [Rogan Kerri \(Head of Network Command\)](#); [McNeill David \(GM&C\)](#); [O'Hara Jamie](#); [Christian Van Der Nest](#); [Steer Tim](#); [Sarah Gibson](#); [Dix Michèle](#); [Michael Mulhern](#); [Kalaugher Margaret \(London\)](#)
Subject: Note: Mayor Meeting with Patrick McLoughlin MP
Date: 26 June 2014 19:41:15

Dear all,

Please find attached and below a note following the Mayor's meeting with the Transport Secretary on Tuesday that you attended, including actions arising. The SoS was joined by Julian Glover, Rupert Furness and Natasha Muszanskyj, his private secretary.

- 1. Garden Bridge** – The SoS noted the progress of securing Government funding for the Garden Bridge and that the case is being put before the Department's investment committee.

Let me know if you have any questions / comments.

Greg
Greg Taylor
Principal Government Relations Officer
Mayor's Office
GREATERLONDONAUTHORITY
City Hall
The Queen's Walk
London SE1 2AA


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From: [Roisha Hughes](#)
To: [Rogan Kerri \(Head of Network Command\)](#); [Allen Steve \(MD Finance\)](#); [Anigbogu Jasmine](#); [Branks Kirsten](#); [Brown Mike \(Commissioner\)](#); [Carter Howard](#); [Collins Mary \(TFL\)](#); [Daniels Leon](#); [Dix Michèle](#); [Emmerson Garrett](#); [Everitt Vernon](#); [Evers Mark](#); [Field Jo](#); [Grainger Beth \(Elizabeth line\)](#); [Hawley Anthea](#); [\[REDACTED\] london.gov.uk](#); [Knight Wayne \(LUCC Assets\)](#); [MacKay Christine](#); [McNeill David \(GM&C\)](#); [Moya Nazir](#); [Quearney Carol \(ST\)](#); [Knight Wayne \(LUCC Assets\)](#); [Savill Laura \(ST\)](#); [Shrestha Rumi](#); [Tagg Ella \(ST\)](#); [Taylor Lisa](#); [Thomson Linda](#); [Anita Chen](#); [Hills, Victoria](#); [Knight Wayne \(LUCC Assets\)](#); [\[REDACTED\] london.gov.uk](#); [\[REDACTED\] london.gov.uk](#); [Edward Lister](#); [Tate Stephen](#); [Richard McGreevy](#); [Ben Gascoigne](#); [Will Walden](#); [Hayward David](#); [Goldstone David](#)
Subject: Note: Mayor/ Tfl meeting 5 September
Date: 19 September 2013 14:18:12

Dear all

I attach a final note of the Mayor / Tfl meeting on 5 September.

Mayor / TFL meeting, 5 September 2013

Attendees:

The Mayor, Peter Hendy, Isabel Dedring, Mike Brown, Michele Dix, Victoria Hills, Kerri Rogan, Leon Daniels, Steve Allen

1. The Garden Bridge

The Trust for the Bridge was in the process of being established.

Roisha

Roisha Hughes
Principal Private Secretary to the Mayor

[REDACTED]

From: Rogan Kerri [[mailto:\[REDACTED\]@tfl.gov.uk](mailto:[REDACTED]@tfl.gov.uk)]
Sent: 04 September 2013 08:43
To: Allen Steve (MD Finance); Anigbogu Jasmine; Branks Kirsten; Brown Mike (MD); [\[REDACTED\]@tfl.gov.uk](#); Collins Mary (TFL); [\[REDACTED\]@tfl.gov.uk](#); [\[REDACTED\]@tfl.gov.uk](#); [\[REDACTED\]@tfl.gov.uk](#); Jo Field; Grainger Beth; Hawley Anthea; [\[REDACTED\]@london.gov.uk](#); Knight 'Wayne'; MacKay Christine; [\[REDACTED\]@tfl.gov.uk](#); Moya Nazir; Quearney Carol (ST); Knight 'Wayne'; Savill Laura (ST); [\[REDACTED\]@tfl.gov.uk](#); Tagg Ella (ST); Taylor Lisa; Thomson Linda; Anita Chen; Victoria Hills; Knight 'Wayne'; [\[REDACTED\]@london.gov.uk](#); [\[REDACTED\]@london.gov.uk](#); Edward Lister; Stephen Tate; Richard McGreevy; Ben Gascoigne; Will Walden; David Hayward; Goldstone David
Subject: 5 September Mayor's meeting pack

Morning All

There appears to be an issue with downloading one of the papers contained within the pack I circulated yesterday, so for ease, I have now uploaded an updated version of the pack which appears to be working fine. Please note that there has been no change to the content of the papers I circulated yesterday.

Apologies for the inconvenience

Kind Regards,

Kerri Rogan

Acting Head of Corporate Affairs

Customer Experience, Marketing and Communications
Windsor House (11th floor)
42-50 Victoria Street
London SW1H 0TL

Phone: [REDACTED]
Auto: [REDACTED]
Mobile: [REDACTED]

From: Rogan Kerri

Sent: 03 September 2013 14:41

To: Allen Steve (MD Finance); Anigbogu Jasmine; Branks Kirsten; Brown Mike (MD); Carter Howard; Collins Mary (TFL); Daniels Leon; Dix Michèle; Emmerson Garrett; Everitt Vernon; Evers Mark; Field Jo; Grainger Beth; Hawley Anthea; Hendy Peter (TfL); Hudson Teresa; [REDACTED] london.gov.uk; Knight 'Wayne; MacKay Christine; McNeill David (GM&C); Moya Nazir; Quearney Carol (ST); Knight 'Wayne; Savill Laura (ST); Shrestha Rumi; Tagg Ella (ST); Taylor Lisa; Thomson Linda; 'Anita Chen'; "Victoria Hills"; Knight 'Wayne; [REDACTED] london.gov.uk; [REDACTED] london.gov.uk; [REDACTED] london.gov.uk; [REDACTED] london.gov.uk; 'Richard.McGreevy@london.gov.uk'; [REDACTED] london.gov.uk; [REDACTED] london.gov.uk; [REDACTED] london.gov.uk; [REDACTED] london.gov.uk; Goldstone David

Subject: 5 September Mayor's meeting pack

Afternoon All

Please find attached the pack for the 5 September Mayor's meeting and copied below the agenda.

Ref	Item	
1	TfL's ten-year plan update	Steve Allen
2	CSTP and IR (verbal update)	Mike Brown
3	Crossrail 2 update	Michele Dix
4	HS2 update	Michele Dix
5	Garden Bridge (verbal update)	Michele Dix
7	AOB	All

Kind Regards,

Kerri Rogan

Acting Head of Corporate Affairs

Customer Experience, Marketing and Communications
Windsor House (11th floor)
42-50 Victoria Street
London SW1H 0TL

Phone: [REDACTED]
Auto: [REDACTED]
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From: [Roisha Hughes](#)
To: [Rogan Kerri \(Head of Network Command\)](#); [Brown Mike \(Commissioner\)](#); [IsabelDedring](#); [Branks Kirsten](#); [Tagg Ella \(ST\)](#)
Cc: [Daniels Leon](#); [Nunn Ian](#); [Carter Howard](#); [Verma Shashi](#); [Richard de Cani \(MD Planning\)](#); [Lan Feng](#); [Edwardlister](#)
Subject: Notes: Mayor / TfL meetings, 8 and 22 October
Date: 06 November 2015 16:14:35

Dear all

Rather belatedly here are notes for the file of the Mayor / TfL meetings on 8 and 22 October

Best wishes

Roisha

Roisha Hughes

Principal Private Secretary to the Mayor

Mayor / TfL meeting, 8 October 2015

5. Garden Bridge

Richard de Cani briefed the Mayor on the latest discussions with LB Lambeth, and on progress with the fundraising and appointment of a contractor.

ENDS

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To: [Carter Howard](#); [Daniels Leon](#); [Everitt Vernon](#); [Dix Michèle](#); [Wright Tricia](#); [Wolstenholme Andrew \(Crossrail\)](#); [Brown Mike \(Commissioner\)](#); [Allen Steve \(MD Finance\)](#); [Hendy Peter \(TfL\)](#)
Cc: ["Andrea Browne"](#); [Anigbogu Jasmine](#); [Branks Kirsten](#); [Bradley Clare](#); [Hawley Anthea](#); [Jenkins Arline \(TfL\)](#); [MacKay Christine](#); [Quinn Amy](#); [Roach Sam](#); [Shrestha Rumi](#); [Tagg Ella \(ST\)](#); [Thomson Linda](#); [Hudson Teresa](#); [Meek Stuart \(Network Control & Resilience Manager\)](#); [De Cani Richard \(CORP\)](#); [Taylor Lisa](#); [Moya Nazir](#)
Subject: Peter/Isabel 1:1 10 Sept Meeting Notes
Date: 11 September 2013 14:00:28

Afternoon All,

Please find attached and copied below this week's notes from Peter's 1:1 with Isabel. If you have any queries, please do not hesitate to get in touch.

MEETING BETWEEN TFL COMMISSIONER AND DEPUTY MAYOR FOR TRANSPORT,

TUESDAY 10 SEPTEMBER 2013

Also in attendance: Kerri Rogan, Victoria Hills, Leon Daniels, Michèle Dix, Steve Allen

1.

Garden Bridge

- **Peter** to verbally update the Mayor on the 11 September

Kind Regards,

Kerri Rogan

Acting Head of Corporate Affairs

Customer Experience, Marketing and Communications
Windsor House (11th floor)
42-50 Victoria Street
London SW1H 0TL

Phone: 
Auto: 
Mobile: 

From: [Ben Gascoigne](#)
To: [Murdoch Caroline](#); [Allen Steve \(MD Finance\)](#); [Anita Chen](#); [Beverley Brown](#); [Branks Kirsten](#); [Brown Mike \(Commissioner\)](#); [Buxton Simon](#); [Carter Howard](#); [Daniels Leon](#); [Hayward David](#); [Dix Michèle](#); [Edwardlister](#); [Emmerson Garrett](#); [Everitt Vernon](#); [Evers Mark](#); [Field Jo](#); [Grainger Beth \(Elizabeth line\)](#); [Hawley Anthea](#); [Helen Hill](#); [Hendy Peter \(TfL\)](#); [Hodges Jon \(ST\)](#); [Hudson Teresa](#); [IsabelDedring](#); [Leigh Greenhalgh](#); [Little Alison](#); [MacKay Christine](#); [Matthew Pencharz](#); [McNeill David \(GM&C\)](#); [Murdoch Caroline](#); [PAtoChiefofStaff](#); [Quearney Carol \(ST\)](#); [Richard McGreevy](#); [Roisha Hughes](#); [\[REDACTED\]@crossrail.co.uk](#); [Savill Laura \(ST\)](#); [Shrestha Rumi](#); [Tate Stephen](#); [Tagg Ella \(ST\)](#); [Thomson Linda](#); [Hills, Victoria](#); [Whitlock Ben](#); [WillWalden](#)
Cc: [Murdoch Caroline](#); [Ben Gascoigne](#)
Subject: RE: Mayor/TfL meeting Thursday 20 December 2012 1530-1630
Date: 17 January 2013 11:41:24

Dear all

Please see below a note of the TfL/Mayor meeting held on 20 December.

All best

Ben

Ben Gascoigne | Private Secretary to the Mayor of London

City Hall | The Queen's Walk | London | SE1 2AA | Tel: [REDACTED]

Thursday 20 December

Attendees: Peter Hendy, Isabel Dedring, Mike Brown, Gareth Powell, Caroline Murdoch, Steve Allen, Michele Dix, Garrett Emmerson, Victoria Hills, Richard McGreevy

The Garden Bridge

Peter Hendy talked about the latest on the proposed bridge.

From: Murdoch Caroline [[mailto:\[REDACTED\]@tfl.gov.uk](mailto:[REDACTED]@tfl.gov.uk)]
Sent: 19 December 2012 18:04
To: Allen Steve (MD Finance); Anita Chen; Ben Gascoigne; Beverley Brown; Branks Kirsten; [REDACTED]@tfl.gov.uk; [REDACTED]@tfl.gov.uk; [REDACTED]@tfl.gov.uk; [REDACTED]@tfl.gov.uk; David Hayward; [REDACTED]@tfl.gov.uk; Edward Lister; [REDACTED]@tfl.gov.uk; [REDACTED]@tfl.gov.uk; [REDACTED]@tfl.gov.uk; jofield@tfl.gov.uk; Grainger Beth; Hawley Anthea; Helen Hill; [REDACTED]@tfl.gov.uk; Hodges Jon (ST); [REDACTED]@tfl.gov.uk; Isabel Dedring; Leigh Greenhalgh; Little Alison; MacKay Christine; Matthew Pencharz; [REDACTED]@tfl.gov.uk; [REDACTED]@tfl.gov.uk; PAtoChiefofStaff; Quearney Carol (ST); Richard McGreevy; Roisha Hughes; [REDACTED]@crossrail.co.uk; Savill Laura (ST); Shrestha Rumi; Stephen Tate; Tagg Ella (ST); Thomson Linda; Victoria Hills; Whitlock Ben; Will Walden
Cc: [REDACTED]@tfl.gov.uk
Subject: Mayor/TfL meeting Thursday 20 December 1530-1630
Importance: High

Dear all

Please find attached the papers for tomorrow's Mayor/TfL meeting.

Thursday 20 December (1530-1630)

- Roads Taskforce (Michele Dix)
- Deep Tube Programme (Mike Brown)
- IR (Mike Brown) – no paper

- ASLEF action (Mike Brown) – verbal
- Garden Bridge – verbal update
- Trolleybuses – verbal (see attached press cuttings)
- KSIs - verbal

Any questions please get in touch.

Kind regards

Caroline

Caroline Murdoch | Director of Corporate Affairs
Transport for London | Windsor House (11th floor) | 42-50 Victoria Street | London | SW1H 0TL
<http://tfl.gov.uk>

Email: [REDACTED]@tfl.gov.uk | **Phone:** [REDACTED] | **Mobile:** [REDACTED]

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From: [IsabelDedring](#)
To: [Roisha Hughes](#); [Brown Mike \(Commissioner\)](#); [Steer Tim](#); [Rogan Kerri \(Head of Network Command\)](#)
Cc: [Lan Feng](#); [Edwardlister](#)
Subject: RE: Note: Mayor's meeting with TfL, 8 October
Date: 03 November 2015 15:54:51

Looks fine to me

From: Roisha Hughes
Sent: 03 November 2015 15:53
To: Mike Brown; Isabel Dedring; Tim Steer; Rogan Kerri ([tfl.gov.uk](#))
Cc: Lan Feng; Edward Lister
Subject: Note: Mayor's meeting with TfL, 8 October

Mike, Isabel

Many apologies for the delay in writing this up – this is a draft note of the Mayor / TfL meeting on 8 October.

Thanks

Roisha

Roisha Hughes
Principal Private Secretary to the Mayor

Mayor / TfL meeting, 8 October 2015

5. Garden Bridge

Richard de Cani briefed the Mayor on the latest discussions with LB Lambeth, and on progress with the fundraising and appointment of a contractor.

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From: [Ben Gascoigne](#)
To: [Murdoch Caroline](#); [Leigh Greenhalgh](#); [IsabelDedring](#); [Edwardlister](#); [Hills, Victoria](#); [Hayward David](#); [WillWalden](#); [Matthew Pencharz](#)
Cc: [Little Alison](#); [Brice Xavier](#); [Hendy Peter \(TfL\)](#); [Brown Mike \(Commissioner\)](#); [Allen Steve \(MD Finance\)](#); [Everitt Vernon](#); [Dix Michèle](#); [Hudson Teresa](#); [Carter Howard](#)
Subject: RE: Papers for TfL/Mayor meeting, Thursday 6 December 1530-1630
Date: 16 January 2013 18:20:08

Dear all

Please see below my note of the TfL meeting on 6th December 2012.

Thanks

Ben

Ben Gascoigne!Private Secretary to the Mayor of London

City Hall !The Queen's Walk !London !SE1 2AA !Tel: [REDACTED]

Thursday 6 December 2012 (1530-1630)

Attendees: Caroline Murdoch, Mike Brown, Peter Hendy, Isabel Dedring, Leon Daniels, Vernon Everitt, Steve Allen, Richard McGreevy, Victoria Hills, Simon Buxton

7. The Garden Bridge

Peter Hendy talked to this item referring to his recent meeting with Heatherwick.

From: Murdoch Caroline [[mailto:\[REDACTED\]@tfl.gov.uk](mailto:[REDACTED]@tfl.gov.uk)]
Sent: 05 December 2012 10:30
To: Leigh Greenhalgh; Isabel Dedring; Edward Lister; Victoria Hills; David Hayward; Will Walden; Matthew Pencharz
Cc: Little Alison; Brice Xavier; [REDACTED]@tfl.gov.uk; [REDACTED]@tfl.gov.uk; Allen Steve (MD Finance); [REDACTED]@tfl.gov.uk; [REDACTED]@tfl.gov.uk; [REDACTED]@tfl.gov.uk; [REDACTED]@tfl.gov.uk
Subject: FW: Papers for TfL/Mayor meeting, Thursday 6 December 1530-1630

Dear all

Attached is the presentation for the first item "Customer Strategy/Customer Service Transformation Programme" which we will go through at the meeting tomorrow in hard copy. We are trying to keep circulation of this document relatively tight, hence only shared with attendees at tomorrow's meeting in advance.

Any questions please get in touch.

Kind regards

Caroline

From: Murdoch Caroline
Sent: 05 December 2012 10:25
To: Allen Steve (MD Finance); 'Anita Chen'; 'Ben Gascoigne'; 'Beverly Brown'; Branks Kirsten; Brown Mike (MD); Buxton Simon; Carter Howard; Daniels Leon; 'David Hayward'; Dix Michèle; 'Edward Lister'; Emmerson Garrett; Everitt Vernon; Evers Mark; Field Jo; Gordon Deborah; Grainger Beth; Hawley Anthea; 'Helen Hill'; Hendy Peter (TfL); Hodges Jon (ST); Hudson Teresa;

[redacted]london.gov.uk'; Leigh Greenhalgh; Little Alison; MacKay Christine; 'Matthew Pencharz'; McNeill David (GM&C); Murdoch Caroline; 'PA to Chief of Staff'; Quearney Carol (ST); 'Richard McGreevy'; Roisha Hughes; [redacted]crossrail.co.uk'; Shrestha Rumi; 'Stephen Tate'; Tagg Ella (ST); Thomson Linda; Victoria Hills; Whitlock Ben; [redacted]london. gov. uk ([redacted]london.gov.uk)

Cc: Murdoch Caroline

Subject: Papers for TfL/Mayor meeting, Thursday 6 December 1530-1630

Dear all

Please find attached the papers for tomorrow's Mayor/TfL meeting.

Thursday 6 December (1530-1630)

- Customer Strategy/Customer Service Transformation Programme (Mike Brown/Vernon Everitt) – *this paper will be circulated in hard copy at the meeting.*
- LU150 (Mike Brown) – *attached*
- Roll out of contactless payments (Vernon Everitt) – *attached*
- Update on Crossrail rolling stock (Steve Allen) – *attached*
- Autumn Statement – verbal
- Arriva London North strike – verbal (Leon Daniels)
- Garden Bridge update – verbal (Peter Hendy)
- Tour de France – verbal (Peter Hendy)
- Hammersmith flyover – verbal (Leon Daniels)
- Grit levels – verbal (Leon Daniels)

Any questions please get in touch.

Kind regards

Caroline

Caroline Murdoch | Director of Corporate Affairs
Transport for London | Windsor House (11th floor) | 42-50 Victoria Street | London | SW1H 0TL
<http://tfl.gov.uk>

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From: [Rogan Kerri](#)
 To: [Brown Mike \(Commissioner\)](#)
 Cc: [Tagg Ella \(ST\)](#); [Branks Kirsten](#)
 Subject: 4 November Commissioner's Report - notes
 Date: 03 November 2015 13:34:04

Mike

See attached the proposed note setting out the key points you may wish to run through as part of your presentation of the Commissioner's Report at tomorrow's Board meeting.

<p>Garden Bridge (lines provided by Richard)</p>	<p>33</p>	<p>I am pleased to confirm that following an agreement between TfL, DfT, the Garden Bridge Trust and Lambeth negotiations have resumed to secure the land required on the Southbank in order to build the Garden Bridge.</p> <p>The success of the Trust's fund raising activities have enabled them to commit to paying back two thirds of TfL's contribution to the scheme, £20m in total, over time once the Bridge is built and operational. This means that TfL's contribution will be capped at just £10m with at least £135m of funding being secured from private contributions.</p> <p>The Garden Bridge will help make central London a more accessible and attractive place to walk, reducing congestion on public transport, improving the local environment and driving economic development. A contribution of £10m from TfL represents fantastic value for money for a footbridge in central London and the project now has a benefit cost ratio in excess of 5:1.</p> <p>A revised funding agreement is being prepared and will be published shortly. It is anticipated that the Trust will let the construction contract for the project in the coming weeks with construction beginning in early 2016.</p>
---	-----------	--

Grateful if you could let me know if you have any comments before I add the attached to your pack.

Kind regards,

Kerri Rogan

Head of Corporate Affairs

Customer Experience, Marketing and Communications
Transport for London
Windsor House (11th floor)
42-50 Victoria Street
London SW1H 0TL

Phone: [REDACTED]
Auto: [REDACTED]
Mobile: [REDACTED]



From: [Rogan Kerri](#)
To: [Brown Mike \(Commissioner\)](#); [Everitt Vernon](#); [Carter Howard](#); [Daniels Leon](#); [Dix Michèle](#); [Richard de Cani \(MD Planning\)](#); [Riley Tricia](#); [Brown Nick \(MD\)](#)
Cc: [Taylor Lisa](#); [Branks Kirsten](#); [Shrestha Rumi](#); [Gourley Jennifer](#); [Hickman Misha](#); [Mackay Christine](#); [Osborne Emma](#); [Thomson Linda](#); [Albrow Jack](#); [Peters James](#); [Kinnear Sarah](#); [Bradley Clare](#); [Hill Rhiannon](#); [Taylor-Ray Judy](#); [Roach Sam](#); [Lee Stuart](#); [Adcock Emma](#)
Subject: 22 October Mayor's meeting paper - FOR REVIEW
Date: 14 October 2015 13:35:50
Attachments: [Item x Future river crossings paper - routing version 1.0.doc](#)

Dear All,
Please find copied below the current draft agenda for 22 October Mayor's meeting and the associated papers on the future of river crossings and the BLE.

Future London river crossings - detailed options - to update on the proposed options for consultation – see attached	Richard de Cani
Aviation - Further work programme until Christmas – tbc'd	Richard de Cani/Daniel Moylan
Bakerloo Line Extension - to update on the proposed route options for consultation – see attached	Richard de Cani
Borough engagement update (cycling programme) (verbal)	Leon Daniels
Night Tube (verbal)	Nick Brown

I would be grateful if you could let me know whether you have any comments by **noon Friday 16 October**.

Kind regards,
Kerri Rogan

Head of Corporate Affairs
Customer Experience, Marketing and Communications
Transport for London
Windsor House (11th floor)
42-50 Victoria Street
London SW1H 0TL
Phone: [REDACTED]
Auto: [REDACTED]
Mobile: [REDACTED]

From: [Gourley Jennifer](#) on behalf of [Carter Howard](#)
To: [Brown Mike \(Commissioner\)](#); [Everitt Vernon](#); [Nunn Ian](#); [Daniels Leon](#)
Cc: [Carter Howard](#); [Kenny Shamus](#); [Branks Kirsten](#); [Tagg Ella \(ST\)](#); [Quinn Amy](#); [MacKay Christine](#); [Hawthorne Julia](#); [Hawley Anthea](#); [Gourley Jennifer](#)
Subject: Board - draft minutes
Date: 07 July 2016 10:41:53

All

I have attached the minutes of the Board meeting on 17 March. This was the last meeting of the old Board but the minutes will need to be presented to the first meeting that the new Mayor will chair.

42/03/16 Report of the meeting of the Audit and Assurance Committee held on 8 March 2016

In the absence of the Chairman, the Vice Chairman of the Committee, Steve Wright, gave an update on the meeting of the Audit and Assurance Committee, held on 8 March 2016. He highlighted that the Committee had discussed in detail the Garden Bridge Design procurement process. The Committee Chairman had provided a written summary of the discussion to the Chairman of the GLA's Oversight Committee.

The Board noted the report.

Please let me know if you have any comments on the minutes.

Howard

Howard Carter, General Counsel, Transport for London
Windsor House, 42-50 Victoria Street London SW1H 0TL
e-mail: [\[REDACTED\]@tfl.gov.uk](#)
Tel: [\[REDACTED\]](#) ([\[REDACTED\]](#))
Fax: 020 3054 3556 (83556)

From: [Hendy Peter \(TfL\)](#)
To: [Brown Mike \(Commissioner\)](#); [Everitt Vernon](#); [Daniels Leon](#); [Allen Steve \(MD Finance\)](#); [Dix Michèle](#)
Cc: [Hudson Teresa](#)
Subject: Claire Perry MP
Date: 11 October 2014 21:54:15

Met her on Wednesday. Discussed:

5) Garden Bridge - very keen. Told her Govt £30m was between DfT and Treasury.

Good meeting.

P

From: [Mayors Questions](#)
To: [Brown Mike \(Commissioner\)](#)
Cc: [Tagg Ella \(ST\)](#); [Branks Kirsten](#); [Thomson Linda](#); [Brown Andy \(Corporate Affairs\)](#); [Everitt Vernon](#); [Lee Stuart](#); [Henshaw Jenna](#); [Brown Matt](#); [Mayors Questions](#); [Davies Gus](#); [Berwin Alex](#)
Subject: FOR REVIEW: Priority Oral MQs - Brexit & Garden Bridge
Date: 09 October 2018 16:05:23
Attachments: [xxxx - No Deal Brexit.docx](#)
Importance: High

Mike

We have received two priority oral MQs early from City Hall, on No Deal Brexit and on the Garden Bridge. Please find answers attached and copied below for you to review at your earliest convenience. Both have been signed-off by Matt and Vernon.

Kind regards

2. GARDEN BRIDGE

-

Are you confident that TfL will not pay any further sums to the Garden Bridge Trust?

I have always said that I will not commit more of London taxpayers' money to the Garden Bridge, and I have kept that promise – including refusing to sign up the GLA to cover the long term maintenance and operation of the bridge.

The Garden Bridge Trust is now winding up its affairs following its decision to end the project. Last year the Government agreed to provide the Trust with an underwriting of up to £9 million of their potential cancellation costs, and the Trust is in discussion with TfL about a request for payment under that agreement.

TfL will review that request in the role they have always had as the single conduit for public sector funding to the project – but this was a Government decision and any payment would come from their contribution to the project.

Potential Supplementary Questions

Q: Have you read Jason Coppel QC's legal advice and don't you agree it provides grounds on which TfL could refuse to pay any more money to the Trust?

Answer

-

Assembly Member Copley has now sent me a version of Mr Coppel's legal opinion so I have seen it, yes – although it would also be helpful if we could see the specific questions he was answering, as these had been redacted.

I have asked TfL to consider Mr Coppel's advice carefully before determining whether any payment should be made to the Trust under the Government's underwriting of cancellation costs.

Q: Isn't there any hope of getting any of the public money back?

Answer

-

Unfortunately not. That money was provided under direction from the previous Mayor – and has been spent.

Q: Not even if Trustees are shown to have breached their legal duties?

Answer

-

I have asked TfL to consider all of this very carefully in the light of Jason Coppel QC's legal opinion so, with respect, I do not want to comment on that until they have had a chance to look at all the details themselves.

Q: How big is the request against the underwriting, and what do you expect will be the final cost to the public purse?

Answer

-

Approximately £37m of public money has been spent by the Garden Bridge Trust.

The size of the Government's underwriting is limited to a maximum of up to £9m for the Trust's cancellation costs if the project were to come to an end – taking the total potential exposure to £46m.

TfL will release full details of the request and any payment under it once they have finished their review.

If asked about DfT-TfL split: Approximately £24m of the current public spend has come from TfL, with the remainder from the DfT.

Q: Will you ensure the Trust provides a detailed breakdown of all expenditure on the project?

Answer

-

TfL has already published a detailed breakdown of the money it has spent on the project.

I have been clear that I expect to see full transparency from the Trust before any final payment should be made to them against the DfT's underwriting of cancellation costs.

I understand the Trust has agreed to provide such a breakdown.

If pressed on what these costs were for: Planning permission had been secured and the bridge's design was fully developed to the point where construction could begin – that requires detailed work which involves cost. The Trust also drew upon specialist legal, planning and property advice to support its work with the local authorities and interested landowners.

Q: Will you ensure TfL provides a clear explanation of why they decided to release £7m to the Trust in February 2016 despite the Trust's Board minutes showing TfL had concerns about doing so only two months earlier?

Answer

-

The Trust made a formal request to draw down funding against its agreement with TfL after the Trust awarded the main construction contract for the project in early 2016. TfL did not approve the signing of the contract, nor was it required to do so.

TfL determined that the Trust had met the conditions of payment. This assessment was made by TfL's Managing Director of Planning and was informed by discussions with colleagues from across the organisation and based on TfL's knowledge and scrutiny of the project as well as evidence presented by the Garden Bridge Trust.

The minutes of the Garden Bridge Trust Board meetings were produced entirely by the Trust. TfL was not involved in writing or approving any of the content.

Q: Do you agree that the Charity Commission and the police should investigate allegations that the Garden Bridge Trust misled TfL in the evidence they supplied when requesting this money?

Answer

TfL was watching this project very closely, and their assessment that the Trust had met the conditions of payment was made based on their knowledge and scrutiny of the project as well as evidence presented by the Garden Bridge Trust.

The Charity Commission has already carried out an in-depth review of the Garden Bridge Trust - which returned a clean bill of health on how the charity was being run - and I have yet to see any evidence that would suggest any sort of criminal or fraudulent activity.

Q: Will you ensure that TfL publishes unredacted sets of the Trust's Board minutes once the charity has been wound up?

Answer

The Trust applied some redactions to the minutes, for reasons that are set out in the covering letter that TfL has also published. TfL reviewed these redactions and considered them appropriate.

Q: Will you ask the Charity Commission to take action to force the Garden Bridge Trust to submit their accounts, which are now months overdue?

Answer

Assembly Member Copley has raised these concerns with me before and I agree that all charities should file their accounts on time.

I understand that the Charity Commission has been in discussions with the Garden Bridge Trust about the winding up of the charity and the filing of their accounts, and that the Commission has received an initial set of accounts from the Trust. So the Commission is very aware of the situation and it is up to them whether to take further action.

Q: Do you support the calls for a public inquiry into the project?

Answer

-

Scrutiny of the Garden Bridge project – through Dame Margaret’s review but also comprehensive work done by the Assembly, the Charity Commission and others - has highlighted a number of shortcomings with the project. Some of these are specific to the project and some have a wider application.

I have made sure that a lot of work has been done at TfL to respond to specific issues and improve systems, and the other functional bodies and the GLA have followed that activity from their own perspectives.

We must set and follow high standards, and I have already taken action to ensure the whole GLA family has learnt lessons from the Garden Bridge. At this stage I do not see the benefit in a public inquiry on top of the extensive scrutiny that has already taken place.

Q: What governance checks and balances have been put in place to ensure a situation like this could never arise again?

Answer

We must set and follow high standards, and I have already taken action to ensure the whole GLA family has learned lessons from the Garden Bridge.

I have made sure that a lot of work has been done at TfL to respond to specific issues and improve their systems.

This was summarised in a paper that was considered by the TfL Board in July 2017, and includes strengthened processes, training and guidance for all staff involved in procurement; an new Board and Committee structure that reduces the use of delegated authority and looks more closely at Mayoral Directions; and improved record-keeping for informal meetings with me and my team so that decisions are properly minuted.

The other functional bodies and the GLA have followed that activity from their own perspectives.

Q: Are you confident that there aren’t current employees at TfL who have questions to answer about their role in this scandal?

Answer

Yes. TfL cooperated fully and openly in the review the Dame Margaret Hodge carried out for me, with a number of current and former employees answering her detailed questions and providing

evidence. The GLA has published the transcripts of all those sessions and the other interviews that Dame Margaret conducted for her review.

ENDS

From: [Brown Mike \(MD\)](#)
To: [Powell Gareth](#)
Subject: FW: Isabel
Date: 28 June 2013 11:16:00

Mike Brown
Managing Director
London Underground & London Rail
7th Floor, South Wing
55 Broadway
London SW1H 0BD



From: Hendy Peter (TfL)
Sent: 28 June 2013 10:04
To: Dix Michèle
Cc: Bradley Clare; Hudson Teresa; Daniels Leon; Carter Howard; De Cani Richard (CORP); Brown Mike (MD); Allen Steve (MD Finance); Everitt Vernon; Buxton Simon
Subject: Re: Isabel

Ta.

We discussed (1) yes please; (2) I think you should show it to her - if negative response tell me and I'll talk to her;.

She does detail, not strategy, doesn't she!

Peter

From: Dix Michèle
Sent: Thursday, June 27, 2013 01:22 PM
To: Hendy Peter (TfL)
Cc: Bradley Clare; Hudson Teresa; Daniels Leon; Carter Howard; De Cani Richard (CORP); Brown Mike (MD); Allen Steve (MD Finance); Everitt Vernon; Buxton Simon
Subject: RE: Isabel

Hi Peter

I met Isabel yesterday,

1. She doesn't want to take paper to the mayor on the Garden Bridge. However we will need to seek a mayoral direction in July and take a paper to the F&P committee on July 18th to get some authorisation. Can I send her the paper anyway stating this so that there is no surprise when the mayoral direction and F&P paper get drafted?
2. She wants to see the River Crossing paper before deciding whether it needs to go to the mayor and our response to the consultation?

Regards Michele

From: Bradley Clare
Sent: 27 June 2013 09:58
To: Dix Michèle
Subject: RE: Isabel

Michele – just a quick reminder to say you agreed to report back to Simon following your 1:1 with Isabel yesterday afternoon.

Kind Regards,
Clare

Clare Bradley | PA to Michèle Dix | MD of Planning
Transport for London
10th Floor | Windsor House | 50 Victoria Street | London | SW1H 0TL
E: [REDACTED] [tfl.gov.uk](mailto:[REDACTED]@tfl.gov.uk)
T: [REDACTED]

From: Dix Michèle
Sent: 26 June 2013 09:08
To: Buxton Simon
Cc: Hudson Teresa; Bradley Clare
Subject: RE: Isabel

Hi Simon
Thanks. Yes I will be attending and presenting the ULEZ paper.
I'm happy to discuss with Isabel on the Garden Bridge paper, River Crossing and Growth papers.
I'll report back.
Thanks Michele

From: Buxton Simon
Sent: 26 June 2013 08:54
To: Dix Michèle
Cc: Hudson Teresa
Subject: Isabel

Michele,

FYI, Peter and Isabel agreed that HS2 should be covered verbally at this week's Mayor's meeting. I assume you are attending given ULEZ is also on the agenda.

Also, Isabel mentioned that she had a 1:1 with you today and Peter is happy for you to discuss the potential papers for next week's (4 July) meeting with her as she had some queries on the timing of them, especially the Garden Bridge item.

I'd be grateful if you can share a note of the meeting afterwards (and as mentioned at CSM, Peter is keen to know what happens at the Isabel meetings so we can be aware and check for consistency).

Thanks,
Simon.

From: [Beaney Joanne](#)
To: [Brown Mike \(Commissioner\)](#)
Cc: [Everitt Vernon](#); [Brown Matt](#); [Ross Stuart](#); [Branks Kirsten](#); [Tagg Ella \(ST\)](#); [Harrison-Cook Victoria](#)
Subject: ITV London briefing
Date: 09 October 2015 11:51:23

Dear Mike,

Please find attached a briefing ahead of your interview with ITV London on Monday.

1. Garden Bridge

If asked about differences between an early draft audit report and the published report:

"We carry out regular audits of our activities and it is a standard part of the process for draft audit reports to be shared with the business for comment before a final report is issued to ensure accuracy of the information gathered. This was a rigorous and detailed audit carried out by a separate audit department and the published report contains their considered conclusions having been through this standard process."

If asked about the audit on the procurement process:

"An extensive and thorough review of the procurement has been undertaken by a separate audit team and this has concluded that the procurement of designers for the Garden Bridge was acceptable in relation to the selection of bidders and there is no evidence the process did not provide value for money.

"As part of this thorough review, the audit has identified that some supporting documents, in the form of hand written notes from interviews with bidders were disposed of earlier this year as part of an office move - two years after the interviews were carried out and before the audit was requested. However, all scores from the evaluation process that was undertaken were properly recorded and filed appropriately in line with TfL procedures. The audit confirms that the "tender evaluation was carried out in accordance with TfL procedures".

"The fact these hand written notes could not be found as part of the recent audit has absolutely no bearing on the findings of the audit."

If asked about Lambeth putting negotiations over the land required for the Bridge on hold:

"Lambeth have been involved with the Garden Bridge for more than two years, and granted planning permission late last year. We are satisfied a clear funding model exists, with the Garden Bridge Trust having to date raised £70m from the private sector towards the cost of the bridge."

If asked about Sadiq Khan's comments that he would scrap the Garden Bridge if elected:

"The Garden Bridge is a priority of this Mayor and we will continue to play our part in its delivery."

Best wishes,

Jo

Joanne Beaney | Head of Press Desk | Corporate Desk

Transport for London | TfL Press Office, 11th Floor, Windsor House, 50 Victoria Street, London SW1H 0TL

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[REDACTED] [tfl.gov.uk](mailto:[REDACTED]@tfl.gov.uk)

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Subject: Mayor / Chancellor meeting - relevant discussion on transport
Date: 30 May 2019 11:45:07

From: RoishaHughes <[REDACTED]@london.gov.uk>
Date: October 29, 2015 at 4:53:26 PM GMT+4
To: IsabelDedring <[REDACTED]@london.gov.uk>, "Brown Mike (Commissioner)" <[REDACTED]@tfl.gov.uk>, Nunn Ian <[REDACTED]@tfl.gov.uk>, Dix Michèle <[REDACTED]@tfl.gov.uk>, Daniel Moylan <daniel@danielmoylan.com>, Tim Steer <[REDACTED]@london.gov.uk>, "Richard de Cani (MD Planning)" <[REDACTED]@tfl.gov.uk>
Cc: Edwardlister <[REDACTED]@london.gov.uk>, Sarah Gibson <[REDACTED]@london.gov.uk>
Subject: Mayor / Chancellor meeting - relevant discussion on transport

Dear all

The Mayor met the Chancellor last night ahead of the Spending Review. Ed and I joined the discussion . Here are the relevant bits on your side.

Roisha

AOB

The Chancellor offered to help in any way he could with the Garden Bridge. The Mayor and Ed updated the Chancellor on the latest discussions with LB Lambeth

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From: [Roisha Hughes](#)
To: [Rogan Kerri \(Head of Network Command\)](#); [IsabelDedring](#); [redacted] [london.gov.uk](#)"; [Edwardlister](#); [Tate Stephen](#); [Hayward David](#); [WillWalden](#); [Steer Tim](#); [Nick Waterman](#); [Claire Hamilton](#)
Cc: [Hendy Peter \(TfL\)](#); [Hudson Teresa](#); [Brown Mike \(Commissioner\)](#); [Allen Steve \(MD Finance\)](#); [Richard de Cani \(MD Planning\)](#)
Subject: Note: Mayor / TfL meeting, 18 June
Date: 29 June 2015 15:53:59

Dear all
I attach a note of the Mayor / TfL meeting on 18 June.
Best wishes
Roisha
Roisha Hughes
Principal Private Secretary to the Mayor
Mayor/ TfL meeting, 18 June 2015

5. AOB

- The Mayor asked Richard for an update on progress with the Garden Bridge;

From: Rogan Kerri [[mailto:\[redacted\]@tfl.gov.uk](mailto:[redacted]@tfl.gov.uk)]
Sent: 17 June 2015 11:25
To: Isabel Dedring; [redacted] [london.gov.uk](#)'; Edward Lister; Stephen Tate; David Hayward; Will Walden; Tim Steer; Nick Waterman; Ann Sindall; Claire Hamilton; Roxanne Williams; Stephen Taylor; Roisha Hughes
Subject: 18 June TfL/Mayor's meeting pack

Dear all
Find copied below and attached the agenda and papers for the 18 June Mayor's meeting.

Ref	Item	
1	HS2 petition update	Richard de Cani
2	IIPAG Work Plan & Budget	Steve Allen
3	Global Clean Bus Summit	Leon Daniels
4	IR (verbal) update	Mike Brown
5	AOB	

Please do not hesitate to get in touch if you have any queries.

Kind regards,
Kerri Rogan
Head of Corporate Affairs
Customer Experience, Marketing and Communications
Transport for London
Windsor House (11th floor)
42-50 Victoria Street
London SW1H 0TL
Phone: [redacted]
Auto: [redacted]
Mobile: [redacted]



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From: [Roisha Hughes](#)
To: [Buxton Simon](#); [Allen Steve \(MD Finance\)](#); [Anigbogu Jasmine](#); [Anita Chen](#); [Ben Gascoigne](#); [Branks Kirsten](#); [Brown Mike \(Commissioner\)](#); [Carter Howard](#); [Collins Mary \(TFL\)](#); [Daniels Leon](#); [Hayward David](#); [Dix Michèle](#); [Edward Lister](#); [Emmerson Garrett](#); [Everitt Vernon](#); [Evers Mark](#); [Field Jo](#); [Grainger Beth \(Elizabeth line\)](#); [Hawley Anthea](#); [Hendy Peter \(TfL\)](#); [Hudson Teresa](#); [\[REDACTED\]@london.gov.uk](#); [MacKay Christine](#); [McNeill David \(GM&C\)](#); [Moya Nazir](#); [PAtoChiefofStaff](#); [Quearney Carol \(ST\)](#); [Richard McGreevy](#); [Knight Wayne \(LUCC Assets\)](#); [\[REDACTED\]@crossrail.co.uk](#); [Savill Laura \(ST\)](#); [Shrestha Rumi](#); [Tagg Ella \(ST\)](#); [Taylor Lisa](#); [Thomson Linda](#); [Hills, Victoria](#); [Will Walden](#)
Cc: [Buxton Simon](#)
Subject: Note: Mayor/TfL meeting, Monday 5 August
Date: 21 August 2013 18:07:04

Dear all

I attach a note of the Mayor/ TfL meeting on 5 August.

Best wishes

Roisha

Roisha Hughes

Principal Private Secretary to the Mayor

[REDACTED]

Mayor /TfL meeting

5 August 2013

Other issues:

- AOB:
 - o There was some discussion about the Garden Bridge and a Board being set up to drive forward the project;

From: Hodges Jon (ST) [[mailto:\[REDACTED\]@tfl.gov.uk](mailto:[REDACTED]@tfl.gov.uk)] **On Behalf Of** Buxton Simon

Sent: 02 August 2013 11:45

To: [Allen Steve \(MD Finance\)](#); [Anigbogu Jasmine](#); [Anita Chen](#); [Ben Gascoigne](#); [Branks Kirsten](#); [Brown Mike \(MD\)](#); [\[REDACTED\]@tfl.gov.uk](#); [Collins Mary \(TFL\)](#); [\[REDACTED\]@tfl.gov.uk](#); [David Hayward](#); [\[REDACTED\]@tfl.gov.uk](#); [Edward Lister](#); [\[REDACTED\]@tfl.gov.uk](#); [\[REDACTED\]@tfl.gov.uk](#); [Jo Field](#); [Grainger Beth](#); [Hawley Anthea](#); [Helen Hill](#); [\[REDACTED\]@tfl.gov.uk](#); [\[REDACTED\]@tfl.gov.uk](#); [\[REDACTED\]@london.gov.uk](#); [Leigh Greenhalgh](#); [MacKay Christine](#); [\[REDACTED\]@tfl.gov.uk](#); [Moya Nazir](#); [PAtoChiefofStaff](#); [Quearney Carol \(ST\)](#); [Richard McGreevy](#); [Knight Wayne](#); [\[REDACTED\]@crossrail.co.uk](#); [Savill Laura \(ST\)](#); [\[REDACTED\]@tfl.gov.uk](#); [Tagg Ella \(ST\)](#); [Taylor Lisa](#); [Thomson Linda](#); [Victoria Hills](#); [Will Walden](#); [Roisha Hughes](#); [Matthew Pencharz](#); [Stephen Tate](#)

Cc: [\[REDACTED\]@tfl.gov.uk](#)

Subject: Papers for Mayor/TfL meeting, Monday 5 August 1530

Dear All,

Please find attached and below the agenda for the Mayor's meeting with TfL on Monday 5 August.

The LU Vision item will be tabled at the meeting with a practical demonstration of the future technology.

[REDACTED]

Ref	Item	
1	LU Vision	Mike Brown
2	HS2 (for noting)	Richard De Cani
3	River Crossings (verbal update)	Richard De Cani
4	AOB	All

Kind Regards,
Simon Buxton.

Simon Buxton
 Director of Corporate Affairs (Interim),
 Transport for London,
 12th Floor, Windsor House,
 42-50 Victoria Street,
 LONDON, SW1H 0TL
<mailto:██████████@tfl.gov.uk>
 Tel: ██████████
 Mob: ██████████

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From: [Brown Mike \(Commissioner\)](#)
To: [Rogan Kerri \(Head of Network Command\)](#)
Subject: Re: 31 May Mike - Val 121 - notes and actions -FOR REVIEW
Date: 01 June 2016 14:54:26

Kerri

This looks good to me.

Thanks

Mike

Sent from my iPad

On 1 Jun 2016, at 07:02, Rogan Kerri <[REDACTED]@tfl.gov.uk> wrote:

Mike, Val

Please find copied below the actions from yesterday's meeting cleared with Tim.

I would be grateful if you could let me know whether you have any comments, ideally it would be great to get these out today if we can.

MEETING BETWEEN TFL COMMISSIONER AND DEPUTY MAYOR FOR TRANSPORT
31 May 2016

Also in attendance: Kerri Rogan, Leon Daniels, Tim Steer

1. Garden Bridge

Mike briefly updated on the plan for a review of procurement and work undertaken by EY.

Kind regards,

Kerri Rogan

Head of Corporate Affairs

Customers, Communications & Technology

Transport for London

Windsor House (11th floor)

42-50 Victoria Street

London SW1H 0TL

Phone: [REDACTED]

Auto: [REDACTED]

Mobile: [REDACTED]

From: [Brown Mike \(Commissioner\)](#)
To: [Mayors Questions](#)
Cc: [Tagg Ella \(ST\)](#); [Branks Kirsten](#); [Thomson Linda](#); [Brown Andy \(Corporate Affairs\)](#); [Everitt Vernon](#); [Lee Stuart](#); [Henshaw Jenna](#); [Brown Matt](#); [Davies Gus](#); [Berwin Alex](#)
Subject: Re: FOR REVIEW: Priority Oral MQs - Brexit & Garden Bridge
Date: 09 October 2018 23:10:09

.... don't think I've had the Blackhorse Lane one?

Mike

Sent from my iPhone

On 10 Oct 2018, at 09:08, Brown Mike (Commissioner) <[\[REDACTED\]@tfl.gov.uk](mailto: [REDACTED]@tfl.gov.uk)> wrote:

These two look fine.

Thanks

Mike

Sent from my iPhone

On 10 Oct 2018, at 02:05, Mayors Questions <MayorsQuestions@tfl.gov.uk> wrote:

Mike

We have received two priority oral MQs early from City Hall, on No Deal Brexit and on the Garden Bridge. Please find answers attached and copied below for you to review at your earliest convenience. Both have been signed-off by Matt and Vernon.

Kind regards

-

2. GARDEN BRIDGE

Are you confident that TfL will not pay any further sums to the Garden Bridge Trust?

I have always said that I will not commit more of London taxpayers' money to the Garden Bridge, and I have kept that promise – including refusing to sign up the GLA to cover the long term maintenance and operation of the bridge.

The Garden Bridge Trust is now winding up its affairs following its decision to end the project. Last year the Government agreed to provide the Trust with an underwriting of up to £9 million of their potential cancellation costs, and the Trust is in discussion with TfL about a request for payment under that agreement.

TfL will review that request in the role they have always had as the single conduit for public sector funding to the project – but this was a Government decision and any payment would come from their contribution to the project.

Potential Supplementary Questions

Q: Have you read Jason Coppel QC's legal advice and don't you agree

it provides grounds on which TfL could refuse to pay any more money to the Trust?

Answer

Assembly Member Copley has now sent me a version of Mr Coppel's legal opinion so I have seen it, yes – although it would also be helpful if we could see the specific questions he was answering, as these had been redacted.

I have asked TfL to consider Mr Coppel's advice carefully before determining whether any payment should be made to the Trust under the Government's underwriting of cancellation costs.

Q: Isn't there any hope of getting any of the public money back?

Answer

Unfortunately not. That money was provided under direction from the previous Mayor – and has been spent.

Q: Not even if Trustees are shown to have breached their legal duties?

Answer

I have asked TfL to consider all of this very carefully in the light of Jason Coppel QC's legal opinion so, with respect, I do not want to comment on that until they have had a chance to look at all the details themselves.

Q: How big is the request against the underwriting, and what do you expect will be the final cost to the public purse?

Answer

Approximately £37m of public money has been spent by the Garden Bridge Trust.

The size of the Government's underwriting is limited to a maximum of up to £9m for the Trust's cancellation costs if the project were to come to an end – taking the total potential exposure to £46m.

TfL will release full details of the request and any payment under it once they have finished their review.

If asked about DfT-TfL split: Approximately £24m of the current public spend has come from TfL, with the remainder from the DfT.

Q: Will you ensure the Trust provides a detailed breakdown of all expenditure on the project?

Answer

TfL has already published a detailed breakdown of the money it has spent on the project.

I have been clear that I expect to see full transparency from the Trust before any final payment should be made to them against the DfT's underwriting of cancellation costs.

I understand the Trust has agreed to provide such a breakdown.

If pressed on what these costs were for: Planning permission had been secured and the bridge's design was fully developed to the point where construction could begin – that requires detailed work which involves cost. The Trust also drew upon specialist legal, planning and property advice to support its work with the local authorities and interested landowners.

Q: Will you ensure TfL provides a clear explanation of why they

decided to release £7m to the Trust in February 2016 despite the Trust's Board minutes showing TfL had concerns about doing so only two months earlier?

Answer

The Trust made a formal request to draw down funding against its agreement with TfL after the Trust awarded the main construction contract for the project in early 2016. TfL did not approve the signing of the contract, nor was it required to do so.

TfL determined that the Trust had met the conditions of payment. This assessment was made by TfL's Managing Director of Planning and was informed by discussions with colleagues from across the organisation and based on TfL's knowledge and scrutiny of the project as well as evidence presented by the Garden Bridge Trust.

The minutes of the Garden Bridge Trust Board meetings were produced entirely by the Trust. TfL was not involved in writing or approving any of the content.

Q: Do you agree that the Charity Commission and the police should investigate allegations that the Garden Bridge Trust misled TfL in the evidence they supplied when requesting this money?

Answer

TfL was watching this project very closely, and their assessment that the Trust had met the conditions of payment was made based on their knowledge and scrutiny of the project as well as evidence presented by the Garden Bridge Trust.

The Charity Commission has already carried out an in-depth review of the Garden Bridge Trust - which returned a clean bill of health on how the charity was being run - and I have yet to see any evidence that would suggest any sort of criminal or fraudulent activity.

Q: Will you ensure that TfL publishes unredacted sets of the Trust's Board minutes once the charity has been wound up?

Answer

The Trust applied some redactions to the minutes, for reasons that are set out in the covering letter that TfL has also published. TfL reviewed these redactions and considered them appropriate.

Q: Will you ask the Charity Commission to take action to force the Garden Bridge Trust to submit their accounts, which are now months overdue?

Answer

Assembly Member Copley has raised these concerns with me before and I agree that all charities should file their accounts on time.

I understand that the Charity Commission has been in discussions with the Garden Bridge Trust about the winding up of the charity and the filing of their accounts, and that the Commission has received an initial set of accounts from the Trust. So the Commission is very aware of the situation and it is up to them whether to take further action.

Q: Do you support the calls for a public inquiry into the project?

Answer

Scrutiny of the Garden Bridge project – through Dame Margaret’s review but also comprehensive work done by the Assembly, the Charity Commission and others - has highlighted a number of shortcomings with the project. Some of these are specific to the project and some have a wider application.

I have made sure that a lot of work has been done at TfL to respond to specific issues and improve systems, and the other functional bodies and the GLA have followed that activity from their own perspectives. We must set and follow high standards, and I have already taken action to ensure the whole GLA family has learnt lessons from the Garden Bridge. At this stage I do not see the benefit in a public inquiry on top of the extensive scrutiny that has already taken place.

Q: What governance checks and balances have been put in place to ensure a situation like this could never arise again?

Answer

We must set and follow high standards, and I have already taken action to ensure the whole GLA family has learned lessons from the Garden Bridge.

I have made sure that a lot of work has been done at TfL to respond to specific issues and improve their systems.

This was summarised in a paper that was considered by the TfL Board in July 2017, and includes strengthened processes, training and guidance for all staff involved in procurement; an new Board and Committee structure that reduces the use of delegated authority and looks more closely at Mayoral Directions; and improved record-keeping for informal meetings with me and my team so that decisions are properly minuted.

The other functional bodies and the GLA have followed that activity from their own perspectives.

Q: Are you confident that there aren’t current employees at TfL who have questions to answer about their role in this scandal?

Answer

Yes. TfL cooperated fully and openly in the review the Dame Margaret Hodge carried out for me, with a number of current and former employees answering her detailed questions and providing evidence. The GLA has published the transcripts of all those sessions and the other interviews that Dame Margaret conducted for her review.

ENDS

From: [Brown Mike \(Commissioner\)](#)
To: [Mayors Questions](#)
Cc: [Tagg Ella \(ST\)](#); [Branks Kirsten](#); [Hudson Teresa](#)
Subject: Re: For your approval- Five written Mayor's Questions for May
Date: 01 June 2016 01:27:58

Thanks. These ones look fine to me.

Mike

Sent from my iPhone

On 31 May 2016, at 11:07, Mayors Questions <MayorsQuestions@tfl.gov.uk> wrote:

Good afternoon Mike,

Below are five written Mayor's Questions for May for your approval. The answers have been approved by Vernon Everitt and Alex Williams.

Teresa suggested I email you the written MQ drafts for your approval in case you are able to review them electronically.

If you do not get the chance to review them electronically, I have taken up a hard copy pack of the below written MQs for your approval.

Many thanks for your time.

Ebbah

Approved by: Alex Williams and Vernon Everitt

Garden Bridge

Question No: 2016/1456

Tom Copley

Will you commission an independent investigation into the Garden Bridge design and engineering contract procurement processes?

Answer box text:

I support the Garden Bridge, and think it could rival New York's High Line. The early days of this project clearly fell short of our expectations on transparency. I am determined to run the most open and transparent administration London has ever seen. I will let the sunshine in, which is why I have already published the previously undisclosed full business plan for the Garden Bridge alongside a list of its funders. I am taking a detailed look at how the design contracts were awarded in 2013, and I will make a decision shortly about how to take the investigation further.

Drafted by – Andy Brown

Job Title – Programme Manager, TfL Planning

Full Contact Number – [REDACTED] / [REDACTED]

Approved by Alex Williams and Vernon Everitt

Airport Expansion

Drafted by – Spyridoula Vitouladiti

Job Title – Principal Transport Planner

Full Contact Number – 020 7027 9312

Approved by: Alex Williams and Vernon Everitt

-ENDS-

[Ebbah Kwambai](#)

Assembly Engagement Manager
Government and Stakeholder Relations, Public Affairs
Customers, Communication and Technology
Transport for London
EbbahKwambai@tfl.gov.uk

☎ W: [REDACTED] | ☎ Auto: [REDACTED] | ☎ M: [REDACTED]

Len Duvall, AM

City Hall
The Queen's Walk
London SE1 2AA
Switchboard: 020 7983 4000
Minicom: 020 7983 4458
Web: www.london.gov.uk
Date: 24th November 2015

Mr Mike Brown
Transport Commissioner
Transport for London

By email

Dear Mike

The Garden Bridge is clearly a project of significant public interest with many passionately held views on both sides.

Whatever ones view on the project, the fact that to date £60m of public money has been pledged either as grant or loans, and millions more in operating costs underwritten, means it is imperative that any concerns are addressed fully and transparently. This is particularly the case when these concerns relate to the integrity of the procurement and commissioning process.

As Chair of the GLA's Oversight Committee I am acutely aware of the controversies surrounding the Garden Bridge, and the shortcomings of process my Committee has already identified. Whilst on this occasion I do not write on behalf of the Committee as a whole I believe there is cross-party support for greater transparency from the GLA's functional bodies, particularly around capital projects like the Garden Bridge.

I note with concern the apparent admission that neither the GLA nor TfL hold records of key meetings throughout the Garden Bridge procurement process. In particular the fact that FoIs by the Architects Journal have revealed no records are held of a key meeting in early 2013 on the subject of the Garden Bridge/Temple to South Bank footbridge involving Mayor Boris Johnson, TfL's commissioner and TfL's managing director of planning. Either notes of this meeting are being intentionally withheld or the record keeping of such a high level meeting was clearly not up to scratch, either scenario raises serious questions. I would appreciate an explanation of how this situation was allowed to occur as well as confirmation that these records definitely do not exist.

On this basis I have been made aware of a number of outstanding requests for information including FoI 1352-1516 requesting the following:

- All written materials/telephone conversations sent or made by TfL on 8th Feb 2013 including the design brief to the three individual bidders for the Garden

Bridge/Temple to South Bank footbridge concept design ahead of the formal release of the ITT on 13 Feb 2013.

- The email sent by TfL to Thomas Heatherwick Studio on 26th Feb 2013 requesting clarification on the rates within the firm's bid for the Garden Bridge/Thames Footbridge concept design tender. Please also send me any reply from Thomas Heatherwick Studio whether this is in the form of a letter, email, note or telephone call.
- The email exchange which took place on 8th March 2013 between TfL Planning and TfL Commercial on the subject of the technical and commercial evaluations of the three bids for the Garden Bridge/Thames footbridge design concept tender.
- All written/telephone/minuted instructions made to TfL on the subject of the Garden Bridge/Thames Footbridge from Mayor Boris Johnson or any of his deputy mayors in the time period covering the last six months of 2012 and the first six months of 2013.

TfL has acknowledged that this information is held by them but stated that it is minded not to release the information as it may not be in the public interest.

On the basis set out above I write to register my profound disagreement with the suggestion that releasing this information is not in the public interest. I would strongly urge you to reconsider this stance and to release this information to allow for a full and transparent understanding of the decision process which led to the committal of such vast sums of public money.

A handwritten signature in black ink, appearing to read "Len Duvall". The signature is fluid and cursive, with a large loop for the letter 'D'.

Len Duvall AM
Greenwich and Lewisham
Leader of the GLA Labour Group



Len Duvall AM
Leader of the GLA Labour Group
City Hall
The Queen's Walk
London
SE1 2AA

Mike Brown MVO
Commissioner of Transport

Transport for London
Windsor House
42-50 Victoria Street
London SW1H 0TL

Phone 0343 222 0000
www.tfl.gov.uk

26 November 2015

Dear Len,

Thank you for your letter of 24 November.

Please be assured that we share your views on the importance of transparency generally, and in relation to the Garden Bridge in particular.

TfL has readily published a range of information relating to the Garden Bridge including the contracts we have let to Heatherwick Studios and Arup, planning documents, the strategic business case for our involvement and the audit work. We have also answered 15 FOI requests about the Bridge, provided your Committee with early drafts of the audit and associated emails and answered many media enquiries and Questions to the Mayor.

You raise concerns about our replies to two recent FOI requests. One (FOI-1121-1516) asked for the minutes of the early 2013 meeting on the subject of the Garden Bridge/Temple to South Bank footbridge involving the Mayor, Sir Peter Hendy and TfL's Managing Director of Planning. This followed a presentation to the Mayor by Heatherwick Studio on the proposal for a 'Garden Bridge' and is referenced on page two of the internal audit report we published. Please be assured that we are not intentionally withholding any information relating to that meeting. In our answer to the FOI request we said that TfL does not hold the information requested. Before reaching that conclusion we carried out a thorough search, using the tools available to us, and did not find any record of the meeting.

You have misunderstood the position on the second FOI request you refer to (FOI-1352-1516). We have not said that we will not be releasing the information asked for. Instead, we notified the applicant, in accordance with FOI legislation and guidance from the ICO, that the deadline for reply was being extended as we required more time to complete our assessment of whether the public interest favours the application of two of the exemptions in the FOI Act to some of the information that has been asked for. We have not made any decision to withhold the information requested. In any case, the use of the exemptions is only being considered in relation to some of the information covered by the request. We will provide as much information as we can in response to the request shortly.

We recognise the continuing public interest in our involvement with the Garden Bridge and will maintain our efforts to ensure this involvement is as transparent as possible.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Mike Brown', with a horizontal line underneath.

Mike Brown MVO

Len Duvall AM, Chair of the GLA Oversight Committee

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The Queen's Walk
London SE1 2AA
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Minicom: 020 7983 4458
Web: www.london.gov.uk

Mike Brown MVO

Commissioner for Transport
Transport for London
Windsor House
42-50 Victoria Street
London, SW1H 0TL

29 December 2015

Dear Mr Brown

GLA Oversight Committee – 17 December 2015 – Garden Bridge Design Procurement

On behalf of the GLA Oversight Committee, I would like to thank you and your colleague, Mr De Cani, for attending the Committee's meeting on 17 December 2015.

For information, please note that we have written to the Chairman, seeking the following additional information arising from the discussion at the meeting:

- Minutes or notes of any meetings between representatives of TfL and Heatherwick Studio in the period before the tender was released;
- Notes, minutes and details of attendees at any meetings held in the United States of America in relation to sponsorship of the Garden Bridge;
- Notes, minutes and details of attendees at the meeting about the Garden Bridge held on 23 May 2013 at Swire House, 59 Buckingham Gate;
- Examples of where, during previous TfL procurement processes, bids submitted after the deadline have been accepted;
- Clarification on the audited notes concerning a meeting to "review the invoices and commercials relating to the two contracts Garden Bridge audit 1563", specifically on the issue of who scored during the commercial day rate analysis.
- Details of the Board-level processes for reviewing and monitoring major procurement decisions; and
- A copy of the email sent to the three firms involved in the bidding process, advising them in advance that the procurement was about to start.

Yours sincerely

Len Duvall AM
Chair of the GLA Oversight Committee

Hill Lee

From: De Cani Richard (CORP)
Sent: 08 February 2013 17:14
To: Melissa Osborne
Subject: FW: Study
Attachments: Professional Appointment for Design Services.doc; Central London Footbridge Study Brief TfL.doc

Melissa

TfL is planning to commission a design study into the potential for a new footbridge in central London – brief attached. I am sending this tender out to a small number of consultants. This will be issued formally to you next week but I wanted to send it informally in advance so you were aware it was coming. I would be grateful if you could pass this to Thomas.

Many thanks
Richard de Cani

Hill Lee

From: De Cani Richard (CORP)
Sent: 08 February 2013 17:10
To: [REDACTED] MarksBarfield.com
Subject: Study
Attachments: Professional Appointment for Design Services.doc; Central London Footbridge Study Brief TfL.doc

David

TfL is planning to commission a design study into the potential for a new footbridge in central London – brief attached. I am sending this tender out to a small number of consultants. This will be issued formally to you next week but I wanted to send it informally in advance so you were aware it was coming.

Many thanks
Richard de Cani

Hill Lee

From: De Cani Richard (CORP)
Sent: 08 February 2013 17:12
To: [REDACTED]wilkinsoneyre.com
Subject: FW: Study
Attachments: Professional Appointment for Design Services.doc; Central London Footbridge Study Brief TfL.doc

Oliver

TfL is planning to commission a design study into the potential for a new footbridge in central London – brief attached. I am sending this tender out to a small number of consultants. This will be issued formally to you next week but I wanted to send it informally in advance so you were aware it was coming.

Many thanks
Richard de Cani



Len Duvall OBE AM
Chair of the GLA Oversight Committee
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The Queen's Walk
London
SE1 2AA

Mike Brown MVO
Commissioner of Transport

Transport for London
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Phone 0343 222 0000
www.tfl.gov.uk

29 January 2016

Dear Len

Re: GLA Oversight Committee – 17 December 2015 – Garden Bridge Procurement

Thank you for your letter of 29 December. I have also seen your letter to the Mayor and he has asked me to reply to the points raised in that letter from TfL's perspective. Our responses to these are dealt with in turn, below.

- i. Minutes or notes of any meetings between representatives of TfL and Heatherwick Studio in the period before the tender was released*

Representatives from London Underground met with Heatherwick Studio on 25 January 2013 to discuss Temple station. No note or minute was taken. The discussion focussed on the issues which would need to be considered were a bridge to be built in the vicinity of our station and railway. Such meetings with third party scheme promoters are standard practice.

There were no other meetings between TfL and Heatherwick Studio in the period running up to the release of the invitation to tender in February 2013.

- ii. Notes, minutes and details of attendees at any meetings held in the United States of America in relation to sponsorship of the Garden Bridge*

No members of TfL staff have attended any meetings in the United States of America in relation to sponsorship of the Garden Bridge.

- iii. Notes, minutes and details of attendees at the meeting about the Garden Bridge held on 23 May 2013 at Swire House, 59 Buckingham Gate*

No members of TfL staff attended any meeting at Swire House on this date.

iv. Examples of where, during previous TfL procurement processes, bids submitted after the deadline have been accepted

In certain circumstances, such as for technical or logistical reasons, we may allow a submission deadline shortly after the formal deadline. We aim to take a common sense approach in such circumstances.

In the case of the procurement for the TfL 90711 Design Services contract, we were notified by Heatherwick Studio nine minutes after the deadline that they had attempted to upload the on-line bid document in advance of the deadline but had been unable to do so for technical reasons. This was due to factors outside of their and our control.

Other examples of similar cases include:

- In November 2015, a number of bidders in a procurement for ground penetrating radar survey work notified us that they were experiencing difficulties on-line. We agreed to accept tenders by email, and this was communicated to all bidders.
- In October 2015, a bidder in a procurement for bus emissions and performance analysis testing contacted us two days in advance of the deadline to notify us that they were experiencing difficulties on-line. We agreed to accept a tender by email, which was received shortly after the submission deadline.

v. Clarification on the audited notes concerning a meeting to “review the invoices and commercials relating to the two contracts Garden Bridge audit 1563”, specifically on the issue of who scored during the commercial day rate analysis

The notes of auditors’ interviews with TfL staff are an indication of their understanding at the time of the interview. This understanding develops further through the course of Internal Audit’s review as information is collected and points are clarified.

Our Director of Strategy and Planning (at the time), Richard de Cani, carried out the evaluation of the day rates supplied by the three bidders for the TfL 90711 Design Services contract. This is confirmed in the memorandum produced by our Internal Audit team, dated 15 September 2015, which has been shared with the Committee and published on our website, and was confirmed by Mr de Cani at the GLA Oversight Committee’s meetings in September and December 2015. The approach adopted for this evaluation was reviewed and confirmed by representatives from our Commercial and Legal teams before the contract was awarded.

As explained in the letter from Sir Peter Hendy CBE to Caroline Pidgeon MBE AM of 15 June 2015 and during previous Committee sessions, the three tenders received equal commercial scores because their day rates were within a very narrow range, with the cost of the most expensive Principal Level or equivalent team member being less than 4 per cent higher than the cheapest.

vi. *Details of the Board-level processes for reviewing and monitoring major procurement decisions*

Major procurement decisions are reviewed and approved by the Board and its Committees in accordance with TfL's Standing Orders, which are available on our website and are in line with Corporate Governance best practice.

In addition, procurement falls within the remit of TfL's audit and assurance processes, which were highlighted in May 2015 by the Chartered Institute of Internal Auditors as a model of how to organise a successful internal audit function.

Our Director of Internal Audit has free access to me and can only be dismissed by the full TfL Board. He reports on his work regularly to the TfL Audit and Assurance Committee, and is supported by an internal audit charter approved by that Committee which gives his team right of access to any person and any document in the organisation in the course of their work.

I am wholly satisfied with our decision-making and internal audit processes. I note that the Chair of TfL's Audit and Assurance Committee, Keith Williams, has written to you expressing his views about the good practice followed by the Internal Audit team both in the course of its specific review of the Garden Bridge procurement and more generally, and that he will be appearing before your Committee on 25 February.

vii. *A copy of the email sent to the three firms involved in the bidding process, advising them in advance that the procurement was about to start*

I have attached copies of these emails to this letter.

Yours sincerely



Mike Brown MVO

Enc

Hill Lee

From: De Cani Richard (CORP)
Sent: 08 February 2013 17:14
To: Melissa Osborne
Subject: FW: Study
Attachments: Professional Appointment for Design Services.doc; Central London Footbridge Study Brief TfL.doc

Melissa

TfL is planning to commission a design study into the potential for a new footbridge in central London – brief attached. I am sending this tender out to a small number of consultants. This will be issued formally to you next week but I wanted to send it informally in advance so you were aware it was coming. I would be grateful if you could pass this to Thomas.

Many thanks
Richard de Cani

Hill Lee

From: De Cani Richard (CORP)
Sent: 08 February 2013 17:10
To: [REDACTED] MarksBarfield.com
Subject: Study
Attachments: Professional Appointment for Design Services.doc; Central London Footbridge Study Brief TfL.doc

David

TfL is planning to commission a design study into the potential for a new footbridge in central London – brief attached. I am sending this tender out to a small number of consultants. This will be issued formally to you next week but I wanted to send it informally in advance so you were aware it was coming.

Many thanks
Richard de Cani

Hill Lee

From: De Cani Richard (CORP)
Sent: 08 February 2013 17:12
To: [REDACTED] wilkisonere.com
Subject: FW: Study
Attachments: Professional Appointment for Design Services.doc; Central London Footbridge Study Brief TfL.doc

Oliver

TfL is planning to commission a design study into the potential for a new footbridge in central London – brief attached. I am sending this tender out to a small number of consultants. This will be issued formally to you next week but I wanted to send it informally in advance so you were aware it was coming.

Many thanks
Richard de Cani



Mike Brown MVO
Commissioner of Transport

Transport for London
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London SW1H 0TL

Phone [REDACTED]
[REDACTED] tfl.gov.uk

James Rea
Managing Editor and Group Head of News
LBC Radio Ltd
30 Leicester Square
London
WC2H 7LA

11 February 2016

Dear James

Garden Bridge

I refer to the interview on yesterday's Nick Ferrari breakfast show concerning the Garden Bridge.

Your broadcast contained a number of factual inaccuracies which you should correct as follows:

- The initial invitation to tender for the design contract made it clear that bids would be assessed on day rates and not a fixed fee. The figures quoted in the LBC report in relation to the bids submitted were not part of the assessment.
- While we are unable to reveal the exact day rates quoted by the bidders for reasons of commercial confidentiality, they were within a very narrow range - less than 4 per cent between the highest and lowest. As a result, the submissions received the same commercial score in the evaluation. The contract awarded to the Heatherwick Studio was awarded based on the day rates but with a capped fee of £60,000. That contract has now concluded and Heatherwick Studio has been paid less than £53,000 for its work.

Your reporter also insinuated that there has been some unspecified impropriety on the part of Transport for London's Managing Director of Planning, Richard de Cani, in his role in the procurement of consultants and advisers for the Garden Bridge. Richard has worked at TfL for 17 years and has been involved in hundreds of procurements. Any suggestion of improper involvement in either procurement contract for the Garden Bridge is completely unfounded.

As has been recorded publicly through our engagement with the London Assembly, the initial appointment of Heatherwick Studio followed a competitive process where three designers were invited to bid. Bidders were not asked to submit fixed fee bids and hence the evaluation of submissions was based on day rates as set out in the tender documents. All bidders were treated fairly and there was no bias in our assessment.

Richard was not involved in the scoring of the technical procurement and interview process, which was awarded to Arup. Once Arup was shortlisted, Richard was part of a wide-ranging panel that took the decision to award the contract to Arup, which was approved by Richard's predecessor as Managing Director of Planning.

An extensive and thorough review was undertaken by TfL's separate audit team, which concluded that the procurement for the Garden Bridge was acceptable in relation to the selection of bidders. When I started in my post as Commissioner in July 2015, I re-examined all of the background information relating to this audit and am satisfied that the process which we followed was transparent and fair to all parties concerned.

It is very regretful that LBC did not check these matters with TfL prior to broadcast. I look forward to a retraction of the unfounded allegations and a correction of the factual errors shortly.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Mike Brown', with a long horizontal stroke extending to the right.

Mike Brown MVO



Jane Duncan
President
Royal Institute of British Architects
66 Portland Place
London
W18 1AD

Mike Brown MVO
Commissioner of Transport

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42-50 Victoria Street
London SW1H 0TL

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www.tfl.gov.uk

11 February 2016

Dear Ms Duncan

Garden Bridge procurement process

I have been copied in to your exchange of letters with the Mayor about the Garden Bridge procurement process. I wanted to write to you personally to give you some reassurance about the process by which we carried out the procurement of the design team for that project.

You will have seen the reference in the Mayor's letter to the audit that my predecessor Sir Peter Hendy CBE commissioned in response to a request from the London Assembly. This audit was extremely thorough and examined all aspects of the procurement process. A copy of the report is available on our website and has been subject to further scrutiny by the London Assembly. When I started in my post as Commissioner in July 2015 I re-examined all of the background information relating to this audit and am satisfied that the process which we followed was transparent and fair to all parties concerned.

The original design exercise, which was procured back in early 2013, invited three bidders to participate: Heatherwick Studio, Wilkinson Eyre and Marks Barfield. At that time we did not have a suitable procurement framework in place for this kind of work and these three designers were selected as a result of their design experience and their suitability for responding to our brief.

The approach we adopted was entirely consistent with those for other projects we were progressing as well as broader best practice for procuring contracts beneath the OJEU procurement threshold. We identified a short list of suitable practices and invited them to respond to our brief and assessed their submissions against that brief. Everybody was treated fairly and there was no bias in our assessment and as a result there was no criticism or challenge from any of the other bidding parties.

Since then the project has attracted interest in the media because of its unique design and novel funding and delivery model. Whilst we accept that a project of this nature will generate public debate, there have been many false reports and statements made about this project.

Given that, I would like to express my disappointment that having written to the Mayor about your concerns you chose to provide comment to the press immediately, before giving the Mayor or TfL an opportunity to respond. With so much incorrect reporting it is not helpful in my view, when respected members of the professional community elect to speak with the press before providing all parties the opportunity to clarify the facts of the situation.

We commission a huge amount of work from a broad range of architectural practices across London and the UK. We take that role seriously and wish to continue to work with the industry to support the work of as many practices as possible – both big and small. It is for that reason we have now put in place a procurement framework of architectural practices and design studios that we use for this kind of work going forward. We will also consider the use of wider design competitions where they would provide the best way of securing proposals for particular projects.

The Garden Bridge is a high profile project but it is just one of many projects that we are supporting. In terms of river crossings we have identified the need for 13 additional crossings of the Thames in London, the vast majority of which are in east London. We are directly pursuing three of the largest of these crossings at the moment and are about to commence the next phase of design work on the fourth, the proposal for a new footbridge at Rotherhithe.

If you are interested in learning more about these and our other projects and how we can work more closely together on progressing their design then I would be happy to discuss this with you.

Yours sincerely

A handwritten signature in black ink, appearing to be 'Mike Brown', written in a cursive style.

Mike Brown MVO



LEADING BRITAIN'S CONVERSATION

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 @LBC

18th Feb 2016

Dear Mike,

Thank you for your letter about LBC's coverage of the Garden Bridge.

I understand my team has been in touch with your colleagues at TFL to respond to the specific concerns in your email and to discuss the action we have taken.

LBC has corrected and clarified the story on-air.

I look forward to working constructively together in the future.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'James Rea'.

James Rea
Managing Editor, LBC
Group Head of News, Global



Royal Institute of British Architects

Mr. Mike Brown MVO
Commissioner of Transport
Transport for London
Windsor House
42-50 Victoria Street
London SW1H 0TL

18 February 2016

Dear Mr. Brown,

Garden Bridge Procurement Process

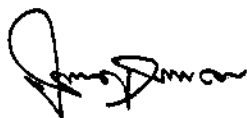
Thank you for your correspondence of 11 February in response to my letter to the Mayor of London regarding the procurement processes surrounding the Garden Bridge Project.

As you refer to in your letter, TfL has a strong track record of excellence in procuring talented designers and contractors to work on projects across London and can be justifiably proud of the string of successful projects it has overseen. We are glad that there is a recognition that this process did not meet the high standards which TfL has aspired to. However, with so many high-profile pieces of work currently being considered, I remain of the opinion that there is an urgent need for an independent external assessment of the procurement process for the Garden Bridge project.

As I made clear in my original statement on this matter last week, my concerns around the Garden project are based solely on the seriousness of the allegations relating to the procurement process and the way in which this represents a significant departure from TfL's usual best practice. My comments were not intended to pass judgement on the proposals or their design in any way.

The RIBA has extensive experience advising and facilitating the design and organisation of architectural competitions which I would be happy to discuss with you in more detail if this would be of assistance.

Yours sincerely



Jane Duncan
President

Royal Institute of
British Architects

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22 February 2016

Dear Ms Duncan

Garden Bridge Procurement Process

Thank you for your letter of 18 February. I think it would be very sensible for you to meet with TfL so we can go through your questions about the procurement and hopefully address them.

We do appreciate there is a great deal written in the press about this project and through technical journals like the *Architect's Journal*. However, rather than relying solely on what is written in the media about this project, an organisation like RIBA should establish the facts for themselves by talking to those people who were directly involved.

I know that Richard de Cani has contacted you to suggest a meeting and I would encourage you to meet with him and other colleagues where we can go through this in full.

Yours sincerely

Mike Brown MVO



Jennette Arnold OBE AM
London Assembly
City Hall
Queen's Walk
London
SE1 2AA

Mike Brown MVO
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04 March 2016

Dear Jennette

Thank you for your letter of 17 February following my attendance at the Assembly Plenary meeting on 10 February.

Before addressing your requests for information, I wanted to reiterate my concern over comments made regarding Richard de Cani.

Richard was not sole decision maker for either of the Garden Bridge procurement processes. He was part of the assessment of bids, but the award of the contracts to Heatherwick Studio and Arup were both overseen by Michèle Dix, who was Managing Director of Planning at the time.

It is similarly incorrect and misleading to imply that Arup was successful in its bid only because of Richard's former employment there. Richard has worked at TfL and predecessor organisations for 17 years and during that time been responsible for hundreds of different procurements.

I have met few people with greater integrity than Richard, and he has appeared in front of the GLA Oversight Committee with others to discuss the Garden Bridge procurement process in an open and transparent manner.

I would be grateful for your support as Chair to ensure that, without fettering the Assembly's right to scrutinise and hold us to account, officers are not subjected to wholly unjustified and unsubstantiated personal attacks.

Bus routes affected by Hertfordshire County Council's decision

I recognise how important these bus routes are to residents, and the significance of losing this funding. We are reviewing cross boundary bus services in light of the recent proposals from Hertfordshire County Council, to ensure they provide value for money. Any proposed changes to TfL-run services would be subject to full consultation before any decisions are taken.

Lane Rental Scheme

The TLRS applies to 56 per cent of the Transport for London Road Network (TRLN) and the TRLN itself accounts for around five per cent of the total road network. As you mentioned, variations to the existing regulations would need to be developed with the Department for Transport (DfT) to allow the scheme to expand.

Since 2012, the TLRS has reduced congestion on London's roads by 15 per cent, by focusing on reducing serious and severe disruption at sensitive locations.

We will continue to keep the scheme under review to look for other areas where it can deliver the most benefit. It is important to bear in mind the vast majority of congestion is concentrated on a small number of roads and expansion into less traffic sensitive areas could offer fewer benefits.

Working closely with DfT, we look at all the opportunities available to manage street works. We have, for example, recently secured greater powers over managing street works at weekends.

Newbury Park station

While engineering works take place between Liverpool Street and Ingatestone stations, there are currently two replacement bus services running:

- *Service C: Stratford - Forest Gate - Manor Park - Ilford - Seven Kings - Goodmayes - Chadwell Heath - Romford.*
- *Service D: Newbury Park (Central line) - Chadwell Heath - Romford - Gidea Park - Harold Wood - Brentwood - Shenfield.*

Stratford station has step-free access, so passengers are able to take Service C in order to travel to a step-free station. If they are travelling from further afield than Romford, they are able to travel on Service D and change at Romford to access Stratford Underground station. The journey between the bus-set down position and the Underground station is very short and step-free. We publicise changes on our website and customers are able to view accessible travel information on our journey planner.

The reason rail replacement buses are travelling to Newbury Park station is that it has sufficient space available for a high frequency service and is accessible from the main road.

We continue to discuss plans for step-free access at Newbury Park station with Redbridge Council. In December 2015 we met the council to discuss the eligibility of Newbury Park station under our Step-Free Access Partnership Programme, where funds are available to match third-party contributions. Funding opportunities are being looked at for the scheme and we will meet with officers from the council again shortly to make a decision on whether a step-free scheme at Newbury Park station can be progressed.

Gallows Corner roundabout

At Gallows Corner roundabout we are consulting on proposals to include new road markings, kerb adjustments and speed reduction measures. The aim is to reduce personal injury collisions at the junction by 50 per cent.

Consideration was given to installing traffic signals, as Roger Evans had previously suggested, but our conclusion was that the proposal would not deliver greater safety benefits and would not result in fewer collisions compared to our proposals.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Mike Brown', with a long horizontal stroke extending to the right.

Mike Brown MVO



Len Duvall AM OBE
Chair of the GLA Oversight Committee
City Hall
The Queen's Walk
London
SE1 2AA

Mike Brown MVO
Commissioner of Transport

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4 March 2016

Dear Len

GLA Oversight Committee meeting, Thursday 25 February 2016

At the meeting of the GLA Oversight Committee on Thursday 25 February 2016, a statement was made by Navin Shah AM that the information regarding the procurement processes for the Garden Bridge "points towards corruption". As Chair of the Oversight Committee, I would be grateful for your urgent public confirmation that this was in no way intended to suggest that anyone at TfL has been engaged in corruption.

I also note an article published on the website of Architects' Journal on 29 February in which you are quoted as saying "You'd imagine that both the commercial and legal teams raising concerns would prompt a rethink but instead problems seem to have been batted away and the throttle increased". The substance of these comments was repeated by Members in the Oversight Committee on 25 February.

This interpretation is incorrect. As the exchange clearly shows, a member of our commercial team was asking a series of questions, and then our Head of Commercial Services and Head of Commercial Law commented on specific items and agreed a way forward.

I welcome the Assembly's scrutiny of our activities, but I must ask for this to be conducted fairly and to be based on evidence. We are always ready to discuss directly with you any issues the Assembly wishes to examine before public statements are made.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Mike Brown', with a long horizontal stroke extending to the right.

Mike Brown MVO

Enc. Email correspondence, 8 March 2013

From: [Plummer Paul](#)
To: [Young David \(Head of Commercial - Services\)](#); [Richard de Cani \(MD Planning\)](#)
Cc: [Parr Alison](#); [Elsone Daiga \(CPT\)](#); [Curry Justine](#)
Subject: RE: Footbridge Study Assessment Sheet.xls TFL RESTRICTED
Date: 08 March 2013 13:50:58

David/Richard,

We will issue the outcome letters this afternoon.

Justine,

Can you modify the terms as necessary and then let us have them so that they can following the outcome letters.

Regards

Paul Plummer | Category Manager, Commercial - Premises & Office Services Team
Transport for London
Windsor House, 42-50 Victoria Street
London SW1H 0TL
Tel: [REDACTED] | Auto [REDACTED]
Mob: [REDACTED] | Fax: 020 7126 4517
E-mail: [REDACTED]

 *Please consider the environment before printing this e-mail*

From: Young David (Head of Commercial - Services)
Sent: 08 March 2013 13:47
To: Curry Justine; De Cani Richard (CORP); Plummer Paul
Cc: Parr Alison; Elsone Daiga
Subject: Re: Footbridge Study Assessment Sheet.xls TFL RESTRICTED

Richard

I agree. Seems like a pragmatic way forward.

I have had to depart [REDACTED] but will catch up on Monday in terms of lessons learnt.

Thanks

DY

David Young, Head of Commercial - Services, Commercial, Group Finance

Tel; [REDACTED] or Mob: [REDACTED]

Sent from my BlackBerry Wireless Handheld

From: Curry Justine
Sent: Friday, March 08, 2013 01:33 PM
To: De Cani Richard (CORP); Plummer Paul
Cc: Parr Alison; Elsone Daiga; Young David (Head of Commercial - Services)
Subject: RE: Footbridge Study Assessment Sheet.xls TFL RESTRICTED

LEGALLY PRIVILEGED ADVICE

Thanks Richard – that seems a sensible solution on the IP. Paul, I'm happy that we pick up the fine tuning on that point unless you'd prefer to, please let me know.

On the issue of fixed prices, given we have been clear that hourly rates were what wanted to see and anticipated evaluating, I think we have a good argument that those fixed prices can be disregarded for the purposes of evaluation.

We do, however, need to be clear with Heatherwick that there is limit to how much we will pay and that they are not being appointed for any wider role.

Regards
Justine

Justine Curry | Head of Commercial Law | Legal

Transport for London | 6th Floor, Windsor House | 42-50 Victoria Street, London | SW1H 0TL

██████████ | Tel: ██████████ (ext. ██████████) | Fax: 020 7126 4598 (ext. 64598)

From: De Cani Richard (CORP)

Sent: 08 March 2013 13:29

To: De Cani Richard (CORP); Plummer Paul

Cc: Parr Alison; Elson Daiga; Young David (Head of Commercial - Services); Curry Justine

Subject: RE: Footbridge Study Assessment Sheet.xls

Given we need to move this on and get the contracts sorted, I have since spoken with Heatherwick and they have agreed to concede the IP point in place of some commitments around credits etc and I have suggested that either Justine or Paul will be in touch to agree final wording for the contract. Can one of you confirm who will do this please.

The contact is

Kate Close ██████████

Many thanks Richard

From: De Cani Richard (CORP)

Sent: 08 March 2013 12:42

To: Plummer Paul

Cc: Parr Alison; Elson Daiga; Akinosho Vicki; Young David (Head of Commercial - Services); Curry Justine

Subject: RE: Footbridge Study Assessment Sheet.xls

Paul – I am sorry for the delay, I have been tied up in meetings.

Lets just be very clear here about where we are

1. In terms of the best people to do the job – it is Heatherwick. This is who we want to appoint because of their expertise and approach to the project.
2. We have not asked for a fixed sum so we should ignore this. We are appointing on the basis

of day rates and a budget ceiling.

3. We cannot nor will not give any commitments beyond this current commission. We do not know whether this project will progress further than this phase and any future phases will be subject to our normal procurement procedures.
4. The issue of IP is a contractual one and this needs to be resolved. I have copied in Justine Curry from legal to pick this up – there will be a solution there.

In terms of next steps I have already notified Heatherwick that it is our intention to appoint them, subject to agreeing the contract and we need to quickly progress to the next stage of formalising letters etc. This work needs to commence next week.

Can we please aim to have the letters formalised today

Thanks Richard

From: Plummer Paul
Sent: 08 March 2013 09:13
To: De Cani Richard (CORP)
Cc: Parr Alison; Elsone Daiga; Akinosho Vicki; Young David (Head of Commercial - Services)
Subject: RE: Footbridge Study Assessment Sheet.xls

Richard,

I have read the documentation that supports this project.

I note your comments that the brief is based on daily rates not fixed sum as clarified. However, all three submissions clearly state fixed sums and I assume the bidders have an expectation of the amount they tendered being invoiced.

It should be noted that Heatherwick have not accepted the terms and conditions and whilst I accept this is a contractual matter, this does need to be resolved prior to award (given the main issue seems to be related to IP, which I think in the case of this project is critical that we own the IP going forward). The other major issue with the Heatherwick submission is their expectation that they are appointed as Lead Designer throughout the whole process should the project proceed beyond feasibility (which surely we cannot commit to).

How was the Commercial Criteria scores reached as given the range of daily rates submitted? All three cannot have scored 15%. I don't agree with the summary comments that I have seen suggesting rates are consistent across all three bidders. One of the submissions quotes hourly (not daily rates).

If we are to proceed to award we need to resolve the contractual issues, agree actual requirement (and overall budget) and also ensure that we are not subject to scope creep.

I appreciate that there is a requirement to move this forward, but I am not comfortable that we have proceed at the moment given the issues highlighted above.

Regards

Paul Plummer | Category Manager, Commercial - Premises & Office Services Team
Transport for London
Windsor House, 42-50 Victoria Street
London SW1H 0TL
Tel: [REDACTED] | Auto [REDACTED]
Mob: [REDACTED] | Fax: 020 7126 4517
E-mail: paulplummer@tfl.gov.uk



Please consider the environment before printing this e-mail

From: De Cani Richard (CORP)
Sent: 07 March 2013 12:03
To: Elsone Daiga
Cc: Parr Alison; Plummer Paul
Subject: RE: Footbridge Study Assessment Sheet.xls

I have spoken to Alison and called you Paul on both numbers. You will see from the ITT we stated very quickly we will do our assessment on day rates but there was an inconsistency with Appendix 1, which we clarified as below. We did not ask for a fixed sum but in spite of that the bidders have chosen to do this without having any knowledge of the actual scope of work they are pricing ! Therefore, I have ignored this and relied on the requirements in the ITT, ie, day rates, which is what we stated very quickly we would use. The issue on IP we need to resolve but this is a contractual issue.

Question: Schedule 4 refers to "Please provide consultant day Rates".

However, Appendix 1 page 10 requests an "estimated price". If you are after a lump sum please confirm how we should price this commission as there is no programme.

Are we right to consider this an "estimate" or guide rather than a lump sum and that we shall not be held to this.

An estimate or lump sum guide would have been more preferable, but we appreciate that without a programme this is rather difficult to do. Therefore if you could provide a table of your rates against roles and whether you are offering any discount (and how much) from the framework rates.

Can we now proceed to finalise and issue the letters please as we need to get going.
Thanks Richard

From: Elsone Daiga
Sent: 07 March 2013 11:41
To: De Cani Richard (CORP)
Cc: Parr Alison; Plummer Paul
Subject: RE: Footbridge Study Assessment Sheet.xls

Richard,

I have prepared everything, I have draft letters and I have a draft Transactional Award which needs to be signed off before the letters, however we have identified there is a problem with the evaluation of this tender therefore it is on hold and you need to speak to Paul Plummer, our Departmental boss about it.

Kind regards

Daiga

From: De Cani Richard (CORP)
Sent: 07 March 2013 11:37
To: Elsone Daiga
Cc: Parr Alison
Subject: Re: Footbridge Study Assessment Sheet.xls

Daiga - do you have draft letters for me to review please ?

Thanks Richard

From: De Cani Richard (CORP)
Sent: Tuesday, March 05, 2013 03:14 PM
To: Elsone Daiga
Cc: Parr Alison
Subject: Footbridge Study Assessment Sheet.xls

Daiga – completed assessment sheet and summary of comments attached. Based on this assessment, we would like to appoint Heatherwick, interview not required at this stage.

Richard

Chair of the London Assembly



Jennette Arnold OBE AM
Member for North East London
Hackney, Islington and Waltham Forest

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The Queen's Walk
More London
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Telephone: 020 7983 4000
Web: www.london.gov.uk

16 March 2016

Mike Brown MVO

Commissioner, Transport for London
Transport for London
Windsor House
42-50 Victoria Street
London, SW1H 0TL

Dear Mike,

London Assembly (Plenary) 10 February 2016

Thank you for your letter of 4 March following your attendance at the London Assembly Plenary meeting on 10 February, and for providing the additional information requested by the Assembly.

I acknowledge the concerns you have raised in respect to comments made during the meeting regarding the Garden Bridge, and I am sorry that you felt they were in any way personal or intended to impugn the integrity of Mr de Cani.

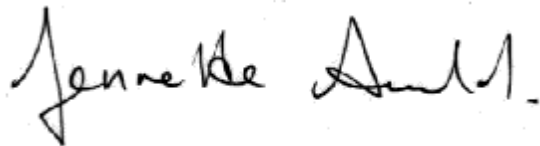
I would like to reassure you that the London Assembly holds the officers of Transport for London, and indeed the whole GLA family, in highest regard and with the utmost respect for their hard work.

However, as you have acknowledged, it is also the right and the duty of the Assembly to hold the Mayor and the functional bodies to account, which it has always sought to do in the spirit of constructive challenge. Furthermore, it is sometimes the case that Members are obliged to raise awkward issues, precisely in order to receive the responses and clarifications for the public record; leaving matters unsaid/unasked can, on occasion, lead to a greater level of untoward speculation than is the case when a Member puts the question and the respondent addresses the concerns.

In the matter of the Garden Bridge design procurement, I am satisfied that Assembly Members' criticisms were directed at the processes and procedures that supported the award decision, rather than the role of any individual TfL officers involved. I will, however, remind the Members of the London Assembly that in scrutinising the actions exercised by the Mayor in carrying out his statutory duties, for the avoidance of doubt a distinction should be maintained between scrutinising those bodies being held to account and the individual officers carrying out those actions under instruction.

Please note that, in the interests of transparency, this response and your letter will be published as part of a future Assembly agenda.

Yours sincerely

A handwritten signature in black ink, reading "Jennette Arnold". The signature is written in a cursive style with a clear, legible font.

Jennette Arnold OBE AM
Chair of the London Assembly

LONDON ASSEMBLY

Len Duvall AM, Chair of the GLA Oversight Committee

Mike Brown MVO

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Ref: 14/OC
16 March 2016

Dear Mike

Thank you for your letters of 4 March 2016 addressed to me and to the Chair of the London Assembly, Jennette Arnold OBE AM, in connection with concerns about comments made by Assembly Members during recent meetings at which TfL's Garden Bridge design procurement process was discussed.

I have looked into the issue, having asked officers to review both the webcast and the audio records of both meetings.

At the meeting of the GLA Oversight Committee on 25 February 2016, Navin Shah AM did initially use the expression "... given the whole host of information that has been contradictory to say the least, it sort of points towards corruption".

However, he then quickly amended his language and revised the statement to say "Well, it does smack of the process not being diligent".

It was unfortunate that Mr Shah AM used the term initially and I can understand your concerns for your staff but given he corrected himself I don't believe there is any further action necessary.

You will be aware that our investigation has focused on a series of errors and actions taken by TfL officers over the course of the procurement processes. The Conclusion of the Oversight report into this matter was that "the objectivity and fairness of this procurement process was adversely affected by these actions, which casts a shadow on the ultimate outcome."

With regards to your comments on the Architects' Journal article I appreciate we may have different interpretations but my reading was, and remains, that during that exchange Paul Plummer raised a number of points which concerned me, including specifically about the differing day rates and the scoring they were awarded.

Whilst I accept Richard De Cani and colleagues went on to respond to these points they did not in my opinion adequately address the costing point. Richard's bold assertion that "the best people to do the job – it's Heatherwick" seemed to be his primary response rather than accepting and addressing Paul's concerns.

I admit however that an extract of a conversation released through Fol is never the whole story, but given the facts I was being asked to comment on, I think my response was reasonable.

Be assured the report produced by the GLA Oversight Committee is based on evidence, primarily which was provided by TfL.

Please note that Jennette Arnold AM, in her capacity of Chair of the London Assembly, will respond to your letter addressed to her separately.

Yours sincerely

A handwritten signature in black ink that reads "Len Duvall". The signature is written in a cursive style with a large, prominent 'L' and 'D'.

Len Duvall AM
Chair of the GLA Oversight Committee

LONDON ASSEMBLY

Len Duvall AM, Chair of the GLA Oversight Committee

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COMMISSIONER

24 MAR 2016

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Ref: 11/OC
22 March 2016

Dear Mike

The Garden Bridge Design Procurement

The GLA Oversight Committee has completed its investigation into issues arising from the procurement of the design contract by TfL for the Garden Bridge project. Please find attached a copy of the Committee's final report *The Garden Bridge Design Procurement*.

The process which led to the decision to award Thomas Heatherwick Studio the contract for design services for the proposed Garden Bridge has been the focus of intense scrutiny over the last two years. The GLA Oversight Committee has held four meetings to shed some light on both the procurement process and the internal audit review. Our investigation has allowed us to conclude that:

- The Mayor should have been more upfront about the range and nature of contacts between his Office, TfL senior management and Heatherwick Studio.
- TfL did not have a clear idea of the extent of its involvement in the early stages of the project. Senior managers now admit that TfL would have followed a different path if it had had a better understanding of its role earlier in the process.
- There was a series of procedural errors in the procurement process.

The Committee also looked in some detail at the way the internal audit review was carried out. An earlier version of the audit report was leaked to the Committee and a comparison of that document and the published version shows that:

- The final published audit failed to address the original objective and scope of the project.
- The early draft judged that the balance of evidence demonstrated that the fairness and objectivity of the procurement process had been "adversely affected" by the errors.
- The conclusion underwent substantial changes to include mitigating statements about TfL's actions in the procurement process, remove criticisms of the process's openness and transparency and insert the value for money judgement.

We have identified several opportunities for TfL to improve the fairness and transparency of its decision making, and have attached them with this letter. I should like to invite you to provide a response to the recommendations made in the report.

I would also like to thank you and colleagues at TfL for your cooperation with our scrutiny of this issue and for the actions which your Audit and Assurance Committee is undertaking as a result of issues raised by our Committee.

This report represents the views of a majority of the Committee. The minority report of the GLA Conservatives is included in Appendix 1 of the report.

I would be grateful if you would send a response, covering these recommendations, to the Committee by 18 September 2016, copying in the clerk for the Committee, John Barry (john.barry@london.gov.uk).

Yours sincerely

A handwritten signature in black ink, appearing to read 'Len Duvall', written over a light blue horizontal line.

Len Duvall AM
Chair of the GLA Oversight Committee

Recommendations

We welcome the Commissioner's acknowledgement of the importance of improving TfL's internal processes. Better pre-tender planning should help to ensure that all relevant TfL departments are engaged with how procurement is managed, including ensuring that documentation is kept. The GLA Oversight Committee will monitor the implementation of these recommendations, and we ask that the Commissioner reports progress on the action plan to the Committee within six months.

Specifically we recommend that:

in its ongoing work on internal audit, the TfL Audit and Assurance Committee:

- publishes audit reports in full, not just the summary and conclusions as is now the case; and
 - carries out spot checks to monitor the nature and degree of changes by the audited department to internal audit drafts – with a view to assuring the independence of the function.
- TfL should:
 - consider which other officers or teams, besides the manager of the audited project, should comment on initial drafts of internal audit reports;
 - report back to this Committee on progress against all the recommendations of the published audit report around training, tender evaluation and enforcement;
 - consider introducing a co-ordinated, cross-directorate approval process for the finalisation of procurement decisions. It could require a signature from each of the key directorates at the awarding of major contracts and would have the advantage of avoiding potential disputes between directorates; and
 - consider reimbursing the unsuccessful bidders from the Garden Bridge design contract to compensate them for the time and expense incurred in preparing their proposals for a pedestrian bridge.

The Mayor's Office should take responsibility for compiling a written record of all meetings the Mayor holds with external bodies which should include clarity about what capacity he is there in (i.e. as Mayor or as Chair of TfL)

- Where major, priority projects are commissioned by a future Mayor and are not in the Mayor's Transport Strategy, that the Mayor implements them by directing the TfL board. Making it clear that such projects have a different status would offer two benefits: a) better protection of the respective functional body and its officers in the case of external challenge and b) greater clarity to potential bidders about the status of such projects.
- TfL's External Auditor and the National Audit Office may wish to consider whether appropriate steps were taken to ensure the public received value for money as a result of the flaws discovered in the procurement process.



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Mike Brown MVO
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04 April 2016

Dear *Jennette*

London Assembly (Plenary) 10 February 2016

Thank you for your letter of 16 March.

I appreciate your acknowledgment of the issues I raised and I agree that the London Assembly's vital scrutiny role should be carried out in the spirit of constructive challenge.

Thank you for your commitment to remind your colleagues to maintain a distinction between scrutinising functional bodies and the individual officers carrying out their duties under instruction.

Yours sincerely

With kind regards

Mike Brown MVO



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04 April 2016

Dear *Len*

Thank you for your letter of 16 March.

I appreciate your acknowledgment that Navin Shah AM's initial comments at the Committee's 25 February meeting were unfortunate and that his subsequent use of alternative language was intended to withdraw any suggestion of 'corruption'.

Thank you also for acknowledging that the email exchange between our officers, about which you were quoted in an Architects' Journal report, did not represent the whole story.

We have now received your letter seeking our formal response to the Committee's recommendations and will respond to these in due course.

Yours sincerely

with kind regards

Mike Brown MVO



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04 May 2016

Dear *Len*

The Garden Bridge Design Procurement

Thank you for your letter of 22 March.

Our Internal Audit team conducted an extensive and independent review of the two procurement exercises. As was presented to the GLA Oversight Committee, we have published the findings of this review on our website, including a series of recommendations. We are putting a plan of management actions into effect in response to these recommendations and I would be happy to update the Committee on this in due course.

The GLA Oversight Committee's report makes a number of recommendations to TfL in particular. My response to these is below.

1 TfL's Audit and Assurance Committee should publish audit reports in full, not just the summary and conclusions as is now the case.

Our Internal Audit team has an extensive work programme that leads to the production of a large volume of work. It is because of the volume of this work that the content of reports is summarised to allow our Audit and Assurance Committee to focus on the most important findings including where activities are being run well, and where management action is required.

While all reports are not published as a matter of routine, we regularly publish summaries of the scope and findings of all reports produced by Internal Audit and will always share internal audit reports with the public on request unless there are specific legal or commercial grounds for confidentiality. These reports can be requested by emailing internalaudit@tfl.gov.uk.

- 2 TfL's Audit and Assurance Committee should carry out spot checks to monitor the nature and degree of changes by the audited department to internal audit drafts – with a view to assuring the independence of the function.**
- 3 TfL should consider which other officers or teams, besides the manager of the audited project, should comment on initial drafts of internal audit reports.**

I am wholly satisfied with our internal audit processes, which were highlighted in May 2015 by the Chartered Institute of Internal Auditors as a model of how to organise a successful internal audit function.

I have no concerns about the independence of our Internal Audit team and the way it carries out its function. I am satisfied that our current processes allow the right teams to comment on draft audit reports, helping to ensure the accuracy of reports while maintaining independence in line with best practice.

In light of the GLA Oversight Committee's concerns, our Audit and Assurance Committee requested at its meeting on 8 March that our External Auditors review how the internal audit of the Garden Bridge design procurements was carried out. The purpose of this review will be to confirm whether or not the audit was conducted in accordance with good audit practice and to identify any lessons which might be learned. We will publish the results of that review and I am sure that they will help our Audit and Assurance Committee to determine how they wish to carry out their oversight of our audit function in future.

In addition, in accordance with Public Sector Internal Audit Standards, the Internal Audit team are subject, every four years, to an external assessment by a qualified, independent assessor. The last such review was carried out in 2012, and the next external assessment will take place later this year. I have asked that the assessment specifically include this issue and the Internal Audit team will act on any recommendations that may emerge from that review.

- 4 TfL should report back to the GLA Oversight Committee on progress against all the recommendations of the published audit report around training, tender evaluation and enforcement.**

We are putting a plan of management actions into effect in response to the recommendations in our internal audit report and I would be happy to update the Committee on this in due course.

- 5 TfL should consider introducing a co-ordinated, cross-directorate approval process for the finalisation of procurement decisions. It could require a signature from each of the key directorates at the awarding of major contracts and would have the advantage of avoiding potential disputes between directorates.**

As I explained in my letter of 29 January, our major procurement decisions are reviewed and approved by the Board and its Committees in accordance with TfL's Standing Orders, which are available on our website and are in line with best practice for corporate governance.

I am satisfied that our processes for approving and finalising procurement decisions are appropriate and in line with best practice. Our structure of Boards and delegated procurement authorities encourages valuable input from across the organisation. It also provides senior officers with the authority they need to do their jobs efficiently and ensures the highest standards of openness, fairness and transparency are maintained.

- 6 TfL should consider reimbursing the unsuccessful bidders from the Garden Bridge design contract to compensate them for the time and expense incurred in preparing their proposals for a pedestrian bridge.**

I have given consideration to this issue as requested by the Committee. I consider that it was entirely appropriate for TfL to have invited bidders to participate in the design contract procurement and the outcome was appropriate and fair. In these circumstances I do not consider that it would be appropriate to compensate unsuccessful bidders for their costs in participating in that process.

I am grateful for the work that the GLA Oversight Committee has undertaken on this issue and I would like to assure you that I am committed to follow through on the actions that we have committed to take in the light of the internal audit report and the Committee's work.

Yours sincerely



Mike Brown MVO

cc. Keith Williams, Chair of the TfL Audit and Assurance Committee



HOUSE OF COMMONS

LONDON SW1A 0AA

Mike Brown MVO
Transport for London Commissioner
Transport for London
Windsor House
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Thursday 22nd September 2016

Dear Mike Brown MVO,

This morning it has been announced that the Mayor, Sadiq Khan, has asked me to establish an independent review of the Garden Bridge project.

I wanted to write to you at the start of this review as someone who has been closely involved in the project. I am keen that we have open discussion and cooperation between us during my review.

A key focus for Sadiq is to ensure Londoners get value for money. It is with this in mind that I was delighted to accept his offer to look in detail at the decisions made so far regarding the Garden Bridge. I want to explore whether taxpayers are receiving value for money from this project and what lessons we can learn for other schemes in our city.

My review will look in detail at the procurement process around the project, and whether required standards have been met around transparency and openness going back to the beginning of the project. The Mayor and I have agreed that my report will be published in full.

I would like to stress that this is not a project that I have previously had an opinion for or against. I begin this review with an open mind and a desire to secure greater transparency and value for money around the Garden Bridge project.

While I am sure we will speak during the course of my review, do please feel free to contact me should you have any questions.

All best wishes

Rt Hon Dame Margaret Hodge MP



Rt Hon Dame Margaret Hodge MP
House of Commons
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30 September 2016

Dear *Margaret*

Garden Bridge Review

Thank you for your letter of 22 September.

We welcome your review and will, of course, provide you with all the assistance you require.

We have sought to make our involvement in the project open and transparent, and we have published extensive information on our website at <https://tfl.gov.uk/corporate/publications-and-reports/temple-footbridge>.

I have enclosed a hard copy of this information, as well as some other material you may find useful, including a short note explaining the history of our involvement in the project.

We are fully committed to assisting you in any way that we can. I would welcome the opportunity for an initial discussion with you, to understand better how we can help you in your work. If agreeable please do ask your office to contact my PA, Ella Tagg (020 3054 8903 or ella.tagg@tfl.gov.uk) to see if this can be arranged at a mutually convenient date.

Yours sincerely

A handwritten signature in blue ink, appearing to be 'Mike Brown'.

Mike Brown MVO

Encl. Information pack on the Garden Bridge project

TOM COPLEY AM | LONDONASSEMBLYLABOUR

Working hard for Londoners

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9 January 2017

Dear Mike,

RE: Garden Bridge

I am writing to you to raise my concerns regarding correspondence between the Garden Bridge Trust (GBT), Transport for London (TfL), and the Department for Transport (DfT). This correspondence was obtained by the Architects' Journal under the Freedom of Information Act, and relates to the signing of the construction contract for the Bridge in early 2016.

As you will be aware, this contract resulted in a further £7 million of public funding being awarded to the project, as well as committing the taxpayer to underwriting the project by a further £9 million. At the time Richard de Cani was working his notice period as TfL's Managing Director of Planning having accepted a job at Arup. The correspondence shows Mr De Cani advocated to the DfT that the Trust had satisfied the conditions for the contract to be signed. Due to Arup's role as a major contractor for the Garden Bridge this seems to me to be a clear conflict of interest.

When approached by the Architects' Journal for comment, TfL provided the following response:

"Richard de Cani, as managing director of planning at TfL, led our involvement in the Garden Bridge and was required to continue doing so during his notice period. Any suggestion of improper involvement in relation to the Garden Bridge is completely unfounded".

"The bridge's construction contract is a matter between the Garden Bridge Trust and Bouygues TP Cimolai.

"Our funding agreement with the Trust requires us to make grant payments once certain milestones have been reached, one of which was the signing of the construction contract. We have kept the DfT informed of these payments because of their financial contribution to the project."

I find this response is deeply misleading. The Deed of Grant specifies a number of conditions that have to be met to TfL's satisfaction. I do not believe it is proper that a managing director at TfL with a professional conflict of interest, perceived or otherwise, should have been involved in making judgements that could benefit his new employer.

The Civil Service has clear guidance in its Business Appointment rules which state 'It is in the public interest that people with experience of public administration should be able to move into other sectors, and that such movement should not be frustrated by unjustified public concern over a

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particular appointment. It is equally important that when a former civil servant takes up an outside appointment or employment there should be no cause for justified public concern, criticism or misinterpretation'. I would expect TfL to also put in such safeguards to prevent accusations of a conflict of interest.

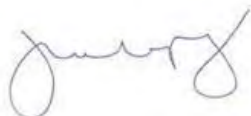
I believe that once TfL was aware of Mr De Cani's new role, this should have precluded his involvement on a project that new employer had a significant financial stake in. Please can you outline TfL's HR guidelines around conflict of interest, and what covenants Mr De Cani's contract contained concerning any future employment?

In my opinion there does seem to be a clear conflict of interest. Please review the relevant correspondence concerning Mr De Cani's involvement in the signing of the contract during his notice period, and disclose details of the discussions that took place about Mr De Cani's future involvement in the Garden Bridge project once TfL was aware he would be working for Arup.

Can you provide assurances around TfL's policy on such matters and assure me that in future where a TfL officer takes a job at another organisation that could stand to benefit financially from a project in which TfL is a partner or stakeholder that they will not be permitted to have any further involvement in that project?

I look forward to hearing from you.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Tom Copley', written in a cursive style.

Tom Copley
London-wide Assembly Member



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25 January 2017

Dear Tom

Garden Bridge

Thank you for your letter of 9 January 2017 about the Garden Bridge and the grant payments that were made to the Garden Bridge Trust in early 2016.

I should begin by clarifying the sequence of events in early 2016 that you described in your letter. The construction contract for the Garden Bridge is a contract between the Garden Bridge Trust and Bouygues TP Cimolai. The decision to sign the contract was a matter for those organisations.

Arup's contractual relationship is with the Garden Bridge Trust, not TfL. Once the Garden Bridge Trust had signed that contract, this marked the transition to the next phase of the payment schedule under our funding agreement, which was signed in July 2015 and varied in November 2015. The correspondence referred to in your letter was our explanation of this to the Department for Transport. It had no relation to any approval for the Garden Bridge Trust to enter into its construction contract, which had already taken place and in which neither we nor the Government were involved.

The signing of the Garden Bridge Trust's construction contract did not relate to the provision of a £9 million underwriting, as you suggested in your letter. The Government decided to provide this underwriting in September 2016, and it is provided from the Government's financial contribution to the project. It was effected via a variation of our funding agreement in September 2016.

As an organisation we have a comprehensive Code of Conduct (which includes the seven 'Nolan principles' of public life) and a Business Ethics Policy, which both apply to all of our employees. Through these policies we expect our employees to conduct their business with honesty and integrity and to maintain the highest ethical standards. I have enclosed copies of these policies.

We are also signatories to the GLA Group Governance Framework Agreement, which is an overarching commitment by the GLA and its functional bodies in relation to the culture and individual behaviours of the GLA Group and contains specific corporate governance commitments. This agreement has recently been revised and was considered by our Board on 22 September 2016, and approved by the Mayor on 30 November 2016.

In addition, our standard contract of employment for directors includes the following provisions regarding confidentiality and conflicts of interest:

Confidentiality

You must not disclose or communicate to any person (other than those whose province it is to know the same or upon the instructions or with the approval of the Company) or use for your own purposes or for purposes other than the Company's (or a Group Company's) any of the trade secrets or other confidential information of the Company or a Group Company which you may have received or obtained while in the service of the Company or any Group Company. You must use your best endeavours to prevent the publication or disclosure by any other person of such trade secrets or other confidential information.

These restrictions shall continue to apply after the termination (however it arises) of your employment without limit in point of time but shall cease to apply to information which comes into the public domain other than through your default.

Conflict of interest

You must inform your manager in writing if you have any personal interest that might affect, or could be seen by others to affect, your impartiality in dealing with customers, suppliers, contractors or members of the public or in discharging the responsibility of your role. Further details are set out in the Business Ethics policy.

I am satisfied that these policies and contractual provisions provide the right assurances and accurately describe our ethical values and vision and the behaviour we expect from our employees.

The provisions above were present in Richard de Cani's contract of employment and we do not consider them to have been breached. Nor do we consider Mr de Cani to have been in breach of our Code of Conduct or our Business Ethics Policy. Mr de Cani remains subject to continuing obligations of confidentiality, but we do not place restrictions on the roles that staff can take when they leave the company.

When Mr de Cani handed in his notice, he and I discussed the work that I would expect him to carry out before he left us. This included continuing to lead our contribution to the Garden Bridge.

The grant payments that were made to the Garden Bridge Trust during Mr de Cani's notice period were made because the Trust had met the conditions of payment in a funding agreement that was agreed much earlier, in July 2015. This agreement has been published on our website for some time. Had we not made those grant payments then we would have been in breach of our funding agreement with the Garden Bridge Trust.

We will continue to ensure that our Code of Conduct and Business Ethics Policy are followed at all times, and that all our employees adhere to the highest standards of behaviour in public life.

Yours sincerely



Mike Brown MVO

Encl. TfL Code of Conduct, October 2015
TfL Business Ethics Policy, May 2007

TOM COPLEY AM | LONDON ASSEMBLY LABOUR

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16 March 2017

Dear Mike,

RE: Garden Bridge

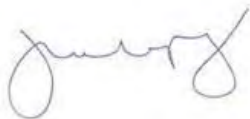
Thank you for attending the Transport Committee meeting earlier this month.

At the meeting I sought clarification about whether Richard de Cani, the then Managing Director for Planning was the only person assessing whether the Garden Bridge Trust had met conditions 'to TfL's satisfaction' when signing the construction contract for the Bridge. Could you please clarify this?

Can you also clarify what criteria were used by TfL to judge whether these conditions had been met before signing the construction contract?

I look forward to hearing from you.

Yours sincerely,



Tom Copley
London-wide Assembly Member



Mike Brown MVO
Commissioner of Transport

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6 April 2017

Dear Tom

Garden Bridge

Thank you for your letter of 16 March following up on our discussion about the Garden Bridge at the Transport Committee meeting on 2 March.

As I explained in my letter to you of 25 January, the construction contract for the Garden Bridge is between the Garden Bridge Trust and Bouygues TP Cimolai. The decision to sign the contract was a matter for those organisations. There is no requirement in our funding agreement with the Garden Bridge Trust for them to seek our approval before entering into such contracts.

We did not approve the signing of the construction contract, nor were we required to. It was not our decision to proceed with entering into the contract.

During the Transport Committee meeting on 2 March, you asked about how we determined that the Garden Bridge Trust had met the conditions of payment in our funding agreement for the release of grant payments following the signing of the main construction contract in early 2016. *These conditions are set out in the funding agreement, which is available at <https://tfl.gov.uk/corporate/publications-and-reports/template-footbridge>.*

The assessment of the Managing Director of Planning as to whether the conditions of payment had been met was of course informed by advice and input from across the organisation, and was based on our knowledge and scrutiny of the project as well as evidence presented by the Garden Bridge Trust.

Caroline Pidgeon MBE AM has also written to me as Chair of the Transport Committee to pick up on these and other points raised during the Transport Committee meeting on 2 March on which the Committee would like further information.

My reply to Caroline on this subject will contain the same information.

Yours sincerely

A handwritten signature in blue ink, consisting of a stylized 'M' followed by a horizontal line.

Mike Brown MVO

cc: Caroline Pidgeon MBE AM, Chair of the London Assembly Transport Committee

LONDON

Len Duvall AM, Chair of the GLA Oversight Committee

Mike Brown MVO

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Ref:

20 November 2017

Dear Mike

Re: Garden Bridge matters, meeting of 15 November 2017

Thank you for attending the meeting of 15 November 2017, during which issues arising out of the extensive and forensic work carried out by the Assembly regarding the Garden Bridge project, and lessons learned following the investigation were discussed.

At the conclusion of the last meeting of the Greater London Authority (GLA) Oversight Committee meeting on 11 October 2017, I indicated that the Committee was minded to pursue certain lines of enquiry further, as there continues to be concern regarding the loss of £46m of public money on this project.

One particular issue, raised during questioning by the Oversight Committee, was the release of the £7m after the construction contract was signed. The Committee has requested clarity regarding how criteria and processes, if they were in place at all, were applied by Transport for London (TfL) to decisions on whether and when to release payments.

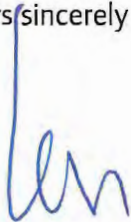
On the broader issues, I do acknowledge and appreciate your approach to Members' questioning on these matters; you have understood the concerns and made a number of statements to indicate that changes are now being made within TfL.

However, it is fair to say that there is no single statement or place where, to date, you have set out the full details of the changes being made to TfL's Board, governance and procurement procedures, to officer conduct rules and the handling of Mayoral directions, both before and after they are issued, as a result of the failings of the Garden Bridge Project. May I invite you to provide the Assembly with that clarity as part of your response to this correspondence.

Furthermore, could I also ask you to detail how TfL ensures compliance with the 'decision making' and 'roles and responsibilities' sections of the Corporate Governance Framework Agreement for the GLA Group, as approved by the Mayor (following consultation with all functional bodies and the Assembly), which deal specifically with the need for clear and accountable decision-making procedures, including in relation to Mayoral Directions.

On behalf of the Assembly, I look forward to your response.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Len', positioned below the text 'Yours sincerely'.

Len Duvall AM
Chair of the GLA Oversight Committee



Len Duvall AM
Chair of the GLA Oversight Committee
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Mike Brown MVO
Commissioner of Transport

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08 December 2017

Dear *Len*

Garden Bridge

Thank you for your letter of 20 November, following our meeting about the Garden Bridge. I am grateful for the work your Committee has done to explore what went wrong with the project, and for the opportunity to set out in one place the action we have taken to improve our processes as a result of your and others' investigations.

Over the last three years there have been a number of reviews and investigations into the project, including your own but also, for example, our Internal Audit report; an External Auditor review of that report; the Charity Commission's review of the Garden Bridge Trust; an investigation by the National Audit Office; and the comprehensive review that Dame Margaret Hodge completed at the request of the Mayor.

Let me be clear that we welcome the findings of all of these reports and investigations. In response to their recommendations, we have taken the following actions:

- **Board level transparency and scrutiny:** Under the clear guidance of the Mayor, we have implemented significant changes to our Board and Committee structure, including creating a Programmes and Investment Committee specifically to focus on our Investment Programme and give us an appropriate level of detailed attention.

Your Committee and Dame Margaret Hodge have both voiced concerns about the level of direct involvement by the previous Mayor and his team in this project, and the use of Mayoral Directions; under our new arrangements, our Audit and Assurance Committee, Finance Committee and Programmes and Investment Committee will also be more closely monitoring activities which are subject to a Mayoral Direction.

We are also supporting the GLA to ensure that where the Mayor takes decisions or provides significant advice in informal meetings, this is properly minuted.

- **Exercise of Commissioner's authority:** We have tightened the processes under which the Commissioner and Chief Finance Officer exercise the approvals delegated to them by our Board. In addition, we have expanded the regular reports to the Programmes and Investment Committee on matters they approve, and strengthened the process for ensuring the Chair of the relevant Committee is involved in authorities proposed to be given by the Commissioner or the Chief Finance Officer for matters which are not in the Business Plan or Budget.
- **Senior communication on procurement compliance:** The Mayor and I are crystal clear that all of our procurement processes must be fully complied with at all times. I have recently written personally to all of my senior staff to stress the importance of this, and explain the training and whistleblowing facilities that are available.
- **Escalation of issues:** It is crucial that staff involved in procurement know when and how to escalate concerns and risks about non-compliance with procurement processes. We have reminded all relevant staff that this escalation must happen, with particular focus on the Commercial, Internal Audit and Legal teams.
- **Assurance activity:** We have reviewed our assurance processes, for procurement activity but also more widely, and brought in specialist software to improve processes and reduce risk and error.
- **Review of employment conditions for senior staff:** We are very clear that our leavers remain bound by our Code of Conduct and Business Ethics policy. When we become aware of the impending departure of one of our senior staff, we will now be undertaking an assessment to determine whether there is, or might be perceived to be, a conflict so that responsibilities can be reallocated as necessary. We are also undertaking a review of the contractual terms of all senior employees to ensure that a consistent approach is taken to potential conflicts of interest.

Separately and following Dame Margaret Hodge's review, the GLA is currently considering options for her recommendation to amend employment conditions to limit the potential for 'revolving doors' among senior staff. We will support the GLA in this work.

We also set out a summary of these actions in a paper to our Board on 19 July 2017. This paper is published on our website at: <http://content.tfl.gov.uk/board-20170719-item15-garden-bridge.pdf>

Your letter also asked two specific questions, which I have answered below.

Releasing the £7m grant payment to the Garden Bridge Trust following the signing of their construction contract

We signed our Deed of Grant with the Trust on 2 July 2015, and subsequently varied it on 13 November 2015. These grant documents are published on our website at: <https://tfl.gov.uk/corporate/publications-and-reports/temple-footbridge>.

Under the terms of this Deed of Grant, the Trust was entitled to a payment of £7 million within 10 days of the award of the main construction contract, provided certain Conditions of Payment were met. These Conditions of Payment were:

- The Trust has demonstrated to TfL's satisfaction that it has secured, or is able to secure, a sufficient level of funding, including the Grant from TfL, to cover the costs of construction of the Garden Bridge;
- The Trust has demonstrated to TfL's satisfaction that it has secured, or is able to secure, all necessary consents needed to deliver the Project;
- The Trust has demonstrated to TfL's satisfaction that an appropriate project "go/no go" gateway review has been passed, including proper assessment and management of risks;
- The Trust has demonstrated to TfL's satisfaction that it has appropriate plans in place for the operation and maintenance of the Garden Bridge;
- The Trust has demonstrated to TfL's satisfaction that it has secured a satisfactory level of funding to operate and maintain the Garden Bridge once it is built for at least the first 5 (five) years; and
- The Trust has demonstrated that these funds will only be used in respect of the construction of the Garden Bridge.

Following negotiations between the Trust and its preferred construction contractor, Bouygues, the Trust was in a position to award the main construction contract in late January 2016. This contract was between the Trust and Bouygues; we were not party to it and the Trust did not require our approval to enter into it.

Paul Morrell (Vice Chair of the Trust) wrote on 27 January 2016 to Richard de Cani, our Managing Director, Planning and the named TfL Representative under the Deed of Grant, to request the release of the £7 million payment. A copy of this letter is attached, together with a subsequent, clarifying email of 29 January from Bee Emmott, the Executive Director of the Trust).

We considered the evidence supplied in this letter, as well as the wider information we had available on the status of the project from our regular progress meetings with the Trust, and determined that the Conditions of Payment had been met and it was necessary to release the payment to the Trust.

While we have been the Trust's primary contact on the public funding for the project, half of the public sector contribution has come from the Government and we have always kept colleagues at the Department for Transport informed on the status of the project and its funding. This was also true in this instance, where we provided the Trust's evidence and our view that the Conditions of Payment had been met to the DfT by email on 29 January 2016.

Compliance with the GLA Group Corporate Governance Framework Agreement

I take compliance with Corporate Governance very seriously, and I am committed to our leading the way in terms of transparent and accountable decision-making.

The GLA Group Framework Agreement is an important part of this, and our Board approved us being a signatory to the agreement in September 2016.

Our decision-making and reporting procedures are set out in our Standing Orders and the Terms of Reference of our Committees and Panels. These were most recently updated on 9 November 2017.

In addition, our Code of Conduct sets out how we expect our people to behave and how their day-to-day responsibilities relate to our organisational commitment to professional business conduct and ethics. This includes guidance around the management of conflicts of interest, and our requirement for all Board Members and senior officers to complete the GLA Framework's Register of Interests form.

We carry out an annual review of our Board and decision-making structures, to ensure that they remain effective and compliant with our Standing Orders, our Code of Conduct and the GLA Framework Agreement. We report the outcomes and recommendations of the effectiveness review to our Board, and our Audit and Assurance Committee considers an Annual Governance Statement including a Governance Improvement Plan.

It is crucial that our decision making is completely transparent. Our Board, Committee and Panel meetings are held in public and the papers are published online. We report any instances of my or our Chief Finance Officer's use of delegated authority to our Finance Committee and/or our Programmes and Investment Committee (depending on the nature of the approval) and we are expanding this report to specifically reference if the authority was granted for an item outside of our Business Plan or Budget.

As described in my summary of actions above, the latest revisions to our Standing Orders take this further by adding further internal review processes before any authority is granted and requiring the Chair of the relevant Committee to be consulted on any authority request for a project that is not in our Business Plan or Budget.

Finally, as part of our review our Finance Committee and Programmes and Investment Committee as appropriate will also receive reports on the implementation of Mayoral Directions.

I hope that this answers the points in your letter, but if you or your Committee have any further questions then please let me know. Thank you again for the opportunity to set out the steps we have taken to improve our processes and ensure that the mistakes made on this project can not happen again.

I will also be sending a copy of this letter to all of our Board Members, and publishing it on our website.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Mike Brown', with a long horizontal stroke extending to the right.

Mike Brown MVO

Encl. Correspondence from the Garden Bridge Trust requesting drawdown of the £7m grant payment following the signing of their construction contract

Appendix: correspondence from the Garden Bridge Trust requesting drawdown of the £7m grant payment following the signing of their construction contract

Richard De Cani
Managing Director, Planning
Transport for London
Windsor House
42-50 Victoria Street
London
SW1H 0TL

27 January 2016

Dear Richard

As per the payment profile in the Deed of Variation, dated 13th November 2015, the Garden Bridge Trust ("GBT") is due to drawdown on the next tranche of funding within 10 days of award of the main construction contract (29th January 2016).

I am writing to set out the progress made to satisfy the conditions of this instalment of TfL funding, since my last letter dated 11th December 2015.

The GBT's preferred contractor, Bouygues TP, has provided a revised offer with a viable programme as of December 2015. This has been reviewed by Arup on behalf of GBT for acceptability and assurance purposes. Following final negotiations and receipt of the tender report, a reconciliation with the funding situation was undertaken in parallel. This has been reviewed by the Trustees who intend to proceed to the next stage of award of the construction contract.

The Trust continues to work jointly with TfL and both Westminster City Council ("WCC") and London Borough of Lambeth Council ("LBL") to ensure that any outstanding planning conditions are approved and any outstanding property issues are resolved.

The following outlines our progress in meeting the conditions as set out in the agreement.

The Trust has demonstrated to TfL's satisfaction that it has secured, or is able to secure, a sufficient level of funding, including the Grant from TfL, to cover the costs of construction of the Garden Bridge

The Garden Bridge Trust has raised a total of £145 million, of which £85 million is from the private sector. This is enough to cover the cost of the bridge's construction contract, which is in the region of £100 million. The Trust continues to raise funds from the private sector to cover the remainder of the total project cost and will continue to do so, throughout construction.

Over the last six months, the Trust has secured more than £20 million in private sector contributions to the project. This is an unprecedented achievement for a capital project that has yet to begin construction. The Garden Bridge Trust expect fundraising to accelerate further once construction commences later this year.

The Trustees have a robust strategy to raise the remaining funds, including a series of major opportunities available totalling £42m and a Patron Scheme that will raise £1.5m. In addition, a strong pool of over 200 prospects has been developed, each with the capacity to give donations at the £500k level and above. Support for the project is strong amongst the philanthropic community. The Trust recently went to the market with ticket sales for its forthcoming inaugural fundraising Gala in aid of the charity and has sold all tickets to the event which will host 400-500 guests.

GBT is in advanced discussions with three major corporations for contracts to the value of £15 million which we anticipate will be signed by June 2016.

The Trust's fundraising activities will include the launch of a major public fundraising campaign in 2016, giving the opportunity for the public to engage and support the project.

Contractual agreements are in place for all of the commitments received to date. Each agreement clearly outlines the obligations of the Trust and funder and the release of tranches of funding in accordance with the Trusts requirements and projects progress. The full list of donors includes support from a range of Trusts, Foundations, philanthropists and major corporations, including Google, Sky and Citi Bank. This material has been shared with TfL for assurance purposes.

The Trust has a Development Sub-Committee that is focused on raising funds for the project as well as an in-house fundraising team and consultants that has grown since inception. A further Sub-Committee has been set up to focus on securing Patrons.

The Trust has demonstrated to TfL's satisfaction that it has secured, or is able to secure, all necessary consents needed to deliver the Project;

GBT has a fully articulated plan to address and attend to planning conditions and section 106 requirements prior to commencement of works as outlined in the supporting document Conditions Status Log.

The Garden Bridge Trust have submitted all pre-commencement conditions to Lambeth Council. Twelve of these conditions have been discharged already - seven planning conditions were recommended for approval and discharged at Lambeth's December Planning Committee and a further eight have been submitted for Lambeth's February Planning Committee, all recommended for approval. The remaining conditions, largely operational, will go to Lambeth's March Planning Committee and GBT representatives will attend a technical briefing with Committee Members in advance. TfL have been consulted on relevant conditions and are comfortable with the Trust's approaches and have provided approval to the Local Authorities.

There is one outstanding pre-commencement condition to be submitted to Westminster Council relating to the permanent highway layout for Temple Place, and the expectation is that this will be submitted shortly. Westminster Council planning conditions are unlikely to require a Committee determination and the expectation is that any outstanding conditions will be approved at officer level as has proven the case to date.

Section 106 agreements with both Local Authorities are in final draft form and the Trust expects to finalise these over the next month.

The Trust has demonstrated to TfL's satisfaction that an appropriate project "go/no go" gateway review has been passed, including proper assessment and management of risk;

A Stage gate review checklist has been approved by the Trust's Project Delivery Committee, against a revised short term (30 week) and long term programme which demonstrates progress to date and a plan to succeed on any outstanding property and planning fronts. This has been reviewed along with any associated risk by the Board of Trustees at the Board meeting held on January 14th 2016, who are satisfied to proceed to the next stage. TfL are observers of the Garden Bridge Trust Board meetings and have received a copy of the meeting minutes.

The Garden Bridge Trust Board of Trustees have resolved to execute the construction contract on 29 January 2016. The contract is engrossed and comprehensive and allows for the foreseen work to be delivered within the development forecast. There is provision outside the contract sum for works, yet to be procured, for example the works at London Underground.

The Trust has demonstrated to TfL's satisfaction that it has appropriate plans in place for the operation and maintenance of the Garden Bridge

As explained in the letter dated 11th December, the Trust has produced an Operation and Maintenance Plan which has been through a number of peer reviews.

The Operation and Maintenance Plan is a pre-commencement condition that needs to be discharged by both Lambeth and Westminster. The Plan has been submitted to both Councils for their review.

The Trusts construction contract with Bouygues TP includes the novation of a landscape contract with Willerby. Willerby will be responsible for the maintenance of the garden for the first five years of the bridges life.

The Operations and Maintenance Business Plan (the "OMBP") is subject to approval by Westminster City Council (WCC) and the London Borough of Lambeth (LBL) through a Section 106 obligation.

As explained previously, GBT has prepared a revised OMBP, since that submitted prior to planning consent in 2014, to set out how running costs associated with the Garden Bridge will be funded for five years from opening in 2018 until the end of 2023. The OMBP shows that the Trust is able to fund the costs associated with operating and maintaining the Garden Bridge over the five year business plan period.

The Trust has demonstrated that these funds will only be used in respect of the construction of the Garden Bridge.

The overall programme is being progressed with specific pre-construction activities pursued over the next six months, as indicated in the short term programme reviewed by the Trustees and TfL. The intention is to pursue these activities in parallel with Bouygues progressing the design and enabling works with main construction starting on site in the second quarter of 2016.

This notice is intended to trigger the immediate release of the £7m payment due within 10 days of award of construction contract as set out in Deed of Variation. For cash flow purposes, the Trust requests an initial payment of £2.5m immediately following receipt of this letter, to be followed by the drawdown of the remaining of the £7m on the 13th March 2016. This notice is also intended to provide evidence to trigger the release of the £3m due on 13th February as set out in the Deed of Variation.

We hope the above meets the conditions set out in the agreement. Please confirm acceptance of this proposal.

Yours sincerely,



Paul Dring Morrell
Vice Chair of the Garden Bridge Trust

From: Bee Emmott <[REDACTED]@gardenbridge.london>
Sent: 29 January 2016 08:59
To: Richard de Cani (MD Planning)
Cc: Brown Andy (Corporate Affairs); Rebecca Olajide; Jim Campbell; Jane Hywood
Subject: Re: FAO Richard De Cani

Dear Richard

Further to the below, I wanted to clarify that the information supplied in Paul's letter of 27 January relating to the fourth condition of payment in TILs Deed of Grant, namely that

"The Trust has demonstrated to TIL's satisfaction that it has appropriate plans in place for the operation and maintenance of the Garden Bridge"

Is also intended to demonstrate fulfilment of the fifth condition of payment in the deed, that

"The Trust has demonstrated to TIL's satisfaction that it has secured a satisfactory level of funding to operate and maintain the Garden Bridge once it is built for at least the first 5 (five) years"

If you'd like to discuss, just let me know.

Best wishes

Bee

On 28 Jan 2016, at 15:32, Bee Emmott <[REDACTED]@gardenbridge.london> wrote:

Dear Richard

Please find attached letter from Paul Morrell, Vice Chair, Garden Bridge Trust.

Best wishes

Bee

Bee Emmott

Executive Director, Garden Bridge Trust
Somerset House, Strand, London, WC2R 1LA

m: [REDACTED]

Click [here](#) to report this email as SPAM.

Tom Copley AM | LONDONASSEMBLYLABOUR
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13 December 2017

Dear Mike,

Re: Minutes of Garden Bridge Trust board meetings

TfL have so far been unable to produce a complete set of minutes from Garden Bridge Trust board meetings. I note in your response to my question at GLA Oversight Committee on 11 October that you were 'more than happy to have another look to see whether those minutes are available'. I therefore wanted to ask whether TfL has acquired the minutes of all Garden Bridge Trust Board meetings.

As you will no doubt agree the failure by TfL to keep accurate records of all discussions and decisions taken at these meetings is totally unacceptable, especially when decisions around spending large sums of public money are being made.

I therefore want to draw your attention to the Deed of Grant relating to the Garden Bridge Project, signed by Transport for London and the Garden Bridge Trust on 02 July 2015, specially section 10 'Project documentation and Reporting'. The text reads that you (being GBT).

'10.1.1 keep full, proper and audible records of the progress of the project and take all reasonable steps to ensure integrity and security of these records:'

'10.1.2 keep complete and accurate accounting records of all income and expenditure in relation to the Project. These records shall differentiate between funds received pursuant to this Agreement and other monies received by you in relations to the Project.'

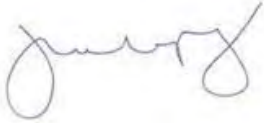
'10.1.3 retain the Project records for a period of ten (10) years after the end of the Project period.'

'10.1.4 without prejudice to clause 11, permit us at reasonable times and on giving you reasonable notice to inspect the Project and all Project records and take copies of them, if required: and...'

This clearly states that Transport for London is authorised to request copies from the GBT at any given time and that if records or papers are not properly accounted for it is within TfL's right, as the guarantor, to obtain all documentation directly from the GBT. I therefore am requesting that TfL obtain this material, with regard to the Deed of Grant, and provide it to me. I am also requesting the dates and details of all meetings TfL had with the GBT.

Londoners deserve clarity and transparency, and where considerable public money has been spent it is right that this information is brought to the London Assembly to properly scrutinise.

Best wishes,

A handwritten signature in black ink, appearing to read 'Tom Copley', with a stylized, cursive script.

Tom Copley AM
London-wide Assembly Member



Tom Copley AM
City Hall
Queen's Walk
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SE1 2AA

Mike Brown MVO
Commissioner of Transport

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22 December 2017

Dear Tom

Minutes of Garden Bridge Trust board meetings

Thank you for your letter of 13 December, regarding the minutes of Board meetings held by the Garden Bridge Trust.

Since the meeting of the GLA Oversight Committee on 11 October, we have looked into whether we hold copies of minutes of the Garden Bridge Trust's Board meetings.

We exercised our right to observe Garden Bridge Trust Board meetings, as set out in our funding agreements with the Garden Bridge Trust. However, we were not routinely provided with papers for these meetings, nor have we kept copies of them. The Garden Bridge Trust was responsible for the delivery and funding of the project. The Trust was an independent charitable company, and we did not run it. It was therefore the Trust's responsibility to keep proper records of the project's progress, as well as the running of the Trust.

However, our Director of City Planning has now written to the Garden Bridge Trust to request copies of the minutes of their Board meetings. Assuming I receive those documents I will of course share them with you and the Committee.

Yours sincerely

Mike Brown MVO

LONDON ASSEMBLY

Len Duvall AM, Chair of the GLA Oversight Committee

London Assembly
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The Queen's Walk
London SE1 2AA

Mike Brown MVO
Commissioner for Transport
Floor 11
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9 January 2018

Dear Mike,

Garden Bridge

I would like to take this opportunity to thank you for your correspondence of 8 December 2017 in which you address several issues associated with the Garden Bridge project, following our meeting on 15 November 2017.

I welcome the actions that you and others have undertaken in relation to improving the workings of the Board, ensuring that procurement processes are rigorously complied with together with the GLA's Corporate Governance Framework.

However, the Committee considers that its review of the lessons to be learned from this project would not be complete without the opportunity to question the former Mayor of London, the Rt Hon Boris Johnson MP, regarding his key role in the project and responsibility for the associated expenditure.

To this end, at its meeting of 14 December 2017, the Committee resolved to summons Mr Johnson in his capacity as former Mayor, to answer questions about the Garden Bridge project. We are looking forward to the opportunity to hear the former Mayor's views regarding decisions that were taken by him in relation to the project. Mr Johnson has offered to attend on 1 March 2018.

LONDON ASSEMBLY

Len Duvall AM, Chair of the GLA Oversight Committee

We will be in touch again if further issues arise from that session in connection with TfL's activities on this project.

Otherwise, I wish you all the best for the year ahead.

Yours sincerely



Len Duvall AM
Chair of the GLA Oversight Committee

Tom Copley AM | LONDON ASSEMBLY LABOUR

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02 February 2018

Dear Mike,

The deadline set by Howard Carter for the release of minutes of the Garden Bridge Trust meetings has now expired.

I was wondering if the Trust had complied with this request and supplied copies of the minutes? If they have failed to do so, what legal avenues do TfL have to force their release?

Best wishes,



Tom Copley
London-wide Assembly Member



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28 February 2018

Dear Tom

Garden Bridge Trust minutes

I reply further to your letter of 2 February regarding the minutes of Board meetings held by the Garden Bridge Trust.

The Garden Bridge Trust has now supplied us with copies of the minutes of their Board meetings, as we requested. These include some redactions. We are in the process of confirming these redactions are indeed appropriate.

I will, of course, send you a copy of the minutes once we have completed this check.

Yours sincerely

Mike Brown MVO



Mike Brown MVO
Commissioner of Transport

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[REDACTED] tfl.gov.uk

Tom Copley AM
City Hall
Queen's Walk
London
SE1 2AA

15 May 2018

Dear Tom

I reply further to my letter of 28 February regarding the minutes of Board meetings held by the Garden Bridge Trust.

We have now completed our review of the minutes that the Garden Bridge Trust supplied to us. The reasons for their redactions are explained in a covering letter from the Trust.

I have enclosed copies of these minutes and the Trust's covering letter. I will be making arrangements for these to be published on our website later this week, but given the personal interest you have taken in this issue I wanted to give you first sight of them before they are published.

Yours sincerely

A handwritten signature in blue ink, appearing to be 'MC'.

Mike Brown MVO

Enc: Copies of minutes of Board meetings held by the Garden Bridge Trust

Tom Copley AM | LONDONASSEMBLYLABOUR

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22 May 2018

Dear Mike,

Thank you for sending me the minutes of the Garden Bridge Trust's meetings.

The minutes raise more questions about TfL's decision to release £7 million of funding, which was conditional on the Trust meeting certain conditions.

The minutes of the board meetings on 9 December 2015 and 14 January 2016 reveal that TfL was sceptical that the Trust would meet the conditions set out in the Deed of Grant. Yet just weeks later TfL approved the release of millions of pounds of extra taxpayer money.

I am concerned that political pressure led to TfL abdicating its responsibility as a custodian of public money.

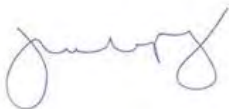
I have asked you in the past about how TfL was satisfied that the conditions of the Deed of Grant had been met, but have never received a satisfactory response. I am writing to request the following:

1. All meeting notes and correspondence, including emails, relating to the decision that the Trust had met the conditions set out in the Deed of Grant. This should include all the evidence that TfL relied upon when making its decision.
2. The full reasoning behind TfL's conclusion that the Trust had met each individual requirement. In particular, how it had demonstrated that it had secured *"a satisfactory level of funding to operate and maintain the Garden Bridge once it is built for at least the first five years of operation"*
3. The name of the person, person(s) or board that took the decision, and clarification as to your involvement in signing off the decision.

There is some confusion regarding this last point. In Richard de Cani's interview with Margaret Hodge he stated that *"I was very clear that it wasn't a decision that I would take on my own, I would seek the input from other people in TfL and get the Commissioner to say he was happy with it, because I knew these were decisions that were quite significant"*. Yet at the GLA Oversight Committee meeting when I asked you *"presumably the buck stops with you and you would have had to sign this off?"* you replied *"I did not sign it off because, in the way that this was constructed, that was not required under the arrangement that existed at that time."*

I look forward to receiving your response.

Best wishes,



Tom Copley AM
Labour London-wide Assembly Member



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12 June 2018

Dear Tom,

Thank you for your letter of 22 May, about the Garden Bridge.

I am sorry that you have not been satisfied by my previous replies or the information we have released about this project. We have always sought to be fully open and transparent, and provided every piece of information requested by Dame Margaret Hodge MP for her review of the Garden Bridge. A summary of the management actions we took in response to her and other reviews of the project was considered by our Board on 19 July 2017 and is available on our website at <https://tfl.gov.uk/corporate/publications-and-reports/board-papers>.

You already have a copy of the Trust's formal request to draw down funding against the agreement, but I have enclosed it again here along with copies of emails from February and March 2016 approving the release of the payments under the funding agreement.

I have also enclosed a briefing note that was prepared at the time in order to set out the status, funding and risks of the project. This is not a decision paper, but I have included it because it provides helpful context.

As I have explained previously, the assessment of whether the conditions of payment had been met was made by the Managing Director of Planning and was, of course, informed by discussions with colleagues from across the organisation, and based on our knowledge and scrutiny of the project as well as evidence presented by the Garden Bridge Trust.

You asked specifically about the condition to secure a satisfactory level of funding to operate and maintain the Garden Bridge once it was built for at least the first five years. The Trust's letter explains that they had produced an Operations and Maintenance Business Plan as a pre-commencement condition for the bridge's planning consents in Lambeth and Westminster. This document described how the Trust would cover the costs of maintaining and operating the bridge for the first five years after it opened. The Trust had already begun to implement parts of this plan and had secured £2m for its Endowment Fund. We considered this business plan sufficient to meet the condition of payment.

I should also note for the record that the Garden Bridge Trust's minutes of their Board meetings were produced entirely by the Trust. We were not involved in writing or approving any of their content.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Mike Brown', with a horizontal line underneath the name.

Mike Brown MVO

Encl. Emails approving the release of payments to the Garden Bridge Trust following their request against the funding agreement, February and March 2016

Briefing note summarising the status, funding and risks of the Garden Bridge project, February 2016

From: Richard de Cani (MD Planning)
Sent: 12 February 2016 09:50
To: Pooley Andrew
Cc: Beaven Geetha; Tate Nigel (TfL); Kilonback Simon; Hart Anna; Ritchie Charles; Brown Andy
Subject: GBT Funding Agreement Payments
Attachments: 2016-01-27 Paul Morrell, GBT letter to RdC re £7m payment.pdf; 2016-02-09 Bee Emmott letter to RdC re funding payments and construction contract.pdf

Dear Andy

Please find attached two letters from the Garden Bridge Trust calling on further payments to be made under the Deed of Variation (as authorised by Mike Brown).

The letter from the Vice Chair of the Garden Bridge Trust, Paul Morrell, sets out how the Trust is continuing to satisfy the conditions of payment through the progress the project has made in its pre-construction activities. The separate letter from the Executive Director of the Trust, Bee Emmott, confirms that the Trust has now signed its main construction contract with Bouygues TP Cimolai.

The signing of the construction contract is a significant step forward and I am satisfied that there has been notable progress secured and credible plans developed for fundraising; obtaining all necessary consents and land interests; and managing and funding the operations and maintenance of the bridge.

On this basis, I authorise the transfer of the "+3 months from the date of this Deed of Variation" £3m payment to be made to the Garden Bridge Trust as set out in the revised payment profile under item 8 of the Deed of Variation, to take place as soon as possible.

Kind regards,

Richard de Cani

From: Bee Emmott <[REDACTED]@gardenbridge.london>
Sent: 29 January 2016 08:59
To: Richard de Cani (MD Planning)
Cc: Brown Andy (Corporate Affairs); Rebecca Olajide; Jim Campbell; Jane Hywood
Subject: Re: FAO Richard De Cani

Dear Richard

Further to the below, I wanted to clarify that the information supplied in Paul's letter of 27 January relating to the fourth condition of payment in TfL's Deed of Grant, namely that

"The Trust has demonstrated to TfL's satisfaction that it has appropriate plans in place for the operation and maintenance of the Garden Bridge"

is also intended to demonstrate fulfilment of the fifth condition of payment in the deed, that

"The Trust has demonstrated to TfL's satisfaction that it has secured a satisfactory level of funding to operate and maintain the Garden Bridge once it is built for at least the first 5 (five) years"

If you'd like to discuss, just let me know.

Best wishes

Bee

On 28 Jan 2016, at 15:32, Bee Emmott <[REDACTED]@gardenbridge.london> wrote:

Dear Richard
Please find attached letter from Paul Morrell, Vice Chair, Garden Bridge Trust.

Best wishes
Bee
Bee Emmott
Executive Director, Garden Bridge Trust
Somerset House, Strand, London, WC2R 1LA

m: +44 [REDACTED]

Click [here](#) to report this email as SPAM.

Richard De Cani
Managing Director, Planning
Transport for London
Windsor House
42-50 Victoria Street
London
SW1H 0TL

27 January 2016

Dear Richard

As per the payment profile in the Deed of Variation, dated 13th November 2015, the Garden Bridge Trust ("GBT") is due to drawdown on the next tranche of funding within 10 days of award of the main construction contract (29th January 2016).

I am writing to set out the progress made to satisfy the conditions of this instalment of TfL funding, since my last letter dated 11th December 2015.

The GBT's preferred contractor, Bouygues TP, has provided a revised offer with a viable programme as of December 2015. This has been reviewed by Arup on behalf of GBT for acceptability and assurance purposes. Following final negotiations and receipt of the tender report, a reconciliation with the funding situation was undertaken in parallel. This has been reviewed by the Trustees who intend to proceed to the next stage of award of the construction contract.

The Trust continues to work jointly with TfL and both Westminster City Council ("WCC") and London Borough of Lambeth Council ("LBL") to ensure that any outstanding planning conditions are approved and any outstanding property issues are resolved.

The following outlines our progress in meeting the conditions as set out in the agreement.

The Trust has demonstrated to TfL's satisfaction that it has secured, or is able to secure, a sufficient level of funding, including the Grant from TfL, to cover the costs of construction of the Garden Bridge

The Garden Bridge Trust has raised a total of £145 million, of which £85 million is from the private sector. This is enough to cover the cost of the bridge's construction contract, which is in the region of £100 million. The Trust continues to raise funds from the private sector to cover the remainder of the total project cost and will continue to do so, throughout construction.

Over the last six months, the Trust has secured more than £20 million in private sector contributions to the project. This is an unprecedented achievement for a capital project that has yet to begin construction. The Garden Bridge Trust expect fundraising to accelerate further once construction commences later this year.

The Trustees have a robust strategy to raise the remaining funds, including a series of major opportunities available totalling £42m and a Patron Scheme that will raise £1.5m. In addition, a strong pool of over 200 prospects has been developed, each with the capacity to give donations at the £500k level and above. Support for the project is strong amongst the philanthropic community. The Trust recently went to the market with ticket sales for its forthcoming inaugural fundraising Gala in aid of the charity and has sold all tickets to the event which will host 400-500 guests.

GBT is in advanced discussions with three major corporations for contracts to the value of £15 million which we anticipate will be signed by June 2016.

The Trust's fundraising activities will include the launch of a major public fundraising campaign in 2016, giving the opportunity for the public to engage and support the project.

Contractual agreements are in place for all of the commitments received to date. Each agreement clearly outlines the obligations of the Trust and funder and the release of tranches of funding in accordance with the Trusts requirements and projects progress. The full list of donors includes support from a range of Trusts, Foundations, philanthropists and major corporations, including Google, Sky and Citi Bank. This material has been shared with TfL for assurance purposes.

The Trust has a Development Sub-Committee that is focused on raising funds for the project as well as an in-house fundraising team and consultants that has grown since inception. A further Sub-Committee has been set up to focus on securing Patrons.

The Trust has demonstrated to TfL's satisfaction that it has secured, or is able to secure, all necessary consents needed to deliver the Project;

GBT has a fully articulated plan to address and attend to planning conditions and section 106 requirements prior to commencement of works as outlined in the supporting document Conditions Status Log.

The Garden Bridge Trust have submitted all pre-commencement conditions to Lambeth Council. Twelve of these conditions have been discharged already - seven planning conditions were recommended for approval and discharged at Lambeth's December Planning Committee and a further eight have been submitted for Lambeth's February Planning Committee, all recommended for approval. The remaining conditions, largely operational, will go to Lambeth's March Planning Committee and GBT representatives will attend a technical briefing with Committee Members in advance. TfL have been consulted on relevant conditions and are comfortable with the Trust's approaches and have provided approval to the Local Authorities.

There is one outstanding pre-commencement condition to be submitted to Westminster Council relating to the permanent highway layout for Temple Place, and the expectation is that this will be submitted shortly. Westminster Council planning conditions are unlikely to require a Committee determination and the expectation is that any outstanding conditions will be approved at officer level as has proven the case to date.

Section 106 agreements with both Local Authorities are in final draft form and the Trust expects to finalise these over the next month.

The Trust has demonstrated to TfL's satisfaction that an appropriate project "go/no go" gateway review has been passed, including proper assessment and management of risk;

A Stage gate review checklist has been approved by the Trust's Project Delivery Committee, against a revised short term (30 week) and long term programme which demonstrates progress to date and a plan to succeed on any outstanding property and planning fronts. This has been reviewed along with any associated risk by the Board of Trustees at the Board meeting held on January 14th 2016, who are satisfied to proceed to the next stage. TfL are observers of the Garden Bridge Trust Board meetings and have received a copy of the meeting minutes.

The Garden Bridge Trust Board of Trustees have resolved to execute the construction contract on 29 January 2016. The contract is engrossed and comprehensive and allows for the foreseen work to be delivered within the development forecast. There is provision outside the contract sum for works, yet to be procured, for example the works at London Underground.

The Trust has demonstrated to TfL's satisfaction that it has appropriate plans in place for the operation and maintenance of the Garden Bridge

As explained in the letter dated 11th December, the Trust has produced an Operation and Maintenance Plan which has been through a number of peer reviews.

The Operation and Maintenance Plan is a pre-commencement condition that needs to be discharged by both Lambeth and Westminster. The Plan has been submitted to both Councils for their review.

The Trusts construction contract with Bouygues TP includes the novation of a landscape contract with Willerby. Willerby will be responsible for the maintenance of the garden for the first five years of the bridges life.

The Operations and Maintenance Business Plan (the "OMBP") is subject to approval by Westminster City Council (WCC) and the London Borough of Lambeth (LBL) through a Section 106 obligation.

As explained previously, GBT has prepared a revised OMBP, since that submitted prior to planning consent in 2014, to set out how running costs associated with the Garden Bridge will be funded for five years from opening in 2018 until the end of 2023. The OMBP shows that the Trust is able to fund the costs associated with operating and maintaining the Garden Bridge over the five year business plan period.

The Trust has demonstrated that these funds will only be used in respect of the construction of the Garden Bridge.

The overall programme is being progressed with specific pre-construction activities pursued over the next six months, as indicated in the short term programme reviewed by the Trustees and TfL. The intention is to pursue these activities in parallel with Bouygues progressing the design and enabling works with main construction starting on site in the second quarter of 2016.

This notice is intended to trigger the immediate release of the £7m payment due within 10 days of award of construction contract as set out in Deed of Variation. For cash flow purposes, the Trust requests an initial payment of £2.5m immediately following receipt of this letter, to be followed by the drawdown of the remaining of the £7m on the 13th March 2016. This notice is also intended to provide evidence to trigger the release of the £3m due on 13th February as set out in the Deed of Variation.

We hope the above meets the conditions set out in the agreement. Please confirm acceptance of this proposal.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Paul Dring Morrell', with a horizontal line extending to the right.

Paul Dring Morrell
Vice Chair of the Garden Bridge Trust



9th February 2016

Richard De Cani
Managing Director/ Planning
Transport for London
10Y2 Windsor House
42-50 Victoria Street
London
SW1H 0TL

Dear Richard

Further to Paul Morrell's letter dated 27th January 2016, I write to notify you that the Garden Bridge Trust awarded the main construction contract to Bouygues TP Cimolai today. This triggers the next payments from TfL to the Garden Bridge Trust in accordance with the funding agreement. Please see the revised payment schedule outlined below:

£3m on 13th February
£2.5m on 22nd February (within 10 days of contract award)
£4.5m on 23rd March

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Bee Emmott'.

Bee Emmott
Executive Director Garden Bridge Trust

From: Richard de Cani (MD Planning)
Sent: 22 February 2016 18:09
To: Pooley Andrew
Cc: Beaven Geetha; Tate Nigel (TfL); Kilonback Simon; Hart Anna; Ritchie Charles; Brown Andy
Subject: RE: GBT Funding Agreement Payments
Attachments: 2016-02-09 Bee Emmott letter to RdC re funding payments and construction....pdf

Dear Andy

Further to my email of 12 February and the confirmation we have received that the Garden Bridge Trust has now signed its main construction contract with Bouygues TP Cimolai, I am satisfied that good progress is being made in accordance with the conditions of payment set out in our funding agreements with the Trust and that the Trust has now commenced main construction works. On this basis, I authorise the transfer of a £2.5m to be made the Garden Bridge Trust, to take place as soon as possible.

This will be the first of two payments which together form the "within 10 days of award of the main construction contract" £7m payment as set out in the revised payment profile under item 8 of the Deed of Variation. The remainder of the £7m payment is expected to be made on 23 March as requested by the Executive Director of the Trust, Bee Emmott, in her recent letter, which I attach. Kind regards,

Richard de Cani

From: Richard de Cani (MD Planning)
Sent: 12 February 2016 09:50
To: Pooley Andrew
Cc: Beaven Geetha; Tate Nigel (TfL); Kilonback Simon; Hart Anna; Ritchie Charles; Brown Andy
Subject: GBT Funding Agreement Payments

Dear Andy

Please find attached two letters from the Garden Bridge Trust calling on further payments to be made under the Deed of Variation (as authorised by Mike Brown).

The letter from the Vice Chair of the Garden Bridge Trust, Paul Morrell, sets out how the Trust is continuing to satisfy the conditions of payment through the progress the project has made in its pre-construction activities. The separate letter from the Executive Director of the Trust, Bee Emmott, confirms that the Trust has now signed its main construction contract with Bouygues TP Cimolai.

The signing of the construction contract is a significant step forward and I am satisfied that there has been notable progress secured and credible plans developed for fundraising; obtaining all necessary consents and land interests; and managing and funding the operations and maintenance of the bridge.

On this basis, I authorise the transfer of the "+3 months from the date of this Deed of Variation" £3m payment to be made to the Garden Bridge Trust as set out in the revised payment profile under item 8 of the Deed of Variation, to take place as soon as possible.

Kind regards,

Richard de Cani



9th February 2016

Richard De Cani
Managing Director/ Planning
Transport for London
10Y2 Windsor House
42-50 Victoria Street
London
SW1H 0TL

Dear Richard

Further to Paul Morrell's letter dated 27th January 2016, I write to notify you that the Garden Bridge Trust awarded the main construction contract to Bouygues TP Cimolai today. This triggers the next payments from TfL to the Garden Bridge Trust in accordance with the funding agreement. Please see the revised payment schedule outlined below:

£3m on 13th February
£2.5m on 22nd February (within 10 days of contract award)
£4.5m on 23rd March

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Bee Emmott'.

Bee Emmott
Executive Director Garden Bridge Trust

From: Richard de Cani (MD Planning)
Sent: 22 March 2016 14:16
To: Pooley Andrew
Cc: Beaven Geetha; Tate Nigel (TfL); Kilonback Simon; Hart Anna; Ritchie Charles; Brown Andy
Subject: RE: GBT Funding Agreement Payments

Dear Andy

Further to my email of 22 February, the Trust has publicly announced having signed its construction contract with Bouygues TP Cimolai; work by the Trust's main construction contractor has continued at pace; and good progress has been made with discharging planning conditions in Lambeth with a further five pre-commencement conditions approved on 8 March.

On this basis, I authorise the transfer of £4.5m to be made to the Garden Bridge Trust, to take place on 23 March.

This is the remainder of the "within 10 days of award of the main construction contract" £7m payment, which was separated at the Trust's request. The first portion of this payment was paid on 23 February.

Kind regards,
Richard de Cani

From: Richard de Cani (MD Planning)
Sent: 22 February 2016 18:09
To: Pooley Andrew
Cc: Beaven Geetha; Tate Nigel (TfL); Kilonback Simon; Hart Anna; Ritchie Charles; Brown Andy
Subject: RE: GBT Funding Agreement Payments

Dear Andy

Further to my email of 12 February and the confirmation we have received that the Garden Bridge Trust has now signed its main construction contract with Bouygues TP Cimolai, I am satisfied that good progress is being made in accordance with the conditions of payment set out in our funding agreements with the Trust and that the Trust has now commenced main construction works.

On this basis, I authorise the transfer of a £2.5m to be made the Garden Bridge Trust, to take place as soon as possible.

This will be the first of two payments which together form the "within 10 days of award of the main construction contract" £7m payment as set out in the revised payment profile under item 8 of the Deed of Variation. The remainder of the £7m payment is expected to be made on 23 March as requested by the Executive Director of the Trust, Bee Emmott, in her recent letter, which I attach.

Kind regards,
Richard de Cani

From: Richard de Cani (MD Planning)
Sent: 12 February 2016 09:50
To: Pooley Andrew
Cc: Beaven Geetha; Tate Nigel (TfL); Kilonback Simon; Hart Anna; Ritchie Charles; Brown Andy
Subject: GBT Funding Agreement Payments

Dear Andy

Please find attached two letters from the Garden Bridge Trust calling on further payments to be made under the Deed of Variation (as authorised by Mike Brown).

The letter from the Vice Chair of the Garden Bridge Trust, Paul Morrell, sets out how the Trust is continuing to satisfy the conditions of payment through the progress the project has made in its pre-construction activities. The separate letter from the Executive Director of the Trust, Bee Emmott, confirms that the Trust has now signed its main construction contract with Bouygues TP Cimolai.

The signing of the construction contract is a significant step forward and I am satisfied that there has been notable progress secured and credible plans developed for fundraising; obtaining all

necessary consents and land interests; and managing and funding the operations and maintenance of the bridge.

On this basis, I authorise the transfer of the "+3 months from the date of this Deed of Variation" £3m payment to be made to the Garden Bridge Trust as set out in the revised payment profile under item 8 of the Deed of Variation, to take place as soon as possible.

Kind regards,
Richard de Cani

From: Richard de Gani (MD Planning)
Sent: 18 February 2016 18:08
To: Brown Mike (Commissioner); Nunn Ian; Carter Howard
Cc: Gourley Jennifer; Hickman Misha; MacKay Christine; Tagg Ella (ST); Branks Kirsten; Ritchie Charles; Brown Andy
Subject: GB
Attachments: GB funding note 18 Feb 2016.docx

All – I thought it would be helpful if I sent a summary of the current position with the Garden Bridge funding and public sector payments. As the construction contract has now been awarded, TfL is due to make its next payment to the Trust on Monday next week – of £2.5m, followed by a further payment of £4.5m a month later. These payments are in accordance with the funding agreement which has been signed by TfL. The paper summarises the current status of the project and the outstanding risks to delivery if you have any comments or questions then please let me know
Richard

1. TfL's agreements with the Garden Bridge Trust

- 1.1. We were given £30m by the Department for Transport in November 2014, alongside TfL's contribution of £30m towards the project. The DfT funding has been given to TfL as part of an upward adjustment to our grant – so all of the funding has been with TfL and therefore, the difference between the TfL and DfT elements is an arbitrary one, but important presentationally for some stakeholders.
- 1.2. TfL is managing the onward payment of the joint public sector contribution to the Garden Bridge project in accordance with:
 - (i) a Deed of Grant signed between TfL and the Garden Bridge Trust (GBT) in July 2015; and
 - (ii) a Deed of Variation and a Loan Facility Agreement between TfL and GBT, both signed in November 2015.
- 1.3. The Deed of Variation and Loan Facility Agreement documents were produced as a result of the re-negotiation with Lambeth to alter two-thirds of TfL's total £30m contribution to a loan, repayable over a fifty year period commencing five years after the bridge opens. All three documents are published on the TfL website, and together set out a schedule of payments to the GBT.
- 1.4. In accordance with that schedule, the public sector has so far spent **£29.405 million** on the Garden Bridge project through a combination of work directly managed by TfL in the early part of the project and payments to the GBT in accordance with the agreements above (the most recent payment being £3m paid on Friday 12 February 2016).
- 1.5. All payments to date have been associated with pre construction activities – as defined by the agreement. Each grant payment to the GBT is released by a formal letter from them providing evidence of how they are continuing to meet a set of conditions relating to the payments.

2. Schedule of remaining payments

- 2.1. The remaining grant and loan payments due to be paid to the Trust are all associated with construction related activities which follow the signing of the main works contract.
- 2.2. We have now received formal notification that the main construction contract has been signed with the contractor Bouygues. The value of this contract is around £105m. The combination of the remaining public sector funding and private sector contributions is sufficient to cover the cost of this contract.
- 2.3. In reality the GBT have ended up signing their construction contract slightly earlier than anticipated, meaning the project is not as progressed as the original payment schedule envisaged it would be by the time the first post construction payment of £7m is due.

2.4. There remain a number of outstanding issues to be resolved before the works can start – this includes:

(i) Discharging all pre-commencement planning conditions.

South Bank

All planning conditions must be considered by the Planning Committee in Lambeth and approved for discharge at a public meeting. The Trust has discharged over half of the 28 pre commencement conditions and is on track to secure consent to the remaining conditions by 8 March (the date of the Lambeth Planning Committee).

The remaining conditions relate to details such as the construction and logistics plan; details of external materials for the building structures; and the internal layout of the proposed public toilets.

North Bank

Discharging conditions is more straightforward in Westminster, and all pre-commencement conditions except one are due to be discharged by officers using delegation of powers. The Construction and Logistics Plan will be considered by Westminster's Planning Committee on Tuesday 23 February; it is recommended for approval and is not expected to be contentious.

(ii) Securing access to the land on north and south banks of the river.

South Bank

To secure the land on the south bank there are two steps that have to be agreed:

- Lambeth (as freeholder) have to secure Cabinet Member approval to vary an existing lease with Coin Street. This decision is due to go to the Cabinet Member for approval in the next two weeks with a decision expected by the end of March. Lambeth have said they will approve this decision.
- Coin Street (as long leaseholder) have to agree a sub lease with the Garden Bridge Trust. The principles of this have been agreed between the parties and details of the commercial terms are being finalised.

Both land agreements need to be in place by April if the project is to proceed to the current timescale.

There remain outstanding risks with both approvals and the chance of further delay/challenge but everything possible is being done to progress

these approvals to this timescale and both parties (Lambeth and Coin Street) are committed to supporting the project.

North Bank

Land on the north bank is in the control of Westminster and TfL. There is a requirement for Westminster to exercise powers in sections 237 and 241 of the Town and Country Planning Act 1990 to remove rights of access to and permit development of the open space on the roof of Temple station, to allow the bridge to be built.

A series of legal steps are required to achieve this, which begins with Westminster Cabinet Members taking a formal decision to use those powers. We are providing Westminster officers with all of the information they need to brief Cabinet Members, and expect a decision to be put to them in the next 2-3 weeks.

The timeline of activities required is tight but Westminster are fully committed to supporting the project and we are confident all the necessary steps can be achieved in the time available.

- 2.5. Through the funding agreement, the Trust is entitled to draw down on £7m of further funding within 10 days of contract award. Given the progress the Trust has made with selecting a contractor and securing the funding but in light of the outstanding risks, we have agreed to split the £7m into two components: £2.5m will be paid within 10 days of the contract being signed, with a further £4.5m due roughly a month later.
- 2.6. This means that by the end of March we expect to have paid the GBT a total of **£36.405 million** in grant payments.
- 2.7. The remaining payments are then to be made as follows:
 - From September 2016 – up to £10.0 million (this is the first half of TfL's loan facility)
 - From September 2017 – up to £10.0 million (this is the second half of TfL's loan facility)
 - Late 2018 - £3.595 million (this is the final grant payment, due on project completion)

3. The nature of TfL's loan to the GBT

- 3.1. After this point there are two milestones at which the GBT may request the £20m loan from TfL: half can be drawn down from seven months after the signing of the contract (i.e. September 2016), and the remaining half can only be drawn down from nineteen months after the signing of the contract (i.e. September 2017). The GBT may not need to draw down upon the entirety of this loan if their fundraising is particularly successful, but this is unlikely.

3.2. Whatever portion of the loan that the GBT draws down will become repayable to TfL from five years after the bridge is opened to the public (i.e. 2023, if the bridge opens as planned in late 2018). Each year the GBT must make a minimum payment of £250,000, and the loan balance will increase at a rate of inflation equal to average annual RPI capped at 2%. After fifty years of repayments, the loan term ends and the GBT must repay the remaining inflated loan balance.

3.3. In practice, these loan repayment terms are somewhat generous and may well at some point be accounted for by TfL as gifts.

4. DfT's "pre-construction cap" and the risk to TfL

4.1. If the project proceeds to completion then TfL's contribution will balance out at £30 million – of which £20m will be in the form of a long term loan. This is alongside a £30m grant contribution from the DfT.

4.2. When the DfT agreed to provide £30m they did so on the basis that payments would be *pari passu* – but with a letter to the Mayor which capped any 'pre-construction' exposure by the DfT to a maximum of £8.2025m, and on the basis that if any of the funds do not end up being required then the Secretary of State reserves the right to recoup them by reducing any future GLA Transport Grant accordingly. In subsequent letters this nominal "cap" on pre-construction exposure has been increased to £9.9525m and now, with Lord Ahmad's latest letter, to £13.4525m.

4.3. This is a somewhat arbitrary "cap" figure and actually has little effect on our payments to the GBT, which are clearly specified in our funding agreements with them. In particular, we cannot reasonably argue against paying GBT the £7m total payments due upon signing the construction contract, which has now been signed.

4.4. Whilst the DfT has committed to a *pari passu* funding approach, the arbitrary cap on pre construction spend has meant that payments to the Trust pre-construction have been focused more on TfL contributions. This is partly due to an agreement with the GBT to bring forward some of their funding for cashflow reasons and also the result of the DfT choosing to interpret construction activities as only having begun once tangible, "spade in the ground" work has commenced on site, whereas we would interpret it to be anything post the signing of the main construction contract.

4.5. Lord Ahmad's letter of 12 February 2016 sets a new requirement for the Mayor to write to him before the DfT can agree an increase in its exposure to the project beyond £13.4525m, irrespective of whether this further spend is on 'pre-construction' or 'construction' activities. We are confident that the DfT can be persuaded to increase their "cap" to £26.405m (i.e. the full grant less the final payment at project end) once physical construction work has begun, which is due to take place in July.

- 4.6. The issue, however, will come if the project fails for any reason before that point but after the end of March. That would mean that TfL will have paid £36.405m to the GBT (all of which we should expect to be unrecoverable) but the DfT will expect to cover only £13.4525m of this loss.
- 4.7. Were the project not to proceed to construction, then total payments from the public sector would be **£36.405 million** by the end of March but the DfT could expect to cover only £13.4525m of this loss and therefore reduce a future grant payment to TfL by £16.5475m (to recoup the remaining portion of its original £30m grant uplift). This would mean TfL would have spent **£22.9525 million** on the project.
- 4.8. However, if the project does proceed to completion then these payments balance out and TfL's contribution will have been £30m of which £20m is in the form of a loan.

5. Summary of Current Position

- 5.1. The project is progressing well in terms of fundraising and has secured a good price to build the bridge from a very well qualified contractor. A contract has been let albeit the ability to proceed with construction is still dependent on final consents being secured including land.
- 5.2. The most significant risk to this happening is securing the land agreements in time. All parties are committed to making this happen and processes are underway but the general interest in the project and focused opposition from some sectors makes this challenging.
- 5.3. If the project is to proceed the contractor needs to commence with detailed design and enabling works which in turn are required to finalise some of the outstanding consents. Signing the contract enables them to do this.
- 5.4. In terms of funding – the vast majority of private sector contributions are triggered by a point of no return in the project where all approvals/consents have been secured and there is 100% confidence construction will start. It is anticipated this point will be in early July.
- 5.5. The Trust remains focused on cash flow. This is not a problem in the next few months but could become a significant risk if the time taken to secure all approvals is delayed.



**CHARITY COMMISSION
FOR ENGLAND AND WALES**

Mike Brown MVO
Commissioner
Transport for London

Charity Commission
PO Box 211
Bootle
L20 7YX

T: 0300 065 1917

Your ref:
Our ref: CB/1155246/478424/RC(TN)

Date: 13 July 2018

Dear Mr Brown

GARDEN BRIDGE TRUST : 1155246

The Commission is the regulator of charities in England and Wales. It has a regulatory case open into the Garden Bridge Trust, particularly in relation to its non-compliance in filing the accounts for the year ending 30 March 2017 – which are now with us.

We have seen suggestions (following the publication of trustee minutes) that the charity may have misled TfL on its financial position, suggesting that it had met the six conditions in the funding agreement necessary for the release of a further £7 million. Do you have any such concerns relating to this or other issues which might suggest that the trustees acted otherwise than in good faith? If so, please provide details so that we can consider whether the Commission needs to take any regulatory action.

Yours sincerely

Ms Claire Butler

charitycommission.gsi.gov.uk

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t: 0300 066 9197 (General enquiries)
0300 066 9219 (Textphone)

w: www.gov.uk/charity-commission



Mike Brown MVO
Commissioner of Transport

Transport for London
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Ms Claire Butler
Charity Commission
PO Box 211
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17 July 2018

Ms Butler

GARDEN BRIDGE TRUST: 1155246

Thank you for your letter of 13 July regarding the Garden Bridge Trust.

The Trust made a formal request to draw down funding against its agreement with us after the Trust awarded the main construction contract for the project in early 2016. We did not approve the signing of the contract, nor were we required to do so.

We determined that the Trust had met the conditions of payment. This assessment was made by our Managing Director of Planning and was informed by discussions with colleagues from across the organisation and based on our knowledge and scrutiny of the project as well as evidence presented by the Garden Bridge Trust.

I was not involved in that assessment, but I have not seen any information that would cause me to have concerns relating to it or other issues which might suggest that the trustees acted otherwise than in good faith.

We have always sought to be open and transparent and we have published details about our funding agreements with the Garden Bridge Trust, our work to initiate the project and secure planning permission for it, and our submission to Dame Margaret Hodge MP's review of the project on our website at <https://tfl.gov.uk/corporate/publications-and-reports/temple-footbridge>. This is, of course, in addition to participating in all of the official reviews and scrutiny of the project that have taken place, and responding to a large volume of requests under the Freedom of Information Act 2000.

I should also note for the record that the minutes of the Garden Bridge Trust Board meetings were produced entirely by the Trust. We were not involved in writing or approving any of the content.

Yours sincerely

A handwritten signature in blue ink, consisting of a stylized 'M' followed by a horizontal line that tapers to the right.

Mike Brown MVO

TOM COPLEY AM | LONDON

Working hard for Londoners

LABOUR

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06 August 2018

Dear Mike,

RE: Garden Bridge

It has come to my attention that the Garden Bridge Trust has yet to draw down the £9 million of public money provided by the DfT, but has recently made a request to do so which TfL is reviewing.

I'm sure you will have seen the opinion of Jason Coppel QC, an expert in public and procurement law, stating:

"It is likely that the Trustees of the Trust have breached their duty to act with reasonable skill and care, in particular in relation to the conclusion of the construction contract with Bouygues."

In light of this opinion from an eminent QC, which I attach, I'm writing to ask you to halt any payment of further public money to the Trust until you have sought legal advice as to whether TfL can withhold further payments on the grounds that the trustees may have breached their legal duties. If this is the case it should be the trustees that are liable, not the taxpayer.

I am copying this letter to the Mayor and the Charity Commission.

Best wishes,

Tom

Tom Copley

London-wide Assembly Member

THE GARDEN BRIDGE TRUST

ADVICE

The advice sought

1. I am instructed to advise [REDACTED] on a potential claim for breach of duty against the trustees of the Garden Bridge Trust ("**the Trustees**", "**the Trust**").
2. The potential claim arises out of the abandonment in 2017 of the project to build a "Garden Bridge" across the Thames, from Temple to the South Bank ("**the Bridge**", "**the project**"). Considerable public money – in excess of £37m - had been invested in the project before it was abandoned and many millions more were required to be spent by way of cancellation costs. The project was abandoned after a construction contract had been entered into but before construction had commenced, when the Mayor of London announced that he was withdrawing his support for it.
3. The project has been the subject of considerable criticism, in particular in (a) a report of the National Audit Office of October 2016 on the grant of £30m to the project by the Department for Transport, and (b) a review of the project authored by Lady Hodge, which was commissioned by the Mayor of London and published in April 2017. A substantial proportion of the criticism has been directed towards the placing of contracts by Transport for London ("**TfL**") with the Heatherwick Studio and Ove Arup, for which the Trust was not responsible. There were, however, a number of matters which have been laid at the door of the Trust, in particular the decision to enter into a construction contract, with the Bouygues-TP Cimolai Joint Venture ("**Bouygues**") at a time when the Trust had neither secured all of the necessary funding for the project nor the necessary rights to use the land which would be required for the project. Lady Hodge described herself as being "*shocked*" by that decision (§117 of her report), which she said was "*both risky and premature*".

4. I am asked to consider whether there is any remedy available to a representative member of the public, such as ██████████ in respect of the public money which has been wasted as a result of the abandonment of the project. I have concluded, in summary:
- (1) It is likely that the Trustees of the Trust have breached their duty to act with reasonable skill and care, in particular in relation to the conclusion of the construction contract with Bouygues.
 - (2) However, it is unlikely that ██████████ or anyone claiming for or on behalf of ██████████ or indeed any member of the public who might have wished to use the Bridge, would be held to be a suitable claimant entitled to bring proceedings against the Trustees pursuant to s. 115(1) of the Charities Act 2011 (“the Act”).
 - (3) For that and other reasons, it is also unlikely that the Court would give permission for proceedings to be brought, pursuant to s. 115(5) of the Act.
 - (4) Even if proceedings could be brought, there are significant difficulties in the way of any substantive remedy, and in particular any financial remedy, being awarded against the Trustees.

Breach of duty by the trustees

5. The first question is whether the Trustees have, at least arguably, acted in breach of their legal duties. I should emphasise that I am not in a position to reach definitive conclusions as to whether the Trustees have acted in breach of their legal duties, nor indeed to go beyond the findings of the published reports into the project. There is no suggestion in those reports that the Trustees acted dishonestly, but there are undoubtedly grounds for believing that the Trustees acted in breach of their duty of care.
6. Trustees have a duty in equity to act with the care and skill which would be exercised by the ordinary prudent man of business acting in the management of his own affairs, having regard in particular to any special knowledge or experience that he holds himself out as having. If a trustee is acting in the course of his business or profession then his duty includes acting with any special knowledge which

it is reasonable to expect of a person acting in the course of that business or profession. Section 1 of the Trustee Act 2000 imposes a statutory duty of care in similar terms, but only in relation to specific activities such as investment which do not appear to be in issue in this case.

7. A prudent businessman may take risks but will run only a prudent degree of risk. There is a difference in principle between a mere error of judgment, which any businessman may make, and a decision which is outside of the normal bounds of legitimate disagreement. The question for the Court is whether there are good and sufficient reasons to support the trustees' decisions: *Nestle v National Westminster Bank* [1993] 1 WLR 1260, 1270A. A heightened duty may be imposed upon trustees who are remunerated, but I understand that the Trustees in this case were unpaid.
8. As I have already indicated, there are certain features of the project, which are referred to in my Instructions, which have been highlighted as defects of the project as a whole, but which cannot be laid at the door of the Trustees. The award of contracts to Heatherwick Studio and Ove Arup and the conflict of interest involved in the appointment of Heatherwick Studio (as design contractor) are leading examples of this. Other matters could constitute criticisms of the Trustees, such as a failure to show the public benefit of the Garden Bridge, but are difficult to fit within the rubric of the duty to act as a prudent man of business would act.
9. For present purposes, however, it is sufficient to point to the entering into of the construction contract with Bouygues. Lady Hodge's description of this decision as "*risky and premature*", and her finding that the decision was taken because it was "*the most likely way of securing the building of the bridge, whatever the implications for either value for money or the taxpayer*" (§119) provide reasonable grounds for believing that the Trustees did act in breach of the equitable duty of care, and ought to be sufficient to overcome the merits threshold which must be demonstrated as a condition of obtaining permission to bring proceedings (see below).
10. I note of course, as did Lady Hodge, the report of the Charity Commission ("**the Commission**") into the Trust, which concluded that the Trustees were meeting their duties and acting in accordance with charity law. Like her, I do not regard the conclusions of the Commission as providing a sufficient answer to an allegation of breach of the equitable duty of care, not least in the light of events which subsequently ensued.

11. There is one caveat that I would enter on that conclusion at this stage, which is that Lady Hodge's findings suggest that the Trustees acted in furtherance of the objects of the Trust, which are, essentially, to provide the Garden Bridge, by entering into the construction contract in circumstances where a prudent man of business would not have done so. I would be surprised if the Trustees were entitled to act with disregard for the prudent use of money which had been granted and donated to the Trust merely on the grounds that so acting would increase the likelihood of the key object of the Trust being achieved. However, I have found no direct authority on how this sort of conflict would be viewed by the Courts and it would represent an area of some uncertainty if legal action were to be pursued against the Trustees.

12. For completeness, I mention the power of the Court under s. 61 of the Trustee Act 1925 to excuse a trustee from liability for breach of trust:

If it appears to the court that a trustee, whether appointed by the court or otherwise, is or may be personally liable for any breach of trust, whether the transaction alleged to be a breach of trust occurred before or after the commencement of this Act, but has acted honestly and reasonably, and ought fairly to be excused for the breach of trust and for omitting to obtain the directions of the court in the matter in which he committed such breach, then the court may relieve him either wholly or partly from personal liability for the same.

13. I doubt that this power could have a significant role to play in the present case, where the breach of duty which would be alleged against the Trustees is comprised of a failure to act reasonably in the circumstances. If that breach is made out then it is very difficult to see how the Trustees could be excused from liability on the grounds that they had acted honestly and reasonably.

Can [redacted] or somebody on its behalf sue the Trustees?

14. An action against the Trustees for breach of their duties as trustees would be "*charity proceedings*" within the definition in s. 115(8) of the Act, as proceedings "*brought under .. the court's jurisdiction with respect to trusts in relation to the administration of a trust for charitable purposes*". That being the case, s. 115 imposes two discrete restrictions upon the bringing of proceedings. It provides, so far as material::

(1) Charity proceedings may be taken with reference to a charity by—

(a) the charity,

(b) any of the charity trustees,

(c) any person interested in the charity, or

(d) if it is a local charity, any two or more inhabitants of the area of the charity,

but not by any other person.

(2) Subject to the following provisions of this section, no charity proceedings relating to a charity are to be entertained or proceeded with in any court unless the taking of the proceedings is authorised by order of the Commission.

(3) The Commission must not, without special reasons, authorise the taking of charity proceedings where in its opinion the case can be dealt with by the Commission under the powers of this Act other than those conferred by section 114.

(5) Where subsections (1) to (4) require the taking of charity proceedings to be authorised by an order of the Commission, the proceedings may nevertheless be entertained or proceeded with if, after the order had been applied for and refused, leave to take the proceedings was obtained from one of the judges of the High Court attached to the Chancery Division.

15. The right to take proceedings is restricted, materially, to “any person interested in the charity” (s. 115(1)(c)). Further, the taking of proceedings must be authorised either by the Charity Commission (s. 115(2)) or by the High Court (s. 115(5)).

16. The first question which arises is, therefore, whether [REDACTED] would be regarded as “any person interested in the charity” within s. 115(1)(c) of the Act. I understand that the interest of

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

17. In *Re Hampton Fuel Allotment Charity* [1989] Ch 484, the purpose of the charity was to relieve need in the town of Hampton and the issue for the Court was whether the local authority in whose area Hampton lay was a “person interested” within the predecessor provision to s. 115. In deciding that question in the affirmative, the Court stated that the necessary interest would generally be “an interest materially greater than or different from that possessed by ordinary members of the public” (p. 494G). It continued:

If a person has an interest in securing the due administration of a trust materially greater than, or different from, that possessed by ordinary members of the public as described above, that interest may, depending on the circumstances qualify him as a "person interested." It may do so because that may give him, to echo the words of Sir Robert Megarry V.-C. in *Haslemere Estates Ltd. v. Baker* [1982] 1 W.L.R. 1109 , 1122C: "some good reason for seeking to enforce the trusts of a charity or secure its due administration..."

18. In the *Haslemere Estates* case (at p. 1122), Sir Robert Megarry VC stated:

An interest which is adverse to the charity is one thing, an interest in the charity is another. Those who have some good reason for seeking to enforce the trusts of a charity or secure its due administration may readily be accepted as having an interest in the charity, whereas those who merely have some claim adverse to the charity, and seek to improve their position at the expense of the charity, will not. The phrase, I think, is contemplating those who are on the charity side of the fence, as it were, however much they may disagree with what is being done or not being done by or on behalf of the charity. The phrase does not refer to those who are on the other side of the fence, even if they are in some way affected by the internal affairs of the charity.

19. These authorities demonstrate that the test in s. 115(1)(c) is significantly more restrictive than the test of "*sufficient interest*" which applies to standing to bring judicial review proceedings. As my Instructions point out, it is usually sufficient for the purposes of judicial review for the claimant to be an interested member of the public. [REDACTED] would undoubtedly have "*sufficient interest*" to bring judicial review proceedings (say) to challenge the Commission's failure to take action against the Trustees. However, in the light of the authorities referred to above, I have serious doubts that [REDACTED] would be held to be a person interested in the Trust for the purposes of s. 115(1)(c).

20. My principal concern is that [REDACTED] or somebody suing on account of themselves having an interest in [REDACTED] would be regarded as being on "*the other side of the fence*" from the Trust, contrary to the test in *Haslemere Estates*. With the cancellation of the project, the business of the Trust is effectively at an end. It is accordingly clear that the purposes of the proceedings would not be to ensure the "*due administration*" or more effective running of the Trust in the future but to secure judicial censure of its conduct in the past. [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]

criticisms of the project arose under TfL's watch and before the Trust took over the running of the project and hence could not form part of any action against the Trustees.

21. Another possible claimant is a member of the public who might have benefitted from the project but they would likely [redacted] be perceived as being on the "*other side of the fence*", for the same reasons [redacted]. They would also be vulnerable to the criticism that their interest is not materially greater than that of "*an ordinary member of the public*".
22. I have also considered the possibility that the Trust might be a "*local charity*", in which case proceedings could be brought by "*any two or more inhabitants of the area of the charity*" (s. 115(1)(d)). A "*local charity*" is "*in relation to any area, a charity established for purposes which are (a) by their nature, or (b) by the trusts of the charity, directed wholly or mainly to the benefit of that area or of part of it*". Judging by the objects of the Trust, as set out on the Commission's website, these are not directed towards the area of London in which the Bridge would be located but to the benefit of the public at large who might use the Bridge, most of whom will not live in the immediate area of the Bridge. The Trust does not hold itself out as being a "*local charity*" and I would not expect the Court to hold that it is such.
23. As regards s. 115(5) of the Act, I proceed on the basis that the Commission will not consent to proceedings against the trustees and therefore that permission would have to be sought from the Court. The approach to be adopted by the Courts under s. 115(5) was set out relatively recently in *Rai v Charity Commission* [2012] EWHC 1111 (Ch):
 - (1) The Court exercises an original jurisdiction rather than providing an appeal from the decision of the Commission. However, it will afford appropriate respect to the prior decision of the Commission which will have considered the same issues and has expertise in this field.
 - (2) The Court would adopt the same structured approach as the Commission, considering the following questions: (a) whether the disputed matter was properly pleaded; (b) whether there were proper parties; (c) whether the proposed action raised issues of substance which should be addressed through the court; (d) whether the matter in dispute had been brought in good faith; (e) whether there were alternative ways to resolve the issues; (f) the costs of the litigation; (g) the value of the assets involved; (h) whether a grant or refusal of permission

would interfere in a disproportionate and unjustified way with the rights protected by the Human Rights Act 1998.

(3) The policy behind s.115(5) is to prevent the charity's resources being frittered away on internal disputes, even if the applicant had a real prospect of succeeding.

24. Given my conclusions above on s. 115(1)(c), I would expect the Court to reject an application under s. 115(5) on grounds that there were not "proper parties" or otherwise on grounds of lack of merit. An application may well also fail on grounds that litigation would be a disproportionate use of funds given the limited remedies which would be available to a claimant (see below) and the fact that the principal objective of the litigation, to secure public censure of the Trustees, has to a large extent already been achieved by the Hodge report.
25. Accordingly, my view is that it is unlikely that proceedings against the Trustees would get past the initial hurdles set by s. 115 of the Act.

Possible remedies against the Trustees

26. Further complications arise out of the potential remedies which might be sought against the Trustees. The claimant could seek a declaration that the Trustees have acted in breach of duty although, as I have just mentioned, it is questionable how much such a declaration would add to the findings of the Hodge report. The real interest lies in a possible financial remedy against the Trustees.
27. The primary remedy for the breach of duty of the Trustees in the present case would be equitable compensation, calculated on the basis of standard common law rules of causation, measure of loss etc.:

Although the remedy which equity makes available for breach of the equitable duty of skill and care is equitable compensation rather than damages, this is merely the product of history and in this context is in my opinion a distinction without a difference. Equitable compensation for breach of the duty of skill and care resembles common law damages in that it is awarded by way of compensation to the plaintiff for his loss. There is no reason in principle why the common law rules of causation, remoteness of damage and measure of damages should not be applied by analogy in such a case. It should not be confused with equitable compensation for breach of fiduciary duty,

which may be awarded in lieu of rescission or specific restitution. [per Millett LJ in *Bristol and West Building Society v Mothew* [1998] Ch. 1, 11]

28. In the recent case of *Daniel v Tee* [2016] 4 WLR 115, the Judge noted (§51) that he had not been referred to any decided case in which the claimants had proved loss flowing from an imprudent exercise of a trustee's powers (although one case from New Zealand was cited). This illustrates that a financial claim against the Trustees in the present case would be, at the least, a relatively ambitious one. But I would go further – in my view, there are substantial obstacles in the way of a financial claim against the Trustees.
29. The principal difficulty is that any potential claimant will not have suffered any loss as a result of the Trustee's actions. It seems likely that the Trust has suffered loss as a result of the imprudent decision to contract prematurely with Bouygues. If the Trustees had refrained from signing a contract until the land and the capital for the Bridge were secured before signing the construction contract, no contract would ever have been signed and there would have been no costs incurred under the contract or costs associated with exiting from the contract. In the event, the contract was signed, money was paid under it and it had to be breached by the Trust when the project was cancelled, thereby incurring significant compensation liabilities to Bouygues. Money paid under the contract and compensation liabilities would be the measure of loss to the Trust arising out of the Trustees' breach of duty.
30. However, the fact that the Trust has suffered loss does not mean that any beneficiary has suffered loss or that any potential claimant will be able to secure an order that the Trustees reimburse the Trust for that loss. All of the reported cases of which I am aware have involved actions by beneficiaries who have themselves suffered loss, directly or indirectly, as a result of loss to the trust in question. In the present case, insofar as the Trust has any identifiable beneficiaries, they are the members of the public at large, in particular those who live and work in London who might use the Garden Bridge when/if it was built (and I refer again to the objects of the Trust, as set out on the Commission's website). None of those beneficiaries has suffered financial loss as a result of the Trustees' imprudent decisions – their interest lay in the Bridge being built (not in itself a financial interest), not in the financial health of the Trust in the event that the Bridge was not built. Nor can it be said, in my view, that anyone has suffered loss *qua* taxpayer, in that public money has been

spent on the project, including on the cancellation costs, which might otherwise have been available to public bodies to spend on more useful purposes.

31. The position is further complicated by the fact that the business of the Trust is effectively at an end, and its affairs will be in the process of being wound up. The case for a financial remedy against the Trustees at the instigation of a member of the public would be more powerful if it were the case that their imprudence had deprived an active and ongoing project of valuable funds. To the extent that there is any money left in the Trust coffers, it is possible that this will be returned to donors, including the Government, but I have not seen the foundational documents of the Trust or the terms on which donations were made, so I do not know for certain what the arrangements will be in this regard. A donor who might now receive more money back from the Trust if the Trustees had acted prudently would have a more persuasive case for a financial remedy against the Trustees because of the directness of the loss suffered, but again one which is far from straightforward on the authorities.
32. I acknowledge of course that it would be surprising if trustees of a trust were able to act recklessly, thereby causing loss to the trust, and then escape any compensatory liability because the objects of the trust did not create a class of beneficiary who could be said themselves to have suffered loss. I would expect the Courts to strive to avoid that conclusion. The facts remains, however, that a claim by or on behalf of ██████████ against the Trustees would need to break new ground in more than one respect in order for a financial remedy to be successfully claimed.
33. My Instructions refer to other possible remedies, once the Trustees have been ordered to reimburse the Trust, including an order by the Court that funds be returned to donors or spent on a charitable purpose similar to that originally intended, for the benefit of the local community around the proposed site of the Garden Bridge. As I have already noted, the precise arrangements for winding up the Trust's affairs will depend upon the foundational documents of the Trust and the terms on which donations were given (they may, for example, have been given subject to conditions that they be returned in the event that the Bridge was not built). Subject to any specific rules already laid down, it will be in the discretion of the Trustees to decide how best to dispose of any funds which remain available to the Trust. Even if it were to be established that the Trustees had acted imprudently in the past, I do not think it at all likely that the Court would order that the Trustees be replaced by others who would instead take the necessary decisions upon the winding up of the

affairs of the Trust. The mistakes previously made do not, in my view, establish that the Trustees are unsuitable to act further in relation to the Trust.

Conclusions

34. In summary, therefore, I have concluded:

- (1) It is likely that the Trustees of the Trust have breached their duty to act with reasonable skill and care, in particular in relation to the conclusion of the construction contract with Bouygues.
- (2) However, it is unlikely that [REDACTED] or anyone claiming for or on behalf of [REDACTED] or indeed any member of the public who might have wished to use the Garden Bridge, would be held to be a suitable claimant entitled to bring proceedings against the Trustees pursuant to s. 115(1) of the Act.
- (3) For that and other reasons, it is also unlikely that the Court would give permission for proceedings to be brought, pursuant to s. 115(5) of the Act.
- (4) Even if proceedings could be brought, there are significant difficulties in the way of a financial remedy being awarded against the Trustees.

35. If I can be of any further assistance, my Instructing Solicitor should not hesitate to contact me.

Jason Coppel

JASON COPPEL QC

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2 April 2018



Mike Brown MVO
Commissioner of Transport

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Tom Copley AM
Labour London-wide Assembly Member
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07 August 2018

Dear Tom

Thank you for your letter of 18 July, about the Garden Bridge.

As I explained in my letter to you of 12 June, the assessment of whether the conditions of payment had been met for the £7m grant payment in early 2016 was made by the Managing Director of Planning and was informed by discussions with colleagues from across the organisation, and based on our knowledge and scrutiny of the project as well as evidence presented by the Garden Bridge Trust.

At this time the funding raised by the Trust was fluctuating but was substantial. We understand that the differences in the amounts referenced may have been because the basis of the calculation of the figures was different but that would be a matter for the Trust to explain.

Yours sincerely

Mike Brown MVO



Mike Brown MVO
Commissioner of Transport

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Tom Copley AM
Labour London-wide Assembly Member
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5 November 2018

Dear Tom

I am writing to follow up on your question to the Mayor about the Garden Bridge at Mayor's Question Time on 19 October.

There is no longer any required timeframe for a payment to the Garden Bridge Trust under the terms of the DfT's underwriting of the Trust's cancellation costs. The DfT agreed to a variation to that underwriting in September 2016, which extended the expiry of the underwriting to the point at which construction of the bridge began - an event which last year the Trust confirmed will not happen.

However, the Trust has now submitted a claim against the underwriting, which we are assessing on the DfT's behalf given our role as the single conduit for public sector funding to the project. We want to resolve that claim in a timely fashion so that the Trust can proceed with winding up the charity and then filing their accounts with the Charity Commission.

At Mayor's Question Time you also raised the legal opinion from Jason Coppel QC that you have shared with us and the Mayor. We are considering that opinion and I will write to you again once we have reached a view. We will not pay any money to the Trust until that point.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Mike Brown'.

Mike Brown MVO

From: [Brown Mike \(Commissioner\)](#)
To: [\[REDACTED\]@london.gov.uk](#)
Cc: [Tagg Ella \(ST\)](#); [Branks Kirsten](#); [Thomson Linda](#)
Subject: Letter re. Garden Bridge
Date: 06 September 2018 12:56:00

Dear Tom,

Thank you for your letter of 6 August, about the Garden Bridge. The Mayor has passed on your letter to him of the same date and asked me to consider the issues raised.

We had not previously seen a copy of the QC opinion that you provided. We are considering it carefully before determining what next steps to take with regard to the claim that the Garden Bridge Trust has now made in relation to the DfT-funded underwriting of their cancellation costs.

I will write again to let you know once we have reached a view.

All best
Mike

Mike Brown
Commissioner
Palestra
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SE1 8NJ



From: [Branks Kirsten](#) on behalf of [Brown Mike \(Commissioner\)](#)
To: ["Caroline Pidgeon"](#)
Subject: RE: Garden Bridge funding concerns
Date: 23 November 2015 18:35:13

Dear Caroline,

Thank you for seeing me on 5 November for a very useful discussion.

We talked briefly about our river crossings proposals and the future of Oxford Street. I know that Richard de Cani is coming to see you soon to talk about these two projects.

Thank you also for your questions about the Garden Bridge.

The overall project budget for delivery of the Garden Bridge is £175m. This covers not just its construction but also other costs such as land acquisition, professional fees, operational costs associated with the running of the Trust, future inflation and around £20m of VAT. It also includes a reasonable allowance for contingency, in line with industry best practice for projects of this nature and at this stage of delivery.

The value of the construction contract is considerably less than the total cost of the project, and is in the order of £100m. This follows a competition the Trust ran with Bouygues appointed as the contractor. The contract value has been negotiated and agreed with Bouygues and while there will be some small delivery costs outside of this agreed budget, the total construction cost is well within the £150m point at which the Trust will begin construction. The remaining £25m of the £175m total is required for other costs such as those listed above.

We are confident the Garden Bridge Trust, which has been making steady progress with its fundraising activities, will reach its fundraising target and secure £115m from the private sector. Their commitment to seek further private funding also provides the opportunity for the public sector contribution to the project to be reduced even more than has already been achieved. Our experience suggests that the Trust's fundraising activities will grow stronger, rather than weaker, by the added confidence the project's delivery will have when the construction contract has been let.

We understand that the Trust has a range of legally binding contracts in place with private contributors, which secure the phased release of funding in those cases where donations have not already been transferred directly to the Trust. These arrangements have been negotiated and agreed directly between the Garden Bridge Trust and its donors, so I cannot provide more detail on their contents.

We have now agreed a Deed of Variation with the Trust and an accompanying Loan Facility Agreement, which set out the terms of the loan portion of our contribution to the project and the manner in which it will be repaid. We have published both of these documents on our website at <https://tfl.gov.uk/corporate/publications-and-reports/template-footbridge>.

Our total contribution to the project is limited to £30m of which £20m is made available by way of a loan. The loan is a properly enforceable loan which meets the need of Lambeth, the DfT, the Garden Bridge Trust and ourselves. We are entitled to recover any unpaid payments from the Trust and we can demand

repayment of the unpaid balance in certain circumstances. The Trust is obliged to give us early warning of any difficulties and we have the ability to require them to enter into discussions with us on options for repayment. Full details of this are available in the documents on the our website.

The funding agreements make it clear that additional funding contributions from TfL would not be allowed within the terms of the existing agreement.

The exact details of the guarantees being entered into between the GLA and the local authorities, as set out in Mayoral Direction 1472, are currently being discussed between the parties involved. When these negotiations have concluded, I will make sure the documentation relating to the guarantees is made publicly available.

We will consider the potential liabilities were these guarantees to be called upon, and we have also placed requirements on the release of funding to the Garden Bridge Trust that it demonstrates to our satisfaction that it has secured a satisfactory level of funding to operate and maintain the bridge once it is built for at least the first five years. The detailed Maintenance and Operations Business Plan which the Trust has provided has given us additional confidence that the Trust will be able to support the ongoing costs of the bridge, and the guarantees will not be called upon.

As I mentioned when we met, I am taking a close interest in the project and I hope the information I have set out, answers your concerns.

Mike
Mike Brown
Commissioner
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SW1H 0TL



From: Caroline Pidgeon [mailto:████████████████████@london.gov.uk]

Sent: 10 November 2015 15:04

To: Brown Mike (Commissioner)

Subject: Garden Bridge funding concerns

Dear Mike

It was good to see you last week. I thought there were many positive points that came out of our discussion. I would like to raise with you a particular angle on the funding arrangements for the Garden Bridge project, which is the prospect of the Garden Bridge Trust requiring further public funding once work on the bridge has started.

Lord Davies, the chair of the Garden Bridge Trust has publically stated that they would start building works when they reach £150 million with their fundraising. This means they plan to start work when they will still be £25 million short.

Of course it is quite common for large capital projects that include a fundraising element to start work while fundraising continues, but there is an important distinction to be drawn. It is one thing having a part-finished museum extension, such as the Tate Modern Extension. Having a

part-finished bridge would be another matter. Additional funds would surely have to be provided to complete it. There is a danger that once work starts donors will take the view that the project will happen anyway and that their money is not needed. There are good examples of donors reneging on commitments, such as with the Vilar Hall at the Royal Opera House or the Tanaka Business School at Imperial College. What is the legal status of the donor pledges already received?

Would it not make sense to require the Garden Bridge Trust to have the entire construction budget in place before beginning the work?

Furthermore, surely the budget should be required to include a very large contingency element to reflect its unique nature? Unique buildings do have a tendency to go over budget – the Scottish Parliament building went massively over budget, as did the Millennium Dome.

You know that I have grave concerns about the project as a whole, but the funding and the potential future liabilities on London tax payers is chief among them. To summarise the questions raised here:

- Is it appropriate that the Garden Bridge Trust intends to start work before it has raised the funds required?
- What level of confidence does TfL have in the Garden Bridge Trust as a fundraising organisation?
- What is the legal status of the donor pledges already received?
- Shouldn't the budget include a large contingency?
- What are the terms of the £20 million TfL loan?
- To what extent will TfL be at risk of having to plug a gap in funding the bridge in future?
- What thought has been given to the potential financial liabilities of the Mayor's underwriting the maintenance costs of the bridge?

I would urge TfL to consider what a 'worst case scenario' would look like on this project, not because it is necessarily going to happen, but so it is aware of the possible consequences if things do not proceed as planned.

Best wishes

Caroline Pidgeon MBE AM

Leader of the Liberal Democrat Group

Deputy Chair Transport Committee

Deputy Chair Police and Crime Committee

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From: [REDACTED]@tfl.gov.uk
To: [Brown Andy \(Corporate Affairs\)](#); [Harrison-Cook Victoria](#); [Beaney Joanne](#)
Subject: FYI - AJ: Johnson claims ignorance over journalist behind 'horrendous' Garden Bridge reporting
Date: 01 May 2018 08:55:50

Johnson claims ignorance over journalist behind 'horrendous' Garden Bridge reporting

1 May, 2018 By [Richard Waite](#)

[Full screen](#)



The Foreign Secretary and ex-London mayor has claimed he is unsure of the source of 'horrendous' and 'abusive' Garden Bridge reporting he has previously and publicly attributed to the AJ

During Boris Johnson's appearance last month at a [London Assembly hearing](#), he complained that the AJ had published 'allegations of corruption' and 'insinuations' involving Transport for London (TfL) officers, motivated 'by a dislike that ... the [AJ] journalist concerned has – of Thomas Heatherwick, who is not conceived of as being a proper architect and is therefore somehow worthy of abuse.'

Given his long-running [Garden Bridge investigation](#), this was universally seen as an attack on the AJ managing editor Will Hurst, and Hurst has now responded to Johnson's latest letter with [a letter of his own](#).

In the wake of the appearance, shadow communities secretary Andrew Gwynne wrote to the foreign secretary, saying that Johnson had brought Hurst's professional integrity into question and calling on him to withdraw his comments and apologise or put forward evidence for them.

But in a reply to Gwynne sent on 9 April and seen by the AJ, Johnson wrote: 'You raised Mr Hurst by name. I did not. I am afraid I cannot say whether or not Mr Hurst was responsible for the copy that has been repeatedly mentioned to me.'

Johnson also refused to answer Gwynne's question on the role played by Johnson's office 'in the reckless decision' to release public funds for the Garden Bridge construction contract', including a £7 million tranche of funding from TfL in February 2016.

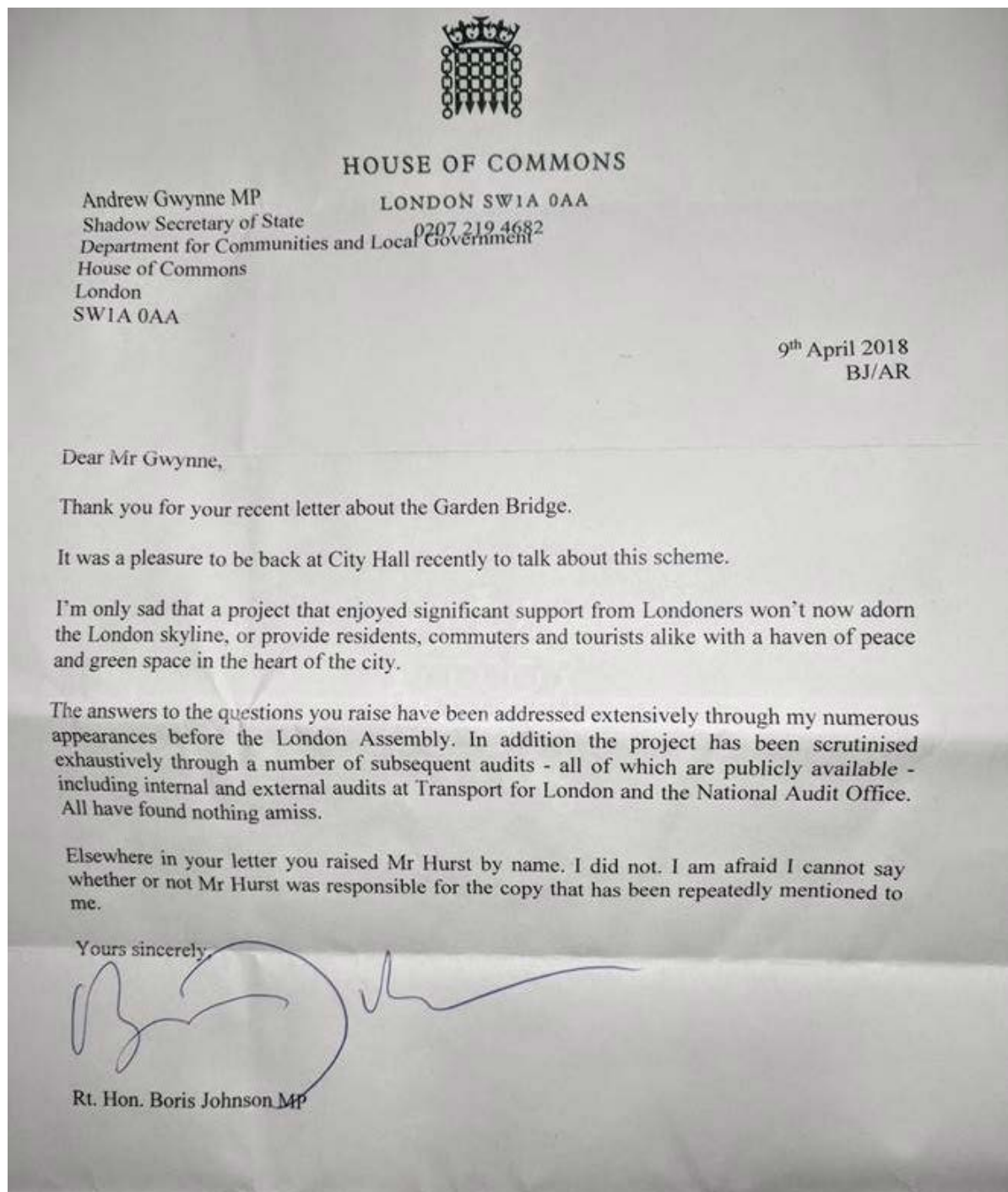
The foreign secretary claimed the answers to such questions had been 'answered extensively' by his

own appearances at the London Assembly and by the audits and reports carried out by organisations including TfL and the National Audit Office.

Johnson told Gwynne his recent appearance at City Hall had been a 'pleasure' and wrote: 'I'm only sad that a project that enjoyed significant support from Londoners won't now adorn the London skyline, or provide residents, commuters and tourists alike with a haven of peace and green space in the heart of the city.'

Speaking to the AJ, Gwynne said: 'This is not a time for obfuscation, taxpayers deserve real answers on how this money was spent. But instead of answering questions about possible irregularities, Boris Johnson has attacked those who have continued to ask questions about the reckless management and the role he played during his mayoralty.

'Questions need to be asked why this project was allowed to spiral out of control.'



Boris letter to andrew

In a separate development, the charities regulator has allowed the Garden Bridge Trust – which is currently being wound up after spending the bulk of the estimated £46 million of public money spent on the unbuilt bridge – to submit heavily overdue accounts in an unaudited state due to ‘exceptional circumstances’.

As of yesterday, the accounts were 90 days overdue but a letter sent by the commission’s deputy chief executive David Holdsworth, and seen by the AJ, makes clear that the commission has yet to follow through on its threat to take ‘regulatory action’ against the trust.

In the letter, sent to Lambeth councillors Jen Mosley and Kevin Craig, Holdsworth said that the regulator had recently met with the trust and now understood ‘there are commercial sensitivities that must be taken into account in the compiling and publishing of the accounts arising from the winding up process’.

Holdsworth added: ‘Accounts are normally prepared on a going-concern basis assuming that the charity is planning to continue its activities. However, we have accepted that the accounts preparation on a break-up basis involves a different approach. The main differences arise in the identification, estimation, valuation or measurement of the charity’s assets and liabilities at the balance sheet date.’

The AJ understands that the trust did submit unaudited accounts to the commission by a deadline of 25 April, that it is still required to submit audited accounts at a later date and that the regulator continues to consider regulatory action.

The minutes of the trust’s board meetings – obtained by TfL after a long struggle on 28 February – have still not been made public by TfL, more than two months on.

At the time, TfL said it was checking that redactions made to the minutes by the trust were appropriate.

Thomas Canning | Senior Press Officer - Corporate

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From: [Andrew J. Brown](#)
To: [David Bellamy](#)
Cc: [Harrison-Cook Victoria](#); [Canning Thomas](#); [Jonathan Edwards](#); [Carter Howard](#); [Ritchie Charles](#)
Subject: Note 6: GLA Oversight Committee: Boris Johnson on Garden Bridge
Date: 01 March 2018 15:17:05

LD: I'll keep repeating the evidence and the facts. And you must come back to us on that MD.

BJ: I don't promise to come back in person.

LD: We told you we would ask you about your MDs before you came.

Caroline Pidgeon: I want to pick up the lessons learnt from this project. Obviously £46m has been spent with nothing to show for it. With the benefit of hindsight would you have done anything differently?

BJ: What I might have done is try to get it going earlier. I would have liked to start it well before the Olympics, and delivered it following. The problem with these is always the time to get permissions, mobilise public opinion. By the end I think the Trust had done a fantastic job - I pay tribute to Mervyn Davies, Bee, all the people who worked very hard.

It became latterly a favourite thing to bash. Actually loads of people loved it and it would have been a wonderful project and I'm said it isn't happening.

We should have started earlier. Given we didn't have the run up we needed, my real regret is not absolutely eyeballing Sadiq and understanding where he was really at on this. There were moments I thought he was a true champion of it. But it sort of became clear by the end that there was too much 'not invented here' and he never really adopted it as his own, his legacy, which it would have been. I don't see much else being done right now. I'm just saying. I see Tube ridership down 3%. I see TfL black hole in finances. No house building. I think I might stand again.

I feel miserable about the failure to build the bridge. We honourably tried to do it. It would have been great. All great projects are hated by the public at a certain moment in their lifecycle. The same is true of the Olympics. People said scrap them. Same with the M25, HS2. That's the most difficult moment in projects - it requires political courage, which we're not seeing right now.

LD: Does that mean you can cut corners? I don't think so. You have to do it within the procedures you have. Other people's actions stopped this project. -And there was an inherent weakness in the proposal.

CP: So your advice to the Mayor would be to start big projects like this early in your term.

BJ: Yes - like Crossrail, which was almost dead and they were going to kill it. We had to fight like tigers to get it off the mortuary slab. Killing infrastructure projects is the easiest thing.

CP: Do you regret the way the process was put in place - that put TfL in a very difficult position? It got you the bridge you wanted at the cost of the process?

BJ: The key, when you need to get something done at pace, it does require a great deal of Mayoral push. That was true of lots of things we did. Certainly true of cycle hire, new bus, etc. You have to keep asking what's happening, or nothing happens. That was certainly true here.

Once you've decided to do it, you've got to go at it.

CP: Do you regret that the push from your office - it is not in the Business Plan - meant the process had to produce a GardeN Bridge, and this has created the problems we're investigating.

BJ: This body [the GLA] was created around driving things through. Ken got that. I don't think the way we did this project breached boundaries. We've been over it many times now and Michele Dix, Richard dC, Isabel Dedring these are fantastic public servants who did a wonderful job for London. It would be a fine thing if in your findings you could exonerate them from the stuff that's been thrown

at them.

CP: Do you have any regrets in supporting this project? Or at least advice you can give the Mayor on similar projects?

BJ: the most important thing to do is to build the coalition of support. Crossrail 2 is the key thing at the moment. To get something like that done in London we need every member of the business community to be arguing passionately for it every time they meet an MP or a Minister. You need to build that. by the end of big projects they become de-politicised. The GB became a political football.

LD: Don't you think your actions allowed people to make it political? The evidence says these things happened.

There are other questions I wanted to ask about the delivery vehicle [the Trust] - do you stand by this being an interesting way to do it? TfL officials don't think that.

BJ: For delivery there is nothing to beat TfL. For delivery in London you want TfL. For fundraising you want a great fundraising charity.

It was like a bad love affair with Sadiq - his heart wasn't in it, but he didn't kill it. That was the problem. They went on raising money and it was really very sad. I hope one day it will all be revived.

LD: We've run out of time. You've committed to write back to us on some things, and we have further questions we want to write to you with.

BJ: Can I just say it's lovely to be back here. Much enjoyed our conversations as ever. I will try to answer some of the points left unanswered.

[BJ leaves]

LD: we will contact members and ask if they have further questions they want to raise. We will also check the transcript for what BJ committed to tell us. And take offline the discussion about what to do next - a further report, letters, etc.

TC: Very much endorse writing a letter. I would say I was frustrated that he still seemed to feign ignorance of one of the most important decisions he took on this project. I think in particular we need to pursue him over that point. That is where his accountability is.

Gareth Bacon: I would like to put on record - did we indicate what questions we would ask, in advance? Tom Copley pushed him very hard but we must remember he is the Foreign Secretary and he doesn't have acres of time to prepare for every question.

LD: He did have a team to help him prepare. We told him headings we would ask under. He should be familiar with his Mayoral Directions. They were supplied to him.

CP: Support writing to BJ for further clarification. I think you should then write to TfL and the Mayor with lessons learnt for future projects.

LD: Members should write to me direct and we'll figure out a way forward.

[session ends]

On 1 Mar 2018, at 14:59, Brown Andy (Corporate Affairs) <[REDACTED]>@tube.tfl.gov.uk> wrote:

BJ: The new Mayor said the bridge could rival New York's high line. He said it was in London taxpayer's interests to complete the project. All of this in May 2016.

TC: In spring 2016 Lord Ahmad wrote to you saying he would release £7m of capital funding. You and your advisers knew the conditions in the grant agreement had not been met. For example they had not secured the funding for the first five years of the bridge. Is this why you watered down the guarantee's conditions with a further Mayoral Direction?

BJ: I have a letter in front of me from Mike Brown saying they considered the evidence and considered the conditions of payment had been met.

TC: Except they hadn't been met. One of the conditions was that the Trust had secured the funding for the operation and maintenance for the first five years. This had not been met.

BJ: All I can do is refer to you to Mike Brown's letter. They believed the conditions had been met.

TC: But they hadn't secured funding for the first five year of operation

BJ: Mike Brown says they were met.

TC: Why did you sign the MD softening the language in the guarantee. Why move the goalposts?

BJ: As I say, the conditions had been met and that was why the funding was released?

TC: So why water down the conditions? Why move the goalposts?

BJ: You ask me something I simply don't have, after this much time. I see from Mike's letter that the conditions were met. I would further advise you that the subsequent Mayor determined it was still worth investing in this.

TC: Why did you sign the Mayoral Direction to water down the condition?

BJ: I don't accept the characterisation you've made of whatever I signed. I can get back to you. As for my motives at the time, they may very well have been the same as the current Mayor.

TC: We're not here to talk about the current Mayor. We're here for your decisions, which have resulted in taxpayer money wasted on this project.

BJ: Not a single penny has been wasted by me. It has been wasted by the current Mayor who cancelled the project completely unnecessarily

TC: Your decisions as Mayor has led to this loss of taxpayer money. So why did you move the goalposts on those conditions?

BJ: With respect, I revert to my answer when you have already asked this question. I will go back and look at the decision. As far as my motives, they are the same as the thought processes of the current Mayor when he took over, in saying the GB was a good project to rival NY's high line - and went on to incur between £9-15m more of public money - while all the while meditating pulling the plug on it. Had we had the good fortune to have come up with the project in 2009/10, it would not have been frustrated and it would be adorning the river now.

On 1 Mar 2018, at 14:50, Brown Andy (Corporate Affairs)

 [@tube.tfl.gov.uk](mailto:andy.brown@tfl.gov.uk) wrote:

LD: On the procurement issues, do you think its right that an internal report looking at those finding is changed at the front and back to give a completely misleading position for what's in the body?

Should officers be approaching one of the participants in the procurement to ask them what process they would like? There is evidence TfL asked Heatherwick what process they would like.

Do you think this process was fair, open and honest?

BJ: On the audits, this has been one of the most super masticated pieces of public expenditure. Internal audit report, external audit review, investigation by NAO, work done by Hodge, plus the work by this Committee.

From memory those people at TfL who were involved might say there bits and pieces rough around the edges, but that was because of the speed needed to get it done and in the end there was nothing that invalidated the outcome. That is why the audit report you described was topped and tailed as it was.

I'm afraid I haven't seen the emails you refer to about officers and Heatherwick. But I have to say some of the stuff said and written about those individuals, the abuse they have suffered for being public-spirited people, and the insinuations of corruption, is absolutely reprehensible.

I have to say it is not in my view the job of the London Assembly to allow officials in TfL, hard working and honourable, to be subjected to that kind of abuse. On the contrary the Assembly should be protecting those individuals.

Richard dC has been relentlessly attacked. He was an effective officer people round this table will remember. It has been un-appealing and inaccurate.

LD: TfL broke their own processes in this case. They have to be held to account. They say TfL failed, and they've changed their procedures. Where there is clear evidence, officers have to be held accountable.

BJ: I agree but there is a line that should not crossed. Allegations of corruption have been horrendous. The AJ has connived at this and published a stream of abuse at these individuals, motivated by a dislike the AJ has for Thomas Heatherwick.

LD: I think you need to reflect on that too, and whether those accusations could have been minimised.

Tom Copley: You told us at the start of this meeting you were responsible for money spent while you were Mayor. By the time you left Cirty Hall the capital and revenue costs were spiralling. You didn't have the land or implementable planning permission to start building. Did no one advise you of the dire straits the project was in?

BJ: As you know, at a time when the Trust was denied of further political support, when they had secured every relevant permission, they would have gone on to do a fantastic job. They had raised £70-80m of private sponsorship.

TC: They didn't have the land. They couldn't implement the permission. They didn't have the money. Were you advised they were in trouble?

BJ: It wasn't. The bridge secured the relevant permissions.

TC: You never secured the land on the south bank so that is clear.

BJ: They had all the relevant permissions

TC: You should speak to Coin Street because they hadn't released the money. The bridge was in trouble.

BJ: It was not in trouble.

TC: The land deal wasn't done.

LD: In their evidence to Hodge, the Trust says they had not secured the land and they were in financial trouble. They never got a spade in the ground.

On 1 Mar 2018, at 14:39, Brown Andy (Corporate Affairs)

<[REDACTED]@tube.tfl.gov.uk> wrote:

BJ: I think you have to understand that inevitably when you want to get a great project off the ground with private sponsorship, there is a chicken and egg problem. The role of Lumley and Heatherwick was to be champions for the scheme. We were seeking to use their passion to get sponsors to say yes. We then used an arms length process to get the procurement right.

Sian Berry: Investment should be about fulfilling a transport need that is there. How and when in the process did you decide this was a transport project needing transport investment?

BJ: As in my opening remarks - my anxiety was never about the connectivity, it was just the difficulty of delivering a project like this. The beauty of it is that it connects two areas that are in need of regeneration on both sides of the river.

And the transport need was very conspicuous - to enable people to have a beautiful walk either to Waterloo or to Covent Garden, and to simultaneously increase the offer of London. London is great but you have to keep refreshing things.

SB: Your assessment all sounds very 'post hoc' to me - you decide it after you know you want a garden bridge. Do you think your public position on it being a GB meant no other ideas or modes of transport could get a look in on the procurement process?

BJ: We were genuinely open to other ideas. Wilkinson Eyre did a great job with the cable car. Marks Barfield did the London Eye. They are very reputable people. If I just contrast the the Garden Bridge with another scheme - it has a much better case than a footbridge at Rotherhithe, which would have to go very high and would cost £200m without any private money. Isn't that being supported by the current Mayor?

LD: there will be future meetings about that project.

SB: I'm not reassured by that - not the language I would expect when you are considering transport projects. The people who

should make these decisions are the TfL Board - why didn't you involve them?

BJ: My memory is playing me false. I have no doubt the Board was kept informed.

SB: We have a letter from the current Commissioner saying they have brought in a new Programmes and Investment Committee specifically because of the failings on this project

BJ: Some people have said there is an element of North Korea about the TfL Board. I would refute that because they are extremely active scrutinisers. If they missed the GB then I would be very surprised indeed.

On 1 Mar 2018, at 14:30, Brown Andy (Corporate Affairs) <[REDACTED]@tube.tfl.gov.uk> wrote:

LD: You do agree that politicians should be accountable for the decisions they make after leaving office?

BJ: Yes. It may be in the course of this conversation that I cannot satisfy you. I will try to answer your questions about what we were doing with this project.

LD: You have been summonsed here - I don't want to mislead anyone, you are not here as a courtesy to us.

BJ: And you are far more effective than people I've met down the river

BJ: Congratulate everyone who has tried to shed light on what went on. The officials involved - Richard dC, Isabel Dedring - have been great in what they've done. I got a request from Margaret Hodge but her request was odd. Her inquiry had no obvious statutory purpose or ambition.

As time went on there were obvious peculiarities about this process. People who submitted to her inquiry were not shown documents in advance, and there was confusion about transcripts and what had been said. And MH had to apologise to the Commons for the unorthodox circumstances under which her inquiry took place. It was a fairly 'gimcrack' affair - unlike the Garden Bridge which would have been beautiful and stood the test of time. That is why I felt it wasn't necessary for me to be there.

LD: Glad you're here. Let's go back to the beginning. Can we just have an honest conversation - right from the beginning it was always going to be a

Garden Bridge. Nothing else was on the table. Is that correct?

BJ: We talked about this before once. TO the best of my recollection, what happened was that after the Olympics at some stage Joanna Lumley and Thomas Heatherwick had a meeting with Eddie Lister and others to pitch the project. Eddie quite liked it. At some stage a model was produced. I was a bit sceptical about it even though Isabel liked it, because getting something built across the Thames - the difficulty with the PLA, the boroughs - everyone knows its grindingly hard. This felt like an exhausting political project when we had other things to do.

In the end I was persuaded because talking to TfL, there did seem to be a transport case. Loads of people leave Waterloo and want to cross the river. They could take this beautiful journey across a new Garden Bridge. Plus you'd have a new park. It did make sense and had a good business case.

We then realised that if we wanted to go ahead we had to procure it properly. As you know there are very strict rules about how that can be done. So we needed a process and a competition. We genuinely did that in a spirit of absolute openness, as Richard dC and others have said to you before. There were three competitors.

LD: We will cover procurement. But the evidence doesn't support your story. We have a 12 page briefing note from TfL long before the procurement. It states Heatherwick and Lumley proposed a new footbridge connecting Temple to the South Bank. The Mayor is extremely supportive and is keen for TfL to support this proposal.

No other alternatives are in the note. This is right at the start, well before tendering. We have at least 8 substantial meetings with the promoters before any tenders are promoted. Quite clearly then, do you not accept that maybe some of those meetings e.g. San Francisco - we've had so many versions, what is the true version of that? What are we to make of those meetings?

BJ: When someone comes to a public body with an idea for a new project, whatever it may be, they will represent a particular point of view or ambition. In the beginning Crossrail was the brainchild of a small group of enthusiasts who wanted to get it done. So you go to the public body and you try to get your idea adopted. It's just how

it works. The question is how do the authorities try to make sure the procurement is proper. On your question about San Francisco. I have reported several times to you already. The ambition was to secure considerable sums of sponsorship - not just for GB but for other projects in London. To the best of my knowledge some of those projects are still ongoing. I think it is a great thing for a Mayor to go out there and seek private sponsorship for things.

From: Brown Andy (Corporate Affairs)

Sent: 01 March 2018 14:18

To: David Bellamy

Cc: Harrison-Cook Victoria; Canning Thomas; Jonathan Edwards; Carter Howard; Ritchie Charles

Subject: Note 1: GLA Oversight Committee: Boris Johnson on Garden Bridge

Boris Johnson (BJ) arrived late, so they had to take the later discussion item (Item 7 - Proposed Changes to GLA Establishment) first while they waited for him.

BJ arrived and his item began at roughly 14:07.

Len Duvall (LD) launched the session with an opening statement (not verbatim):

In 2013 the then Mayor proposed a 366m pedestrian bridge spanning the Thames. The intention was for the construction and future maintenance to be for a charity, funded by TfL and DfT and private donations. The unusual way the bridge was conceived and procured brought it to AM's attention, and the media, and resulted in a significant amount of community concern. As time went on the then Mayor had to accept a number of open-ended commitments to costs imposed by planning authorities. The Committee conducted a thorough investigation into the design procurement in 2016. We found serious errors in the process that compromised its objectivity and fairness. The former Mayor should have been far more upfront about contacts between senior TfL officers and Heatherwick. We said other bidders should have been reimbursed. TfL has since admitted their failure in meeting standards, and taken a series of actions to improve transparency. The new Mayor commissioned an independent review and then withdrew his support following the results, after it became clear escalating capital and revenue costs were increasing the risk to taxpayers. The former Mayor refused to take part in the

review. Today we will hear from him to get his view but also learn lessons for future decision-making. Three parts to this session: Accountability, TfL processes, lessons learnt

Would you agree with me that taxpayer spending in London, ultimately the way the money is allocated and spent is the Mayor's responsibility?

BJ: Absolutely agree with that. What a pleasure it is to be back here. I take your work very seriously. Absolutely right that spending taxpayer money should be properly invigilated.

I consider this an excellent project. I was initially sceptical - projects like this are tough to get done. But it would meet some important needs - a fantastic amenity in the middle of city. It does satisfy various transport needs, connecting Waterloo with Aldwych / Covent Garden. I think it would have been a great thing for London. That's why I think it was right to spend public money on it. Both I and former Chancellor saw merit of scheme.

It is a bitter disappointment to me now that it is not proceeding. That's not the decision I would have taken where I still the Mayor. Roughly £36/37m had been spent when I left office. My successor reversed his initial hostility to the bridge and decided to support it, but never gave it the political push it needed. As time went on he blew hot and cold about it, and when it came to it I think did not feel he really wanted to deliver the project. In the interim further cost was racked up of about £9m I believe.

Since Sadiq came into office a further £9m was racked up during a period of indecision. The worst thing you can do with something like is not make up your mind. To get anything done you have to push push push and really believe in it. By the end I think he decided it was 'not invented here', not his baby, and it was very sad. In the end I think the bill is about £46m, and that is a great shame. If you ask me should the Mayor be accountable, yes the Mayor should be. Where I still Mayor of London I would have carried on with the project, and that money would not be down the drain. For now it is of course, until someone comes to the rescue of the project.

LD: We'll come to money later. But it's good to know you take responsibility for money spent on your watch.

BJ: Yes but a considerable amount has been spent since I left office. I think about £9m.

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From: [Erica Walker](#)
To: [David Bellamy](#); [Alexander Heidi](#)
Cc: [Steer Tim](#)
Subject: Note of London Assembly Garden Bridge Working Group meeting
Date: 14 May 2019 11:00:41

Hi both,

Please see below a note from the Garden Bridge session yesterday.

Erica

From: Tweddle Thomas

Sent: 13 May 2019 20:08

To: Brown Mike (Commissioner); Everitt Vernon; Carter Howard; Williams Alex; Brown Matt; Brown Andy (Corporate Affairs); +TfL Press Office; +Government Relations (All); +National & Regional Partnerships team; Ritchie Charles

Subject: Note of London Assembly Garden Bridge Working Group meeting

All,

This morning, the Commissioner, Mike Brown, Director of City Planning, Alex Williams, and Head of Corporate Affairs, Andy Brown, appeared before the London Assembly Garden Bridge Working Group. Please see below a note of the discussion. A full transcript will be available next week.

Best,

Tom

--

London Assembly Garden Bridge Working Group

Monday 13 May 2019

City Hall

Assembly attendees:

- Tom Copley, Assembly Member and Chair (TC)
- Caroline Pidgeon, Assembly Member (CP)
- Len Duvall, Assembly Member (LD)
- Peter Whittle, Assembly Member (PW)
- Sian Berry, Assembly Member (SB)

TfL attendees:

- Mike Brown MVO, Commissioner (MB)
- Alex Williams, Director of City Planning (AW)
- Andy Brown, Head of Corporate Affairs (AB)

Briefing

MB said, upon his appointment as Commissioner in 2015, he had semi-regular updates on the Garden Bridge project as part of his Monday senior management team meetings. MB said he could not recall receiving advice from TfL legal about the contract with Bouygues but did, from time to time, have discussions with the former Deputy Mayor for Transport about the project. In response to a query about his discussions with the former Mayor, MB said he recalls one discussion on 6 April in which both GLA monitoring staff and TfL expressed concern about an additional underwriting payment in run up to the Mayoral election.

Construction contract

MB said he was unaware that the Garden Bridge Trust (GBT) was about to sign a construction contract. When asked by TC whether this approach was 'reckless', MB said that while he was not party to the thoughts of the GBT having only met with them once, he assumed they must have had a degree of certainty given that they were prepared to enter into such a contract. MB confirmed that he had not seen the contract. When challenged by TC, MB said the contract

was beyond TfL, that we were not party to it, that our signature wasn't on it and that it was the responsibility of the GBT. AB said he saw discussion about elements of the contract in his role as an observer at GBT board.

TC asked whether we offered the GBT any legal advice. AB said that the GBT had extensive legal advice from its own lawyers.

MB said he was aware of the meetings being attended by AB and the former Managing Director of Planning Richard DeCani, but was not aware of the attendance of Thomas Heatherwick and said that he had no dealings with him.

TC asked if the Garden Bridge had become a political issue. MB said he was concerned, as was the GLA Scrutiny Officer, at requests for the release of money in April 2016, and it was for this reason only £1.3m was released to the GBT in order that the project could continue over the election period. MB said that, given the nature of the project and the number of Mayoral Directions associated with it, it was 'political'. MB said there was no political pressure applied to him, although he was aware of dialogue between the team and the then Deputy Mayor for Transport.

AB said he was not subject to political pressure; he said that a series of Mayoral Directions were issued and it was the job of TfL to implement them.

LD questioned whether there had been sufficient contingency planning. AB said that there were frameworks in place to monitor what the GBT was doing, how it was using the money it had been given and how they had met conditions for further payment. AB said the message to the GBT was clear: if they were to request the next set of payments, they needed to be very clear about how the conditions had been met. AB said conversations were not taking place about additional frameworks as we considered those that were in place were satisfactory. AB said that in projects such as this, risk is not unusual, but the overall risk landscape was not a cause for nervousness.

TC said he found it 'inconceivable' that the GBT would have signed a construction contract had they not received 'a nod' from TfL that the funding would have been made available. AB said that the GBT knew what conditions they had to meet.

CP asked who the then Deputy Mayor was speaking to about the project. AB said that it was not him. MB said that when he took over from the previous Commissioner, this project was not flagged as an issue. CP probed about who else from the Mayor's office was seeking briefings and updates on the project; AB said no one had been asking him for such updates. MB also confirmed that the project was not a regular point of discussion at his Monday meeting.

Conditions

CP asked about Condition 5, specifically whether the GBT had met, to TfL's satisfaction, the requirement that funding be in place for the first five years, a condition which was later amended, but never formally changed, to a funding 'strategy'. MB said he was not aware at the time of the alteration to this condition.

AB said the approach we took at the time was to consider whether we could defend *against* not paying the money. AB said the Mayoral Direction amended the condition and not the overall funding agreement. The reasoning behind the change was to align wording with LB Lambeth and Westminster CC planning conditions so as to avoid possible dispute further down the line. The funding condition was unchanged.

CP raised the position of Martin Clarke, Director of Resources at City Hall, who – CP claimed – said he couldn't execute the guarantee because the conditions had not been met. CP suggested that the reason the wording of the condition had been changed was because it would not get signed off by City Hall.

TC asked why TfL came to a different conclusion to that reached by Martin Clarke . AB said Richard DeCani was of the view that the conditions had been met.

TC asked whether legal advice had been sought. AV said Richard DeCani made his decisions having taken into account the views of various people, including both the legal team and the project team.

CP suggested that, for many people, Condition 5 had not been met. Neither, she suggested, had Condition 2 which concerned consents. AB said the requirement of Condition 2 was clear – having secured, or being able to secure, all the necessary consents. By this point, AB said, the GBT was in advance stages of discussions with Westminster CC and LB Lambeth, as well as the Port of London Authority, and there were well progressed discussions with Coin Street. AB said there was still a number of things that needed to be finalised, but significant progress had been made with those stakeholders and had plans in place for the final requirements. The condition said “has secured or is able to secure”, and there was a plan in place.

CP asked if discussions about meeting the conditions were documented. AB said there wasn't a single decision paper. MB said this is something we'd look to do differently in the future.

CP asked whether TfL checked with the GLA if they would accept a Business Plan, rather than 'money in the bank' as evidence of Condition 5 being satisfied. AB said that, in terms of the funding agreement, it wasn't discussed with City Hall but that he would routinely keep colleagues at the GLA updated.

TC said one of Westminster CC's conditions was that the Mayor would have to sign a guarantee – a guarantee that was never signed, in spite of what TC described as the 'huge pressure' on Martin Clarke. Therefore, he contended, the condition was not met. MB said that he could not comment on that but that Richard DeCani was satisfied that the conditions had been met.

AB said that, in February when Richard DeCani concluded that the conditions had been met, there was a Mayoral Direction saying that the guarantees would be given, subject to certain conditions, so they had what you'd reasonably expect them to have.

TC suggested TfL should have waited until after the mayoral election before authorising any further funding.

SB asked why the funding condition needed to be 'softened' to match the Section 106 agreement. She said both Westminster CC and LB Lambeth wanted operations and maintenance business plans in place as well as Mayoral guarantees. AB said that the Mayoral Direction was a decision taken by the previous Mayor. TC queried the Deed of Grant and why it was never varied to bring in line with the Mayoral Decision. AB said he didn't know the answer to that, but did know that there wasn't a potential payment coming up.

LD asked whether the panel considered the conditions robust enough? MB said, at the time, he was not in a position to have a view on that, but with hindsight wished that he had been closer to the granular detail. MB also said he wished that there had been more discussion with his predecessor, the then Deputy Mayor and the Mayor on subject. MB said he has taken seriously the recommendations on TfL governance.

LD questioned why TfL still paid out to the GBT, in spite of the risks. MB said there is still room for interpretation on what had been secured/nearly secured but recognised. MB said he did not doubt the integrity of the decision making process, and that if he did have doubts then Richard DeCani would not have been part of his senior team. MB said Richard's integrity 'was robust'.

TC pressed again on whether the GBT had the money in the bank. AB said that was not how we interpreted the condition. He said that satisfactory level of funding means cash flow arrangements in place, including an operational business plan that demonstrates income vs outgoings over 5 years. TC described this as “a very liberal interpretation” which, he said, clearly wasn't good enough for Martin Clarke.

AW gave an overview of his involvement in the project from May 2016, including meetings to discuss the consents register. SB asked AW what instructions he had been given when he took over the project. AW said Richard DeCani had talked him through the funding, political and consent contexts. AW said he was surprised to learn that the money to cover capital costs wasn't 'in the bank'.

TC questioned why the GBT Business Plan hadn't properly been reviewed. He said that every other body involved in this project (Department for Transport, Martin Clarke, LB Lambeth) subjected it to higher levels of scrutiny. TC said TfL was the overseer of the project and the custodian of public money, asking why was there more scrutiny and due diligence from these other bodies? AB said he did not think TC's assessment was fair and that we were most involved in scrutinising the project, with 2/3 meetings a week, as well as attendance at board meetings. SB asked how frequently AW reported to the Commissioner and others on the project. AW said he met with the Commissioner every Monday afternoon, in addition to three further meetings a month. SB asked whether, given the policy and process failures, changes had been put in place? AW said there had been multiple changes. He said the composition of the TfL Board is very different now and is much more involved. He also cited our response to Margaret Hodge's report.

LD suggested the GBT had 'misrepresented' their position and asked, in that context, why the £5m payment had been made. AW said he went through the figures in great detail and sought legal advice. MB said he looked at the payments from the position of 'not a penny', and sought a great level of evidence to be clear that every penny had a robust legal process behind it. AB said there are ongoing discussions about an outstanding c£500k.

CP asked about TfL processes for declarable interests. MB said if a TfL employee had an interest in a project, they would declare it and it would be checked by Counsel. MB agreed to provide the Working Group with a paper on changes made since the Hodge review. TfL action
PW probed further on possible employee (or former employee) conflicts of interests. MB said there is now a more robust process of checking, and that there are now clear constraints put on those leaving the employment of TfL on what they can or cannot work on. MB agreed to provide those conditions to the Working Group. TfL action

PW asked the Commissioner how confident he was that such an incident cannot happen again? MB said the breadth of the recommendations, made over the course of a over number of reviews, meant that lessons had been learnt. He said he was also confident because the processes through which Mayoral Directions are executed is now entirely different. Under the current Mayor, MDs are scrutinised through board structures and there is enhanced Programme and Investment/Finance Committee oversight, which he described as a 'different calibre'.

PW asked whether the Garden Bridge had damaged faith in public projects? MB said he does not treat £50m lightly, indeed he doesn't treat 1p of public money lightly. CP asked the Commissioner whether he accepted that the Garden Bridge 'saga' has had an impact on London, or damaged the reputation of TfL. MB said it was not helpful, but would like to think people will look at the wider context, including how we're tackling the deficit and dealing with the loss of the subsidy. MB said he hoped that our delivery credentials would be looked at in the round. CP asked whether recent events had made making the case for investment harder. MB said that London and the rest of the country needs investment in transport.

CP asked the Commissioner whether he accepted responsibility for, or expressed regret at, what happened. MB said that the decisions taken by TfL were based on the assessment at the time.

From: [Andrew J. Brown](#)
To: [David Bellamy](#)
Cc: [Andrea Kechiche](#); [Carter Howard](#); [Williams Alex](#); [Fiona Fletcher-Smith](#)
Subject: RE: Draft letter from TfL to the GB Trust - TfL restricted
Date: 07 September 2017 12:26:15

Thanks David. I will socialise the draft with the DfT and then get it sent to the Trust.
I have just been exchanging emails with Howard about the trees and plants, as it happens.
My understanding is that the Trust does have some trees that they selected and moved to the UK, to acclimatise to conditions here before planting on the bridge. I am not yet sure whether they bought those trees outright or paid a deposit for them.
If the Trust owns the trees then they form part of their assets, and the Trust would be expected to sell them in order to reduce their liabilities and therefore reduce any claim against the underwriting. Once we get more information from them we will check to make sure what they are doing with any trees or plants is sensible and getting decent value - the focus there would be on minimising further cost rather than securing any trees or plants for use in London, but if the Trust looks to be getting very poor value for them then we could have another discussion about whether we would rather suggest bringing them to London for an alternative use (at a cost).

Andy

[REDACTED]

From: David Bellamy [mailto:[REDACTED]@london.gov.uk]
Sent: 07 September 2017 11:56
To: Brown Andy (Corporate Affairs)
Cc: Andrea Kechiche; Carter Howard; Williams Alex; Fiona Fletcher-Smith
Subject: RE: Draft letter from TfL to the GB Trust - TfL restricted

Thanks Andy. I'm happy with this.

Separately, I saw some talk about trees already being grown for the bridge. Is this accurate and if so what are the plans for them, given that I assume the public sector paid for them?
See you later.

David.

From: Brown Andy (Corporate Affairs) [mailto:[REDACTED]@tube.tfl.gov.uk]
Sent: 07 September 2017 11:20
To: David Bellamy <[REDACTED]@london.gov.uk>
Cc: Andrea Kechiche <[REDACTED]@london.gov.uk>; [REDACTED]@tfl.gov.uk; Williams Alex [REDACTED]@tfl.gov.uk; Fiona Fletcher-Smith <[REDACTED]@london.gov.uk>
Subject: Draft letter from TfL to the GB Trust - TfL restricted

Hi David

Sorry for the delay in getting back to you. I have added the following paragraph in the attached version of the draft letter to the GB Trust:

“We would also like to exercise our right under the Deed of Grant to inspect and take copies of the Trust’s full records in respect of income and expenditure. Please can you provide this information at the earliest opportunity. We reserve the right to conduct a full audit in accordance with clause 11 of the Deed of Grant.”

Hopefully that does what you were hoping for but if not please do give me a call - or else I will probably see you later when we are over for the Mayor’s meeting this afternoon?

Many thanks

Andy

[REDACTED]

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From: [Valerie Shawcross](#)
To: [Patrick Hennessy](#); [James Ryan](#); [Nick Bowes](#); [Leah Kreitzman](#); [Jack Stenner](#); [Steer Tim](#); [Claire Hamilton](#)
Cc: [transport desk](#); [David Bellamy](#)
Subject: RE: Garden Bridge story - TfL and Arup
Date: 18 October 2017 17:59:37

Ok thanks

Valerie Shawcross CBE

Deputy Mayor for Transport

City Hall The Queen's Walk London SE1 2AA

Tel: [REDACTED]

From: Patrick Hennessy
Sent: 18 October 2017 15:08
To: James Ryan ; Nick Bowes ; Leah Kreitzman ; Jack Stenner ; Valerie Shawcross ; Tim Steer ; Claire Hamilton
Cc: transportdesk ; David Bellamy
Subject: RE: Garden Bridge story - TfL and Arup
OK by me
DB copied
Ta

From: James Ryan
Sent: 18 October 2017 15:05
To: Patrick Hennessy <[REDACTED]@london.gov.uk>; Nick Bowes <[REDACTED]@london.gov.uk>; Leah Kreitzman <[REDACTED]@london.gov.uk>; Jack Stenner <[REDACTED]@london.gov.uk>; Valerie Shawcross <[REDACTED]@london.gov.uk>; Tim Steer <[REDACTED]@london.gov.uk>; Claire Hamilton <[REDACTED]@london.gov.uk>
Cc: transportdesk <transportdesk@london.gov.uk>
Subject: Garden Bridge story - TfL and Arup

Hi,

Will Hurst has approached TfL about the large cache of emails between TfL and Arup sent prior to the date Arup was selected for the Garden Bridge project in July 2013 released under FOI. His questions are below, but is this TfL line Ok?

A Transport for London (TfL) spokesperson said: "A number of internal, external and independent reviews on the Garden Bridge project have considered all of the information and project records, and published their findings. We have taken every opportunity to learn lessons from these reviews and all of the management actions we have implemented are set out in our response to Dame Margaret Hodge's review, published on our website."

Information for reporter:

· TfL's response to the Dame Margaret Hodge report can be found here -

<https://tfl.gov.uk/cdn/static/cms/documents/pic-20170628-item19-garden-bridge-review.pdf>

Questions from Will Hurst -

1. How do you explain the repeated email contact between Arup and Richard de Cani at TfL concerning the Garden Bridge prior to Arup's appointment in July 2013, apparently in breach of the tender rules?
2. How do you explain Arup's contact in this timeframe with Heatherwick Studio, again apparently in breach of tender rules?
3. Given what the emails show, is TfL concerned that Arup apparently later told TfL auditors

- that it had had no contact with Heatherwick Studio in the tender period?
4. How can you explain Arup being paid £8.4m for Garden Bridge work by TfL given that Arup was contracted for only around one tenth of this amount, £890,549?
 5. In general, what steps did TfL take to ensure that Arup's involvement in this tender complied with procurement regulations?
 6. Why was Arup apparently shown favouritism both before and during this tender and what steps is TfL taking to hold the individuals responsible for this to account?

From: [Andrew J. Brown](#)
To: [David Bellamy](#)
Cc: [Ritchie Charles](#)
Subject: RE: Garden Bridge Trust - confidential
Date: 29 April 2019 08:50:53

Hi David,

Further to our conversation last week, the Garden Bridge Trust has now confirmed they are moving into a solvent liquidation.

Our press team are aware, given the 30-day advertising period may generate a few ripples from commentators.

I'll keep you updated but if you have any questions then of course please give me a call.

The plan remains to do one further publication of material once the whole process is complete, rather than providing a constant stream of small uploads to the website.

Many thanks,

Andy

[REDACTED]

-----Original Message-----

From: paul morrell [[mailto:\[REDACTED\]@btinternet.com](mailto:[REDACTED]@btinternet.com)]
Sent: 29 April 2019 08:31
To: Brown Andy (Corporate Affairs); Ritchie Charles
Cc: [REDACTED]@pwc.com; [REDACTED]@pwc.com
Subject: Garden Bridge Trust

Andy, Charles

A note to let you know formally that Garden Bridge Trust has now passed a resolution to move to a solvent Members Voluntary Liquidation.

As you know PwC had been appointed, with Laura Waters and Robert Lewis now named as Joint liquidators; and they will be placing confirmation of the liquidation in The London Gazette today, and in The Times on Wednesday. This statutory advertising then triggers the 30 day period during which any additional creditors can come forward.

In addition, PwC have to send specific creditor notice to anybody who has either an established or possible claim, and I think the only one of those is to go to Angel Xue - moves to settle that claim on reasonable grounds having come to naught, so it is for Ms Xue to decide whether/how she wants to proceed now.

The 30 day period therefore expires a couple of weeks before the 120-day deadline set in your letter dated 13 February, so although it's obviously a matter for the Liquidators, I imagine there will then be a review of the situation with you - and I have said to Laura that I would be happy to participate in that if it would help in terms of continuity.

In the meantime, my personal thanks to you both, on behalf of us all, for handling matters over the past months in an entirely professional way. It has been much appreciated.

Kind regards

Paul

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From Fiona Fletcher-Smith Date 2017-04-20T15:22:04Z
To David Bellamy
Cc Andrea Kechiche
Subject FW: Business Plan questions - TfL restricted

Read this on my phone and hadn't noticed that you weren't copied.

From: Brown Andy (Corporate Affairs) [mailto:██████████@tube.tfl.gov.uk]
Sent: 19 April 2017 23:29
To: Fiona Fletcher-Smith
Subject: Business Plan questions - TfL restricted

Fiona

I have been through the most recent version we have of the Garden Bridge Trust's OMBP (dated November 2016), ahead of their presentation tomorrow afternoon

We'll have to see how significantly their business plan has been updated in the last five months, but these are the broad question areas I would expect it could be worth our while exploring with them

If you or David have any thoughts or areas you'd like me to look into in advance of the meeting then please feel free to give me a call

Many thanks

Andy

- 1) **What material difference do you expect in Year 6 (and onwards) that will allow you to support the repayment of TfL's £20m loan?**

(Accepting of course that there is no requirement for repayment during Years 1-5, which are what is covered by this plan)

- 2) **Your sensitivity analysis shows how little circumstances need to shift to put your profitability in jeopardy (e.g. getting only 3% return on the endowment rather than 3.5% would put the Trust in the red in Year 1). Aren't you worried about how small that margin is, and what could you do to increase it?**

In Year 1 there is currently only 2% profit on just over £3m annual projected income, which is uncomfortably tight.

This is particularly important when one considers that many of the income streams, while 'diverse', are dependent on the same underlying factors of (a) brand power / public support; and (b) wider economic factors and the resultant flexibility of corporates and private donors to make significant contributions to charitable ventures.

- 3) <!--[if !supportLists]--><!--[endif]-->**What evidence do you have to support a forecast that you can charge out the event hire at nearly three times the going rate (£25k -> £60k per hire)?**
(Accepting that the event hire will attract a premium because of novelty and rarity - but it would be helpful to see some evidence to support the amount of scaling up you have done)
- 4) <!--[if !supportLists]--><!--[endif]-->**Do you believe your forecast cost of Corporate Membership (which is comparable to other major institutions) is realistic considering your package of benefits is notably narrower than what those institutions provide?**
- 5) <!--[if !supportLists]--><!--[endif]-->**Is the ‘benchmarked’ forecast contactless donation figure of £0.10p per user (cf £0.14p for major institutions) reasonable considering the differences of the bridge compared to those institutions?**
e.g. many of the bridge’s users will be commuters, who are unlikely to donate and will also make up two trips each; and there may be a lower donation rate considering visits will be shorter than to museums and there are no ‘exhibits’ to see.
- 6) <!--[if !supportLists]--><!--[endif]-->**What concrete plans do you have in place to secure the full £15m endowment in time for day 1 of operation?**
(Particularly given you intend still to be undertaking capital fundraising after construction has started)
- 7) <!--[if !supportLists]--><!--[endif]-->**Do you have specific benchmarking figures for how much other institutions (RHS, National Trust, Tate, etc.) raise through their Programme Sponsorship revenue streams?**
(i.e. where has £500k pa come from - without comparisons it seems plucked out of the air)
- 8) <!--[if !supportLists]--><!--[endif]-->**Need to confirm the ‘impact payment’ costs accurately reflect the latest negotiated position with Lambeth and Coin Street** - my understanding is that GBT must pay LBL £250k every year, and will also need to make a separate payment (not sure how much) to Coin Street as well
- 9) <!--[if !supportLists]--><!--[endif]-->**What allowance have you made in your assessment for optimism bias?**

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From Fiona Fletcher-Smith Date 2017-01-24T16:44:57Z
To David Bellamy
Cc
Subject FW: Garden Bridge trust Accounts

For info.

From: Brown Andy [mailto:██████████@tube.tfl.gov.uk]
Sent: 24 January 2017 16:42
To: Fiona Fletcher-Smith; Williams Alex
Subject: FW: Garden Bridge trust Accounts

Alex, Fiona,

Please see below correspondence from Kate Hoey MP and two local ward councillors to the Garden Bridge Trust. It is one for the Trust to consider but I will keep you updated.

Thanks

Andy

From: Bee Emmott [mailto:██████████@gardenbridge.london]
Sent: 24 January 2017 16:31
To: Brown Andy; Rupert Furness
Subject: FW: Garden Bridge trust Accounts

FYI – we are considering our response.

From: ██████████@parliament.uk
Sent: 23 January 2017 4:50 p.m.
To: ██████████@corsair-capital.com
Cc: ██████████@parliament.uk; ██████████@charitycommissio.co.uk;
██████████@parliamet.uk
Subject: Garden Bridge trust Accounts

To: Lord Mervyn Davies (Chairman, Garden Bridge Trust) –
CC: The Mayor of London, Dame Margaret Hodge M.P., Paula Sussex (CEO) - The Charity Commission, Naziar Hashemi (Senior Statutory Auditor) - Crowe Clark Whitehill LLP, Meg Hillier M.P. (Public Accounts Committee)

Re: Garden Bridge Trust Report and Financial Statements for the Period Ended 31 March 2016

Dear Lord Davies,

We are writing to you following a detailed review of the Garden Bridge Trust (GBT) Report and Financial Statements for the Period Ended 31 March 2016. As you should be aware, the objective of a Trustees Report and supporting Financial Statements is to ensure that the charity is publicly accountable to its stakeholders for the stewardship and management of the funds it holds on trust. It should provide a fair, balanced and understandable review of the charity's structure, legal purposes, objectives, activities, financial performance and financial position.

Regrettably, the Garden Bridge Trust Report and Financial Statements for the Period Ended 31 March 2016 fail significantly in these objectives, both in our opinion, and in the opinion of independent specialists. We have summarised our reasons below.

The National Audit Office (NAO) Report – Investigation into the Department for Transport's (DfT) funding of the Garden Bridge was published 11th October 2016. Whilst, the scope of the NAO Report was the DfT, its subject is the Garden Bridge. Moreover, it was extremely critical of the behaviours of the Trustees of the GBT. In case you have not read the report (as would appear from the GBT Report and Financial Statements), we have summarised a few key points from the NAO report below which do **NOT** align with your annual report and accounts:-

1. **Business Case:** *"In its assessment of the business case, the Department concluded that there was a significant risk that the Bridge could represent poor value for money. The Department assessed the business case against the criteria it uses to assess transport projects. It found that the monetised transport benefits arising from faster journey times were minimal. In the Department's view the Bridge was not predominantly a transport scheme, and as such did not align with any specific transport policies. Wider benefits, such as those associated with tourism, were considered highly uncertain."* **It can only be concluded based on the GBT report and statements under the section Benefits (Page 5), that the Trustees are still misrepresenting the transport and tourism benefits of the project in contradiction to the DfT's own conclusions.**
2. **Release of Public Funds:** *The release of funding for the GBT from the Transport for London was subject to several conditions... "On 27 January 2016, the Trust wrote to TfL to set out how it had satisfied these conditions. On 29 January 2016, TfL confirmed to the Department, in an email, that it was satisfied that the Trust had met the conditions and was entitled to the next £7 million of public funding... .."The Department (DfT) had expected the contract to be awarded only once significant delivery risks related to land and planning had been resolved and there was certainty that the project would go ahead."* **It is**

apparent from the GBT'S report and accounts that these conditions, clearly, were not met at that point in time nor now - It is therefore improper to present the Trustees as being prudent with public money in their annual report and statements in this respect.

3. **Poor Reporting by the GBT:** *"Since, June 2016, the Department has received written monthly updates from the Trust on the status of the project and the steps being taken to address the main risks. These reports have included a narrative update on the way the Trust has managed key risks and some have contained a risk register. They have not contained standard project performance information such as progress against schedule and budget, nor have they contained information on the Trust's progress against fundraising targets."*

The Trustees report and statements has presented its Risk Management and Internal Controls (Page 9) as fit for purpose and does not reference any of the criticisms of the reporting arrangements of the GBT and any associated remediating actions subsequent to the NAO report. This is a concern.

4. **Behaviour of Garden Bridge Trustees:** *"The pattern of behaviour outlined in this report is one in which the Trust has repeatedly approached the government to release more of its funding for pre-construction activity when it encounters challenges."* The GBT accounts notably do not refer to some important details transparently – that project was delayed by another year in 2016, that a significant number of donors left the project in 2016; its funding gap increased by £22Million and the original cost increased by £10Million to £185Million. The GBT does state that it is not a Going Concern. On top of this the ultimate cost of the bridge is unknown and could "substantially exceed the formal estimate." But you do refer to "the success you have had so far"! Given these challenges we are not confident that the Trust will not yet again call upon the government in the event it proceeds or that it has "managed the resources at its disposal responsibly and prudently, by reducing expenditure where possible." In reality the Garden Bridge Trust has wilfully increased the exposure and risk to taxpayers over the financial period.

It is of significant concern that The Garden Bridge Trust (GBT) Report and Financial Statements for the Period Ended 31 March 2016 does not even reference the NAO report and its criticisms of the GBT,

despite the fact that the scope of NAO report directly covers the period and scope of the Garden Bridge accounts. It is notable, that the GBT Trustees Report (page 9) does refer to a Review by Dame Margaret Hodge and The Compliance Investigation being undertaken by the Charities Commission over the same period as the NAO Report, However, there is no reference to the NAO report, its significant conclusions and any response or remediating actions undertaken by the Garden Bridge Trustees. It is not appropriate for a report and financial statements for a publicly funded project to be used as “marketing material” for its decreasing donor base, as appears to be the case.

Throughout your annual report and financial statements you state that the significant delays and increases to costs (which are still not known) are everyone else’s fault but your own as Trustees. We also note from the accounts that insurance was purchased to “indemnify the Trustees against the consequences of neglect or default on the part of the Trustees” at a cost of £6,618. We can only conclude that the Garden Bridge Trustees have taken more care to protect themselves against due process and public accountability, in a background of the Trustees not applying the same standards to their management of public funds on a failing project.

We look forward to your response outlining why the GBT has not reflected the NAO findings in its report and financial statement at all or responded to the significant failings of the Trust outlined in the NAO report. We would expect Trustees to have recognised the important role that the National Audit Office has to play in protecting the use of public money, through responding to the NAO through an action plan or improved governance arrangements.

We can only conclude that the NAO report and findings were either wilfully neglected from the Garden Bridge Trust (GBT) Report and Financial Statements for the Period Ended 31 March 2016, or that you have not read or recognised their findings. Either of these conclusions does not bode well in respect of the role of the Trustees in delivering a proposed project on the scale of the Garden Bridge and in your responsibility to demonstrate that the charity is publicly accountable to its stakeholders for the stewardship and management of the funds that you hold on trust.

Yours sincerely,

Kate Hoey M.P.

Councillor Jennifer Mosley (Councillor Bishops Ward - Lambeth)

Councillor Kevin Craig (Councillor Bishops Ward - Lambeth)

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From HOEY, Kate Date 2017-04-14T11:38:10Z

To Mayor

Cc HODGE, Margaret; Valerie Shawcross; Caroline Pidgeon; Tom Copley; Nick Bowes; David Bellamy; Florence Eshalomi

Subject Garden Bridge Trust

To: Mayor of London, City Hall, London, SE1 2AA, mayor@london.gov.uk

CC: Dame Margaret Hodge;Val Shawcross;Caroline Pidgeon;Tom Copley;Nick Bowes;David Bellamy;Florence Eshalomi

Re: Garden Bridge Trust and Review by Dame Margaret Hodge / Response to your letter reference MGLAO60317-4678

Dear Sadiq,

Thank you for your letter dated 3rd April 2017 responding to our concerns in respect of the very serious financial risks that the Garden Bridge presents to the taxpayer- most importantly, our concerns that the risks have not been appropriately reported to the Transport for London Board.

Since your last correspondence, Dame Margaret Hodge published her review into the Garden Bridge Project. We welcome the report and support its findings and conclusions – specifically, that it is better for the taxpayer to accept the loss of cancelling the project than to risk the additional demands of the project continuing. The findings of the review are damning of the Garden Bridge Project – For many elected politicians across parties, local stakeholders, industry experts as well as local communities the findings are not a surprise. We have been flagging these concerns over a number of years.

We welcome the fact that you have already responded to our concerns in respect of the TfL governance arrangements and your ongoing commitment to not commit any further taxpayer funding to the project.

For a long time the Garden Bridge Trust has exhibited a pattern of behaviour which does not seem to recognise any valid concerns about the way in which the project, for which they are responsible, has been conducted and allowed to proceed. These concerns have been raised from external reviews, and elected politicians of all political shades and many were interviewed by Margaret in her review. This pattern of behaviour was also exhibited, for example, in the Garden Bridge Trusts response to the damning National Audit Office, which they have also seemingly ignored.

In this context, you will have received Lord Davies's response to the Hodge review which was published today and received much media attention. It is notable that Lord Davies did not raise any concerns about the scope of the review or the expertise of Dame Margaret Hodge before the publication of the report **until** he disagreed with her findings.

The response by the Garden Bridge Trust to the Hodge review is emblematic of their behaviours:-

- <!--[if !supportLists]--><!--[endif]-->A wholesale rejection of the end to end criticisms of the project without any constructive response or plans to address these by the Garden Bridge Trust (similar to the damning NAO report.)
- <!--[if !supportLists]--><!--[endif]-->Misleading statements which are not founded on fact – specifically Lord Davies has stated that community engagement has been strong. This is particularly laughable. We met and engaged with the Garden Bridge when they first published their idea and gave them advice on consultation in the community. This was ignored. Moreover, as a result of the way that the Garden Bridge project communicated to local residents the local stakeholders and community became increasingly opposed to the project. We, in our role as elected representatives, have always represented local opinion on this issue. We have attended the limited number of relevant forums at which the Garden Bridge Trust have been present – their attitude has always been dismissive and condescending. Lord Davies has ignored requests to attend various forums and the events he attended he was not well received as a result of his patronising manner. It was clear from the very beginning that the GBT did not want to listen to anyone who had objections.
- <!--[if !supportLists]--><!--[endif]-->The Garden Bridge Trust have publicly stated that the review was not accurate in respect of their business plan, and yet it is meeting with your representatives next week to present another business plan. The Trust seem to be inventing this as they go along – why was this business plan not shared with Margaret Hodge?
- <!--[if !supportLists]--><!--[endif]-->The Garden Bridge Trust is now wilfully continuing to expose taxpayers' money to further risk by not recognising any of the findings of the report and is also seeking a deliberately divisive approach in its communications which does not bode well for its future viability.

Now that the Hodge report is completed, we would like to request that we are able to meet with you to discuss the project.

Since you have been Mayor, we are aware that your team have been happy to meet with the Garden Bridge Trust and we are also aware from your letters with the Garden Bridge Trust that you did not expect the conclusions of the Hodge review. We also note from your correspondence that you are a supporter of the Garden Bridge project – indeed your support has not been passive – you have actively embraced the project for whatever reason. We would, in the light of Dame Margaret Hodge's damning report, welcome public clarification about why you still feel that support is appropriate given the platform on which you were elected and how it is that the Garden Bridge project resonates with the manifesto you put forward. Additionally, you have regrettably not allowed the opportunity for those with concerns about the project to meet with you or your team. This must be rectified.

We understand that your team will be meeting with the Garden Bridge Trust after Easter. We hope, that in the context of the recent review you now feel that it is appropriate to meet with us too so that local people can see that you are a Mayor who wants to listen to all Londoners.

Every day that this project is allowed to proceed it is diverting the focus, energy and taxpayers funding from your very important Mayoral agenda for London. We will not

be deterred from our opposition to the Garden Bridge and will be working with our many colleagues and stakeholders to have it stopped.

We wish you a good long weekend break,

Yours sincerely,

Kate Hoey MP

Councillor Jen Mosley (Lambeth -Labour Bishops)

Councillor Kevin Craig (Lambeth – Labour Bishops)

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From Griffin Kate Date 2016-07-19T12:40:44Z
To David Bellamy
Cc Williams Alex; Andrew J. Brown
Subject RE: City Hall meeting tomorrow - draft agenda - new Lambeth obligation

Thanks David.

Re 1a): this is a new obligation, which Coin Street are insisting on. Coin Street wants the ability to close the bridge in certain circumstances. Furthermore, if Coin Street does close the bridge, then it also wants Lambeth to be under an obligation to enforce the GLA guarantee of the maintenance provisions under the Lambeth s106 agreement. Lambeth appeared to balk at this at the meeting last Wednesday, but I am waiting to see if this point (together with the other points) were resolved at the later "lawyers" meeting on Friday (which I did not attend). Note this new obligation does not put any additional burden on the GLA – it is Lambeth's obligation, and it is not the GLA's obligation.

Kind regards

Kate

Kate Griffin | Senior Associate - Property and Planning Law | Legal
Transport for London | 6th Floor, Windsor House | 42-50 Victoria Street, London | SW1H 0TL
<mailto:██████████@etc.gov.uk> | Tel: ██████████ | Fax: 020 3054 3556 (ext. 83556)

From: David Bellamy [mailto:██████████@london.gov.uk]
Sent: 19 July 2016 13:22
To: Griffin Kate
Cc: Williams Alex; Brown Andy
Subject: RE: City Hall meeting tomorrow - draft agenda

Hi Kate,

Thanks for the email. I'm happy with that agenda if you are (I'm not close to the detail).

I'd appreciate a quick heads-up on item 1a) given that it appears to relate to us.

Thanks,
David.

From: Griffin Kate [mailto:██████████@tfl.gov.uk]
Sent: 19 July 2016 12:54
To: David Bellamy
Cc: Williams Alex; Andrew J. Brown
Subject: FW: City Hall meeting tomorrow - draft agenda

Dear David

Andy Brown won't be able to attend the Garden Bridge meeting at City Hall tomorrow, but Alex Williams and I shall be attending. I just wanted to let you know that I have taken the liberty of drafting an agenda, which I have sent to the lawyers to check that it is still up to date (see my email below). Once the lawyers have checked it, are you happy for me to send it out to the attendees, or do you want to send it out?

Kind regards

Kate Griffin | Senior Associate - Property and Planning Law | Legal
Transport for London | 6th Floor, Windsor House | 42-50 Victoria Street, London | SW1H 0TL
[mailto: \[REDACTED\]@etc.gov.uk](mailto: [REDACTED]@etc.gov.uk) | Tel: [REDACTED] | Fax: 020 3054 3556 (ext. 83556)

From: Griffin Kate
Sent: 19 July 2016 12:00
To: 'Lesley-Anne Avis'; JAMES Ellen; 'Carson, Gregory'
Cc: Williams Alex
Subject: City Hall meeting tomorrow - draft agenda
Importance: High

Dear all

Please see below my draft agenda for tomorrow's meeting at The City Hall, which I realise you will not be attending, but I wanted to check it with you before I send it out to your principals. In particular, were any of the points that I list below resolved at the Friday meeting? (Greg, I understand Alison is away, hence I have sent this to you in her absence.)

Kate

Kate Griffin | Senior Associate - Property and Planning Law | Legal
Transport for London | 6th Floor, Windsor House | 42-50 Victoria Street, London | SW1H 0TL
[mailto: \[REDACTED\]@etc.gov.uk](mailto: [REDACTED]@etc.gov.uk) | Tel: [REDACTED] | Fax: 020 3054 3556 (ext. 83556)

1. <!--[if !supportLists]--><!--[endif]-->Outstanding points of principle on the Heads of Terms, property and planning documents
 - a. <!--[if !supportLists]--><!--[endif]-->LBL obligation to call on GLA guarantee
 - b. <!--[if !supportLists]--><!--[endif]-->Cooperation with ITV
 - c. <!--[if !supportLists]--><!--[endif]-->Plan of area on which any LBL profit share income would be spent
 - d. <!--[if !supportLists]--><!--[endif]-->LBL comments on s106 guarantee
 - e. <!--[if !supportLists]--><!--[endif]-->LBL view on what constitutes a material change to the HoT
2. <!--[if !supportLists]--><!--[endif]-->PwC audit
 - a. <!--[if !supportLists]--><!--[endif]-->Plan of area for relevant income generation
 - b. <!--[if !supportLists]--><!--[endif]-->Other audit terms and duration
3. <!--[if !supportLists]--><!--[endif]-->Asset of Community Value (BLP to advise on ACV issues)
4. <!--[if !supportLists]--><!--[endif]-->Next steps and timescales

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From Jonathan Edwards Date 2016-10-03T10:03:06Z
To Patrick Hennessy; David Bellamy; Fiona Fletcher-Smith; Nick Bowes; Jack Stenner;
Leah Kreitzman; Valerie Shawcross; Sarah Brown; Tim Steer
Cc transportdesk
Subject Re: Garden Bridge information being published online tomorrow

The papers have now gone online. TfL have prepared their own reactive lines should they be asked - as below. Please let me know if any concerns.

Thanks

Jon

TFL REACTIVE LINES

In relation to the EY report:

"We welcome EY's independent review of the internal audit of the design procurement of the Garden Bridge. We accept the findings and will be ensuring action is taken in response to the recommendations. We have also provided the report to Dame Margaret Hodge MP for her wider review into the project."

If pressed on conflict of interest:

EY is one of the leading audit firms globally, with processes in place to manage any potential conflicts of interest.

If asked about EY's comment that TfL's internal audit should not have said that there was no evidence that value for money wasn't delivered:

"We accept that, given the scope of the work performed, this statement should not have been included. Dame Margaret Hodge MP is currently considering value for money in her review, and we will continue to assist that review in any way that we can."

Jonathan Edwards
Deputy Head of Media
Mayor of London's Press Office



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From: Patrick Hennessy

Sent: Sunday, 2 October 2016 19:23

To: Jonathan Edwards; David Bellamy; Fiona Fletcher-Smith; Nick Bowes; Jack Stenner; Leah

Kreitzman; Valerie Shawcross; Sarah Brown; Tim Steer

Cc: transportdesk

Subject: Re: Garden Bridge information being published online tomorrow

Thanks Jon - could you, me and Sarah discuss this for a few mins after grid please?

Sent from my BlackBerry 10 smartphone on the O2 network.

From: Jonathan Edwards

Sent: Sunday, 2 October 2016 18:18

To: Patrick Hennessy; David Bellamy; Fiona Fletcher-Smith; Nick Bowes; Jack Stenner; Leah Kreitzman; Valerie Shawcross; Sarah Brown; Tim Steer

Cc: transportdesk

Subject: Garden Bridge information being published online tomorrow

Paddy – you asked for a one pager from TfL re the new information on Garden Bridge that will be published online tomorrow.

Attached are the contents pages for the pack of information that has been sent to Margaret Hodge and will go online on Monday. 'New' documents are marked with an asterisk.

The two 'new' documents that TfL think may draw attention are the breakdown of public spend and future payments, and the EY report. These are attached as well.

The breakdown of spend may draw attention because it is more fuel for the 'how have you spent this much already?' point. But the content of it is nothing new -- it's still c£37m spent; and the schedule of future payments is not new.

The EY report will be published on Monday evening as it's going to the Audit Committee on 11 October and that is when the papers for that meeting get published online.

Key points about the EY report are:

- EY supports the overall findings of the TfL Internal Audit memo from September 2015
- However, EY does highlight some opportunities to improve the documentation of the audit working papers, and notes some additional points that could have been included in the Internal Audit report
- In summary the EY recommendations on audit process are:
 - Internal Audit team should be reminded about the importance of documenting their findings at an appropriate level
 - Monitoring of procurements should be enhanced to ensure compliance with policy and procedures
 - Audit working papers should be reviewed carefully within Internal Audit before any report is issued in draft
 - Audit terms of reference / engagement letters could be tightened up

- EY also points out some things that could have been added to the Internal Audit report, and says that it would have been better not to comment on 'value for money' in the findings as this was beyond the scope for the work
- The TfL cover note accepts all of these points and says they will be ensuring action is taken in response to the recommendations
- One risk of the EY report media-wise is that in the past there has been criticism of EY carrying out the work because they are major funders of the Garden Bridge project and one of their partners is a trustee of the Garden Bridge Trust -- so anti-bridge journalists claim there is a conflict of interest. EY did the review because they are the TfL External Auditors; and as a leading global audit firm they have adequate processes in place for handling potential conflicts of interest.
- But critics may claim this report is relatively weak and that the reason for that is EY's conflict – the TfL suggested response to that would be to say that EY are not conflicted; there are a number of important points we are taking on board; but that the wider question of value for money is being considered by Margaret Hodge's review.

Let me know if you need any more info or if concerns with them publishing online on Monday.

Thanks

Jon

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From David Bellamy Date 2016-09-29T17:52:18Z
To Jonathan Edwards; Patrick Hennessy; Jack Stenner; Nick Bowes; Leah Kreitzman;
Sarah Brown; Valerie Shawcross; Tim Steer; Fiona Fletcher-Smith
Cc transportdesk
Subject RE: Garden Bridge Review pack for Margaret Hodge

Hi,

Apologies for not flagging this during colleagues' absence at conference – I had intended to do so.

I've cleared the contents list for the pack going to Margaret Hodge. I also agreed that TfL should publish the EY report in the normal way – this, plus the TfL committee cover paper (which I received today) are attached.

Any questions or thoughts, please let me know.

David.

From: Jonathan Edwards
Sent: 29 September 2016 16:11
To: Patrick Hennessy; Jack Stenner; Nick Bowes; Leah Kreitzman; Sarah Brown; David Bellamy; Valerie Shawcross; Tim Steer; Fiona Fletcher-Smith
Cc: transportdesk
Subject: Garden Bridge Review pack for Margaret Hodge

Hi all – just adding David Bellamy, Fiona, Val and Tim to this too.

As per the earlier email trail from Paddy.

TfL are writing to Margaret Hodge this week in relation to the review of the Garden Bridge.

The pack will largely contain documents and information which is already out in the public domain. There will however be a few new documents which will be included as part of this pack. These are:

- an outline of TfL's involvement in the history of the project
- a list of all FOIs we have answered in relation to the bridge
- a outline of current and future payments
- a copy of a new variation letter which effects the changes to the DfT's underwriting (following the recent discussions between the DfT and the Trust)
- a briefing note from January 2013 about next steps to take the project forward (which has previously been issued under FOI)
- a copy of the EY report into TfL's previous internal audit and TfL's management response, which will be published as part of the papers for the Audit Committee meeting on 11 October.

The full response will be sent to Margaret at the end of this week, which would include the EY report into their internal audit and a response to it.

The document would then be published on their website on Monday / Tuesday at around the same time as the papers for the Audit Committee meeting.

They understand that David was briefed on this earlier this week.

TfL propose to prepare a reactive line on the EY report and the wider documentation and proactively provide this and a link to both the pack of documents and the EY report to BBC London, Mayorwatch and Architects Journal once they are online.

This will ensure that they are not accused of hiding the report and also demonstrate their commitment to being open and transparent.

But please shout if any concerns.

I'll circulate their note when we have it.

Thanks

Jon

Jonathan Edwards
Deputy Head of Media
Mayor of London's Press Office



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From David Bellamy Date 2017-04-19T09:27:04Z
To 'HOEY, Kate'
Cc Andrea Kechiche
Bcc Zoe Newcombe
Subject RE: Garden Bridge Trust

Dear Kate,

Thank you very much for your email to Sadiq.

If you or ward councillors have any comments about the project or the Hodge review that you feel we may not be aware of, then I would be pleased to meet with you so that you can share these. I'm copying in Andrea Kechiche, who can work with your office to arrange this.

Best wishes,
David.

David Bellamy
Chief of Staff
Mayor's Office
Greater London Authority
City Hall, London, SE1 2AA
Tel: [REDACTED]

From: HOEY, Kate [mailto:[REDACTED]@parliament.uk]
Sent: 14 April 2017 12:38
To: Mayor
Cc: HODGE, Margaret; Valerie Shawcross; Caroline Pidgeon; Tom Copley; Nick Bowes; David Bellamy; Florence Eshalomi
Subject: Garden Bridge Trust

To: Mayor of London, City Hall, London, SE1 2AA, mayor@london.gov.uk

CC: Dame Margaret Hodge; Val Shawcross; Caroline Pidgeon; Tom Copley; Nick Bowes; David Bellamy; Florence Eshalomi

Re: Garden Bridge Trust and Review by Dame Margaret Hodge / Response to your letter reference MGLAO60317-4678

Dear Sadiq,

Thank you for your letter dated 3rd April 2017 responding to our concerns in respect of the very serious financial risks that the Garden Bridge presents to the taxpayer – most importantly, our concerns that the risks have not been appropriately reported to the Transport for London Board.

Since your last correspondence, Dame Margaret Hodge published her review into the Garden Bridge Project. We welcome the report and support its findings and conclusions – specifically, that it is better for the taxpayer to accept the loss of cancelling the project than to risk the additional demands of the project continuing. The findings of the review are damning of the Garden Bridge Project – For many

elected politicians across parties, local stakeholders, industry experts as well as local communities the findings are not a surprise. We have been flagging these concerns over a number of years.

We welcome the fact that you have already responded to our concerns in respect of the Tfl governance arrangements and your ongoing commitment to not commit any further taxpayer funding to the project.

For a long time the Garden Bridge Trust has exhibited a pattern of behaviour which does not seem to recognise any valid concerns about the way in which the project, for which they are responsible, has been conducted and allowed to proceed. These concerns have been raised from external reviews, and elected politicians of all political shades and many were interviewed by Margaret in her review. This pattern of behaviour was also exhibited, for example, in the Garden Bridge Trusts response to the damning National Audit Office, which they have also seemingly ignored.

In this context, you will have received Lord Davies's response to the Hodge review which was published today and received much media attention. It is notable that Lord Davies did not raise any concerns about the scope of the review or the expertise of Dame Margaret Hodge before the publication of the report **until** he disagreed with her findings.

The response by the Garden Bridge Trust to the Hodge review is emblematic of their behaviours:-

- A wholesale rejection of the end to end criticisms of the project without any constructive response or plans to address these by the Garden Bridge Trust (similar to the damning NAO report.)
- Misleading statements which are not founded on fact – specifically Lord Davies has stated that community engagement has been strong. This is particularly laughable. We met and engaged with the Garden Bridge when they first published their idea and gave them advice on consultation in the community. This was ignored. Moreover, as a result of the way that the Garden Bridge project communicated to local residents the local stakeholders and community became increasingly opposed to the project. We, in our role as elected representatives, have always represented local opinion on this issue. We have attended the limited number of relevant forums at which the Garden Bridge Trust have been present – their attitude has always been dismissive and condescending. Lord Davies has ignored requests to attend various forums and the events he attended he was not well received as a result of his patronising manner. It was clear from the very beginning that the GBT did not want to listen to anyone who had objections.
- The Garden Bridge Trust have publicly stated that the review was not accurate in respect of their business plan, and yet it is meeting with your representatives next week to present another business plan. The Trust seem to be inventing this as they go along – why was this business plan not shared with Margaret Hodge?
- The Garden Bridge Trust is now wilfully continuing to expose taxpayers' money to further risk by not recognising any of the findings of the report and is also seeking a deliberately divisive approach in its communications which does not bode well for its future viability.

Now that the Hodge report is completed, we would like to request that we are able to meet with you to discuss the project.

Since you have been Mayor, we are aware that your team have been happy to meet with the Garden Bridge Trust and we are also aware from your letters with the Garden Bridge Trust that you did not expect the conclusions of the Hodge review. We also note from your correspondence that you are a supporter of the Garden Bridge project – indeed your support has not been passive – you have actively embraced the project for whatever reason. We would, in the light of Dame Margaret Hodge's damning report, welcome public clarification about why you still feel that support is appropriate given the platform on which you were elected and how it is that the Garden Bridge project resonates with the manifesto you put forward. Additionally, you have regrettably not allowed the opportunity for those with concerns about the project to meet with you or your team. This must be rectified.

We understand that your team will be meeting with the Garden Bridge Trust after Easter. We hope, that in the context of the recent review you now feel that it is appropriate to meet with us too so that local people can see that you are a Mayor who wants to listen to all Londoners.

Every day that this project is allowed to proceed it is diverting the focus, energy and taxpayers funding from your very important Mayoral agenda for London. We will not be deterred from our opposition to the Garden Bridge and will be working with our many colleagues and stakeholders to have it stopped.

We wish you a good long weekend break,

Yours sincerely,

Kate Hoey MP

Councillor Jen Mosley (Lambeth -Labour Bishops)

Councillor Kevin Craig (Lambeth – Labour Bishops)

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From Tim Steer Date 2017-01-03T18:16:25Z
To Valerie Shawcross; David Bellamy
Cc Nick Bowes; Patrick Hennessy; Claire Hamilton
Subject RE: Garden Bridge Trust Associated Agreements

To add to this, TfL is not exactly sure when the Trust will require TfL to agree the lease of the roof of the station because the process is being led by the Trust, but the expectation is that it may be within the next 1-2 months (TfL is going to check with the Trust). TfL could do this under the normal scheme of delegation in its standing orders, so there would be no need for a specific, new delegation from the TfL Board.

Tim

From: Valerie Shawcross
Sent: 03 January 2017 17:59
To: David Bellamy
Cc: Nick Bowes; Patrick Hennessy; Claire Hamilton; Tim Steer
Subject: FW: Garden Bridge Trust Associated Agreements

David

Please be aware that the recent steps by Westminster – to release land and air-rights above Temple Station to the Garden Bridge Trust, (London Underground is leasing the roof of the station to Westminster) have been taken without active recent TfL involvement. Do you want a brief on this so that Mayor can take a view on how to proceed? See Tim's note below...

Val

Valerie Shawcross CBE
Deputy Mayor for Transport
City Hall The Queen's Walk London SE1 2AA
Tel: [REDACTED]

From: Tim Steer
Sent: 03 January 2017 17:45
To: Richard Wood; James Ryan; Jonathan Edwards
Cc: Claire Hamilton; Valerie Shawcross
Subject: RE: Garden Bridge Trust Associated Agreements

Val, Rich, Jon,

I have the following from TfL in terms of an explanation of TfL's connection with this issue. I'm just seeking some additional information about when the lease would need to be entered into by London Underground if the programme is not to be delayed.

Tim

We have been waiting for Westminster City Council to take this decision for over a year, but this has come as a surprise because when they finally did take it (apparently on 21 December) they did so without telling us.

The land arrangements for the bridge on the north bank are quite complicated but they essentially boil down to the following sequence:

- (1) London Underground leases the roof of Temple station to Westminster
- (2) Westminster use certain powers they have under the Housing and Planning Act 2016 and the Town and Country Planning Act 1990 to stop that land being designated as open space
- (3) Westminster sub-leases the roof to the Garden Bridge Trust so that they can construct the bridge
- (4) Westminster steps out of the lease arrangements, leaving London Underground as the Trust's landlord

This decision that Westminster has taken is a prerequisite to the sequence and will allow them to fulfil their role in it. We (i.e. London Underground) have not yet entered into any leases and are not bound into doing so as a result of Westminster's decision - although note that without those leases the bridge cannot be built.

In fact I am not aware of us having done any work on this side of things at all since the last time Temple station came up, about six months ago - but by that point the draft agreements with Westminster and the Garden Bridge Trust had all been 95% agreed, so Westminster is just proceeding on the basis of that near-agreed position.

From: Richard Wood
Sent: 03 January 2017 17:16
To: Tim Steer; James Ryan; Jonathan Edwards
Cc: Claire Hamilton; Valerie Shawcross
Subject: RE: Garden Bridge Trust Associated Agreements

Thanks Tim. Copying J on too. We'll await more from you on this.

Richard

From: Tim Steer
Sent: 03 January 2017 17:01
To: James Ryan; Richard Wood
Cc: Claire Hamilton; Valerie Shawcross
Subject: RE: Garden Bridge Trust Associated Agreements

James, Richard,

Some early warning of a potential press issue. The attached letter raises concerns about a Westminster decision to release land and air-rights above Temple Station to the Garden Bridge Trust. This relates to us because London Underground is leasing the roof of the station to Westminster. I'm just trying to get information from TfL as to the details of this lease agreement and whether there's any new decision pending on it and will come back to you as soon as I can – hopefully today – with more detail.

Tim

From: Valerie Shawcross
Sent: 03 January 2017 16:49
To: Tim Steer; Claire Hamilton
Subject: RE: Garden Bridge Trust Associated Agreements

Tim. Have you informed our press people please? Val

Sent with Good (<http://www.good.com/>)

-----Original Message-----

From: Tim Steer
Sent: Tuesday, January 03, 2017 04:41 PM GMT Standard Time
To: Valerie Shawcross; Claire Hamilton
Subject: RE: Garden Bridge Trust Associated Agreements

Hi Val – I have asked the question and am expecting a response this afternoon.

Tim

From: Valerie Shawcross
Sent: 03 January 2017 16:40
To: Claire Hamilton
Cc: Tim Steer
Subject: FW: Garden Bridge Trust Associated Agreements

Tim

This is going to become a press issue I'm sure. Any update on the TfL involvement ?

Val

Sent with Good (<http://www.good.com/>)

-----Original Message-----

From: Mead OBE, Wendy [redacted]@cityoflondon.gov.uk]
Sent: Tuesday, January 03, 2017 04:37 PM GMT Standard Time
To: Lord JP CC, Edward; [redacted]@westminster.gov.uk; [redacted]@westminster.gov.uk
Cc: [redacted]@westminster.gov.uk; [redacted]@westminster.gov.uk; [redacted]@westminster.gov.uk;
Mayor; Jules Pipe; [redacted]@westminster.gov.uk; Guy Perricone; Patrick Maddams;
[redacted]@westminster.gov.uk; Valerie Shawcross; [redacted]@westminster.gov.uk; Hayward
CC, Christopher; [redacted]@cityoflondon.gov.uk; David Bellamy
Subject: RE: Garden Bridge Trust Associated Agreements

Subject: Garden Bridge Trust Associated Agreements

Dear Cllr Davis and Cllr Mitchell

Please find attached a letter regarding your decisions on the above matter.

Yours sincerely,

Wendy Mead CC

Edward LordOBE JP

Councilman for the Ward of Farringdon Without
City of London Corporation

Member of the Policy and Resources Committee

Deputy Chairman of the Establishment Committee

Deputy Chairman of the Standards Committee

2 Union House

6 Martin Lane

London EC4R 0DP

Tel: [REDACTED]

Mob: [REDACTED]

www.edwardlord.org

Twitter: @EdwardLordCity

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From David Bellamy Date 2016-11-21T09:38:36Z
To 'Brown Andy'
Cc Fiona Fletcher-Smith; Andrea Kechiche; Williams Alex
Subject RE: Garden Bridge Trust Operations and Maintenance Business Plan

Many thanks Andy. I don't think we need do any more detailed work for now.

David.

From: Brown Andy [mailto:██████████@tube.tfl.gov.uk]
Sent: 21 November 2016 09:35
To: David Bellamy
Cc: Fiona Fletcher-Smith; Andrea Kechiche; Williams Alex
Subject: RE: Garden Bridge Trust Operations and Maintenance Business Plan

Hi David

Sorry for the delay. As far as I can see, the changes listed below have been made since the version you received in October.

If you would like us to do any more in-depth consideration of the business plan then please do let me know.

Many thanks

Andy



- Overall there have been small reductions in both income and cost projections across the five years of the plan. The totals now stand at:

£thousands	Y r1	Y r2	Y r3	Y r4	Y r5
Income	3,175	2,990	3,015	3,093	3,094
Costs (incl. contributions to the contingency fund)	3,103	2,870	2,914	2,960	3,007
Net income	72	120	101	133	87

- Jim Gardiner, from the Royal Horticultural Society, is no longer listed as a Trustee. This is because he retired at the end of October and the RHS chose not to replace him at Trustee level.
- There is no longer any reference to the number of visitors expected to donate via the contactless system - this used to be listed as 1% in Figure 3.

On the specific income streams:

- <!--[if !supportLists]--><!--[endif]-->The **Garden Bridge Gala** income no longer decreases by 2% in Years 3 and 4, and 4% in Year 5. It is now flat at £350k per year.
- <!--[if !supportLists]--><!--[endif]-->Income from **contactless donations** is £10k higher in the first year only (at £710k). This is because they have applied their average donation rate (10p per visitor) to their normal visitor number figure of 7.1 million, rather than a rounded figure of 7 million.
- <!--[if !supportLists]--><!--[endif]-->Return from the **Endowment fund** has been revised down from 4% per annum to 3.5%, as a more conservative estimate to reflect the financial climate. They are also no longer assuming that none of the contingency is spent and it is all added to the endowment fund capital - instead the fund capital remains constant at £15m. This is much more prudent, in my opinion, and means that unspent contingency will be a genuine windfall.
- <!--[if !supportLists]--><!--[endif]-->Income from the **Programme Sponsorship** stream remains the same but the organisations named as comparators have changed - they used to be the Royal Opera House, the National Gallery and Historic Royal Palaces; they are now the RHS, National Trust, Tate and National Theatre.
- <!--[if !supportLists]--><!--[endif]-->The number of founding patrons targeted under the **Individual Patrons Scheme** has reduced from 100 to 75, but this doesn't affect the income from the scheme (£250k per annum) which is based on a more conservative number of 40 patrons. I have asked the Trust for an explanation of how 'founding patrons' differ from the 40 members they are aiming for in the scheme.
- <!--[if !supportLists]--><!--[endif]-->**Merchandise** income has doubled to £100k in Year 1, and rises more quickly than before. The step change in Year 4 is the same size as it was before (£100k increase) and is due to the planned release of a licensed range of products that will be sold more widely.

On the specific cost streams:

- <!--[if !supportLists]--><!--[endif]-->There is a new explanation that the **Renewals** costs are not necessarily expected to materialise in the year that they are budgeted for - this will form a fund that is planned to be called down when needed.
- <!--[if !supportLists]--><!--[endif]-->**Renewals** costs are £20k lower every year in the plan (this is a c.10% decrease). I have asked the Trust if there is an explanation for this, and pointed out to them that it is not reflected in the detailed breakdown given in Annex 4.

- <!--[if !supportLists]--><!--[endif]-->The **Contingency** allowance no longer increases by c.2% per annum - it is now flat at £270k per annum. This still represents c.10% of the total costs.

From: David Bellamy [[mailto:\[REDACTED\]@london.gov.uk](mailto:[REDACTED]@london.gov.uk)]
Sent: 16 November 2016 16:21
To: Andrea Kechiche
Cc: Fiona Fletcher-Smith; Brown Andy
Subject: RE: Garden Bridge Trust Operations and Maintenance Business Plan

Thanks Andrea. Andy, would be grateful if you could advise what the differences are from previous versions.

Thanks,
David.

From: Andrea Kechiche
Sent: 16 November 2016 15:34
To: David Bellamy
Cc: Fiona Fletcher-Smith; Andrew J. Brown
Subject: FW: Garden Bridge Trust Operations and Maintenance Business Plan

FYI

From: Rebecca Olajide [[mailto:\[REDACTED\]@gardenbridge.london](mailto:[REDACTED]@gardenbridge.london)]
Sent: 16 November 2016 15:22
To: Andrea Kechiche
Subject: Garden Bridge Trust Operations and Maintenance Business Plan

Hi Andrea,

Attached is the latest Garden Bridge Trust Operations and Maintenance Business Plan (OMBP). Could you kindly bring this to David Bellamy's attention. The OMBP is continually updated and has been through a final review over the last few weeks prior to submission to Lambeth council which will be required shortly. The Trustees have requested to share the latest plan with the mayors office.

Many thanks and best wishes

Rebecca

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From Brown Andy Date 2016-06-27T12:19:34Z
To 'Iain Tuckett'
Cc Bee Emmott; [REDACTED]@farebrother.com; [REDACTED]@lambeth.gov.uk;
[REDACTED]@lambeth.gov.uk; Fiona Fletcher-Smith; David Bellamy; Williams Alex
Subject RE: GB meeting last Friday

Thanks Iain

That is noted on the first two points (my mistake, sorry), and I look forward to seeing Lambeth's proposal for a mechanism for how the bridge's impact should be assessed and apportioned

Many thanks

Andy

From: Iain Tuckett [mailto:[REDACTED]@coinstreet.org]
Sent: 27 June 2016 11:44
To: Brown Andy
Cc: Bee Emmott; [REDACTED]@farebrother.com; [REDACTED]@lambeth.gov.uk; [REDACTED]@lambeth.gov.uk; Fiona Fletcher-Smith ([REDACTED]@london.gov.uk); David Bellamy; Williams Alex
Subject: Re: GB meeting last Friday

Please note that the 'fall back' option of a 60 year extension incorporates a further (third term) 35 year right to renew.

The concern with ITV ambitions was not a development "out to the River" but that it was not set back adequately from the south landing building which will need public realm to its south as well as to its north (as in the design principles CSCB agreed with them).

The point about the mitigation sum is that it was worked out on the basis of additional costs of security, cleaning etc on CSCB land. We therefore expect certainty that LBL will reimburse us (against invoices of additional expenditure up to the agreed indexed sum).

Sent from my iPhone

On 27 Jun 2016, at 10:09, Brown Andy <[REDACTED]@tube.tfl.gov.uk> wrote:

Good morning everyone

On Friday I took the action to circulate a note of what was discussed and agreed in our meeting at City Hall -- please find that note below.

Hopefully none of it is contentious but please say if you have any comments.

I will send a separate email to take forward the final action of holding a further meeting early this week.

Many thanks,

Andy

Andy Brown

Programme Manager, Garden Bridge & Managing Director's Office - TfL Planning

Transport for London

10th Floor, Windsor House, 42-50 Victoria Street, London SW1H 0TL

Direct: [REDACTED]

Mobile: [REDACTED]

Email: [REDACTED] [@tube.tfl.gov.uk](mailto:[REDACTED]@tube.tfl.gov.uk)

Garden Bridge meeting, 24 June 2016

Attendees

David Bellamy, GLA (for part)

Fiona Fletcher Smith, GLA

Andy Brown, TfL

Cllr Lib Peck, London Borough of Lambeth

Sean Harriss, London Borough of Lambeth

Iain Tuckett, Coin Street Community Builders

Bee Emmott, Garden Bridge Trust

Alistair Subba Row, Garden Bridge Trust

Notes

Lease length and 13 July target date

Following a positive lawyers' meeting held on Monday 20 June, it was agreed CSCB can accept LBL's offer of:

- the balance of their current lease (75 years)
- the existing option for a renewal of 99 years
- an additional, 'backup' option for a renewal of 60 years

LBL are content they can offer CSCB this within the scope of the decision they have taken.

LBL confirmed they will continue their work irrespective of the threatened Judicial Review application from TCOS, unless they receive an injunction.

CSCB's lawyers are not confident that all the necessary documents can be agreed to allow completion by 13 July. GBT reemphasised that this needs to happen otherwise they will incur unacceptable costs to the project, but that it is readily achievable if clients can agree the points of principle and lawyers can be clearly instructed.

To allow things to progress quickly, GBT have already provided LBL with draft versions of all necessary documents.

Maintenance and operation standards

GBT can agree in principle to the list of standards circulated by CSCB, and to appending these to the lease along with suitable escalating sanctions to allow enforcement against the standards.

LBL want to ensure that the GLA's guarantee covers all maintenance and operational activity, including any obligations under the lease.

The GLA's draft guarantee only covers obligations under the planning conditions. The GLA cannot broaden the scope of this guarantee to include property obligations without seeking a further decision from the Mayor, which will not be possible.

GBT are carrying out a cross-referencing exercise which is expected to demonstrate that all of the maintenance and operational activities that will be covered in the lease will also feature in the planning conditions (and therefore be covered by the GLA's guarantee). If this is the case then both LBL and CSCB will have sufficient protections.

ACTION: TfL to share the latest draft guarantee with attendees [this has been completed since the meeting].

ACTION: GBT to complete the cross-referencing exercise and share the results with attendees.

Enforcing the Mayor's further conditions on GBT

The Mayor set out a number of broad conditions he wants GBT to meet in his press release on 18 May 2016. The details of how these conditions will be met have not yet been agreed between the Mayor and GBT. For instance, one of the conditions was that the bridge should be closed fewer than the consented 12 days per year but the new number of days has not been agreed.

It was agreed that these new conditions need to be set up in a way which was enforceable. While one way to achieve this is by incorporating them into the s106 agreement, the nature of the Mayor's conditions was in part chosen in order avoid disrupting the planning process, which is already well advanced.

It was agreed that enforcement will be achieved by incorporating these new conditions into one or more of the GLA's and TfL's other agreements with GBT, rather than through the s106 agreement.

Mitigation monies under s106

It was agreed that a portion of the impact of the Garden Bridge is expected to fall on CSCB because they are responsible for the upkeep of the land immediately surrounding the bridge's landing.

LBL want to agree a clear process for validating the impact of the bridge and the additional expenses incurred by CSCB as a result. It was felt that it will be most important to agree this process for the first year after opening. After the bridge has been open for a year we will have a much better understanding of the bridge's real (rather than forecast) impacts.

ACTION: LBL to put forward a proposed mechanism for the assessment of the bridge's impact and the portion falling on CSCB.

ITV

LBL and GBT are happy to accept an addition to the leases that they will "endeavour to cooperate" with ITV's future aspirations for the redevelopment of their building. However, CSCB cannot commit to support a currently unknown proposal from ITV, and could not accept the prospect of a development extending out to the river.

ACTION: LBL to speak to ITV to understand their latest position.

Next steps

ACTION: TfL to organise a meeting for early in the week beginning 27 June to include clients and lawyers from all attendees, to progress implementing the positions agreed here.

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From David Bellamy Date 2016-10-26T14:35:02Z

To 'Brown Andy'

Cc Fiona Fletcher-Smith; Martin Clarke; Williams Alex; [REDACTED]@tfl.gov.uk

Subject RE: GBT OMBP

Many thanks Andy, much appreciated.

I was sent (without asking) the Fourth Street report. I haven't read it but have retained a copy in case it is appropriate to do so.

David.

From: Brown Andy [mailto:[REDACTED]@tube.tfl.gov.uk]

Sent: 25 October 2016 12:58

To: David Bellamy

Cc: Fiona Fletcher-Smith; Martin Clarke; Williams Alex; [REDACTED]@tfl.gov.uk

Subject: GBT OMBP

Hi David

I have quickly run through the attached updated draft of the Garden Bridge Trust's Operations and Maintenance Business Plan (OMBP), as we discussed yesterday. A summary of the key changes from the March 2016 version is at the bottom of this email.

There are also a number of minor drafting changes throughout the document (e.g. corrections to certain dates in light of delays to the Trust's programme; tweaks to the list of benefits expected from the bridge; additional detail in a number of places to support the Trust's assumptions on income and costs, etc.). I haven't gone into detail on these changes here, but none of them should cause alarm.

I have kept this focussed on the changes between the versions and haven't made any consideration of the risks of the business plan. Please do say if you want me to do that or if you'd like to have a conversation about it.

As we discussed, the OMBP will be reviewed by Lambeth Council as part of the planning process. Lambeth have confirmed to me that they expect to commission this review next week, and it is intended to be completed before the end of 2016. It had originally been planned for PwC to carry out the review, but Lambeth are now taking a different approach and are likely to appoint a specialist who is more suited to this kind of visitor experience / leisure attraction business.

In the interests of completeness I should also remind you that there has been one third-party review of the March 2016 business plan since we published it. This was conducted by a consultant from a company called Fourth Street, and was referenced by Tom Copley AM at the Mayor's Question Time on 14 September. The report presents a consistently negative view, which is not surprising given the author is a known opponent of the scheme and as far as we know there was no client for the work - the consultant decided to do it himself. This sometimes happens when consultants have spare capacity and see an opportunity to promote their ideas and

brand. Despite that, the report does have some valid comments (for instance, it is not great that the OMBP doesn't have any sensitivity analysis) and it touches on some of the concerns you yourself have raised previously such as the lack of diversity in some of the income streams. I can provide a copy of the Fourth Street report if you would find that helpful.

Many thanks

Andy



Summary of changes from March 2016 version of the OMBP

- The income opportunities are still divided into the same eight income streams as in the March 2016 version.
- The projected income for four of these streams is the same as in the previous version: Garden Bridge Gala; Contactless Public Donations; Endowment; and Programme Sponsorship.
- Two (Corporate Membership and Merchandise) have increased forecast income compared to March 2016. Two (Commercial Event Hire and Individual Patrons Scheme) have reduced forecasts. Details of these changes are provided below.
- The cost forecasts are identical to those presented in the March 2016 version, and are still divided into the same eight categories: Operation of the Garden Bridge; Garden Maintenance; Asset Maintenance; Renewals; Utilities and Services; Trust running costs; Impact payment; Contingency Fund.
- Significantly greater detail has been provided to break down the first year of forecast costs in a new Annex 4.
- Overall, projected yearly income is 1.2%-5.4% lower than previously forecast in each year of the five-year plan, but still exceeds costs (albeit by a smaller margin than before). The smallest net annual income occurs in Year 1, which is projected to be £67k. The forecast net income for Years 2 - 5 is consistently in excess of £100k. This is summarised in Table 1 on page 4 of the document, and here:

£thousands	Yr1	Yr2	Yr3	Yr4	Yr5
Income	3,190	3,036	3,051	3,169	3,182
Costs (incl. contributions to the contingency fund)	3,123	2,895	2,943	2,994	3,046
Net income	67	141	108	175	136

Specific changes to income stream projections

- <!--[if !supportLists]--><!--[endif]-->Corporate Membership income has increased from £425k-460k each year to £500k in each year of the plan. The number of members and the fees for membership remain the same (20 members at £25k each), so I think this was just a correction of an error in the previous draft. The new draft also explains that while interest is expected to drop off in later years, a slight increase in fees over time is expected to offset this.
- <!--[if !supportLists]--><!--[endif]-->Merchandise income has increased in Years 4 and 5 only, by £100k each year. This is significant uplift (nearly 190% increase) and is attributed to new plans for developing a range of licensed products that would launch in Year 4 and be sold elsewhere. The plan makes reference to how this approach is used successfully by other institutions like the Tate and the National Gallery.
- <!--[if !supportLists]--><!--[endif]-->Commercial Event Hire income has decreased from £360k to £240k each year, throughout the five year plan. This has been scaled directly in response to the commitment to the Mayor to close the bridge for fewer days per year. There is also a narrative acknowledgement that while reducing novelty will lower the fee they can charge for each event (which they are setting quite high for the market, at £60k per event), in the later years of the plan they will have more closure days available for hire because some major sponsors will lose their rights over time to free event days on the bridge.
- <!--[if !supportLists]--><!--[endif]-->Individual Patrons Scheme income has decreased from £370k to £250k each year. This is driven by a reduction in expected patron numbers of a third (from 60 to 40). There is not a clear explanation for this in the narrative but we can assume it is simply a more pessimistic assumption about uptake as a result of discussions they have had and wider events since the last draft of the plan.

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From Patrick Hennessy Date 2017-05-22T09:30:25Z

To James Ryan

Cc Sarah Brown; Nick Bowes; Jack Stenner; Leah Kreitzman; David Bellamy; Valerie Shawcross; Tim Steer; transportdesk

Subject Re: Temple station questions

Good for me if DB happy

Sent from my iPhone

On 22 May 2017, at 10:15, James Ryan <[REDACTED]@london.gov.uk> wrote:

Hi all,

New Civil Engineer have asked TfL some questions about the decisions on the Garden Bridge and work carried out at Temple last year. Working with Andy Brown, TfL have prepared some short factual answers.

Would you mind signing these off.

Thanks

- <!--[if !supportLists]--><!--[endif]-->What specifically did the enabling works entail (demolition?) and how far had they got? **The enabling works were to remove LU equipment from a small area of Temple station to allow it to be handed over to the Garden Bridge Trust. No demolition was due to take place. Physical work had not commenced on site when the enabling works were suspended, although some surveying work had been carried out.**
- What has happened to the enabling works site (has it been left as it was since last summer?) **Please see above.**
- Who was the contractor carrying out the work? Are they still being paid on a retainer fee? **The contractor is Giffen and all payments have been fully reimbursed by the Garden Bridge Trust. They do not remain on a retainer.**
- If the Garden Bridge does not go ahead, will the upgrades to Temple station still happen? **The enabling works were entirely to prepare a small area of the station to allow it to be handed over to the Garden Bridge Trust.**
- How much had been spent on the enabling works up until they were halted last summer? **The total costs incurred were around £346,500. These were fully reimbursed by the Garden Bridge Trust.**

James Ryan

Senior Press Officer

Mayor of London's Press Office



From HOEY, Kate Date 2017-03-05T20:32:45Z

To Mayor

Cc Nick Bowes; David Bellamy; Valerie Shawcross; Tom Copley; Florence Eshalomi; Caroline Pidgeon

Subject TFL and the Garden bridge

To: Sadiq Khan

Copy: Val Shawcross, TFL Board, David Bellamy, Tom Copley, Florence Eshamoli, Nick Bowes, Caroline Pidgeon

Re: Transport for London Board Involvement in respect of The Garden Bridge Project

Dear Sadiq,

Significant concerns have been brought to our attention in respect of the role of Transport for London in respect of the Garden Bridge project, specifically focused on the visibility provided to the Transport for London Board by TfL in respect of the financial risks associated with the project and the potential exposure to the taxpayer.

We all welcome Dame Margaret Hodge's review into the value for money case of the Garden Bridge project and we also welcome your cautious approach to committing to the project. However, we are concerned that Dame Margaret Hodge's review is focused on past failures, and will not take into account significant financial risks which could expose the taxpayer to increased costs in the future to support the project. You have pledged that no more taxpayers' funds will be committed to the project and we are concerned that the current role of TfL in driving the project and its limited reporting to the TfL Board will not enable you to meet your commitment.

We have been presented with analysis in respect of TfL Board meetings and communications, as well as a very significant number of FOI's that support our concerns. We are becoming increasingly alarmed by what we perceive to be TfL's lack of appropriate controls and governance arrangements in the event the project were to go ahead. This is supported by recent public statements by Mike Brown to GLA elected representatives where he stated that normal scrutiny had not been applied to the Garden Bridge. The FOI's specifically illustrate that TfL is the driver for the project (the trustees to a lesser degree) and it is evident that they are supported by your team at the GLA.

It is apparent that there are two very serious financial risks that the Garden Bridge presents to the taxpayer:-

1. <!--[if !supportLists]--><!--[endif]-->The risk of public funds making up any shortfall on the capital cost of completing construction.
2. <!--[if !supportLists]--><!--[endif]-->The risk of public funds making up any shortfall on the excessive on-going running costs.

It has become apparent that these risks have not been appropriately reported to the Transport for London Board, as summarised below:-

1. The risk of public funds making up any shortfall on the capital cost of completing construction

- Mervyn Davies, Chairman of the Garden Bridge Trust, has publicly stated that they would commence construction of the Garden Bridge without all funds having been raised. Given the past behaviours of those involved in the project, we assess that the Garden Bridge Trustees are likely to pursue this approach in order to ensure that this expensive, untested and significantly risky project progresses. In this context, it is likely that TfL would be forced to step in and meet the capital shortfall to complete the work.
- In this context, The Garden Bridge Trust's recently published accounts state that the Trust cannot even conclude that they are a going concern and that they have a £55m funding shortfall and have only raised funds of £13m over 18 months.
- Mervyn Davies' bullish approach is alarming and signals that the risk of public funds making up any shortfall on the capital cost of completing construction is a very likely scenario given the pattern of behaviour of the Garden Bridge Trustees; We respectfully remind you of the National Audit Office Report's conclusion on the Garden Bridge Trust: *"The pattern of behaviour outlined in this report is one in which the Trust has repeatedly approached the government to release more of its funding for pre-construction activity when it encounters challenges."*
- The Trust points to the Tate Modern extension as an example of a project which leveraged a similar approach, but this is factually incorrect as the project was underwritten by DCMS. Given the unwillingness of the sponsoring Department of Transport, based on our engagement with them, to even fully underwrite the cancellation costs, the government is very unlikely to underwrite construction costs.

2. The risk of public funds making up any shortfall on the excessive on-going running costs

- There is a significant risk associated with the provision of a guarantee to the GBT which we understand from internal TfL and GLA communications would need to be provided by the GLA under your mandate as Mayor. The amount involved is a commitment of £3M to £3.5M per annum.
- TfL only appears to have begun considering the serious revenue implications in early 2015, when Westminster Council and a High Court agreement with a litigant forced the Trust to seek a guarantee from the Mayor underwriting the running costs in perpetuity.
- As you know, in 2015 Boris issued Mayoral Decisions instructing officers to negotiate the terms of a guarantee, but this has not been signed off over a period of two years.
- There is much reported criticism of the Trust's most recent Business Plan by leading experts, supported by its failure to achieve anything approaching its fundraising targets, and the recent motion passed in near unanimity by GLA members urging you not to public funds at risks by signing such a guarantee.

Risks of financial exposure to the taxpayer and Board of Transport for London

The risks we have highlighted above are significant and likely to materialise into taxpayer funding of the project. This would result in you having to back-track on your commitment to not expose the taxpayer to further financial exposure on the project. Most importantly, we understand that these risks may not have been reported to the TfL Board with the supporting financial and reputational impact assessment / analysis.

The Board papers are limited to the following in respect of the Garden Bridge Project:-

- <!--[if !supportLists]--><!--[endif]-->Very limited information was presented to the TfL Board on the Garden Bridge from the procurement of the project onwards, despite the fact that it is required to sign off any project over £25m.
- <!--[if !supportLists]--><!--[endif]-->Whilst the Audit and Assurance Committee has overseen the internal audit into the procurement and commissioned an external audit by Ernst and Young published last autumn (which was damning) the concerns highlighted to the TfL board have all been historical, looking backwards.
- <!--[if !supportLists]--><!--[endif]-->There is nothing in the Board papers acknowledging the strategic risks of this project moving forwards, despite the fact that all projects with an estimated cost of over £50m should undergo Integrated Assurance Reviews with additional input from the Independent Investment Programme Advisory Group.

Mike Brown this week confirmed in questions from GLA representatives that the normal scrutiny has not been applied to the Garden Bridge Project by TfL. This may be because of the fact that the delivery of the project has become the responsibility of the Garden Bridge Trust. Nevertheless, it remains a TfL project, and TfL remains its largest funder and this is all supported by FOI's that we have reviewed.

We understand that TfL has a further £10m in its budget for the coming year earmarked for release to the project. TfL could and must make a clear criteria of receiving this final funding and that construction will not begin unless and until the Trust is able to meet the cost fully including contingency.

In conclusion, we are highlighting these risks associated with the project in the context of enabling you to deliver on your commitment to provide no additional taxpayer funding to the Garden Bridge Project. We would like to highlight that any reversal on your promise would result in Londoners' money being diverted from far more important causes, causes that resonate much more with your Mayoral agenda than this bridge.

Yours sincerely,

Kate Hoey MP

Councillor Jen Mosley (Lambeth - Bishops)

Councillor Kevin Craig (

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From: [Janine Rasiah](#)
To: [Alexander Heidi](#); [David Bellamy](#); [Patrick Hennessy](#); [Sarah Brown](#); [Jack Stenner](#); [Leah Kreitzman](#); [Nick Bowes](#); [Erica Walker](#); [Steer Tim](#)
Cc: [James Ryan](#); [Hart Sam](#)
Subject: Garden Bridge - Will Hurst comment request on London Assembly release
Date: 11 April 2019 12:17:59
Attachments: [image001.png](#)

Hi all

Will Hurst from the Architects Journal has asked for the a comment from the Mayor about the Garden Bridge Trust refusing to go before the London Assembly (release below).

I'm not sure we have anything to say, would be good to get your steer

Holding the Mayor to account and investigating issues that matter to Londoners

Media Office: 020 7983 4283
www.london.gov.uk<<http://www.london.gov.uk>>

NEWS RELEASE
2019/123

Thursday, 11 April 2019

Garden Bridge Trust refuses to cooperate

The London Assembly has been scrutinising the Garden Bridge Project and its procurement since September 2015. The project cost a total of £53.5m - £43 million of which was taxpayer's money.

The Garden Bridge Working Group is holding a series of public meeting with Transport for London (TfL) on Monday 15 April and Monday 13 May to question its role in the project. The Group also requested that representatives from the Garden Bridge Trust attend the meetings to explain its role in the failed project. However, this request has been declined.

Tom Copley AM, Chair of the Garden Bridge Working Group said:

“We are dismayed at the refusal of the Garden Bridge Trust to appear before us to explain its actions. This is an outrageous evasion of scrutiny which begs the question, what are they afraid of? Their refusal to attend simply makes us more determined to pursue transparency and accountability.

“By failing to attend, the Trust is evading important questions about why they chose to sign a construction contract without having secured the land on the south bank, nor the necessary planning consents. That decision alone cost taxpayers £21 million. We believe explaining to Londoners what was, on the face of it, an incredibly foolish decision, is the very least they could do.

“In their refusal letter, the Trustees of the Garden Bridge wrote that the Assembly had not heard the other side of the story; and the full story should be told;. It's a shame they have rejected this opportunity to do exactly that.

“Once again, TfL's decision to farm this project out to an arms-length body has made it much harder for the London Assembly to hold those responsible for the project accountable. We are unable to compel the Trust to appear before us; but we will submit written questions, with the expectation they answer those in a full and transparent manner.”

Notes for Editors:

1. Letter of refusal from the Garden Bridge Trust is attached
2. Tom Copley AM<<https://www.london.gov.uk/people/assembly/tom-copley/more-about>>, Chair of the Garden Bridge Working Group<<https://www.london.gov.uk/about-us/london-assembly/london-assembly-committees/garden-bridge-working-group>>, is available for interview – see contact details below.
3. As well as investigating issues that matter to Londoners, the London Assembly acts as a check and a balance on the Mayor.

For media enquiries, please contact Alison Bell on [REDACTED] For out of hours media enquiries, call 020 7983 4000 and ask for the London Assembly duty press officer. Non-media enquiries should be directed to the Public Liaison Unit on 020 7983 4100.

Janine Rasiah

Press Officer – Transport, Mayor of London’s Press Office
GreaterLondonAuthority
City Hall, The Queen’s Walk, London SE1 2AA

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Out-of-hours: 020 7983 4000

@LDN_PressOffice<https://twitter.com/LDN_pressoffice>

From: [Rosie Arnold](#)
To: [Media Summaries](#)
Subject: NEWS: LBC: Speak to Sadiq – part 5 - Garden Bridge
Date: 15 February 2019 11:05:22

SK: Can I just congratulate you on the work you've been doing for the last few years on the garden bridge

JOB: Can we crack on?

SK: All jokes aside, what's the question Will, otherwise James will moan.

Caller- Will Hurst: Yes, well as you know, this week TfL released a lot of new information and we now know that the total £40m bill to the taxpayer of this unfinished project, around half of that, around £21.4m was the signing of the construction contract for a company that was never in a position to start the contract. Now of course I know Mr Khan that this was not your doing, this happened right at the start of 2016 before you were elected and that was under Boris Johnson's watch. But I want you to agree with me that this was an inexcusable thing to do, for the previous administration to allow this contract to be signed.

SK: Well, Will, I'd go further than that. I think what was clear is that Boris Johnson knew he would no longer be the Mayor in 2016. He rushed things through, got things signed off hoping it had reached the point of no return. And that's one of the reasons why the timeline you've written about this leads to questions being asked and suspicions being raised. Which is why he suddenly rushed things through and broke his own conditions before May 2016. You'll be aware that I refused to spend any more of the taxpayers money, for which I was responsible, after I became Mayor and albeit TfL was the administrator for DfT money.

Caller: I'm asking a very specific thing, if you'll forgive me, which is TfL allowing- under the Mayor at the time, allowing the garden bridge trust to put signatures on the construction contract, a contract for the bridge. £21.4m was asked of the taxpayer and this was done in black and white between the garden bridge trust and TfL under 6 conditions, and at least 2 of them were broken in that decision to sign the contract. I'm asking Mr Khan to explain what happened there.

SK: One of the things that TfL have done recently is to get an opinion from a barrister, a QC to advise them whether they can withhold payments to the trust because of any breaches. And the advice from the QC was..

Caller: It's fine for a QC to look at it and I think his conclusion was that TfL could have, but this happened under their watch, so they're just as culpable as the garden bridge trust. I'm asking you, if you looked at the evidence, this seems like a crucial thing to have happened.

SK: Well you and I can put ourselves in the positions of the QC, but if TfL have- interrupted- As the Mayor of London, my assessment is what I don't want to do is be sued by anybody and have to pay damages and costs as a result of following a legal opinion. And the legal opinion is that TfL have to pay this money- albeit I'm very angry about it, but what TfL have done is not pay out the full amount asked for by the garden bridge trust, nor the full amount the DfT gave. The DfT gave, if you remember, an additional £15m, that's not gone down to £5.93m, I'm still unhappy about this because as you said, this is £53m of money wasted on a project for which you can't point to anything, I see it's a waste on taxpayers money and I'm glad..

Caller: Have you looked at the 6 conditions? And explained to yourself how TfL were able to sign this redundant agreement?

SK: That's one of the things I looked at when I first became Mayor, which is one of the reasons I made the decision not to give this project any additional funding. But also one of the reasons why I was funding the review into this

JOB: Are we knocking at the door here?

Caller: They didn't run the land permissions, that was one of the conditions and they didn't have

the money to operate the garden bridge contract- that was another one of the conditions. Neither of those were met. I found the commissioner allowed this to happen, is still in post
JOB: That's what we're dancing around, how can Mike Brown still be in post when he signed off on something that appears to have broken TfL's own rules.

SK: Because the decision taken by the previous Mayor before May 2016, that decision, was one which TfL followed through. And it happens by the way in government as well, that ministers don't follow the advice they're given and direct civil servants to do stuff that they want them to do. But you know everything that we've seen happening with cabinet secretaries, them signing contracts by..

Caller: With respect, the civil servants did back the DfT and tried to stop this money earlier, because the permanent secretary turned around

SK: Exactly, and this is one of the reasons why I asked the former chair of the Public Health committee to look into this, she published her report and all the documents to do with that reports and that's one of the reasons why TfL got the advice from the QC to advise them what they were able to do. I think there's a question to be asked about Boris Johnson's decisions taken when he was Mayor and that's one of the reasons why if the NAO or the public health committee were to look into this then we'd provide them with all the documentation which has now been published, which is really important for transparency.

JOB: What would you like to see the Mayor do differently?

Caller: Well I think you know, be much, much tougher demanding a public enquiry or a select committee enquiry

JOB: Are you worried about that because of

SK: Listen, I'm very happy for the public health committee to look into this, very happy for the NAO to look into this and we've

Caller: It undermines the public confidence and you said earlier, you know talking about climate change, that people could get cynical on that because.. exactly the same thing applies here, it's politics.

JOB: 50-odd million pounds worth of money down the toilet and you're saying you won't be happy with the public account, but you should be shouting from the rooftops that we need a judge led

SK: Look, we have made some representations to the PAC, the deputy Mayor has spoken to the chair of the PAC about this matter. There's a very good reason why we've got the next chair of the PAC looking at this, but as far as public confidence is concerned, even Will Hurst will accept this, significant changes in processes in relation to transparency since I became Mayor and that's really in relation to the way processes take place in procurement, in relation to my ability to be able to make decisions because of validity and other reasons. And even Will Hurst will have to accept that these changes have been made. The question that Will is asking is in relations to decisions that took place before I became Mayor, this is the reason why I've made sure there's full transparency in the documentations that we had and I've made sure that we've had an independent inquiry- but with respect to Will Hurst, rather than going for my jugular, I think he should be focusing his attention towards Boris Johnson and the questions that need to be answered by him.

JOB: Well you obviously haven't read his latest article in the Architect's journal because that's about as close to the jugular as I've seen any journalist go in the context of the former Mayor of London.

Rosie Arnold
Press Officer, Mayor of London's Press Office
GREATERLONDONAUTHORITY
City Hall, The Queen's Walk, London SE1 2AA

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From: [Erica Walker](#)
To: [David Bellamy](#); [Alexander Heidi](#)
Cc: [Steer Tim](#)
Subject: Note of London Assembly Garden Bridge Working Group meeting
Date: 14 May 2019 11:00:41

Hi both,

Please see below a note from the Garden Bridge session yesterday.

Erica

From: Tweddle Thomas

Sent: 13 May 2019 20:08

To: Brown Mike (Commissioner); Everitt Vernon; Carter Howard; Williams Alex; Brown Matt; Brown Andy (Corporate Affairs); +TfL Press Office; +Government Relations (All); +National & Regional Partnerships team; Ritchie Charles

Subject: Note of London Assembly Garden Bridge Working Group meeting

All,

This morning, the Commissioner, Mike Brown, Director of City Planning, Alex Williams, and Head of Corporate Affairs, Andy Brown, appeared before the London Assembly Garden Bridge Working Group. Please see below a note of the discussion. A full transcript will be available next week.

Best,

Tom

--

London Assembly Garden Bridge Working Group

Monday 13 May 2019

City Hall

Assembly attendees:

- Tom Copley, Assembly Member and Chair (TC)
- Caroline Pidgeon, Assembly Member (CP)
- Len Duvall, Assembly Member (LD)
- Peter Whittle, Assembly Member (PW)
- Sian Berry, Assembly Member (SB)

TfL attendees:

- Mike Brown MVO, Commissioner (MB)
- Alex Williams, Director of City Planning (AW)
- Andy Brown, Head of Corporate Affairs (AB)

Briefing

MB said, upon his appointment as Commissioner in 2015, he had semi-regular updates on the Garden Bridge project as part of his Monday senior management team meetings. MB said he could not recall receiving advice from TfL legal about the contract with Bouygues but did, from time to time, have discussions with the former Deputy Mayor for Transport about the project. In response to a query about his discussions with the former Mayor, MB said he recalls one discussion on 6 April in which both GLA monitoring staff and TfL expressed concern about an additional underwriting payment in run up to the Mayoral election.

Construction contract

MB said he was unaware that the Garden Bridge Trust (GBT) was about to sign a construction contract. When asked by TC whether this approach was 'reckless', MB said that while he was not party to the thoughts of the GBT having only met with them once, he assumed they must have had a degree of certainty given that they were prepared to enter into such a contract. MB confirmed that he had not seen the contract. When challenged by TC, MB said the contract

was beyond TfL, that we were not party to it, that our signature wasn't on it and that it was the responsibility of the GBT. AB said he saw discussion about elements of the contract in his role as an observer at GBT board.

TC asked whether we offered the GBT any legal advice. AB said that the GBT had extensive legal advice from its own lawyers.

MB said he was aware of the meetings being attended by AB and the former Managing Director of Planning Richard DeCani, but was not aware of the attendance of Thomas Heatherwick and said that he had no dealings with him.

TC asked if the Garden Bridge had become a political issue. MB said he was concerned, as was the GLA Scrutiny Officer, at requests for the release of money in April 2016, and it was for this reason only £1.3m was released to the GBT in order that the project could continue over the election period. MB said that, given the nature of the project and the number of Mayoral Directions associated with it, it was 'political'. MB said there was no political pressure applied to him, although he was aware of dialogue between the team and the then Deputy Mayor for Transport.

AB said he was not subject to political pressure; he said that a series of Mayoral Directions were issued and it was the job of TfL to implement them.

LD questioned whether there had been sufficient contingency planning. AB said that there were frameworks in place to monitor what the GBT was doing, how it was using the money it had been given and how they had met conditions for further payment. AB said the message to the GBT was clear: if they were to request the next set of payments, they needed to be very clear about how the conditions had been met. AB said conversations were not taking place about additional frameworks as we considered those that were in place were satisfactory. AB said that in projects such as this, risk is not unusual, but the overall risk landscape was not a cause for nervousness.

TC said he found it 'inconceivable' that the GBT would have signed a construction contract had they not received 'a nod' from TfL that the funding would have been made available. AB said that the GBT knew what conditions they had to meet.

CP asked who the then Deputy Mayor was speaking to about the project. AB said that it was not him. MB said that when he took over from the previous Commissioner, this project was not flagged as an issue. CP probed about who else from the Mayor's office was seeking briefings and updates on the project; AB said no one had been asking him for such updates. MB also confirmed that the project was not a regular point of discussion at his Monday meeting.

Conditions

CP asked about Condition 5, specifically whether the GBT had met, to TfL's satisfaction, the requirement that funding be in place for the first five years, a condition which was later amended, but never formally changed, to a funding 'strategy'. MB said he was not aware at the time of the alteration to this condition.

AB said the approach we took at the time was to consider whether we could defend *against* not paying the money. AB said the Mayoral Direction amended the condition and not the overall funding agreement. The reasoning behind the change was to align wording with LB Lambeth and Westminster CC planning conditions so as to avoid possible dispute further down the line. The funding condition was unchanged.

CP raised the position of Martin Clarke, Director of Resources at City Hall, who – CP claimed – said he couldn't execute the guarantee because the conditions had not been met. CP suggested that the reason the wording of the condition had been changed was because it would not get signed off by City Hall.

TC asked why TfL came to a different conclusion to that reached by Martin Clarke . AB said Richard DeCani was of the view that the conditions had been met.

TC asked whether legal advice had been sought. AV said Richard DeCani made his decisions having taken into account the views of various people, including both the legal team and the project team.

CP suggested that, for many people, Condition 5 had not been met. Neither, she suggested, had Condition 2 which concerned consents. AB said the requirement of Condition 2 was clear – having secured, or being able to secure, all the necessary consents. By this point, AB said, the GBT was in advance stages of discussions with Westminster CC and LB Lambeth, as well as the Port of London Authority, and there were well progressed discussions with Coin Street. AB said there was still a number of things that needed to be finalised, but significant progress had been made with those stakeholders and had plans in place for the final requirements. The condition said “has secured or is able to secure”, and there was a plan in place.

CP asked if discussions about meeting the conditions were documented. AB said there wasn't a single decision paper. MB said this is something we'd look to do differently in the future.

CP asked whether TfL checked with the GLA if they would accept a Business Plan, rather than 'money in the bank' as evidence of Condition 5 being satisfied. AB said that, in terms of the funding agreement, it wasn't discussed with City Hall but that he would routinely keep colleagues at the GLA updated.

TC said one of Westminster CC's conditions was that the Mayor would have to sign a guarantee – a guarantee that was never signed, in spite of what TC described as the 'huge pressure' on Martin Clarke. Therefore, he contended, the condition was not met. MB said that he could not comment on that but that Richard DeCani was satisfied that the conditions had been met.

AB said that, in February when Richard DeCani concluded that the conditions had been met, there was a Mayoral Direction saying that the guarantees would be given, subject to certain conditions, so they had what you'd reasonably expect them to have.

TC suggested TfL should have waited until after the mayoral election before authorising any further funding.

SB asked why the funding condition needed to be 'softened' to match the Section 106 agreement. She said both Westminster CC and LB Lambeth wanted operations and maintenance business plans in place as well as Mayoral guarantees. AB said that the Mayoral Direction was a decision taken by the previous Mayor. TC queried the Deed of Grant and why it was never varied to bring in line with the Mayoral Decision. AB said he didn't know the answer to that, but did know that there wasn't a potential payment coming up.

LD asked whether the panel considered the conditions robust enough? MB said, at the time, he was not in a position to have a view on that, but with hindsight wished that he had been closer to the granular detail. MB also said he wished that there had been more discussion with his predecessor, the then Deputy Mayor and the Mayor on subject. MB said he has taken seriously the recommendations on TfL governance.

LD questioned why TfL still paid out to the GBT, in spite of the risks. MB said there is still room for interpretation on what had been secured/nearly secured but recognised. MB said he did not doubt the integrity of the decision making process, and that if he did have doubts then Richard DeCani would not have been part of his senior team. MB said Richard's integrity 'was robust'.

TC pressed again on whether the GBT had the money in the bank. AB said that was not how we interpreted the condition. He said that satisfactory level of funding means cash flow arrangements in place, including an operational business plan that demonstrates income vs outgoings over 5 years. TC described this as “a very liberal interpretation” which, he said, clearly wasn't good enough for Martin Clarke.

AW gave an overview of his involvement in the project from May 2016, including meetings to discuss the consents register. SB asked AW what instructions he had been given when he took over the project. AW said Richard DeCani had talked him through the funding, political and consent contexts. AW said he was surprised to learn that the money to cover capital costs wasn't 'in the bank'.

TC questioned why the GBT Business Plan hadn't properly been reviewed. He said that every other body involved in this project (Department for Transport, Martin Clarke, LB Lambeth) subjected it to higher levels of scrutiny. TC said TfL was the overseer of the project and the custodian of public money, asking why was there more scrutiny and due diligence from these other bodies? AB said he did not think TC's assessment was fair and that we were most involved in scrutinising the project, with 2/3 meetings a week, as well as attendance at board meetings. SB asked how frequently AW reported to the Commissioner and others on the project. AW said he met with the Commissioner every Monday afternoon, in addition to three further meetings a month. SB asked whether, given the policy and process failures, changes had been put in place? AW said there had been multiple changes. He said the composition of the TfL Board is very different now and is much more involved. He also cited our response to Margaret Hodge's report.

LD suggested the GBT had 'misrepresented' their position and asked, in that context, why the £5m payment had been made. AW said he went through the figures in great detail and sought legal advice. MB said he looked at the payments from the position of 'not a penny', and sought a great level of evidence to be clear that every penny had a robust legal process behind it. AB said there are ongoing discussions about an outstanding c£500k.

CP asked about TfL processes for declarable interests. MB said if a TfL employee had an interest in a project, they would declare it and it would be checked by Counsel. MB agreed to provide the Working Group with a paper on changes made since the Hodge review. TfL action
PW probed further on possible employee (or former employee) conflicts of interests. MB said there is now a more robust process of checking, and that there are now clear constraints put on those leaving the employment of TfL on what they can or cannot work on. MB agreed to provide those conditions to the Working Group. TfL action

PW asked the Commissioner how confident he was that such an incident cannot happen again? MB said the breadth of the recommendations, made over the course of a over number of reviews, meant that lessons had been learnt. He said he was also confident because the processes through which Mayoral Directions are executed is now entirely different. Under the current Mayor, MDs are scrutinised through board structures and there is enhanced Programme and Investment/Finance Committee oversight, which he described as a 'different calibre'.

PW asked whether the Garden Bridge had damaged faith in public projects? MB said he does not treat £50m lightly, indeed he doesn't treat 1p of public money lightly. CP asked the Commissioner whether he accepted that the Garden Bridge 'saga' has had an impact on London, or damaged the reputation of TfL. MB said it was not helpful, but would like to think people will look at the wider context, including how we're tackling the deficit and dealing with the loss of the subsidy. MB said he hoped that our delivery credentials would be looked at in the round. CP asked whether recent events had made making the case for investment harder. MB said that London and the rest of the country needs investment in transport.

CP asked the Commissioner whether he accepted responsibility for, or expressed regret at, what happened. MB said that the decisions taken by TfL were based on the assessment at the time.

From: [Alexander Heidi](#)
To: [Sarah Brown](#); [James Ryan](#); [Patrick Hennessy](#); [Nick Bowes](#); [Leah Kreitzman](#); [Jack Stenner](#); [Erica Walker](#); [Steer Tim](#); [David Bellamy](#); [Uma Kumaran](#); [Felicity Appleby](#)
Subject: RE: Assembly summonses Garden Bridge Trust documents from TfL
Date: 28 May 2019 09:25:32
Attachments: [image001.png](#)
[image002.png](#)

Fine with me

H

Heidi Alexander |Deputy Mayor for Transport

City Hall |The Queen's Walk |London |SE1 2AA

From: Sarah Brown

Sent: 30 January 2019 17:27

To: James Ryan <[REDACTED]@london.gov.uk>; Patrick Hennessy <[REDACTED]@london.gov.uk>; Nick Bowes <[REDACTED]@london.gov.uk>; Leah Kreitzman <[REDACTED]@london.gov.uk>; Jack Stenner <[REDACTED]@london.gov.uk>; Heidi Alexander <[REDACTED]@london.gov.uk>; Erica Walker <[REDACTED]@london.gov.uk>; Tim Steer <[REDACTED]@london.gov.uk>; David Bellamy <[REDACTED]@london.gov.uk>; Uma Kumaran <[REDACTED]@london.gov.uk>; Felicity Appleby <[REDACTED]@london.gov.uk>

Subject: RE: Assembly summonses Garden Bridge Trust documents from TfL

Fine for me – cc Felicity and Uma

From: James Ryan

Sent: 30 January 2019 17:13

To: Patrick Hennessy <[REDACTED]@london.gov.uk>; Sarah Brown <[REDACTED]@london.gov.uk>; Nick Bowes <[REDACTED]@london.gov.uk>; Leah Kreitzman <[REDACTED]@london.gov.uk>; Jack Stenner <[REDACTED]@london.gov.uk>; Heidi Alexander <[REDACTED]@london.gov.uk>; Erica Walker <[REDACTED]@london.gov.uk>; Tim Steer <[REDACTED]@london.gov.uk>; David Bellamy <[REDACTED]@london.gov.uk>

Subject: FW: Assembly summonses Garden Bridge Trust documents from TfL

TfL have drafted a reactive line on this.

Would people mind letting us know if they're happy.

Thanks

A TfL spokesperson said: "We have always supported the scrutiny of the Garden Bridge undertaken by the London Assembly and others, such as the review conducted by Dame Margaret Hodge. We will respond to this request as soon as possible."

Additional information:

- TfL is currently reviewing a request made by the Garden Bridge Trust through the DfT-funded underwriting agreement, and much of that information is commercially sensitive until the assessment of their underwriting submission is complete. Both the Mayor and TfL have committed to any such assessment being completely transparent and as soon as a view on that claim has been reached, all related material - including previously commercially sensitive information and privileged legal advice – will be published in full.
- TfL has taken every opportunity to learn lessons from the various internal and external reviews into the Garden Bridge project and all of the management actions that have been implemented are set out in our response to Dame Margaret Hodge's review, published on our website. TfL's response to the Dame Margaret Hodge report can be found here -

<https://tfl.gov.uk/cdn/static/cms/documents/pic-20170628-item19-garden-bridge-review.pdf>

- We continue to be open and transparent about our involvement in the Garden Bridge project. The relevant materials relating to our involvement have been published on our website - <https://tfl.gov.uk/corporate/publications-and-reports/temple-footbridge>

From: Alison Bell

Sent: 30 January 2019 12:25

Subject: Assembly summonses Garden Bridge Trust documents from TfL

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NEWS RELEASE

2019/037

Wednesday, 30 January 2019

Assembly summonses Garden Bridge Trust documents from TfL

The London Assembly **Oversight Committee today** used its discretionary powers to issue a summons notice to Transport for London requesting documents relating to the ill-fated Garden Bridge.

The Assembly wants to see any notes, text messages and/or social media messages sent or received in the time period 1 March 2018 to 25 January 2019 between the Garden Bridge Trust and/or the Trust's professional advisors and the following officers of Transport for London;

- TfL Commissioner, Mike Brown
- TfL Head of Corporate Affairs, Andy Brown
- TfL General Counsel, Howard Carter
- TfL solicitor, Charles Ritchie
- TfL Director of City Planning, Alex Williams

Also requested are the July 2018 letter from Mervyn Davies, trustee of the Garden Bridge Trust, sent to Andy Brown, Head of Corporate Affairs and referenced in the e-mail to Andy Brown from Jane Hywood, Finance Manager, Garden Bridge Trust.

The letter dated 14 September from Mervyn Davies, initially sent to Andy Williams, and also attached in an e-mail from Paul Morrell to Andy Brown of 28 September 2018.

The documents and files are to be provided no later than two weeks from the date of the summons notice.

Tom Copley AM, Chair of the **Garden Bridge Working Group** said:

"It is jaw-dropping that TfL have not learnt that when it comes to this project, transparency is paramount.

"We expect full cooperation with our continued investigations into the failed Garden Bridge project and will use all of the powers at our disposal to get it.

"Hiding behind the veil of 'commercially sensitive information' won't wash – when documents can be redacted, if necessary, before we place them in the public domain."

Notes for Editors:

1. The summons supplementary agenda item document is attached.
2. [Tom Copley AM](#), Chair of the **Garden Bridge Working Group**, is available for interview – see contact details below.
3. Find out more about the [GLA Oversight Committee](#).
4. As well as investigating issues that matter to Londoners, the London Assembly acts as a check and a balance on the Mayor.

For media enquiries, please contact Alison Bell on [REDACTED] For out of hours media enquiries, call 020 7983 4000 and ask for the London Assembly duty press officer. Non-media enquiries should be directed to the Public Liaison Unit on 020 7983 4100.

Alison Bell | Head of Communications

Direct: [REDACTED] | Mobile: [REDACTED]

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City Hall | The Queen's Walk | London | SE1 2AA

Holding the Mayor to account and investigating issues that matter to Londoners

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From: [David Bellamy](#)
To: [Janine Rasiah](#); [Alexander Heidi](#); [Patrick Hennessy](#); [Sarah Brown](#); [Jack Stenner](#); [Leah Kreitzman](#); [Nick Bowes](#); [Erica Walker](#); [Steer Tim](#)
Cc: [James Ryan](#); [Hart Sam](#)
Subject: RE: Charity Commission Garden Bridge concluding report/press release
Date: 09 April 2019 16:11:31

Thanks, fine by me.

From: Janine Rasiah
Sent: 09 April 2019 14:54
To: David Bellamy <[REDACTED]@london.gov.uk>; Heidi Alexander <[REDACTED]@london.gov.uk>; Patrick Hennessy <[REDACTED]@london.gov.uk>; Sarah Brown <[REDACTED]@london.gov.uk>; Jack Stenner <[REDACTED]@london.gov.uk>; Leah Kreitzman <[REDACTED]@london.gov.uk>; Nick Bowes <[REDACTED]@london.gov.uk>; Erica Walker <[REDACTED]@london.gov.uk>; Tim Steer <[REDACTED]@london.gov.uk>
Cc: James Ryan <[REDACTED]@london.gov.uk>; Samantha Hart <[REDACTED]@london.gov.uk>
Subject: RE: Charity Commission Garden Bridge concluding report/press release

Thanks David, will do.

Suggested response below, if needed

Spokesperson for the Mayor -

“Ever since he took office, Sadiq has always been clear that not a single penny more of London taxpayers’ money that he controlled should be spent on the Garden Bridge.

“It was the Department for Transport, not Sadiq, which agreed to underwrite potential cancellation costs, and the Mayor is pleased that TfL have worked to reduce the financial impact of the underwriting costs on the UK taxpayer.

“Both the Mayor’s correspondence with the Garden Bridge Trust and the findings of Margaret Hodge’s independent review revealed considerable concerns about how the project was being managed and the risks to the London taxpayer if it had continued.”

From: David Bellamy <[REDACTED]@london.gov.uk>
Sent: 09 April 2019 14:36
To: Janine Rasiah <[REDACTED]@london.gov.uk>; Heidi Alexander <[REDACTED]@london.gov.uk>; Patrick Hennessy <[REDACTED]@london.gov.uk>; Sarah Brown <[REDACTED]@london.gov.uk>; Jack Stenner <[REDACTED]@london.gov.uk>; Leah Kreitzman <[REDACTED]@london.gov.uk>; Nick Bowes <[REDACTED]@london.gov.uk>; Erica Walker <[REDACTED]@london.gov.uk>; Tim Steer <[REDACTED]@london.gov.uk>
Cc: James Ryan <[REDACTED]@london.gov.uk>; Samantha Hart <[REDACTED]@london.gov.uk>
Subject: RE: Charity Commission Garden Bridge concluding report/press release

Thanks Janine. We may need to dust down our standard lines about it being the Government’s decision in May and then September 2016 to underwrite the project.

Please let me know if we get any specific questions from the media.

D.

From: Janine Rasiah
Sent: 09 April 2019 13:56
To: David Bellamy <[REDACTED]@london.gov.uk>; Heidi Alexander <[REDACTED]@london.gov.uk>; Patrick Hennessy <[REDACTED]@london.gov.uk>; Sarah Brown <[REDACTED]@london.gov.uk>; Jack Stenner <[REDACTED]@london.gov.uk>; Leah Kreitzman <[REDACTED]@london.gov.uk>; Nick Bowes <[REDACTED]@london.gov.uk>; Erica Walker <[REDACTED]@london.gov.uk>; Tim Steer <[REDACTED]@london.gov.uk>

Cc: James Ryan <[REDACTED][london.gov.uk](mailto:[REDACTED]@london.gov.uk)>; Samantha Hart <[REDACTED][london.gov.uk](mailto:[REDACTED]@london.gov.uk)>

Subject: Charity Commission Garden Bridge concluding report/press release

Hi all

TfL have just shared the Charity Commission's concluding report and press release on the Garden Bridge, see attached.

We understand that this will be shared with media at 3pm today.

Janine

Janine Rasiah

Press Officer – Transport, Mayor of London's Press Office

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City Hall, The Queen's Walk, London SE1 2AA

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Out-of-hours: 020 7983 4000

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From: [Patrick Hennessy](#)
To: [Janine Rasiah](#)
Cc: [Steer Tim](#); [David Bellamy](#); [Alexander Heidi](#); mediasignoff@london.gov.uk; [James Ryan](#); [Erica Walker](#)
Subject: RE: For approval - TfL Garden Bridge comment
Date: 15 April 2019 15:41:51

Good for me, ta

From: Janine Rasiah
Sent: 15 April 2019 14:59
To: Patrick Hennessy <[REDACTED]@london.gov.uk>
Cc: Tim Steer <[REDACTED]@london.gov.uk>; David Bellamy <[REDACTED]@london.gov.uk>; Heidi Alexander <[REDACTED]@london.gov.uk>; mediasignoff@london.gov.uk; James Ryan <[REDACTED]@london.gov.uk>; Erica Walker <[REDACTED]@london.gov.uk>
Subject: RE: For approval - TfL Garden Bridge comment

Thanks Paddy, as below

A Transport for London spokesperson said: " We continue to be open and transparent about our involvement in the Garden Bridge project and Andy Brown attended the London Assembly's Garden Bridge Working Group meeting this morning as part of this commitment."

Additional information:

- TfL's involvement in the Garden Bridge project was directed under four Mayoral Directions, signed by the previous Mayor, which are available here:
 - <https://www.london.gov.uk/decisions/md1647-garden-bridge-guarantees>
 - <https://www.london.gov.uk/decisions/md1472-garden-bridge-guarantees>
 - <https://www.london.gov.uk/decisions/md1355-garden-bridge-development-proposals>
 - <https://www.london.gov.uk/decisions/md1248-temple-south-bank-footbridge-development-proposals>
- In February 2019, TfL published the final financial breakdown for the Garden Bridge project, on behalf of the Trust, as well as all evidence sought as part of this review. TfL worked to ensure that the cost to the public sector were kept to a minimum, and having carefully reviewed the Garden Bridge Trust's request, confirmed the final payment legally required under the terms of the underwriting agreement made by the Government. This formally ends TfL's involvement with the project. - <https://tfl.gov.uk/info-for/media/press-releases/2019/february/transport-for-london-publishes-detailed-final-cost-of-the-undelivered-garden-bridge-project>
- TfL has taken every opportunity to learn lessons from the various internal and external reviews into the Garden Bridge project and all of the management actions that have been implemented are set out in our response to Dame Margaret Hodge's review, published on our website. TfL's response to the Dame Margaret Hodge report can be found here - <https://tfl.gov.uk/cdn/static/cms/documents/pic-20170628-item19-garden-bridge-review.pdf>
- We continue to be open and transparent about our involvement in the Garden Bridge project. The relevant materials relating to our involvement

have been published on our website

[-https://tfl.gov.uk/corporate/publications-and-reports/temple-footbridge](https://tfl.gov.uk/corporate/publications-and-reports/temple-footbridge)

From: Patrick Hennessy <[REDACTED]@london.gov.uk>

Sent: 15 April 2019 14:58

To: Janine Rasiah <[REDACTED]@london.gov.uk>

Cc: Tim Steer <[REDACTED]@london.gov.uk>; David Bellamy <[REDACTED]@london.gov.uk>; Heidi Alexander <[REDACTED]@london.gov.uk>; mediasignoff@london.gov.uk; James Ryan <[REDACTED]@london.gov.uk>; Erica Walker <[REDACTED]@london.gov.uk>

Subject: Re: For approval - TfL Garden Bridge comment

Can you do a clean version? Then I'll Sign-Off Ta.

Sent from my iPhone

On 15 Apr 2019, at 14:48, Janine Rasiah <[REDACTED]@london.gov.uk> wrote:

Thanks Tim.

Paddy/Heidi, do let us know your thoughts

From: Tim Steer <[REDACTED]@london.gov.uk>

Sent: 15 April 2019 14:25

To: Janine Rasiah <[REDACTED]@london.gov.uk>; David Bellamy <[REDACTED]@london.gov.uk>; Heidi Alexander <[REDACTED]@london.gov.uk>; mediasignoff@london.gov.uk

Cc: James Ryan <[REDACTED]@london.gov.uk>; Erica Walker <[REDACTED]@london.gov.uk>

Subject: RE: For approval - TfL Garden Bridge comment

Does the first sentence sound a bit defensive? I wonder if it could just be removed and then used to replace the first bullet of additional information, as below.

Tim

From: Janine Rasiah

Sent: 15 April 2019 14:02

To: David Bellamy <[REDACTED]@london.gov.uk>; Heidi Alexander <[REDACTED]@london.gov.uk>; mediasignoff@london.gov.uk

Cc: James Ryan <[REDACTED]@london.gov.uk>; Erica Walker <[REDACTED]@london.gov.uk>; Tim Steer <[REDACTED]@london.gov.uk>

Subject: For approval - TfL Garden Bridge comment

Hi all

TfL have been asked for a comment on this morning's Garden Bridge hearing by a freelancer from Architects Journal and London Live.

They've put together the below – please let us know if you're happy.

Thanks

Janine

A Transport for London spokesperson said: "TfL's involvement in the ~~Garden Bridge project was directed under four Mayoral Directions, signed by the previous Mayor.~~ We continue to be open and transparent about our involvement in the **Garden Bridge** project and Andy Brown attended the London Assembly's Garden Bridge Working Group meeting this morning as part of this commitment."

Additional information:

The four mayoral directions relating to the Garden Bridge project, signed by the previous Mayor, are available here: **TfL's involvement in the Garden Bridge project was directed under four Mayoral Directions, signed by the previous Mayor, which are available here:**

- <https://www.london.gov.uk/decisions/md1647-garden-bridge-guarantees>
- <https://www.london.gov.uk/decisions/md1472-garden-bridge-guarantees>
- <https://www.london.gov.uk/decisions/md1355-garden-bridge-development-proposals>
- <https://www.london.gov.uk/decisions/md1248-temple-south-bank-footbridge-development-proposals>
- In February 2019, TfL published the final financial breakdown for the Garden Bridge project, on behalf of the Trust, as well as all evidence sought as part of this review. TfL worked to ensure that the cost to the public sector were kept to a minimum, and having carefully reviewed the Garden Bridge Trust's request, confirmed the final payment legally required under the terms of the underwriting agreement made by the Government. This formally ends TfL's involvement with the project. - <https://tfl.gov.uk/info-for/media/press-releases/2019/february/transport-for-london-publishes-detailed-final-cost-of-the-undelivered-garden-bridge-project>
- TfL has taken every opportunity to learn lessons from the various internal and external reviews into the Garden Bridge project and all of the management actions that have been implemented are set out in our response to Dame Margaret Hodge's review, published on our website. TfL's response to the Dame Margaret Hodge report can be found here - <https://tfl.gov.uk/cdn/static/cms/documents/pic-20170628-item19-garden-bridge-review.pdf>
- We continue to be open and transparent about our involvement in the Garden Bridge project. The relevant materials relating to our involvement have been published on our website - <https://tfl.gov.uk/corporate/publications-and-reports/temple-footbridge>

Janine Rasiah

Press Officer – Transport, Mayor of London's Press Office

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From: [Stephanie Jarvis](#)
To: [David Bellamy](#); [Jack Stenner](#); [Alexander Heidi](#); [Steer Tim](#)
Cc: [Felicity Appleby](#); [James Ryan](#); [Government Relations](#)
Subject: RE: For sign off: Garden Bridge adjournment debate
Date: 15 March 2019 12:54:28

Many thanks David – we will circulate at 1pm unless any further comments.

Thanks all

Steph

From: David Bellamy

Sent: 15 March 2019 12:43

To: Stephanie Jarvis ; Jack Stenner ; Heidi Alexander ; Tim Steer

Cc: Felicity Appleby ; James Ryan ; Government Relations

Subject: RE: For sign off: Garden Bridge adjournment debate

Thanks. A few tickles below in purple. Also, we didn't publish all the funders until recently.

Maybe put in the date of when Margaret Hodge's review began (Sept 2017? Please check, that's from memory.)

David.

From: Stephanie Jarvis

Sent: 15 March 2019 12:35

To: Jack Stenner <[REDACTED]@london.gov.uk>; Heidi Alexander <[REDACTED]@london.gov.uk>; David Bellamy <[REDACTED]@london.gov.uk>; Tim Steer <[REDACTED]@london.gov.uk>

Cc: Felicity Appleby <[REDACTED]@london.gov.uk>; James Ryan <[REDACTED]@london.gov.uk>; Government Relations <GovernmentRelations@london.gov.uk>

Subject: For sign off: Garden Bridge adjournment debate

Jack, Heidi, David, Tim – please let me know if you have any comments on the below before I send on to Rupa Huq. The debate is at 2.30. I have spoken to her and her approach is going to be very much focused on the role of the previous Mayor.

Thanks very much

Steph

From: Sarah Gibson

Sent: 15 March 2019 10:47

To: Heidi Alexander <[REDACTED]@london.gov.uk>; James Ryan <[REDACTED]@london.gov.uk>; David Bellamy <[REDACTED]@london.gov.uk>; Felicity Appleby <[REDACTED]@london.gov.uk>; Government Relations <GovernmentRelations@london.gov.uk>

Cc: Jack Stenner <[REDACTED]@london.gov.uk>; Tim Steer <[REDACTED]@london.gov.uk>

Subject: RE: Garden Bridge adjournment debate

Suggested lines below for comment:

The Garden Bridge adjournment debate

Summary

In his first week as Mayor, Sadiq promised to look into the decisions made around contributions from the public sector to the project. He published the full business plan for the Garden Bridge project, as well as a list of its funders. He then asked Dame Margaret Hodge MP to carry out an independent review to:

- look in detail at whether value for money has been achieved from taxpayers' contributions

- investigate the work of TfL, the GLA and other relevant authorities on the Garden Bridge, going back to when it was first proposed.

The Mayor was clear that since the beginning of the project there hadn't been the necessary standard of transparency and openness around the Garden Bridge. Nearly £40m of public money had already been spent on the project, and Londoners deserved far more information about the decisions that had been made around how their money was being spent.

Dame Margaret held meetings with officials and stakeholders and received input from others with an interest, including members of the public. She also studied a wealth of papers and correspondence associated with the project to inform her independent review.

After analysing the findings of Dame Margaret Hodge's independent review and assessing all the information available about the project, the Mayor wrote to the Chair of the Garden Bridge Trust in April 2017, informing him that the GLA would not be providing Mayoral guarantees for the Garden Bridge project. He outlined his view that the continuation of the project would expose the London taxpayer to additional financial risk, both with regard to the bridge's construction and its operation and maintenance.

In giving the reasons for his decision not to provide any Mayoral guarantees, he outlined a number of ways in which the project would have exposed the London taxpayer to additional financial risk, including:

- increasing capital costs of the project;
- the risk of the bridge only being partially built; and
- doubts over the establishment of an endowment fund to help meet future maintenance costs.

In August 2017, the Garden Bridge Trust, which since November 2015 was fully responsible for the construction and management of the project, confirmed to TfL and the Mayor that the project would no longer be progressing. TfL [has recently](#) published a detailed breakdown of the Trust's final expenditure on the project, which showed a total of almost £53.5m was spent on the project.

It was the Department for Transport, not the Mayor which agreed [in 2016](#) to underwrite potential cancellation costs, and the Mayor was pleased that TfL ([as the administrator of the public sector funding](#)) worked to reduce the financial impact of the underwriting costs on the UK taxpayer. [Had the Government not done so, it is likely that the project would have ceased then, saving the taxpayer the £5.5m subsequently paid out under the underwrite.](#)

Background

As confirmed in July 2015 under the previous Mayor of London, up to £60m of public funding was made available to the Trust, apportioned as £30m each from TfL and the Department for Transport (DfT). Approximately £37m of this funding was paid to the Trust in a series of grant payments tied to specific funding conditions.

In May 2016, the Secretary of State for Transport at the time agreed that for a limited period of four months up to £15m of the remaining balance of public funding would be available to fund expenditure linked to the closure of the project, should it not proceed. The Government subsequently extended this underwrite, but reduced it to a maximum of £9m. Any payments related to this would come from the DfT's part of the funding, after the current Mayor stated TfL would not contribute towards the underwriting from its funding allocation, or allocate

further funds under his control to the project.

As financial administrator for the public sector funding, TfL reviewed the Trust's request for payment under the underwriting agreement, to ensure that the final cost from any part of the public purse was kept to a minimum. TfL concluded its review and confirmed that the final amount payable to the Trust was £5.5m – to come from DfT funding, and include around £500k for future liabilities and contingency associated with the formal wind-up of the Trust in accordance with Charity Commission requirements. It was around 40 per cent lower than it could have been. This means the final public sector spend was around £43m – split between £24m from TfL and £19m from the DfT.

From: Sarah Gibson

Sent: 15 March 2019 09:03

To: Heidi Alexander <[REDACTED]@london.gov.uk>; James Ryan <[REDACTED]@london.gov.uk>; David Bellamy <[REDACTED]@london.gov.uk>; Felicity Appleby <[REDACTED]@london.gov.uk>; Government Relations <GovernmentRelations@london.gov.uk>

Cc: Jack Stenner <[REDACTED]@london.gov.uk>; Tim Steer <[REDACTED]@london.gov.uk>

Subject: Re: Garden Bridge adjournment debate

Great thanks - will work up some points now based on this

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From: Heidi Alexander <[REDACTED]@london.gov.uk>

Sent: Friday, March 15, 2019 9:58 am

To: James Ryan; Sarah Gibson; David Bellamy; Felicity Appleby; Government Relations

Cc: Jack Stenner; Tim Steer

Subject: Re: Garden Bridge adjournment debate

Copy to Tim Steer

From: James Ryan <[REDACTED]@london.gov.uk>

Sent: Friday, March 15, 2019 08:26

To: Sarah Gibson; David Bellamy; Felicity Appleby; Government Relations

Cc: Jack Stenner; Heidi Alexander

Subject: RE: Garden Bridge adjournment debate

Our latest press lines attached Sarah

From: James Ryan

Sent: 15 March 2019 08:21

To: Sarah Gibson <[REDACTED]@london.gov.uk>; David Bellamy <[REDACTED]@london.gov.uk>; Felicity Appleby <[REDACTED]@london.gov.uk>; Government Relations <GovernmentRelations@london.gov.uk>

Cc: Jack Stenner <[REDACTED]@london.gov.uk>; Heidi Alexander <[REDACTED]@london.gov.uk>

Subject: RE: Garden Bridge adjournment debate

I'll send you our latest press lines shortly, if that helps.

From: Sarah Gibson

Sent: 15 March 2019 08:16

To: David Bellamy <[REDACTED]@london.gov.uk>; Felicity Appleby <[REDACTED]@london.gov.uk>; Government Relations <GovernmentRelations@london.gov.uk>

Cc: Jack Stenner <[REDACTED]@london.gov.uk>; Heidi Alexander

<[REDACTED]@london.gov.uk>; James Ryan <[REDACTED]@london.gov.uk>

Subject: Re: Garden Bridge adjournment debate

We have not briefed her but we will. We flagged with TfL but they were inclined to steer clear.

We will call her office this morning to see what she has and send over additional info she can use that we will clear with you. I am not sure who might be best placed to provide this in city

hall - pls can you advise. Thanks, sarah

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From: David Bellamy <[REDACTED]@london.gov.uk>

Sent: Friday, March 15, 2019 8:46 am

To: Felicity Appleby; Government Relations

Cc: Jack Stenner; Heidi Alexander; James Ryan

Subject: Garden Bridge adjournment debate

Hi,

I see Rupa Huq has an adjournment debate on 'funding for the Garden Bridge' today. Have we briefed her on this and if not, can we do so?

Thanks,

David.

Sent from my BlackBerry 10 smartphone on the O2 network.

From: [Janine Rasiah](#)
To: [David Bellamy](#); [Nick Bowes](#); [Sarah Brown](#); [Alexander Heidi](#); mediasignoff@london.gov.uk
Cc: [Erica Walker](#); [Steer Tim](#); [James Ryan](#); [Richard Main](#)
Subject: Re: For urgent approval - TfL Garden Bridge response for clearance tonight
Date: 03 April 2019 20:48:51
Attachments: [image001.png](#)

For info - Andy Brown checked the date and it was actually 2015 so they are sending the below

"The Commissioner was not involved in this assessment, but had previously approved, in November 2015, a variation to the deed of variation, which set out the funding agreement. This is solely what this reference to 'Mike Brown' in emails relates to.

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From: Janine Rasiah <[REDACTED]@london.gov.uk>
Sent: Wednesday, April 3, 2019 7:18 pm
To: David Bellamy; Nick Bowes; Sarah Brown; Heidi Alexander; mediasignoff@london.gov.uk
Cc: Erica Walker; Tim Steer; James Ryan; Richard Main
Subject: Re: For urgent approval - TfL Garden Bridge response for clearance tonight
Thanks David, will make sure those points are picked up

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From: David Bellamy <[REDACTED]@london.gov.uk>
Sent: Wednesday, April 3, 2019 6:35 pm
To: Janine Rasiah; Nick Bowes; Sarah Brown; Heidi Alexander; mediasignoff@london.gov.uk
Cc: Erica Walker; Tim Steer; James Ryan; Richard Main
Subject: Re: For urgent approval - TfL Garden Bridge response for clearance tonight
There are two references to "February 2018" which should be "February 2016" - that is when the construction contract was signed and I assume it was when the Deed of Variation was executed, given that the project ended in August 2017.

Please get TfL to double-check all dates (with Andy Brown).

Fine otherwise.

D.

Sent from my BlackBerry 10 smartphone on the O2 network.

From: Janine Rasiah
Sent: Wednesday, 3 April 2019 18:28
To: Nick Bowes; Sarah Brown; Heidi Alexander; mediasignoff@london.gov.uk; David Bellamy
Cc: Erica Walker; Tim Steer; James Ryan; Richard Main
Subject: Re: For urgent approval - TfL Garden Bridge response for clearance tonight

Thanks, I'll make that amend and wait to hear back from David

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From: Nick Bowes <[REDACTED]@london.gov.uk>
Sent: Wednesday, April 3, 2019 5:44 pm
To: Sarah Brown; Janine Rasiah; Heidi Alexander; mediasignoff@london.gov.uk; David Bellamy
Cc: Erica Walker; Tim Steer; James Ryan; Richard Main
Subject: RE: For urgent approval - TfL Garden Bridge response for clearance tonight
ditto

From: Sarah Brown
Sent: 03 April 2019 17:41
To: Janine Rasiah <[REDACTED]@london.gov.uk>; Heidi Alexander <[REDACTED]@london.gov.uk>; mediasignoff@london.gov.uk;
David Bellamy <[REDACTED]@london.gov.uk>
Cc: Erica Walker <[REDACTED]@london.gov.uk>; Tim Steer <[REDACTED]@london.gov.uk>; James Ryan <[REDACTED]@london.gov.uk>;
Richard Main <[REDACTED]@london.gov.uk>
Subject: RE: For urgent approval - TfL Garden Bridge response for clearance tonight
It should be 'accordance *with* the funding agreement'
I am fine with it if David is happy.

From: Janine Rasiah
Sent: 03 April 2019 17:29
To: Heidi Alexander <[REDACTED]@london.gov.uk>; mediasignoff@london.gov.uk; David Bellamy <[REDACTED]@london.gov.uk>;
Cc: Erica Walker <[REDACTED]@london.gov.uk>; Tim Steer <[REDACTED]@london.gov.uk>; James Ryan <[REDACTED]@london.gov.uk>;
Richard Main <[REDACTED]@london.gov.uk>
Subject: For urgent approval - TfL Garden Bridge response for clearance tonight
Hi all

Will Hurst from the Architects Journal is running a story based on the differences between what Mike Brown and Richard De Cani have said

previously about the process to release money to the Garden Bridge. He will be focusing on references in an email (copied at the bottom of this email) which he is reading as Mike Brown authorising the payment. TfL have explained that it was actually a reference to the Deed of Variation but he has asked for a clear explanation on this.

Will also says the below transcript from Richard Hodge contradicts Mike Brown's version of events.

DE CANI to HODGE: *"I was very clear that it wasn't a decision that I would take on my own, I would seek the input from other people in TfL and get the Commissioner to say he was happy with it, because I knew these were decisions that were quite significant."*

TfL have prepared the below statement and explanation which is based on the line sent to Tom Edwards recently. The only new aspect is the bit in bold.

Please let us know if you're happy – they need to go back to him tonight. Apologies for the short turn-around.

Thanks

Janine

Explanation of the email to Will Hurst:

As discussed over the phone earlier, in February 2018, the Commissioner's approval was sought (and given) in respect of the Deed of Variation which made some changes to the original funding agreement. These can be seen on our website under the funding agreement section. This is specifically what the words "as authorised by Mike Brown" refer to in that email. It is entirely unrelated to any assessment by TfL of whether the conditions of payment had been met. This was made by the Managing Director of Planning and was informed by discussions with colleagues from across the organisation and based on our scrutiny of the project as well as evidence presented by the Garden Bridge Trust.

The letters that were recently released under FOI were also sent to Caroline Pidgeon in July 2018 in email correspondence with the Commissioner.

A Transport for London spokesperson said: "As we have made clear before, TfL had no involvement in the Garden Bridge Trust's decision to sign the main construction contract in February 2018. As the Trust had signed the contract and then demonstrated that they met the criteria for additional funding to be released, we were required to release the funds in accordance to the funding agreement.

"The Commissioner was not involved in this assessment, but had previously approved a variation to the deed of variation, which set out the funding agreement. This is solely what this reference to 'Mike Brown' in emails relates to. As Commissioner, he was naturally kept aware of the project by the MD of Planning, due to its political nature. However, this was only for awareness and his regular meetings with City Hall, rather than decision making."

Additional information:

� TfL's involvement in the Garden Bridge project was directed under four Mayoral Directions signed by the previous Mayor These are available here:

- <https://www.london.gov.uk/decisions/md1647-garden-bridge-guarantees>
- <https://www.london.gov.uk/decisions/md1472-garden-bridge-guarantees>
- <https://www.london.gov.uk/decisions/md1355-garden-bridge-development-proposals>
- <https://www.london.gov.uk/decisions/md1248-temple-south-bank-footbridge-development-proposals>

� In February 2019, TfL published the final financial breakdown for the Garden Bridge project, on behalf of the Trust, as well as all evidence sought as part of this review. TfL worked to ensure that the cost to the public sector were kept to a minimum, and having carefully reviewed the Garden Bridge Trust's request, confirmed the final payment legally required under the terms of the underwriting agreement made by the Government. This formally ends TfL's involvement with the project. - <https://tfl.gov.uk/info-for/media/press-releases/2019/february/transport-for-london-publishes-detailed-final-cost-of-the-undelivered-garden-bridge-project>

� TfL has taken every opportunity to learn lessons from the various internal and external reviews into the Garden Bridge project and all of the management actions that have been implemented are set out in our response to Dame Margaret Hodge's review, published on our website. TfL's response to the Dame Margaret Hodge report can be found here - <https://tfl.gov.uk/cdn/static/cms/documents/pic-20170628-item19-garden-bridge-review.pdf>

� We continue to be open and transparent about our involvement in the Garden Bridge project. The relevant materials relating to our involvement have been published on our website -<https://tfl.gov.uk/corporate/publications-and-reports/temple-footbridge>

From: Richard de Cani (MD Planning)
Sent: 22 March 2016 14:16
To: Pooley Andrew
Cc: Beaven Geetha; Tate Nigel (TfL); Kilonback Simon; Hart Anna; Ritchie Charles; Brown Andy
Subject: RE: GBT Funding Agreement Payments

Dear Andy

Further to my email of 22 February, the Trust has publicly announced having signed its construction contract with Bouygues TP Cimolai; work by the Trust's main construction contractor has continued at pace; and good progress has been made with discharging planning conditions in Lambeth with a further five pre-commencement conditions approved on 8 March.

On this basis, I authorise the transfer of £4.5m to be made to the Garden Bridge Trust, to take place on 23 March.

This is the remainder of the "within 10 days of award of the main construction contract" £7m payment, which was separated at the Trust's request. The first portion of this payment was paid on 23 February.

Kind regards,
Richard de Cani

From: Richard de Cani (MD Planning)
Sent: 22 February 2016 18:09
To: Pooley Andrew
Cc: Beaven Geetha; Tate Nigel (TfL); Kilonback Simon; Hart Anna; Ritchie Charles; Brown Andy
Subject: RE: GBT Funding Agreement Payments

Dear Andy

Further to my email of 12 February and the confirmation we have received that the Garden Bridge Trust has now signed its main construction contract with Bouygues TP Cimolai, I am satisfied that good progress is being made in accordance with the conditions of payment set out in our funding agreements with the Trust and that the Trust has now commenced main construction works.

On this basis, I authorise the transfer of a £2.5m to be made the Garden Bridge Trust, to take place as soon as possible.

This will be the first of two payments which together form the "within 10 days of award of the main construction contract" £7m payment as set out in the revised payment profile under item 8 of the Deed of Variation. The remainder of the £7m payment is expected to be made on 23 March as requested by the Executive Director of the Trust, Bee Emmott, in her recent letter, which I attach.

Kind regards,
Richard de Cani

From: Richard de Cani (MD Planning)
Sent: 12 February 2016 09:50
To: Pooley Andrew
Cc: Beaven Geetha; Tate Nigel (TfL); Kilonback Simon; Hart Anna; Ritchie Charles; Brown Andy
Subject: GBT Funding Agreement Payments

Dear Andy

Please find attached two letters from the Garden Bridge Trust calling on further payments to be made under the Deed of Variation (as authorised by Mike Brown).

The letter from the Vice Chair of the Garden Bridge Trust, Paul Morrell, sets out how the Trust is continuing to satisfy the conditions of payment through the progress the project has made in its pre-construction activities. The separate letter from the Executive Director of the Trust, Bee Emmott, confirms that the Trust has now signed its main construction contract with Bouygues TP Cimolai.

The signing of the construction contract is a significant step forward and I am satisfied that there has been notable progress secured and credible plans developed for fundraising; obtaining all

1

Janine Rasiah
Press Officer – Transport, Mayor of London's Press Office
GREATERLONDONAUTHORITY
City Hall, The Queen's Walk, London SE1 2AA
[REDACTED]
london.gov.uk
[REDACTED] london.gov.uk
Out-of-hours: 020 7983 4000
[@LDN_PressOffice](#)

From: [Alexander Heidi](#)
To: [James Ryan](#); [David Bellamy](#); [Patrick Hennessy](#); [Sarah Brown](#); [Nick Bowes](#); [Jack Stenner](#); [Leah Kreitzman](#); [Steer Tim](#); [Erica Walker](#)
Cc: [transportdesk](#); [Isabel Collinson](#)
Subject: Re: Garden Bridge - release of information
Date: 28 May 2019 09:25:34

I've just read this. It looks OK to me but David has been closer to the detail on this than me.

Thanks

H

From: James Ryan
Sent: Tuesday, February 12, 2019 17:24
To: David Bellamy; Patrick Hennessy; Sarah Brown; Nick Bowes; Jack Stenner; Leah Kreitzman; Heidi Alexander; Tim Steer; Erica Walker
Cc: transportdesk; Isabel Collinson
Subject: RE: Garden Bridge - release of information

Latest version below David, with feedback to your question in red.
Heidi – please let us have any concerns or comments.

Transport for London publishes detailed final cost of the undelivered Garden Bridge project

- Breakdown of Garden Bridge Trust's expenditure sets out all costs incurred by the project.
- Detailed review of final underwriting request sees final DfT-funded figure reduced by around 40 per cent compared to the original limit.
- Full, substantially unredacted documents relating to underwriting agreement now published online as part of TfL's continued commitment to transparency

Transport for London (TfL) has today confirmed the final public sector cost of the Garden Bridge project, following the conclusion of its review of the underwriting request from the Garden Bridge Trust.

In August 2017, the Garden Bridge Trust, which since November 2015 was fully responsible for the construction and management of the project, confirmed to TfL and the Mayor of London that the project would no longer be progressing. TfL has now published a detailed breakdown of the Trust's final expenditure on the project, which shows a total of almost £53.5m was spent on the project.

As confirmed in July 2015 under the previous Mayor of London, up to £60m of public funding was made available to the Trust, apportioned as £30m each from TfL and the Department for Transport (DfT). Approximately £37m of this funding was paid to the Trust in a series of grant payments tied to specific funding conditions.

In May 2016, the Secretary of State for Transport at the time agreed that for a limited period of four months up to £15m of the remaining balance of public funding would be available to fund expenditure linked to the closure of the project, should it not proceed. The Government subsequently extended this underwrite, but reduced it to a maximum of £9m. Any payments related to this would come from the DfT's part of the funding, after the current Mayor stated TfL would not contribute towards the underwriting or the project more generally, from its funding allocation.

As financial administrator for the public sector funding, TfL has spent the last year reviewing the Trust's request for payment under the underwriting agreement, to ensure that the final cost from any part of the public purse is kept to a minimum. The review has assessed the request in detail to ensure that any payment to a third party under the agreement is fully justified.

TfL has now concluded its review and confirmed that the final amount payable to the Trust is £5.5m – this will come from DfT funding, and include around £500k for future liabilities and contingency associated with the formal wind-up of the Trust in accordance with Charity Commission requirements. It is around 40 per cent lower than it could have been. This also means the final public sector spend will be around £43m – split between £24m from TfL and £19m from the DfT.

The Trust now has 120 days to request additional funding from the £500k Government funded contingency, and TfL will continue to review any request that is made by the Trust during this time. Following the 120 days, any contingency funds remaining will be returned to the DfT, and any future requests rising from additional financial liability will only be considered if they arise from events outside of the Trust's control.

All documents and assessments relating to the review of the underwriting have today been published online, as part of TfL's continuing commitment to transparency. These documents include a full line-by-line breakdown of all expenditure on the project and the final breakdown of what the underwriting will be used for. TfL has also written to the Trust to confirm that it has formally ended its involvement with the project.

As part of the review of the assessment, TfL also sought independent legal advice from a leading QC, following concerns raised about whether the Trustees of the Garden Bridge Trust may have breached their legal duties. This legal advice found that there is no reasonable prospect of TfL (or DfT) being legally able to either withhold future payments, or recover past payments, and this too has been published online as part of TfL's wider transparency commitment. TfL also described the assessment process to its external auditors EY and taken them through the evidence in detail.

A Transport for London (TfL) spokesperson said: "As part of our continuing commitment to transparency, we have published the final financial breakdown for the Garden Bridge project, on behalf of the Trust, as well as all evidence sought as part of this review.

"We worked to ensure that the cost to the public sector has been kept to a minimum, and having carefully reviewed the Garden Bridge Trust's request, we have now confirmed the final payment legally required under the terms of the underwriting agreement made by the Government. This formally ends our involvement with the project."

All documents published by TfL relating to the Garden Bridge Trust project can be found at <https://tfl.gov.uk/corporate/publications-and-reports/template-footbridge>

Ends

Notes to Editors:

- The final breakdown of public sector funding is below:

TfL	Services in kind, covered under the funding agreement (primarily on securing planning permission, legal fees and TfL internal staff costs) prior to the Trust taking control of the project in November 2015.	£10.67m
	Grant payments as per schedule in the funding agreement	£13.25m
	TOTAL	£23.92m

DfT	Grant payments as per schedule in the funding agreement	£13.45m
	Underwriting agreement (Agreed payment)	£5.00m
	Underwriting agreement (Contingency)	£0.49m
	TOTAL	£18.94m
TOTAL PUBLIC SECTOR FUNDING		£42.86m

• A timeline of TfL's involvement with the project is below:

TfL prepares a briefing note for the then Mayor of London	January 2013
Invitation to Tender for new pedestrian crossing between Temple and Southbank	February 2013
Mini-competition for initial design concepts and consultancy services	April 2013
Mayoral direction on Temple to Southbank footbridge development proposals – https://www.london.gov.uk/decisions/md1248-temple-south-bank-footbridge-development-proposals	September 2013
Public consultation on proposals for a Garden bridge – https://consultations.tfl.gov.uk/rivercrossings/garden-bridge/	November 2013
Planning permission sought	May 2014
Mayoral direction on Garden Bridge proposals – https://www.london.gov.uk/decisions/md1355-garden-bridge-development-proposals	June 2014
Planning permission secured	December 2014
Mayoral Direction on Garden Bridge Guarantees - https://www.london.gov.uk/decisions/md1472-garden-bridge-guarantees	June 2015
Funding agreement between TfL, Garden Bridge Trust and DfT agreed. Project management transfers to Garden Bridge Trust (TfL to act as financial administrator for public sector funding)	July 2015
Internal audit of TfL procurement processes in relation to the project.	August 2015
Garden Bridge Trust award construction contract to Bouygues / Cimolai Joint Venture and inform TfL of their decision (resulting in additional payments as per funding agreement)	February 2016
Report by the GLA Oversight Committee on the Garden bridge design procurement - https://tfl.gov.uk/cdn/static/cms/documents/gla-oversight-garden-bridge-report.pdf	March 2016 (TfL response published May 2016 https://tfl.gov.uk/cdn/static/cms/documents/commissioner-response-gla-oversight-report.pdf)
Further Mayoral Direction on Garden Bridge Guarantees - https://www.london.gov.uk/decisions/md1647-garden-bridge-guarantees	April 2016
Underwriting agreement agreed by DfT to cover potential cancellation costs - https://www.gov.uk/government/publications/garden-bridge-ministerial-direction	May 2016
Mayor of London announces independent review of Garden Bridge project - https://www.london.gov.uk/press-releases/mayoral/review-to-be-conducted-into-garden-bridge-project	September 2016
NAO publish report into investigation of DfT funding of the Garden Bridge project - https://www.nao.org.uk/wp-content/uploads/2016/10/investigation-the-Department-for-Transport-funding-of-the-Garden-Bridge.pdf	October 2016
Margaret Hodge review publishes findings of independent review into the Garden Bridge project - https://www.london.gov.uk/press-releases/mayoral/publication-of-garden-bridge-review	April 2017 (TfL response published in July 2017 - https://tfl.gov.uk/corporate/publications-and-reports/board-papers/2017-board-papers)
Mayoral Direction revoking of approvals in respect of the Garden bridge project https://www.london.gov.uk/decisions/md2120-revoking-approvals-respect-garden-bridge-project	May 2017
Garden Bridge Trust confirm project is now no longer proceeding - https://web.archive.org/web/20171008160342/https://www.gardenbridge.london/news/article/garden-bridge-trust-announces-the-closure-of-the-project	August 2017
TfL completes review of Garden Bridge trusts request for underwriting and confirms final costs towards project	February 2019

IF PRESSED ON THE £20m LOAN ASPECT OF TFL'S FUNDING

"In November 2015, the finance agreement around TfL's £30m apportion of funding towards the Garden Bridge was amended to convert £20m into a loan facility, repayable by the Trust, if called upon. This would have been paid back by the Trust over a 50 year period, starting five years after the construction of the bridge was complete, if the project had proceeded and the loan facility had been triggered. As the project did not proceed, the release of the underwriting payment from DfT funding ends any further financial obligations between TfL and the Garden Bridge Trust."

From: James Ryan

Sent: 12 February 2019 16:49

To: David Bellamy ; Patrick Hennessy ; Sarah Brown ; Nick Bowes ; Jack Stenner ; Leah Kreitzman ; Heidi Alexander ; Tim Steer ; Erica Walker

Cc: transportdesk ; Isabel Collinson

Subject: RE: Garden Bridge - release of information

Thanks David

We're checking that figure.

Please let us know any other comments..

We'll aim to get this out late morning tomorrow.

From: David Bellamy

Sent: 12 February 2019 15:43

To: Patrick Hennessy <[REDACTED]@london.gov.uk>; James Ryan <[REDACTED]@london.gov.uk>; Sarah Brown <[REDACTED]@london.gov.uk>; Nick Bowes <[REDACTED]@london.gov.uk>; Jack Stenner <[REDACTED]@london.gov.uk>; Leah Kreitzman <[REDACTED]@london.gov.uk>; Heidi Alexander <[REDACTED]@london.gov.uk>; Tim Steer <[REDACTED]@london.gov.uk>; Erica Walker <[REDACTED]@london.gov.uk>

Cc: transportdesk <transportdesk@london.gov.uk>

Subject: RE: Garden Bridge - release of information

Tickles from me to press release and Q&A in purple. TfL will want to check the detail on my change re £15m but I'm confident I'm right.

Note I've got other things related to this to read, but haven't done so yet. Will shout if this leads to further changes being needed.

David.

From: Patrick Hennessy

Sent: 12 February 2019 14:58

To: James Ryan <[REDACTED]@london.gov.uk>; Sarah Brown <[REDACTED]@london.gov.uk>; Nick Bowes <[REDACTED]@london.gov.uk>; Jack Stenner <[REDACTED]@london.gov.uk>; Leah Kreitzman <[REDACTED]@london.gov.uk>; Heidi Alexander <[REDACTED]@london.gov.uk>; Tim Steer <[REDACTED]@london.gov.uk>; Erica Walker <[REDACTED]@london.gov.uk>; David Bellamy <[REDACTED]@london.gov.uk>

Cc: transportdesk <transportdesk@london.gov.uk>

Subject: RE: Garden Bridge - release of information

Thanks James....I'm fine with this after minor TICKLES

This should go into the Speak to sadiq brief...ta

From: James Ryan

Sent: 12 February 2019 14:49

To: Patrick Hennessy <[REDACTED]@london.gov.uk>; Sarah Brown <[REDACTED]@london.gov.uk>; Nick Bowes <[REDACTED]@london.gov.uk>; Jack Stenner <[REDACTED]@london.gov.uk>; Leah Kreitzman <[REDACTED]@london.gov.uk>; Heidi Alexander <[REDACTED]@london.gov.uk>; Tim Steer <[REDACTED]@london.gov.uk>; Erica Walker <[REDACTED]@london.gov.uk>; David Bellamy <[REDACTED]@london.gov.uk>

Cc: transportdesk <transportdesk@london.gov.uk>

Subject: RE: Garden Bridge - release of information

Thanks Paddy

I've also drafted a line and small Q&A if we're approached.

Spokesperson for the Mayor -

"Given the array of serious problems that emerged around the Garden Bridge, the Mayor is pleased that TfL is publishing the full breakdown of the project's costs.

"Both the Mayor's correspondence with the Garden Bridge Trust and the findings of Margaret Hodge's independent review revealed considerable concerns about how the project was being managed and the risks to the London taxpayer if it had continued.

"Ever since he took office, Sadiq has always been clear that not a single penny more of London taxpayers' money that he controlled should be spent on the Garden Bridge.

"It was the Department for Transport, not Sadiq, WHICH agreed to provide £9m to underwrite potential cancellation costs, and the Mayor is pleased that TfL have worked to reduce the financial impact of the underwriting costs on the UK taxpayer.

Haven't you agreed to provide an additional £5.5M to the trust, when you said you wouldn't spend a penny more of taxpayers' money?

The Mayor has not given the trust a penny more of funding he controls.

It was the Department for Transport that agreed to provide up to £9m as an underwriting of potential project cancellation costs and liabilities in May 2016.

Sadiq refused to provide this underwriting, so without the Government stepping in, the scheme would have collapsed in summer 2016

TfL has now concluded its review and confirmed that the final amount payable to the Trust is £5.5m – this will come from DfT funding, and include around £500k for future liabilities and contingency. It is around 40 per cent lower than it could have been.

Why did it take a London Assembly legal summons for you to release this information?

Today's announcement is in addition to the information provided to the Assembly under the summons.

As financial administrator for the public sector funding, TfL has spent the last year reviewing the Trust's request for payment under the underwriting agreement, to ensure that the final cost to the public purse is kept to a minimum. The review has assessed the request in detail to ensure that any payment to a third party under the agreement is fully justified.

TfL has now concluded its review and confirmed that the final amount payable to the Trust is £5.5m – this will come from DfT funding, and include around £500k for future liabilities and contingency. It is around 40 per cent lower than it could have been.

What is the overall cost to the taxpayer?

The final public sector spend will be around £43m – split between £24m from TfL and £19m from the DfT.

But didn't you change your mind on the project?

The Mayor has always said he would not agree to any more of London taxpayers' money being spent on the Garden Bridge. Following correspondents with the Garden Bridge Trust and looking at the detail at Margaret Hodge's independent review, the Mayor's view was that continuing with the project would have exposed the London taxpayer to too much additional financial risk.

Many outstanding issues remained unresolved - with at least a £70M shortfall in construction costs, and the Garden Bridge Trust still not having settled on a final plan for funding ongoing operation and maintenance of a completed bridge.

What were the further risks?

I'VE CHANGED ALL THE TENSES HERE...RIGHTLY I THINK?

Further risks to the taxpayer would have included –

- Agreement WAS NOT reached with Coin Street on the South Bank, with this delaying the necessary formal decision making
- Capital costs continued to spiral around the Bridge's construction. The project *REMOVE* has *REMOVE recently* lost two donors, and costs WERE estimated to exceed £200M.
- There WAS a real risk of judicial reviews if the project proceeded
- If the project proceeded, but the Trust could not repay the loan, then the public sector contribution to the project would HAVE BEEN £60m, plus the ongoing operation and maintenance guarantee
- *REMOVE The Trust DID NOT SETTLE on a plan for funding ongoing operation and maintenance of a completed bridge. *
- Agreeing the guarantees would HAVE imperiled the necessary creation of an endowment fund for operational and maintenance costs - it is not clear why anyone would HAVE WISHED to contribute to an endowment fund IF the Mayor had committed the public sector to guarantee to meet these costs *REMOVE the ongoing operation and maintenance costs of the Garden Bridge*

From: Patrick Hennessy

Sent: 12 February 2019 14:43

To: James Ryan <[REDACTED]@london.gov.uk>; Sarah Brown <[REDACTED]@london.gov.uk>; Nick Bowes <[REDACTED]@london.gov.uk>; Jack Stenner <[REDACTED]@london.gov.uk>; Leah Kreitzman <[REDACTED]@london.gov.uk>; Heidi Alexander <[REDACTED]@london.gov.uk>; Tim Steer <[REDACTED]@london.gov.uk>; Erica Walker <[REDACTED]@london.gov.uk>; David Bellamy <[REDACTED]@london.gov.uk>

Cc: transportdesk <transportdesk@london.gov.uk>

Subject: RE: Garden Bridge - release of information

Some suggested TICKLES

It also badly needs paragraphs, which I have put in.

From: James Ryan

Sent: 12 February 2019 11:20

To: Patrick Hennessy <[REDACTED]@london.gov.uk>; Sarah Brown <[REDACTED]@london.gov.uk>; Nick Bowes <[REDACTED]@london.gov.uk>; Jack Stenner <[REDACTED]@london.gov.uk>; Leah Kreitzman <[REDACTED]@london.gov.uk>; Heidi Alexander <[REDACTED]@london.gov.uk>; Tim Steer <[REDACTED]@london.gov.uk>; Erica Walker <[REDACTED]@london.gov.uk>; David Bellamy <[REDACTED]@london.gov.uk>

Cc: transportdesk <transportdesk@london.gov.uk>

Subject: Garden Bridge - release of information

Dear all,

In order for TfL to get the material out before they are legally required to send it to the London Assembly, they need to do a release by the end of tomorrow.

The release is meant to be quite factual in style, but also making it clear that the £5M underwriting money is coming from DfT funds, not TfL.

Let us know thoughts on this.

We'll draft a reactive SK line too.

I imagine the headline will be confirming that over £50M was spent on the project.

James

Transport for London publishes detailed final cost of the Garden Bridge project

- Breakdown of Garden Bridge Trust's expenditure sets out all costs incurred by the project.
- Detailed review of final underwriting request sees final DfT-funded figure reduced by around 40 per cent compared to the original limit.
- Full, substantially unredacted documents relating to underwriting agreement now published online as part of TfL's continued commitment to transparency

Transport for London (TfL) has today confirmed the final public sector cost of the Garden Bridge project, following the conclusion of its review of the underwriting request from the Garden Bridge Trust.

In August 2017, the Garden Bridge Trust, which since November 2015 was fully responsible for the construction and management of the project, confirmed to TfL and the Mayor of London that the project would no longer be progressing. TfL has now published a detailed breakdown of the Trust's final expenditure on the project, which shows a total of almost £53.5m was spent on the project.

As confirmed in July 2015 under the previous Mayor of London, up to £60m of public funding was made available to the Trust, apportioned as £30m each from TfL and the Department for Transport (DfT). Approximately £37m of this funding was paid to the Trust in a series of grant payments tied to specific funding conditions.

In May 2016, the Secretary of State for Transport at the time agreed that up to £15m *REMOVE £9m* of the remaining balance of public funding would be available to fund expenditure linked to the closure of the project, should it not proceed. [The Government subsequently extended this underwrite, but reduced it to a maximum of £9m.](#) Any payments related to this would come from the DfT's part of the funding, after the current Mayor stated TfL would not contribute towards the underwriting [or the project more generally](#), from its funding allocation.

As financial administrator for the public sector funding, TfL has spent the last year reviewing the Trust's request for payment under the underwriting agreement, to ensure that the final cost to the public purse is kept to a minimum. The review has assessed the request in detail to ensure that any payment to a third party under the agreement is fully justified.

TfL has now concluded its review and confirmed that the final amount payable to the Trust is £5.5m – this will come from DfT funding, and include around £500k for future liabilities and contingency [associated with the formal wind-up of the Trust in accordance with Charity Commission requirements.](#) It is around 40 per cent lower than it could have been. This also means the final public sector spend will be around £43m – split between £24m from TfL and £19m from the DfT.

The Trust now has 120 days to request additional funding from the £500k contingency, and TfL will continue to review any request that is made by the Trust during this time. Following the 120 days, any contingency funds remaining will be returned to the DfT, and any future requests rising from additional financial liability will only be considered if they arise from events outside of the Trust's control **FULL STOP**

All documents and assessments relating to the review of the underwriting have today been published online, as part of TfL's continuing commitment to transparency. These documents include a full line-by-line breakdown of all expenditure on the project and the final breakdown of what the underwriting will be used for. TfL has also written to the Trust to confirm that it has formally ended its involvement with the project.

As part of the review of the assessment, TfL also sought independent legal advice [from a leading QC](#), following concerns raised about whether the Trustees of the Garden Bridge Trust may have breached their legal duties. This legal advice found that there is no reasonable prospect of TfL (or DfT) being legally able to either withhold future payments, or recover past payments, and has also been published online as part of TfL's wider transparency commitment. TfL also outlined the process to its external auditors EY, who have XXXXX.

A Transport for London (TfL) spokesperson said: "As part of our continuing commitment to transparency, we have published the final financial breakdown for the Garden Bridge project, on behalf of the Trust, as well as all evidence sought as part of this review.

"We worked to ensure that the cost to the public sector has been kept to a minimum, and having carefully reviewed the Garden Bridge Trust's request, we have now confirmed the final payment [legally required](#) *REMOVE due* under the terms of the underwriting agreement made by the Government. This formally ends our involvement with the project."

All documents published by TfL relating to the Garden Bridge Trust project can be found at <https://tfl.gov.uk/corporate/publications-and-reports/temple-footbridge>

Ends

Notes to Editors:

- The final breakdown of public sector funding is below:

TfL	Services in kind, covered under the funding agreement (primarily on securing planning permission, legal fees and TfL internal staff costs) prior to the Trust taking control of the project in November 2015.	£10.67m
	Grant payments as per schedule in the funding agreement	£13.25m
	TOTAL	£23.92m
DfT	Grant payments as per schedule in the funding agreement	£13.45m
	Underwriting agreement (Agreed payment)	£5.00m
	Underwriting agreement (Contingency)	£0.49m
	TOTAL	£18.94m
TOTAL PUBLIC SECTOR FUNDING		£42.86m

- A timeline of TfL's involvement with the project is below:

First discussion of the project at City Hall Mayoral meeting	December 2012
Invitation to Tender for new pedestrian crossing between Temple and Southbank	February 2013
Mini-competition for initial design concepts and consultancy services	April 2013
Mayoral direction on Temple to Southbank footbridge development proposals – https://www.london.gov.uk/decisions/md1248-temple-south-bank-footbridge-development-proposals	September 2013
Public consultation on proposals for a Garden bridge – https://consultations.tfl.gov.uk/rivercrossings/garden-bridge/	November 2013
Planning permission sought	May 2014

Mayoral direction on Garden Bridge proposals – https://www.london.gov.uk/decisions/md1355-garden-bridge-development-proposals	June 2014
Planning permission secured	December 2014
Mayoral Direction on Garden Bridge Guarantees - https://www.london.gov.uk/decisions/md1472-garden-bridge-guarantees	June 2015
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IF PRESSED ON THE £20m LOAN ASPECT OF TfL'S FUNDING

"In November 2015, the finance agreement around TfL's £30m apportion of funding towards the Garden Bridge was amended to convert £20m into a loan facility, repayable by the Trust, if called upon. This would have been paid back by the Trust over a 50 year period, starting five years after the construction of the bridge was complete, if the project had proceeded and the loan facility had been triggered. As the project did not proceed, the release of the underwriting payment from DfT funding ends any further financial obligations between TfL and the Garden Bridge Trust."

James Ryan

Senior Press Officer

Mayor of London's Press Office



From: James Ryan
To: David Bellamy; Alexander Heidi; Patrick Hennessy; Sarah Brown; Nick Bowes; Jack Stenner; Leah Kreitzman; Steer Tim; Erica Walker
Cc: transport desk; Isabel Collinson
Subject: RE: Garden Bridge - release of information
Date: 13 February 2019 12:17:19
Attachments: image002.png

See below for info. Even the whiff-whaff never happened.

				progress.	
Lisa & Lance West	Donor	Repayment of auction bid "table tennis with Boris"	3,200	Prize not delivered, contractual obligation to repay.	Accepted
Lawrence Sword	Donor	Repayment of auction bid "breakfast on the bridge"	2,200	Prize not delivered, contractual obligation to repay.	Accepted

From: James Ryan

Sent: 13 February 2019 12:00

To: David Bellamy; Heidi Alexander; Patrick Hennessy; Sarah Brown; Nick Bowes; Jack Stenner; Leah Kreitzman; Tim Steer; Erica Walker

Cc: transportdesk; Isabel Collinson

Subject: RE: Garden Bridge - release of information



BREAKING LBC Breaking [Verified account @lbcbreaking 10m10 minutes ago](#)

More
Transport for London has revealed almost £53.5million was spent on the Garden Bridge project, which was cancelled due to spiralling costs.

From: James Ryan

Sent: 13 February 2019 08:07

To: David Bellamy <[redacted]@london.gov.uk>; Heidi Alexander <[redacted]@london.gov.uk>; Patrick Hennessy <[redacted]@london.gov.uk>; Sarah Brown <[redacted]@london.gov.uk>; Nick Bowes <[redacted]@london.gov.uk>; Jack Stenner <[redacted]@london.gov.uk>; Leah Kreitzman <[redacted]@london.gov.uk>; Tim Steer <[redacted]@london.gov.uk>; Erica Walker <[redacted]@london.gov.uk>

Cc: transportdesk <transportdesk@london.gov.uk>; Isabel Collinson <[redacted]@london.gov.uk>

Subject: RE: Garden Bridge - release of information

Thanks David, I've also tweaked our lines on the underwriting to match.

So hopefully, all the below is now fine.

Spokesperson for the Mayor -

"Given the array of serious problems that emerged around the Garden Bridge, the Mayor is pleased that TfL is publishing the full breakdown of the project's costs.

"Both the Mayor's correspondence with the Garden Bridge Trust and the findings of Margaret Hodge's independent review revealed considerable concerns about how the project was being managed and the risks to the London taxpayer if it had continued.

"Ever since he took office, Sadiq has always been clear that not a single penny more of London taxpayers' money that he controlled should be spent on the Garden Bridge.

"It was the Department for Transport, not Sadiq, which agreed to underwrite potential cancellation costs, and the Mayor is pleased that TfL have worked to reduce the financial impact of the underwriting costs on the UK taxpayer.

Haven't you agreed to provide an additional £5.5M to the trust, when you said you wouldn't spend a penny more of taxpayers' money?

The Mayor has not given the trust a penny more of funding he controls.

It was the Department for Transport that agreed to provide up to £9m (initially £15M) as an underwriting of potential project cancellation costs and liabilities in 2016. Sadiq refused to provide this underwriting, so without the Government stepping in, the scheme would have collapsed in summer 2016.

TfL has now concluded its review and confirmed that the final amount payable to the Trust is £5.5m – this will come from DfT funding, and include around £500k for future liabilities and contingency. It is around 40 per cent lower than it could have been.

Why did it take a London Assembly legal summons for you to release this information?

Today's announcement is in addition to the information provided to the Assembly under the summons.

As financial administrator for the public sector funding, TfL has spent the last year reviewing the Trust's request for payment under the underwriting agreement, to ensure that the final cost to the public purse is kept to a minimum. The review has assessed the request in detail to ensure that any payment to a third party under the agreement is fully justified.

TfL has now concluded its review and confirmed that the final amount payable to the Trust is £5.5m – this will come from DfT funding, and include around £500k for future liabilities and contingency. It is around 40 per cent lower than it could have been.

What is the overall cost to the taxpayer?

The final public sector spend will be around £43m – split between £24m from TfL and £19m from the DfT.

But didn't you change your mind on the project?

The Mayor has always said he would not agree to any more of London taxpayers' money being spent on the Garden Bridge. Following correspondents with the Garden Bridge Trust and looking at the detail at Margaret Hodge's independent review, the Mayor's view was that continuing with the project would have exposed the London taxpayer to too much additional financial risk.

Many outstanding issues remained unresolved - with at least a £70M shortfall in construction costs, and the Garden Bridge Trust still not having settled on a final plan for funding ongoing operation and maintenance of a completed bridge.

What were the further risks?

Further risks to the taxpayer would have included –

- Agreement was not reached with Coin Street on the South Bank, with this delaying the necessary formal decision making
- Capital costs continued to spiral around the Bridge's construction. The project lost two donors, and costs were estimated to exceed £200M.
- There was a real risk of judicial reviews if the project proceeded
- If the project proceeded, but the Trust could not repay the loan, then the public sector contribution to the project would have been £60m, plus the ongoing operation and maintenance guarantee
- Agreeing the guarantees would have imperilled the necessary creation of an endowment fund for operational and maintenance costs - it is not clear why anyone would have wished to contribute to an endowment fund if the Mayor had committed the public sector to guarantee to meet these costs.

Transport for London publishes detailed final cost of the undelivered Garden Bridge project

- Breakdown of Garden Bridge Trust's expenditure sets out all costs incurred by the project.
- Detailed review of final underwriting request sees final DfT-funded figure reduced by around 40 per cent compared to the original limit.
- Full, substantially unredacted documents relating to underwriting agreement now published online as part of TfL's continued commitment to transparency

Transport for London (TfL) has today confirmed the final public sector cost of the Garden Bridge project, following the conclusion of its review of the underwriting request from the Garden Bridge Trust.

In August 2017, the Garden Bridge Trust, which since November 2015 was fully responsible for the construction and management of the project, confirmed to

TfL and the Mayor of London that the project would no longer be progressing. TfL has now published a detailed breakdown of the Trust's final expenditure on the project, which shows a total of almost £53.5m was spent on the project.

As confirmed in July 2015 under the previous Mayor of London, up to £60m of public funding was made available to the Trust, apportioned as £30m each from TfL and the Department for Transport (DfT). Approximately £37m of this funding was paid to the Trust in a series of grant payments tied to specific funding conditions.

In May 2016, the Secretary of State for Transport at the time agreed that for a limited period of four months up to £15m of the remaining balance of public funding would be available to fund expenditure linked to the closure of the project, should it not proceed. The Government subsequently extended this underwrite, but reduced it to a maximum of £9m. Any payments related to this would come from the DfT's part of the funding, after the current Mayor stated TfL would not contribute towards the underwriting from its funding allocation, or allocate further funds under his control to the project.

As financial administrator for the public sector funding, TfL has spent the last year reviewing the Trust's request for payment under the underwriting agreement, to ensure that the final cost from any part of the public purse is kept to a minimum. The review has assessed the request in detail to ensure that any payment to a third party under the agreement is fully justified.

TfL has now concluded its review and confirmed that the final amount payable to the Trust is £5.5m – this will come from DfT funding, and include around £500k for future liabilities and contingency associated with the formal wind-up of the Trust in accordance with Charity Commission requirements. It is around 40 per cent lower than it could have been. This also means the final public sector spend will be around £43m – split between £24m from TfL and £19m from the DfT.

The Trust now has 120 days to request additional funding from the £500k Government funded contingency, and TfL will continue to review any request that is made by the Trust during this time. Following the 120 days, any contingency funds remaining will be returned to the DfT, and any future requests rising from additional financial liability will only be considered if they arise from events outside of the Trust's control.

All documents and assessments relating to the review of the underwriting have today been published online, as part of TfL's continuing commitment to transparency. These documents include a full line-by-line breakdown of all expenditure on the project and the final breakdown of what the underwriting will be used for. TfL has also written to the Trust to confirm that it has formally ended its involvement with the project.

As part of the review of the assessment, TfL also sought independent legal advice from a leading QC, following concerns raised about whether the Trustees of the Garden Bridge Trust may have breached their legal duties. This legal advice found that there is no reasonable prospect of TfL (or DfT) being legally able to either withhold future payments, or recover past payments, and this too has been published online as part of TfL's wider transparency commitment. TfL also described the assessment process to its external auditors EY and has taken them through the evidence in detail.

A Transport for London (TfL) spokesperson said: "As part of our continuing commitment to transparency, we have published the final financial breakdown for the Garden Bridge project, on behalf of the Trust, as well as all evidence sought as part of this review.

"We worked to ensure that the cost to the public sector has been kept to a minimum, and having carefully reviewed the Garden Bridge Trust's request, we have now confirmed the final payment legally required under the terms of the underwriting agreement made by the Government. This formally ends our involvement with the project."

All documents published by TfL relating to the Garden Bridge Trust project can be found at <https://tfl.gov.uk/corporate/publications-and-reports/temple-footbridge>

Ends

Notes to Editors:

- The final breakdown of public sector funding is below:

TfL	Services in kind, covered under the funding agreement (primarily on securing planning permission, legal fees and TfL internal staff costs) prior to the Trust taking control of the project in November 2015.	£10.67m
	Grant payments as per schedule in the funding agreement	£13.25m
	TOTAL	£23.92m
DfT	Grant payments as per schedule in the funding agreement	£13.45m
	Underwriting agreement (Agreed payment)	£5.00m
	Underwriting agreement (Contingency)	£0.49m
	TOTAL	£18.94m
TOTAL PUBLIC SECTOR FUNDING		£42.86m

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IF PRESSED ON THE £20m LOAN ASPECT OF TFL'S FUNDING

"In November 2015, the finance agreement around TfL's £30m apportion of funding towards the Garden Bridge was amended to convert £20m into a loan facility, repayable by the Trust, if called upon. This would have been paid back by the Trust over a 50 year period, starting five years after the construction of the bridge was complete, if the project had proceeded and the loan facility had been triggered. As the project did not proceed, the release of the underwriting payment from DfT funding ends any further financial obligations between TfL and the Garden Bridge Trust."

From: David Bellamy

Sent: 13 February 2019 07:55

To: Heidi Alexander <[REDACTED]@london.gov.uk>; James Ryan <[REDACTED]@london.gov.uk>; Patrick Hennessy <[REDACTED]@london.gov.uk>; Sarah Brown <[REDACTED]@london.gov.uk>; Nick Bowes <[REDACTED]@london.gov.uk>; Jack Stenner <[REDACTED]@london.gov.uk>; Leah Kreitzman <[REDACTED]@london.gov.uk>; Tim Steer <[REDACTED]@london.gov.uk>; Erica Walker <[REDACTED]@london.gov.uk>

Cc: transportdesk <transportdesk@london.gov.uk>; Isabel Collinson <[REDACTED]@london.gov.uk>

Subject: Re: Garden Bridge - release of information

Thanks. Two changes from me below - the substantive one clarifying something I wrote yesterday (apols).

Looks good now, I will read the supporting letters etc in the next hour or two.

D.

Sent from my BlackBerry 10 smartphone on the O2 network.

From: Heidi Alexander

Sent: Tuesday, 12 February 2019 21:24

To: James Ryan; David Bellamy; Patrick Hennessy; Sarah Brown; Nick Bowes; Jack Stenner; Leah Kreitzman; Tim Steer; Erica Walker

Cc: transportdesk; Isabel Collinson

Subject: Re: Garden Bridge - release of information

I've just read this. It looks OK to me but David has been closer to the detail on this than me.

Thanks

H

From: James Ryan <[REDACTED]@london.gov.uk>

Sent: Tuesday, February 12, 2019 17:24

To: David Bellamy; Patrick Hennessy; Sarah Brown; Nick Bowes; Jack Stenner; Leah Kreitzman; Heidi Alexander; Tim Steer; Erica Walker

Cc: transportdesk; Isabel Collinson

Subject: RE: Garden Bridge - release of information

Latest version below David, with feedback to your question in red.

Heidi – please let us have any concerns or comments.

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In May 2016, the Secretary of State for Transport at the time agreed that for a limited period of four months up to £15m of the remaining balance of public funding would be available to fund expenditure linked to the closure of the project, should it not proceed. The Government subsequently extended this underwrite, but reduced it to a maximum of £9m. Any payments related to this would come from the DfT's part of the funding, after the current Mayor stated TfL would not contribute towards the underwriting *REMOVE or the project more generally,* from its funding allocation, OR ALLOCATE FURTHER FUNDS UNDER HIS CONTROL TO THE PROJECT.

As financial administrator for the public sector funding, TfL has spent the last year reviewing the Trust's request for payment under the underwriting agreement, to ensure that the final cost from any part of the public purse is kept to a minimum. The review has assessed the request in detail to ensure that any payment to a third party under the agreement is fully justified.

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From: James Ryan

Sent: 12 February 2019 16:49

To: David Bellamy <[redacted]@london.gov.uk>; Patrick Hennessy <[redacted]@london.gov.uk>; Sarah Brown <[redacted]@london.gov.uk>; Nick Bowes <[redacted]@london.gov.uk>; Jack Stenner <[redacted]@london.gov.uk>; Leah Kreitzman <[redacted]@london.gov.uk>; Heidi Alexander <[redacted]@london.gov.uk>; Tim Steer <[redacted]@london.gov.uk>; Erica Walker <[redacted]@london.gov.uk>

Cc: transportdesk <transportdesk@london.gov.uk>; Isabel Collinson <[redacted]@london.gov.uk>

Subject: RE: Garden Bridge - release of information

Thanks David

We're checking that figure.

Please let us know any other comments.
We'll aim to get this out late morning tomorrow.

From: David Bellamy
Sent: 12 February 2019 15:43
To: Patrick Hennessy <[REDACTED]@london.gov.uk>; James Ryan <[REDACTED]@london.gov.uk>; Sarah Brown <[REDACTED]@london.gov.uk>; Nick Bowes <[REDACTED]@london.gov.uk>; Jack Stenner <[REDACTED]@london.gov.uk>; Leah Kreitzman <[REDACTED]@london.gov.uk>; Heidi Alexander <[REDACTED]@london.gov.uk>; Tim Steer <[REDACTED]@london.gov.uk>; Erica Walker <[REDACTED]@london.gov.uk>
Cc: transportdesk <transportdesk@london.gov.uk>
Subject: RE: Garden Bridge - release of information
Tickles from me to press release and Q&A in purple. TFL will want to check the detail on my change re £15m but I'm confident I'm right.
Note I've got other things related to this to read, but haven't done so yet. Will shout if this leads to further changes being needed.
David.

From: Patrick Hennessy
Sent: 12 February 2019 14:58
To: James Ryan <[REDACTED]@london.gov.uk>; Sarah Brown <[REDACTED]@london.gov.uk>; Nick Bowes <[REDACTED]@london.gov.uk>; Jack Stenner <[REDACTED]@london.gov.uk>; Leah Kreitzman <[REDACTED]@london.gov.uk>; Heidi Alexander <[REDACTED]@london.gov.uk>; Tim Steer <[REDACTED]@london.gov.uk>; Erica Walker <[REDACTED]@london.gov.uk>; David Bellamy <[REDACTED]@london.gov.uk>
Cc: transportdesk <transportdesk@london.gov.uk>
Subject: RE: Garden Bridge - release of information
Thanks James...I'm fine with this after minor TICKLES
This should go into the Speak to Sadiq brief...ta

From: James Ryan
Sent: 12 February 2019 14:49
To: Patrick Hennessy <[REDACTED]@london.gov.uk>; Sarah Brown <[REDACTED]@london.gov.uk>; Nick Bowes <[REDACTED]@london.gov.uk>; Jack Stenner <[REDACTED]@london.gov.uk>; Leah Kreitzman <[REDACTED]@london.gov.uk>; Heidi Alexander <[REDACTED]@london.gov.uk>; Tim Steer <[REDACTED]@london.gov.uk>; Erica Walker <[REDACTED]@london.gov.uk>; David Bellamy <[REDACTED]@london.gov.uk>
Cc: transportdesk <transportdesk@london.gov.uk>
Subject: RE: Garden Bridge - release of information
Thanks Paddy

I've also drafted a line and small Q&A if we're approached.
Spokesperson for the Mayor -
"Given the array of serious problems that emerged around the Garden Bridge, the Mayor is pleased that TfL IS publishing the full breakdown of the project's costs.
"Both the Mayor's correspondence with the Garden Bridge Trust and the findings of Margaret Hodge's independent review revealed considerable concerns about how the project was being managed and the risks to the London taxpayer if it had continued.
"Ever since he took office, Sadiq has always been clear that not a single penny more of London taxpayers' money that he controlled should be spent on the Garden Bridge.
"It was the Department for Transport, not Sadiq, WHICH agreed to provide £9m to underwrite potential cancellation costs, and the Mayor is pleased that TfL have worked to reduce the financial impact of the underwriting costs on the UK taxpayer.
Haven't you agreed to provide an additional £5.5M to the trust, when you said you wouldn't spend a penny more of taxpayers' money?
The Mayor has not given the trust a penny more of funding he controls.
It was the Department for Transport that agreed to provide up to £9m as an underwriting of potential project cancellation costs and liabilities in May 2016. Sadiq refused to provide this underwriting, so without the Government stepping in, the scheme would have collapsed in summer 2016
TfL has now concluded its review and confirmed that the final amount payable to the Trust is £5.5m – this will come from DfT funding, and include around £500k for future liabilities and contingency. It is around 40 per cent lower than it could have been.
Why did it take a London Assembly legal summons for you to release this information?
Today's announcement is in addition to the information provided to the Assembly under the summons.
As financial administrator for the public sector funding, TfL has spent the last year reviewing the Trust's request for payment under the underwriting agreement, to ensure that the final cost to the public purse is kept to a minimum. The review has assessed the request in detail to ensure that any payment to a third party under the agreement is fully justified.
TfL has now concluded its review and confirmed that the final amount payable to the Trust is £5.5m – this will come from DfT funding, and include around £500k for future liabilities and contingency. It is around 40 per cent lower than it could have been.
What is the overall cost to the taxpayer?
The final public sector spend will be around £43m – split between £24m from TfL and £19m from the DfT.
But didn't you change your mind on the project?
The Mayor has always said he would not agree to any more of London taxpayers' money being spent on the Garden Bridge. Following correspondents with the Garden Bridge Trust and looking at the detail at Margaret Hodge's independent review, the Mayor's view was that continuing with the project would have exposed the London taxpayer to too much additional financial risk.
Many outstanding issues remained unresolved - with at least a £70M shortfall in construction costs, and the Garden Bridge Trust still not having settled on a final plan for funding ongoing operation and maintenance of a completed bridge.
What were the further risks?
I'VE CHANGED ALL THE TENSES HERE...RIGHTLY I THINK?
Further risks to the taxpayer would have included –

- Agreement WAS NOT reached with Coin Street on the South Bank, with this delaying the necessary formal decision making
- Capital costs continued to spiral around the Bridge's construction. The project *REMOVE *has* *REMOVE recently* lost two donors, and costs WERE estimated to exceed £200M.
- There WAS a real risk of judicial reviews if the project proceedED
- If the project proceedED, but the Trust could not repay the loan, then the public sector contribution to the project would HAVE beEN £60m, plus the ongoing operation and maintenance guarantee
- *REMOVE The Trust DID NOT SETTLE on a plan for funding ongoing operation and maintenance of a completed bridge. *
- Agreeing the guarantees would HAVE imperILLED the necessary creation of an endowment fund for operational and maintenance costs - it is not clear why anyone would HAVE wishED to contribute to an endowment fund IF the Mayor haD committed the public sector to guarantee to meet these costs *REMOVE the ongoing operation and maintenance costs of the Garden Bridge*

From: Patrick Hennessy
Sent: 12 February 2019 14:43
To: James Ryan <[REDACTED]@london.gov.uk>; Sarah Brown <[REDACTED]@london.gov.uk>; Nick Bowes <[REDACTED]@london.gov.uk>; Jack Stenner <[REDACTED]@london.gov.uk>; Leah Kreitzman <[REDACTED]@london.gov.uk>; Heidi Alexander <[REDACTED]@london.gov.uk>; Tim Steer <[REDACTED]@london.gov.uk>; Erica Walker <[REDACTED]@london.gov.uk>; David Bellamy <[REDACTED]@london.gov.uk>
Cc: transportdesk <transportdesk@london.gov.uk>

Subject: RE: Garden Bridge - release of information
Some suggested TICKLES
It also badly needs paragraphs, which I have put in.

From: James Ryan
Sent: 12 February 2019 11:20
To: Patrick Hennessy <[REDACTED]@london.gov.uk>; Sarah Brown <[REDACTED]@london.gov.uk>; Nick Bowes <[REDACTED]@london.gov.uk>; Jack Stenner <[REDACTED]@london.gov.uk>; Leah Kreitzman <[REDACTED]@london.gov.uk>; Heidi Alexander <[REDACTED]@london.gov.uk>; Tim Steer <[REDACTED]@london.gov.uk>; Erica Walker <[REDACTED]@london.gov.uk>; David Bellamy <[REDACTED]@london.gov.uk>
Cc: transportdesk <transportdesk@london.gov.uk>
Subject: Garden Bridge - release of information

Dear all,
In order for TfL to get the material out before they are legally required to send it to the London Assembly, they need to do a release by the end of tomorrow. The release is meant to be quite factual in style, but also making it clear that the £5M underwriting money is coming from DfT funds, not TfL. Let us know thoughts on this.
We'll draft a reactive SK line too.
I imagine the headline will be confirming that over £50M was spent on the project.

James

Transport for London publishes detailed final cost of the Garden Bridge project

- Breakdown of Garden Bridge Trust's expenditure sets out all costs incurred by the project.
- Detailed review of final underwriting request sees final DfT-funded figure reduced by around 40 per cent compared to the original limit.
- Full, substantially unredacted documents relating to underwriting agreement now published online as part of TfL's continued commitment to transparency

Transport for London (TfL) has today confirmed the final public sector cost of the Garden Bridge project, following the conclusion of its review of the underwriting request from the Garden Bridge Trust.

In August 2017, the Garden Bridge Trust, which since November 2015 was fully responsible for the construction and management of the project, confirmed to TfL and the Mayor of London that the project would no longer be progressing. TfL has now published a detailed breakdown of the Trust's final expenditure on the project, which shows a total of almost £53.5m was spent on the project.

As confirmed in July 2015 under the previous Mayor of London, up to £60m of public funding was made available to the Trust, apportioned as £30m each from TfL and the Department for Transport (DfT). Approximately £37m of this funding was paid to the Trust in a series of grant payments tied to specific funding conditions.

In May 2016, the Secretary of State for Transport at the time agreed that up to £15m *REMOVE £9m* of the remaining balance of public funding would be available to fund expenditure linked to the closure of the project, should it not proceed. [The Government subsequently extended this underwrite, but reduced it to a maximum of £9m.](#) Any payments related to this would come from the DfT's part of the funding, after the current Mayor stated TfL would not contribute towards the underwriting [or the project more generally](#), from its funding allocation.

As financial administrator for the public sector funding, TfL has spent the last year reviewing the Trust's request for payment under the underwriting agreement, to ensure that the final cost to the public purse is kept to a minimum. The review has assessed the request in detail to ensure that any payment to a third party under the agreement is fully justified.

TfL has now concluded its review and confirmed that the final amount payable to the Trust is £5.5m – this will come from DfT funding, and include around £500k for future liabilities and contingency [associated with the formal wind-up of the Trust in accordance with Charity Commission requirements](#). It is around 40 per cent lower than it could have been. This also means the final public sector spend will be around £43m – split between £24m from TfL and £19m from the DfT.

The Trust now has 120 days to request additional funding from the £500k contingency, and TfL will continue to review any request that is made by the Trust during this time. Following the 120 days, any contingency funds remaining will be returned to the DfT, and any future requests rising from additional financial liability will only be considered if they arise from events outside of the Trust's control **FULL STOP**

All documents and assessments relating to the review of the underwriting have today been published online, as part of TfL's continuing commitment to transparency. These documents include a full line-by-line breakdown of all expenditure on the project and the final breakdown of what the underwriting will be used for. TfL has also written to the Trust to confirm that it has formally ended its involvement with the project.

As part of the review of the assessment, TfL also sought independent legal advice [from a leading QC](#), following concerns raised about whether the Trustees of the Garden Bridge Trust may have breached their legal duties. This legal advice found that there is no reasonable prospect of TfL (or DfT) being legally able to either withhold future payments, or recover past payments, and has also been published online as part of TfL's wider transparency commitment. TfL also outlined the process to its external auditors EY, who have XXXXX.

A Transport for London (TfL) spokesperson said: "As part of our continuing commitment to transparency, we have published the final financial breakdown for the Garden Bridge project, on behalf of the Trust, as well as all evidence sought as part of this review.

"We worked to ensure that the cost to the public sector has been kept to a minimum, and having carefully reviewed the Garden Bridge Trust's request, we have now confirmed the final payment [legally required *REMOVE due*](#) under the terms of the underwriting agreement made by the Government. This formally ends our involvement with the project."

All documents published by TfL relating to the Garden Bridge Trust project can be found at <https://tfl.gov.uk/corporate/publications-and-reports/temple-footbridge>

Ends

Notes to Editors:

- The final breakdown of public sector funding is below:

TfL	Services in kind, covered under the funding agreement (primarily on securing planning permission, legal fees and TfL internal staff costs) prior to the Trust taking control of the project in November 2015.	£10.67m
	Grant payments as per schedule in the funding agreement	£13.25m
	TOTAL	£23.92m
DfT	Grant payments as per schedule in the funding agreement	£13.45m

	Underwriting agreement (Agreed payment)	£5.00m
	Underwriting agreement (Contingency)	£0.49m
	TOTAL	£18.94m
TOTAL PUBLIC SECTOR FUNDING		£42.86m

• A timeline of TfL's involvement with the project is below:

First discussion of the project at City Hall Mayoral meeting	December 2012
Invitation to Tender for new pedestrian crossing between Temple and Southbank	February 2013
Mini-competition for initial design concepts and consultancy services	April 2013
Mayoral direction on Temple to Southbank footbridge development proposals – https://www.london.gov.uk/decisions/md1248-temple-south-bank-footbridge-development-proposals	September 2013
Public consultation on proposals for a Garden bridge – https://consultations.tfl.gov.uk/rivercrossings/garden-bridge/	November 2013
Planning permission sought	May 2014
Mayoral direction on Garden Bridge proposals – https://www.london.gov.uk/decisions/md1355-garden-bridge-development-proposals	June 2014
Planning permission secured	December 2014
Mayoral Direction on Garden Bridge Guarantees - https://www.london.gov.uk/decisions/md1472-garden-bridge-guarantees	June 2015
Funding agreement between TfL, Garden Bridge Trust and DfT agreed. Project management transfers to Garden Bridge Trust (TfL to act as financial administrator for public sector funding)	July 2015
Internal audit of TfL procurement processes in relation to the project.	September 2015
Garden Bridge Trust award construction contract to Bouygues / Cimolai Joint Venture and inform TfL of their decision (resulting in additional payments as per funding agreement)	February 2016
Report by the GLA Oversight Committee on the Garden bridge design procurement - https://tfl.gov.uk/cdn/static/cms/documents/gla-oversight-garden-bridge-report.pdf	March 2016 (TfL response published May 2016 https://tfl.gov.uk/cdn/static/cms/documents/commissioner-response-gla-oversight-report.pdf)
Further Mayoral Direction on Garden Bridge Guarantees - https://www.london.gov.uk/decisions/md1647-garden-bridge-guarantees	April 2016
Underwriting agreement agreed by DfT to cover potential cancellation costs - https://www.gov.uk/government/publications/garden-bridge-ministerial-direction	May 2016
Mayor of London announces independent review of Garden Bridge project - https://www.london.gov.uk/press-releases/mayoral/review-to-be-conducted-into-garden-bridge-project	September 2016
NAO publish report into investigation of DfT funding of the Garden Bridge project - https://www.nao.org.uk/wp-content/uploads/2016/10/Investigation-the-Department-for-Transport-funding-of-the-Garden-Bridge.pdf	October 2016
Margaret Hodge review publishes findings of independent review into the Garden Bridge project - https://www.london.gov.uk/press-releases/mayoral/publication-of-garden-bridge-review	April 2017 (TfL response published in July 2017 - https://tfl.gov.uk/corporate/publications-and-reports/board-papers/2017-board-papers)
Mayoral Direction revoking of approvals in respect of the Garden bridge project https://www.london.gov.uk/decisions/md2120-revoking-approvals-respect-garden-bridge-project	May 2017
Garden Bridge Trust confirm project is now no longer proceeding - https://web.archive.org/web/20171008160342/https://www.gardenbridge.london/news/article/garden-bridge-trust-announces-the-closure-of-the-project	August 2017
TfL completes review of Garden Bridge trusts request for underwriting and confirms final costs towards project	February 2019

IF PRESSED ON THE £20m LOAN ASPECT OF TfL'S FUNDING

"In November 2015, the finance agreement around TfL's £30m apportion of funding towards the Garden Bridge was amended to convert £20m into a loan facility, repayable by the Trust, if called upon. This would have been paid back by the Trust over a 50 year period, starting five years after the construction of the bridge was complete, if the project had proceeded and the loan facility had been triggered. As the project did not proceed, the release of the underwriting payment from DfT funding ends any further financial obligations between TfL and the Garden Bridge Trust."

James Ryan
Senior Press Officer
Mayor of London's Press Office



From: [David Bellamy](#)
To: [James Ryan](#); [Sarah Brown](#); [Nick Bowes](#); [Patrick Hennessy](#); [Jack Stenner](#); [Leah Kreitzman](#); [Alexander Heidi Steer](#); [Tim](#); [Erica Walker](#)
Cc: [transport_desk](#)
Subject: RE: Garden Bridge - Standard
Date: 17 January 2019 12:33:35

I am, thanks.

From: James Ryan
Sent: 17 January 2019 11:56
To: Sarah Brown <[redacted]@london.gov.uk>; Nick Bowes <[redacted]@london.gov.uk>; Patrick Hennessy <[redacted]@london.gov.uk>; Jack Stenner <[redacted]@london.gov.uk>; Leah Kreitzman <[redacted]@london.gov.uk>; Heidi Alexander <[redacted]@london.gov.uk>; Tim Steer <[redacted]@london.gov.uk>; Erica Walker <[redacted]@london.gov.uk>; David Bellamy <[redacted]@london.gov.uk>
Cc: transportdesk <transportdesk@london.gov.uk>
Subject: Re: Garden Bridge - Standard

Thanks. David, please let us know if you're happy.

Get Outlook for iOS <<https://aka.ms/o0ukef>>

From: Sarah Brown <[redacted]@london.gov.uk<[mailto:\[redacted\]@london.gov.uk](mailto:[redacted]@london.gov.uk)>>
Sent: Thursday, January 17, 2019 11:21 am
To: Nick Bowes; James Ryan; Patrick Hennessy; Jack Stenner; Leah Kreitzman; Heidi Alexander; Tim Steer; Erica Walker; David Bellamy
Cc: transportdesk
Subject: RE: Garden Bridge - Standard

And me if DB happy

From: Nick Bowes
Sent: 17 January 2019 11:21
To: James Ryan <[redacted]@london.gov.uk<[mailto:\[redacted\]@london.gov.uk](mailto:[redacted]@london.gov.uk)>>; Patrick Hennessy <[redacted]@london.gov.uk<[mailto:\[redacted\]@london.gov.uk](mailto:[redacted]@london.gov.uk)>>; Sarah Brown <[redacted]@london.gov.uk<[mailto:\[redacted\]@london.gov.uk](mailto:[redacted]@london.gov.uk)>>; Jack Stenner <[redacted]@london.gov.uk<[mailto:\[redacted\]@london.gov.uk](mailto:[redacted]@london.gov.uk)>>; Leah Kreitzman <[redacted]@london.gov.uk<[mailto:\[redacted\]@london.gov.uk](mailto:[redacted]@london.gov.uk)>>; Heidi Alexander <[redacted]@london.gov.uk<[mailto:\[redacted\]@london.gov.uk](mailto:[redacted]@london.gov.uk)>>; Tim Steer <[redacted]@london.gov.uk<[mailto:\[redacted\]@london.gov.uk](mailto:[redacted]@london.gov.uk)>>; Erica Walker <[redacted]@london.gov.uk<[mailto:\[redacted\]@london.gov.uk](mailto:[redacted]@london.gov.uk)>>; David Bellamy <[redacted]@london.gov.uk<[mailto:\[redacted\]@london.gov.uk](mailto:[redacted]@london.gov.uk)>>
Cc: transportdesk <transportdesk@london.gov.uk<<mailto:transportdesk@london.gov.uk>>>
Subject: RE: Garden Bridge - Standard

Fine for me

From: James Ryan
Sent: 17 January 2019 11:17
To: Patrick Hennessy <[redacted]@london.gov.uk<[mailto:\[redacted\]@london.gov.uk](mailto:[redacted]@london.gov.uk)>>; Sarah Brown <[redacted]@london.gov.uk<[mailto:\[redacted\]@london.gov.uk](mailto:[redacted]@london.gov.uk)>>; Nick Bowes <[redacted]@london.gov.uk<[mailto:\[redacted\]@london.gov.uk](mailto:[redacted]@london.gov.uk)>>; Jack Stenner <[redacted]@london.gov.uk<[mailto:\[redacted\]@london.gov.uk](mailto:[redacted]@london.gov.uk)>>; Leah Kreitzman <[redacted]@london.gov.uk<[mailto:\[redacted\]@london.gov.uk](mailto:[redacted]@london.gov.uk)>>; Heidi Alexander <[redacted]@london.gov.uk<[mailto:\[redacted\]@london.gov.uk](mailto:[redacted]@london.gov.uk)>>; Tim Steer <[redacted]@london.gov.uk<[mailto:\[redacted\]@london.gov.uk](mailto:[redacted]@london.gov.uk)>>; Erica Walker <[redacted]@london.gov.uk<[mailto:\[redacted\]@london.gov.uk](mailto:[redacted]@london.gov.uk)>>; David Bellamy <[redacted]@london.gov.uk<[mailto:\[redacted\]@london.gov.uk](mailto:[redacted]@london.gov.uk)>>
Cc: transportdesk <transportdesk@london.gov.uk<<mailto:transportdesk@london.gov.uk>>>

Subject: Garden Bridge - Standard

Hi,

Ben Moore-Bridger from the Standard has asked about the Garden Bridge, in regards to the £5.1 million owed by TfL to the Garden Bridge Trust. He understands the Mayor was seeking legal advice over whether or not that money could be withheld?

I propose TfL go back with the line they have used previously. This OK?

A TfL spokesperson said: "The Garden Bridge Trust has written to TfL with a request for payment under the underwriting agreement, and we continue to review their request."

From: [Alexander Heidi](#)
To: [James Ryan](#); [Sarah Gibson](#); [David Bellamy](#); [Felicity Appleby](#); [Government Relations](#)
Cc: [Jack Stenner](#); [Steer Tim](#)
Subject: Re: Garden Bridge adjournment debate
Date: 28 May 2019 09:25:30

Copy to Tim Steer

From: James Ryan <[REDACTED]@london.gov.uk>
Sent: Friday, March 15, 2019 08:26
To: Sarah Gibson; David Bellamy; Felicity Appleby; Government Relations
Cc: Jack Stenner; Heidi Alexander
Subject: RE: Garden Bridge adjournment debate

Our latest press lines attached Sarah

From: James Ryan
Sent: 15 March 2019 08:21
To: Sarah Gibson & [REDACTED]@london.gov.uk; David Bellamy & [REDACTED]@london.gov.uk; Felicity Appleby & [REDACTED]@london.gov.uk; Government Relations & GovernmentRelations@london.gov.uk
Cc: Jack Stenner & [REDACTED]@london.gov.uk; Heidi Alexander & [REDACTED]@london.gov.uk
Subject: RE: Garden Bridge adjournment debate

I'll send you our latest press lines shortly, if that helps.

From: Sarah Gibson
Sent: 15 March 2019 08:16
To: David Bellamy & [REDACTED]@london.gov.uk <[mailto:\[REDACTED\]@london.gov.uk](mailto:[REDACTED]@london.gov.uk)>; Felicity Appleby & [REDACTED]@london.gov.uk <[mailto:\[REDACTED\]@london.gov.uk](mailto:[REDACTED]@london.gov.uk)>; Government Relations & GovernmentRelations@london.gov.uk <<mailto:GovernmentRelations@london.gov.uk>>;
Cc: Jack Stenner & [REDACTED]@london.gov.uk <[mailto:\[REDACTED\]@london.gov.uk](mailto:[REDACTED]@london.gov.uk)>; Heidi Alexander & [REDACTED]@london.gov.uk <[mailto:\[REDACTED\]@london.gov.uk](mailto:[REDACTED]@london.gov.uk)>; James Ryan & [REDACTED]@london.gov.uk <[mailto:\[REDACTED\]@london.gov.uk](mailto:[REDACTED]@london.gov.uk)>;
Subject: Re: Garden Bridge adjournment debate

We have not briefed her but we will. We flagged with TfL but they were inclined to steer clear. We will call her office this morning to see what she has and send over additional info she can use that we will clear with you. I am not sure who might be best placed to provide this in city hall - pls can you advise. Thanks, sarah

Get Outlook for iOS <<https://aka.ms/o0ukef>>

From: David Bellamy & [REDACTED]@london.gov.uk <[mailto:\[REDACTED\]@london.gov.uk](mailto:[REDACTED]@london.gov.uk)>;
Sent: Friday, March 15, 2019 8:46 am
To: Felicity Appleby; Government Relations
Cc: Jack Stenner; Heidi Alexander; James Ryan
Subject: Garden Bridge adjournment debate

Hi,

I see Rupa Huq has an adjournment debate on 'funding for the Garden Bridge' today. Have we briefed her on this and if not, can we do so?

Thanks,

David.

Sent from my BlackBerry 10 smartphone on the O2 network.

From: [James Ryan](#)
To: [Uma Kumaran](#); [Hart Sam](#); [Sarah Brown](#)
Cc: [Claire Hamilton](#); [Alexander Heidi](#)
Subject: RE: Garden Bridge Q&A - latest cleared
Date: 18 July 2018 10:51:02

Thanks

From: Uma Kumaran
Sent: 18 July 2018 10:50
To: James Ryan ; Samantha Hart ; Sarah Brown
Cc: Claire Hamilton ; Heidi Alexander
Subject: Garden Bridge Q&A - latest cleared
Sending over FYI

Best

Uma

Garden Bridge Q&A

Cleared by Legal and David B. Lines as of 18/07 10.45am

Q: Does the Mayor expect to get a line-by-line account of the Garden Bridge Trust's expenditure, as promised by its Chair?

Answer

TfL has already published a detailed breakdown of the money it spent on the project.

I have been clear that I expect to see full transparency from the Trust before any final payment should be made to them against the DfT's underwriting of cancellation costs.

If pressed on what these costs were for:

Planning permission had been secured and the bridge's design was fully developed to the point where construction could begin – that requires detailed work which involves cost.

The Trust also drew upon specialist legal, planning and property advice to support its work with the local authorities and interested landowners.

Q: Will the Mayor publish those details?

Answer

Yes.

I have always been clear that there needs to be more transparency on this project. I have been clear that I expect to see full transparency from the Trust before any final payment should be made to them against the DfT's underwriting of cancellation costs.

It is through my intervention that TfL has extracted and published more detail about the money the Garden Bridge Trust has spent on the project, as well as the minutes of the Trust's Board meetings that show how the project was managed.

Q: Is there any hope of Transport for London getting back any of the money?

Answer

The Garden Bridge Trust is responsible for the money spent on the project so far. This money cannot be recovered because it has already been spent.

The only outstanding issue is the cost of the DfT's underwriting – TfL will ensure this is only paid in accordance with the existing legal agreements.

Q: Will you take legal action to recover money wasted by the Garden Bridge Trust?

Answer

The taxpayer has already spent a lot of money on this project. I would only consider spending money on legal action if it was clear this would be in taxpayers' best interests.

Q: How big will the claim on the underwriting be, and what do you expect will be the final cost to the public purse?

Answer

Approximately £37m of public money has been spent by the Garden Bridge Trust. Central Government took the decision last year to provide an underwriting of up to £9m of the Trust's cancellation costs if the project were to come to an end – taking the total potential exposure to £46m. Until the Trust submit their claim against the

underwriting and TfL reviews this, we don't know what the final cost will be.

If pressed:

Approximately £24m of the current public spend has come from TfL, with the remainder from the DfT.

Q: Why hasn't the Trust submitted its claim on the underwriting yet?

Answer

Under the terms of the contract signed under the previous Mayor, the Trust can only submit one final claim against the underwriting. They are working to produce this.

If pressed on when this will happen:

That's a matter for the Trust. They have creditors to pay so it's in their interest to submit a claim as quickly as possible.

Q: Isn't it your fault that the project ran on for so long, wasting even more taxpayers' money?

Answer

I was always clear on my position: I supported the idea of the bridge but was not prepared to spend any more taxpayers' money that I controlled on the project.

I declined to provide the underwriting requested in the weeks after my election.

If the Government had taken the same decision, it is likely the project would have stopped soon after -- though we never can know for sure. What happened was the Government provided the underwrite, which enabled the project to continue and may cost them up to £9m.

Q: Will you ensure the Trust provides a detailed breakdown of all expenditure on the project?

Answer

TfL has already published a detailed breakdown of the money it spent on the project. I have been clear that I expect to see full transparency from the Trust before any final payment should be made to them against the DfT's underwriting of cancellation costs.

If pressed on what these costs were for:

Planning permission had been secured and the bridge's design was fully developed to the point where construction could begin – that requires detailed work which involves cost. The Trust also drew upon specialist legal, planning and property advice to support its work with the local authorities and interested landowners.

Q: Will you ensure TfL provides a clear explanation of why they decided to release £7m to the Trust in February 2016 despite the Trust's Board minutes showing TfL had concerns about doing so only two months earlier?

Answer

The Trust made a formal request to draw down funding against its agreement with TfL after the Trust awarded the main construction contract for the project in early 2016. TfL did not approve the signing of the contract, nor was it required to do so.

TfL determined that the Trust had met the conditions of payment. This assessment was made by TfL's then Managing Director of Planning and was informed by discussions with colleagues from across the organisation and based on TfL's knowledge and scrutiny of the project as well as evidence presented by the Garden Bridge Trust.

The minutes of the Garden Bridge Trust Board meetings were produced entirely by the Trust. TfL was not involved in writing or approving any of the content.

Q: Do you agree that the Charity Commission and the police should investigate allegations that the Garden Bridge Trust misled TfL in the evidence they supplied when requesting this money?

Answer

TfL was watching this project very closely, and their assessment that the Trust had met the conditions of payment was made based on their knowledge and scrutiny of the project as well as evidence presented by the Garden Bridge Trust.

The Charity Commission has already carried out an in-depth review of the Garden Bridge Trust - which returned a clean bill of health on how the charity was being run - and I have yet to see any evidence that would suggest any sort of criminal or fraudulent activity.

Q: Will you ensure that TfL publishes unredacted sets of the Trust's Board minutes once the charity has been wound up?

Answer

The Trust applied some redactions to the minutes, for reasons that are set out in the covering letter that TfL has also published. TfL reviewed these redactions and considered them appropriate.

Q: Will you ask the Charity Commission to take action to force the Garden Bridge Trust to submit their accounts,

which are now months overdue?

Answer

Assembly Member Copley has raised these concerns with me before and I agree that all charities should file their accounts on time.

I understand that the Charity Commission has been in discussions with the Garden Bridge Trust about the winding up of the charity and the filing of their accounts, and that the Commission has received an initial set of accounts from the Trust. The Commission is very aware of the situation and it is up to them whether to take further action.

Q: Do you support the calls for a public inquiry into the project?

Answer

Scrutiny of the Garden Bridge project – through Dame Margaret’s review but also comprehensive work done by the Assembly, the Charity Commission and others - has highlighted a number of shortcomings with the project. Some of these are specific to the project and some have a wider application.

I have made sure that a lot of work has been done at TfL to respond to specific issues and improve systems, and the other functional bodies and the GLA have followed that activity from their own perspectives.

We must set and follow high standards, and I have already taken action to ensure the whole GLA family has learnt lessons from the Garden Bridge. At this stage I do not see the benefit in a public inquiry on top of the extensive scrutiny that has already taken place.

Q: What governance checks and balances have been put in place to ensure a situation like this could never arise again?

Answer

We must set and follow high standards, and I have already taken action to ensure the whole GLA family has learnt lessons from the Garden Bridge.

I have made sure that a lot of work has been done at TfL to respond to specific issues and improve their systems.

This was summarised in a paper that was considered by the TfL Board in July 2017, and includes strengthened processes, training and guidance for all staff involved in procurement; a new Board and Committee structure that reduces the use of delegated authority and looks more closely at Mayoral Directions; and improved record-keeping for informal meetings with me and my team so that decisions are properly minuted.

The other functional bodies and the GLA have followed that activity from their own perspectives.

Q: Are you confident that there aren’t current employees at TfL who have questions to answer about their role in this scandal?

Answer

Yes. TfL cooperated fully and openly in the review the Dame Margaret Hodge carried out for me, with a number of current and former employees answering her detailed questions and providing evidence. The GLA has published the transcripts of all those sessions and the other interviews that Dame Margaret conducted for her review.

Q: How will you stop there being a revolving door between TfL and the private sector?

Answer

I know that officers have discussed this with the Assembly Oversight Committee. Ultimately, we can't prevent people moving to another organisation -- that would be restraint of trade. What we can do is ensure that when someone resigns, they don't continue to work on something relevant to their new employer. And they must abide by the confidentiality clause in their employment contract, which applies even after they move on.

If pressed on Government banning people from taking up jobs: The National Audit Office have found that this system is not working well, and it is open to legal challenge for restraint of trade. Paying people to not work for long periods of time wouldn't be a good use of taxpayer funds.

Uma Kumaran

Briefing and Assembly Liaison Manager – Mayor’s Office

From: [Erica Walker](#)
To: [Milne Jamie](#)
Cc: [Alexander Heidi](#)
Subject: RE: Garden Bridge Summons
Date: 16 May 2019 18:37:35
Attachments: [image001.png](#)

Thanks Jamie – we discussed just now and it’s in hand. I’ll get you any necessary paperwork needed for Heidi to fully comply.

Erica

From: Milne Jamie <[REDACTED]@tfl.gov.uk>;
Sent: 16 May 2019 13:55
To: Erica Walker <[REDACTED]@london.gov.uk>;
Cc: Heidi Alexander <[REDACTED]@london.gov.uk>;
Subject: Garden Bridge Summons

Hi Erica,

Please find attached the summons for documents relating to the garden bridge. Heidi understands conversations about the scope of this may already be underway but given the deadline (29th May) could you make enquiries as to what we need to do and produce.

Thanks,

Jamie

Jamie Milne
Executive Assistant to Heidi Alexander
Deputy Mayor for Transport
& Deputy Chair, Transport for London

Tel: [REDACTED] Ext: [REDACTED] (Palestra, Floor 7, Blue Zone 4)
Tel: [REDACTED] (City Hall)

From: [Uma Kumaran](#)
To: [Mayors Questions](#)
Cc: [Erica Walker](#); [TTMQs](#); [Alexander Heidi](#)
Subject: Re: Garden bridge trust Oral Q - changes made
Date: 13 July 2018 08:25:05

There is another version of this in another email chain

Please can you only send additional edits at this stage - not full documents.

And highlight what the edit is please

My briefing is 300+ pages so it gets really difficult to follow separate documents

Thanks

Uma

Uma Kumaran
Briefing and Assembly Liaison Manager - Mayor of London

City Hall | The Queen's Walk | London | SE1 2AA | DL: [REDACTED] | M: [REDACTED]
GREATER LONDON AUTHORITY

On 13 Jul 2018, at 07:55, Mayors Questions <MayorsQuestions@tfl.gov.uk> wrote:

Hi Uma,
Please see attached the latest version following your email below.

Kind regards

Ebbah Kwambai

Government Relations, Public Affairs

Customers, Communication and Technology

Transport for London,

Floor 11G6, Palestra, 197 Blackfriars Road, London, SE1 8NJ

EbbahKwambai@tfl.gov.uk

W: [REDACTED] | Auto: [REDACTED] | M: [REDACTED]

From: Uma Kumaran [[mailto:\[REDACTED\]@london.gov.uk](mailto:[REDACTED]@london.gov.uk)]

Sent: 12 July 2018 22:00

To: Erica Walker; TTMQs; Mayors Questions; Davies Gus; Kwambai Ebbah; Alexander Heidi

Subject: Garden bridge trust Oral Q - changes made

Hi all

Please see below the question on Garden Bridge trust. I'm sending it over as it's had edits and additions in the Q&A. I've gone through this with David Bellamy. So at this stage. It's just for info. But please note for your lines, and update those accordingly.

I'll get back to you tomorrow and next week with comments from the Mayor.

Thanks

Uma

[1918 Garden Bridge Trust](#)

What discussions has the Mayor had with the Garden Bridge Trust about how it spent the considerable amount of public money it received from Transport for London?

Tom Copley

When I was elected Mayor, roughly £37 million of public money had been given to the Garden Bridge Trust under direction by the previous Mayor. I was clear straight away that I was not going to throw more of London taxpayers' money at the project.

And I have stuck to that commitment: no grant payments have been made to the Garden Bridge Trust since March 2016 – they have not received any money from Transport for London since I was elected.

Instead what I have done over the last two years is commission a thorough review from Dame Margaret Hodge; respond to her recommendations by strengthening TfL's Board and its processes; and shine a light on areas in need of more transparency.

It is through my intervention that TfL has extracted and published more detail about the money the Garden Bridge Trust has spent on the project, as well as the minutes of the Trust's Board meetings that show how the project was

managed.

This additional information helped me to decide in April last year that signing up the GLA to guarantee the lifetime costs of the bridge's maintenance and operation was a serious financial risk, and not one I could take while maintaining my commitment to not spend any more of London taxpayers' money on the project.

The Garden Bridge Trust is now winding up its affairs following its decision to end the project.

Year the Government agreed to provide the Trust with an underwriting of up to £9 million of their potential cancellation costs.

This was the Government's choice - I declined to provide this support - and this both allowed the project to continue for longer and increased the final bill for the taxpayer.

As administrators of the public-sector project funding, TfL has been in discussions with the Garden Bridge Trust about the detail of any claim against the Government's underwriting, and I have been clear that I expect to see full transparency from the Trust before any final payment should be made.

Potential Supplementary Questions

Q: How big will the claim on the underwriting be, and what do you expect will be the final cost to the public purse?

Answer

Approximately £37m of public money has been spent by the Garden Bridge Trust. Central Government took the decision last year to provide an underwriting of up to £9m of the Trust's cancellation costs if the project were to come to an end – taking the total potential exposure to £46m. Until the Trust submit their claim against the underwriting and TfL reviews this, we don't know what the final cost will be.

If pressed: Approximately £24m of the current public spend has come from TfL, with the remainder from the DfT.

Q: Why hasn't the Trust submitted its claim on the underwriting yet?

Answer

Under the terms of the contract signed under the previous Mayor, the Trust can only submit one final claim against the underwriting. They are working to produce this.

If pressed on when this will happen: That's a matter for the Trust. They have creditors to pay so it's in their interest to submit a claim as quickly as possible.

Q: Isn't it your fault that the project ran on for so long, wasting even more taxpayers' money?

Answer

I was always clear on my position: I supported the idea of the bridge but was not prepared to spend any more taxpayers' money that I controlled on the project. I declined to provide the underwriting requested in the weeks after my election. If the Government had taken the same decision, it is likely the project would have stopped soon after – though we never can know for sure. What happened was the Government provided the underwrite, which enabled the project to continue and may cost them up to £9m.

Q: Will you ensure the Trust provides a detailed breakdown of all expenditure on the project?

Answer

TfL has already published a detailed breakdown of the money it spent on the project.

I have been clear that I expect to see full transparency from the Trust before any final payment should be made to them against the DfT's underwriting of cancellation costs.

If pressed on what these costs were for: Planning permission had been secured and the bridge's design was fully developed to the point where construction could begin – that requires detailed work which involves cost. The Trust also drew upon specialist legal, planning and property advice to support its work with the local authorities and interested landowners.

Q: Will you ensure TfL provides a clear explanation of why they decided to release £7m to the Trust in February 2016 despite the Trust's Board minutes showing TfL had concerns about doing so only two months earlier?

Answer

The Trust made a formal request to draw down funding against its agreement with TfL after the Trust awarded the main construction contract for the project in early 2016. TfL did not approve the signing of the contract, nor was it required to do so.

TfL determined that the Trust had met the conditions of payment. This assessment was made by TfL's then Managing Director of Planning and was informed by discussions with colleagues from across the organisation and based on TfL's knowledge and scrutiny of the project as well as evidence presented by the Garden Bridge Trust.

The minutes of the Garden Bridge Trust Board meetings were produced entirely by the Trust. TfL was not involved in writing or approving any of the content.

Q: Do you agree that the Charity Commission and the police should investigate allegations that the Garden Bridge Trust misled TfL in the evidence they supplied when requesting this money?

Answer

TfL was watching this project very closely, and their assessment that the Trust had met the conditions of payment was made based on their knowledge and scrutiny of the project as well as evidence presented by the Garden Bridge Trust.

The Charity Commission has already carried out an in-depth review of the Garden Bridge Trust - which returned a clean bill of health on how the charity was being run - and I have yet to see any evidence that would suggest any sort of criminal or fraudulent activity.

Q: Will you ensure that TfL publishes unredacted sets of the Trust's Board minutes once the charity has been wound up?

Answer

The Trust applied some redactions to the minutes, for reasons that are set out in the covering letter that TfL has also published. TfL reviewed these redactions and considered them appropriate.

Q: Will you ask the Charity Commission to take action to force the Garden Bridge Trust to submit their accounts, which are now months overdue?

Answer

Assembly Member Copley has raised these concerns with me before and I agree that all charities should file their accounts on time.

I understand that the Charity Commission has been in discussions with the Garden Bridge Trust about the winding up of the charity and the filing of their accounts, and that the Commission has received an initial set of accounts from the Trust. The Commission is very aware of the situation and it is up to them whether to take further action.

Q: Do you support the calls for a public inquiry into the project?

Answer

Scrutiny of the Garden Bridge project – through Dame Margaret's review but also comprehensive work done by the Assembly, the Charity Commission and others - has highlighted a number of shortcomings with the project. Some of these are specific to the project and some have a wider application.

I have made sure that a lot of work has been done at TfL to respond to specific issues and improve systems, and the other functional bodies and the GLA have followed that activity from their own perspectives.

We must set and follow high standards, and I have already taken action to ensure the whole GLA family has learnt lessons from the Garden Bridge. At this stage I do not see the benefit in a public inquiry on top of the extensive scrutiny that has already taken place.

Heidi has requested the following Q's – TfL are drafting:

Q: What governance checks and balances have been put in place to ensure a situation like this could never arise again?

Q: Are you confident that there aren't current employees at TfL who have questions to answer about their role in this scandal?

Q: How will you stop there being a revolving door between TfL and the private sector?

Answer

I know that officers have discussed this with the Assembly Oversight Committee. Ultimately, we can't prevent people moving to another organisation -- that would be restraint of trade. What we can do is ensure that when someone resigns, they don't continue to work on something relevant to their new employer. And they must abide by the confidentiality clause in their employment contract, which applies even after they move on.

If pressed on Government banning people from taking up jobs: The National Audit Office have found that this system is not working well, and it is open to legal challenge for restraint of trade. Paying people to not work for long periods of time wouldn't be a good use of taxpayer funds.

Background

- No grant payments have been made to the Garden Bridge Trust since March 2016.
- The Garden Bridge Trust was required to secure guarantees for the maintenance and operation of the bridge as a condition of the bridge's planning permission. The Mayor confirmed on 28 April 2017 that the GLA will not be providing these guarantees.
- Following this confirmation, the Trust was unable to find alternative guarantor(s) and decided on 14 August 2017 to terminate the project.
- Under direction from the previous Mayor of London, TfL commissioned the initial design work for the bridge, secured planning permission for the project, and made a £30m commitment towards the cost of the bridge.
- This was alongside a £30m contribution from the Department for Transport. The remainder of the funding was to have been raised by the Garden Bridge Trust.
- The public expenditure on the Garden Bridge has remained at approximately £37m since the Mayor stated this in May 2016. The Government's £9 million underwriting is additional to this.
- TfL is in detailed conversations with the Garden Bridge Trust about any such claim, because TfL holds the full public sector funding commitment including the contribution made by the DfT. No claim has been finalised, but we do not currently expect it to be for the full £9m payment.
- Once the charity has been wound up, any remaining money from the Department's share would likely be clawed-back by them either through agreement or via reductions in other Government grants.

Public expenditure on the project is summarised as follows:

	c. £million
TfL	

Services in kind, covered under the funding agreement (primarily securing planning permission, legal fees and internal TfL staff costs)	10.67
Grant payments, as per the funding agreement	13.25
TfL TOTAL SPEND	23.92
DfT	
Grant payments, as per the funding agreement	13.45
PROJECT TOTAL SPEND	37.37
Government underwriting (up to)	9.00
TOTAL PUBLIC COST IF UNDERWRITING IS FULLY CALLED UPON	46.37

Uma Kumaran
Briefing and Assembly Liaison Manager – Mayor’s Office

City Hall | The Queen’s Walk | London | SE1 2AA | DL: [REDACTED] | M: [REDACTED]
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<1918 Garden Bridge Trust v3 tracked.docx>

From: [Erica Walker](#)
To: [Alexander Heidi](#)
Cc: [Steer Tim](#); [Claire Hamilton](#); [Milne Jamie](#)
Subject: Re: ORAL MQs TO CLEAR: 1819 Toilet Charging at TfL stations, 1918 Garden Bridge Trust
Date: 11 July 2018 21:39:35

Thanks Heidi – I'll get the Garden Bridge briefing revised and back to you shortly.

Erica

From: Heidi Alexander <[REDACTED]@london.gov.uk>;
Date: Wednesday, 11 July 2018 at 21:33
To: Erica Walker <[REDACTED]@london.gov.uk>;
Cc: Tim Steer <[REDACTED]@london.gov.uk>; Claire Hamilton <[REDACTED]@london.gov.uk>;
jamie milne <[REDACTED]@tfl.gov.uk>;
Subject: Re: ORAL MQs TO CLEAR: 1819 Toilet Charging at TfL stations, 1918 Garden Bridge Trust

Happy with the toilet answer and briefing (Erica, I've emailed you separately about Tom's GBT question).

H

On Wed, Jul 11, 2018 at 6:33 PM +0100, "Erica Walker"
<[REDACTED]@london.gov.uk<[mailto:\[REDACTED\]@london.gov.uk](mailto:[REDACTED]@london.gov.uk)>> wrote:

Hi Heidi,

Please see attached the first two Oral MQs for you to clear.

Many thanks,

Erica

From: [Erica Walker](#)
To: [Alexander Heidi](#)
Cc: [Steer Tim](#); [Claire Hamilton](#); [Milne Jamie](#); [TTMQs](#)
Subject: Re: REVISED ORAL MQ TO CLEAR: 1918 Garden Bridge Trust
Date: 12 July 2018 12:12:25

Sorry Heidi - let me follow up with on these ones, and I'll get back to you shortly.

Just so you are aware, there are currently five more with the Commissioner for him to clear, so I hope to have these with you shortly.

Erica

From: Heidi Alexander <[REDACTED]@london.gov.uk>

Sent: Thursday, July 12, 2018 12:00 pm

To: Erica Walker

Cc: Tim Steer; Claire Hamilton; jamie milne; TTMQs

Subject: RE: REVISED ORAL MQ TO CLEAR: 1918 Garden Bridge Trust

I also asked in my email last night that two other possible supplementaries are dealt with – governance changes that have been implemented to ensure a situation like this never happens again (I read in my confirmatory hearing briefing that now all mayoral directions need to also be considered by the board?) and the staffing question (are you confident that no existing employees of TfL behaved in a questionable manner?)

I can't see this dealt with here.

H

Heidi Alexander |Deputy Mayor for Transport

City Hall |The Queen's Walk |London |SE1 2AA

From: Erica Walker

Sent: 12 July 2018 11:14

To: Heidi Alexander <[REDACTED]@london.gov.uk>

Cc: Tim Steer <[REDACTED]@london.gov.uk>; Claire Hamilton <[REDACTED]@london.gov.uk>; jamie milne <[REDACTED]@tfl.gov.uk>; TTMQs <TTMQs@london.gov.uk>

Subject: REVISED ORAL MQ TO CLEAR: 1918 Garden Bridge Trust

Hi Heidi,

See below from TfL and tracked changes in the attached.

Are you happy with the revised briefing?

Many thanks

Erica

On the first point, we hadn't seen that Twitter exchange, but knew about the AJ article back in May.

We have added two supplementary questions in tracked changes in the attached version.

On the second point, attached is the Commissioner's reply to Tom Copley AM. Tom has not come

back on this and we believe we've answered all the points he has asked.

If he does that, then I think it's covered in the hostile question that's already in there about explaining why we decided to release £7m to the Trust in February 2016.

Q: Do you agree that the Charity Commission and the police should investigate allegations that the Garden Bridge Trust misled TfL in the evidence they supplied when requesting this money?

Answer

TfL was watching this project very closely, and their assessment that the Trust had met the conditions of payment was made based on their knowledge and scrutiny of the project as well as evidence presented by the Garden Bridge Trust.

The Charity Commission has already carried out an in-depth review of the Garden Bridge Trust - which returned a clean bill of health on how the charity was being run - and I have yet to see any evidence that would suggest any sort of criminal or fraudulent activity.

Q: Will you ask the Charity Commission to take action to force the Garden Bridge Trust to submit their accounts, which are now months overdue?

Answer

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I understand that the Charity Commission has been in discussions with the Garden Bridge Trust about the winding up of the charity and the filing of their accounts, and that the Commission has received an initial set of accounts from the Trust. So the Commission is very aware of the situation and it is up to them whether to take further action.

From: Heidi Alexander <[REDACTED]@london.gov.uk>

Date: Wednesday, 11 July 2018 at 21:33

To: Erica Walker <[REDACTED]@london.gov.uk>

Cc: Tim Steer <[REDACTED]@london.gov.uk>, Claire Hamilton

<[REDACTED]@london.gov.uk>, jamie milne <[REDACTED]@tfl.gov.uk>

Subject: Re: ORAL MQs TO CLEAR: 1819 Toilet Charging at TfL stations, 1918 Garden Bridge Trust

Happy with the toilet answer and briefing (Erica, I've emailed you separately about Tom's GBT question).

H

On Wed, Jul 11, 2018 at 6:33 PM +0100, "Erica Walker" <[\[REDACTED\]@london.gov.uk](mailto:ericawalker@london.gov.uk)> wrote:

Hi Heidi,

Please see attached the first two Oral MQs for you to clear.

Many thanks,

Erica

From: [Alexander Heidi](#)
To: [Patrick Hennessy](#); [Jonathan Edwards](#)
Cc: [Sarah Brown](#); [Nick Bowes](#); [Jack Stenner](#); [Leah Kreitzman](#); [David Bellamy](#); [Steer Tim](#); [transport desk](#)
Subject: Re: TFL line on garden bridge probe
Date: 28 May 2019 09:25:31

And me

H

From: Patrick Hennessy
Sent: Thursday, November 15, 2018 8:54:59 PM
To: Jonathan Edwards
Cc: Sarah Brown; Nick Bowes; Jack Stenner; Leah Kreitzman; Heidi Alexander; David Bellamy; Tim Steer; transportdesk
Subject: Re: TFL line on garden bridge probe

And me ta

Sent from my iPhone

On 15 Nov 2018, at 20:34, Jonathan Edwards <[\[REDACTED\]@london.gov.uk](mailto: [REDACTED]@london.gov.uk)> wrote:

All,

City AM have asked TfL for a response to the AJ story that is copied below about a further Garden bridge probe. They plan to go back as below but please shout if any concerns.

Thanks

Jon

TfL comment

A Transport for London spokesperson said: “As with the Assembly’s previous investigation and other investigations including by Dame Margaret Hodge, we will provide any assistance that we can.”

Additional info:

The Garden Bridge Trust has written to TfL with a request for payment under the underwriting agreement and we continue to review their request.

Architects Journal: London Assembly announces fresh Garden Bridge probe

15 November, 2018 By Will Hurst

Thomas Heatherwick's scrapped £200 million crossing, championed by former London mayor Boris Johnson, is to face fresh scrutiny from politicians following the hard-fought release of the Garden Bridge Trust's meeting records

The Greater London Authority's (GLA) oversight committee at City Hall this morning (Thursday 15 November) confirmed the establishment of a cross-party working group to further examine key Garden Bridge decisions by the trust and Transport for London (TfL).

The working group will be chaired by Labour London Assembly member Tom Copley, a persistent critic of the unbuilt bridge and the estimated £46 million of public money that was spent on it.

Copley proposed the new working group partly due to the string of revelations in the minutes of the trust's board meetings reported by the AJ, disclosures which have also prompted numerous calls for a Parliamentary inquiry.

He said: 'One of the key issues we want the working group to consider relates to what the TfL officers ... who were party to the information in the minutes ... were saying to those higher up at TfL, because it is clear that things didn't seem to be going particularly well and yet large sums of public money were still being handed over.

'We also want to look at the role of the Charity Commission, which ultimately is the [trust's] regulator, and any additional issues regarding contracts.

'TfL is currently considering whether to release further taxpayer money – £9 million worth – which the trust claims that it is entitled to, so I think it's still very much a matter that warrants the assembly's scrutiny.'

The working group's other members will be Len Duvall (Labour), Peter Whittle (UKIP), Caroline Pidgeon (Lib Dem) and Siân Berry (Green).

While the oversight committee is chaired by Conservative member Gareth Bacon, the Conservatives have declined to participate in the working group.

In this week's New Statesman, the AJ's investigation into the Garden Bridge was highlighted in a scathing attack on Boris Johnson's leadership credentials by former Times foreign editor Martin Fletcher.

Jonathan Edwards
Deputy Head of Media
Mayor of London's Press Office



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From: [James Ryan](#)
To: [Nick Bowes](#); [David Bellamy](#); [Sarah Brown](#); [Uma Kumaran](#); [Leah Kreitzman](#); [Jack Stenner](#); [Alexander Heidi Steer](#); [Tim](#); [Claire Hamilton](#); [Nathan Ashley](#)
Cc: [transport desk](#)
Subject: RE: Will Hurst - GB question
Date: 18 July 2018 10:53:07

I'll send this back to Will H then.

Mayoral Spokes -

'Since he took office, Sadiq has always been clear that not a single penny more of taxpayers' money controlled by him should be spent on the Garden Bridge project.

'He commissioned Dame Margaret Hodge to conduct an independent review into the project, which led him to decide not to provide Mayoral guarantees for the Garden Bridge, as it showed there would be a substantial financial risk to the taxpayer.'

From: Nick Bowes

Sent: 18 July 2018 10:52

To: David Bellamy <[REDACTED]@london.gov.uk>; Sarah Brown <[REDACTED]@london.gov.uk>; Uma Kumaran <[REDACTED]@london.gov.uk>; James Ryan <[REDACTED]@london.gov.uk>; Leah Kreitzman <[REDACTED]@london.gov.uk>; Jack Stenner <[REDACTED]@london.gov.uk>; Heidi Alexander <[REDACTED]@london.gov.uk>; Tim Steer <[REDACTED]@london.gov.uk>; Claire Hamilton <[REDACTED]@london.gov.uk>; Nathan Ashley <[REDACTED]@london.gov.uk>

Cc: transportdesk <transportdesk@london.gov.uk>

Subject: RE: Will Hurst - GB question

Fine for me

From: David Bellamy

Sent: 18 July 2018 10:50

To: Sarah Brown <[REDACTED]@london.gov.uk>; Uma Kumaran <[REDACTED]@london.gov.uk>; James Ryan <[REDACTED]@london.gov.uk>; Nick Bowes <[REDACTED]@london.gov.uk>; Leah Kreitzman <[REDACTED]@london.gov.uk>; Jack Stenner <[REDACTED]@london.gov.uk>; Heidi Alexander <[REDACTED]@london.gov.uk>; Tim Steer <[REDACTED]@london.gov.uk>; Claire Hamilton <[REDACTED]@london.gov.uk>; Nathan Ashley <[REDACTED]@london.gov.uk>

Cc: transportdesk <transportdesk@london.gov.uk>

Subject: RE: Will Hurst - GB question

Yes, thanks.

From: Sarah Brown

Sent: 18 July 2018 10:49

To: Uma Kumaran <[REDACTED]@london.gov.uk>; David Bellamy <[REDACTED]@london.gov.uk>; James Ryan <[REDACTED]@london.gov.uk>; Nick Bowes <[REDACTED]@london.gov.uk>; Leah Kreitzman <[REDACTED]@london.gov.uk>; Jack Stenner <[REDACTED]@london.gov.uk>; Heidi Alexander <[REDACTED]@london.gov.uk>; Tim Steer <[REDACTED]@london.gov.uk>; Claire Hamilton <[REDACTED]@london.gov.uk>; Nathan Ashley <[REDACTED]@london.gov.uk>

Cc: transportdesk <transportdesk@london.gov.uk>

Subject: RE: Will Hurst - GB question

Thanks all – would it be correct to just add in the additional line as below?

Mayoral Spokes -

'Since he took office, Sadiq has always been clear that not a single penny more of taxpayers' money controlled by him should be spent on the Garden Bridge project.

'He commissioned Dame Margaret Hodge to conduct an independent review into the project, which led him to decide not to provide Mayoral guarantees for the Garden Bridge, as it showed they would be a substantial financial risk to the taxpayer.'

From: Uma Kumaran

Sent: 18 July 2018 10:44

To: David Bellamy <[REDACTED]@london.gov.uk>; James Ryan <[REDACTED]@london.gov.uk>; Sarah Brown <[REDACTED]@london.gov.uk>; Nick Bowes <[REDACTED]@london.gov.uk>; Leah Kreitzman <[REDACTED]@london.gov.uk>; Jack Stenner <[REDACTED]@london.gov.uk>; Heidi Alexander <[REDACTED]@london.gov.uk>; Tim Steer <[REDACTED]@london.gov.uk>; Claire Hamilton <[REDACTED]@london.gov.uk>; Nathan Ashley <[REDACTED]@london.gov.uk>

Cc: transportdesk <transportdesk@london.gov.uk>

Subject: RE: Will Hurst - GB question

Thanks David – I've included the below in Version 3 of the briefing.

James – is it useful to you to have the latest cleared Q&A on this? will send over if so.

Uma Kumaran

Briefing and Assembly Liaison – Mayor's Office

DL: [REDACTED]

From: David Bellamy

Sent: 18 July 2018 10:42

To: James Ryan <[REDACTED]@london.gov.uk>; Sarah Brown <[REDACTED]@london.gov.uk>; Nick Bowes <[REDACTED]@london.gov.uk>; Leah Kreitzman <[REDACTED]@london.gov.uk>; Jack Stenner <[REDACTED]@london.gov.uk>; Heidi Alexander <[REDACTED]@london.gov.uk>; Tim Steer <[REDACTED]@london.gov.uk>; Claire Hamilton <[REDACTED]@london.gov.uk>; Uma Kumaran <[REDACTED]@london.gov.uk>; Nathan Ashley <[REDACTED]@london.gov.uk>

Cc: transportdesk <transportdesk@london.gov.uk>

Subject: RE: Will Hurst - GB question

Thanks James. I agree with the approach; some tickles to the quote.

Uma/Nathan, we need to incorporate this into the MQT brief (sorry). Something like:

Q: Will you take legal action to recover money wasted by the Garden Bridge Trust?

A: The taxpayer has already spent a lot of money on this project. I would only consider spending money on legal action if it was clear this would be in taxpayers' best interests.

[Note: Counsel's advice sought by an anonymous third party criticises GBT's decision to award the construction contract, but notes that taking legal action would not be straightforward.]

David.

From: James Ryan

Sent: 18 July 2018 10:19

To: Sarah Brown <[REDACTED]@london.gov.uk>; Nick Bowes <[REDACTED]@london.gov.uk>; Leah Kreitzman <[REDACTED]@london.gov.uk>; Jack Stenner <[REDACTED]@london.gov.uk>; David Bellamy <[REDACTED]@london.gov.uk>; Heidi Alexander <[REDACTED]@london.gov.uk>; Tim Steer <[REDACTED]@london.gov.uk>; Claire Hamilton <[REDACTED]@london.gov.uk>

Cc: transportdesk <transportdesk@london.gov.uk>

Subject: Will Hurst - GB question

Hi all,

Will Hurst has emailed us about the Garden Bridge and a story he's doing about the legal opinion of Jason Coppel QC on the actions of the Garden Bridge Trust. (All the info below).

Legal say we shouldn't get drawn into commenting on legal extracts we haven't seen.

How about this line below?

Thanks

Mayoral Spokes -

'Since he took office, Sadiq has always been clear that not a single penny more of taxpayers' money **controlled by him** should be spent on the Garden Bridge project.

'He commissioned Dame Margaret Hodge to conduct an independent review into the project, which led him to decide not to provide Mayoral guarantees for the Garden Bridge.'

***REMOVE 'Both the Mayor's correspondence with the Garden Bridge Trust and the findings of Margaret Hodge's independent review revealed considerable concerns about how the project had been managed and the risks to the London taxpayer if the project continued. That's why the Mayor took the decision not to provide Mayoral guarantees for the Garden Bridge.' ***

From Will Hurst -

I've obtained the legal opinion of Jason Coppel QC on the actions of the Garden Bridge Trust and wanted to get a comment from the mayor if possible given this was a mayoral project involving tens of millions of pounds of Londoners' money and overseen by TfL. The possibility of a judicial review against TfL is also now being raised (see bottom of this email).

In the opinion, which was commissioned by an anonymous client, Coppel says it is 'likely' that the trustees of the Garden Bridge Trust breached their legal duty to act with reasonable skill and care 'in particular in relation to the conclusion of the construction contract with Bouygues.'

As I'm sure you know, the Trust's decision in February 2016 to sign a construction contract with a joint venture led by Bouygues, enabled by TfL, has long been criticised as reckless and premature and is estimated to have cost the taxpayer as much as £19 million of the likely total bill of £46 million.

In the opinion, Coppel pointed to the fact that the Trust had not, at this point, secured the necessary funding or the rights to use the land required for the project.

Coppel also said he was unconvinced by a largely favourable report on the Trust published by the Charity Commission in early 2017 which found that the trustees were meeting their duties and acting in accordance with charity law.

Coppel said: 'Like [Margaret Hodge], I do not regard the conclusions of the Commission as providing a sufficient answer to an allegation of breach of the equitable duty of care, not least in the light of events which subsequently ensued.'

He also said that taking legal action against the trustees would not be straightforward, partly because the beneficiaries of the Garden Bridge Trust were identified as 'members of the public at large'.

Coppel's advice was obtained for the anonymous client by Unity Legal Solutions, a firm providing services to consumers of legal advice and Unity has said it is now further considering the possibility of legal action against the Trust and, potentially, TfL and others.

Roger Billins, one of the founders of Unity, said it was now exploring other potential legal remedies against the Garden Bridge Trust. He said: 'Unity has been looking at other avenues to enable a member of the public to force the relevant public authorities to take action against the trustees. 'We have asked a second QC to advise as to whether judicial review proceedings can be brought against either the Charity Commission or TFL with a view to recovering the public money wasted by this vanity project.'

Can I have a comment on this from the Mayor please by 5pm tomorrow (Wednesday)? I would like to know how he responds to this legal opinion and why he is resisting calls from Len Duvall and others to take further action on the Garden Bridge scandal, particularly in relation to the signing of the construction contract? If trustees have breached their duties in pursuing a mayoral project yet legal avenues aren't straightforward isn't it the mayor's duty to take the necessary action in response?

Thanks,

James Ryan

Senior Press Officer

Mayor of London's Press Office



From: [James Ryan](#)
To: [Nick Bowes](#); [Patrick Hennessy](#)
Cc: [Leah Kreitzman](#); [David Bellamy](#); [Sarah Brown](#); [Jack Stenner](#); [Alexander Heidi](#); [Steer Tim](#); [Erica Walker](#); [transport_desk](#)
Subject: RE: Will Hurst attack story
Date: 12 September 2018 10:10:55

Thanks
It's gone.

From: Nick Bowes
Sent: 12 September 2018 10:09
To: Patrick Hennessy ; James Ryan
Cc: Leah Kreitzman ; David Bellamy ; Sarah Brown ; Jack Stenner ; Heidi Alexander ; Tim Steer ; Erica Walker ; transportdesk
Subject: RE: Will Hurst attack story
Me too

From: Patrick Hennessy
Sent: 12 September 2018 10:07
To: James Ryan <[REDACTED]@london.gov.uk>
Cc: Nick Bowes <[REDACTED]@london.gov.uk>; Leah Kreitzman <[REDACTED]@london.gov.uk>; David Bellamy <[REDACTED]@london.gov.uk>; Sarah Brown <[REDACTED]@london.gov.uk>; Jack Stenner <[REDACTED]@london.gov.uk>; Heidi Alexander <[REDACTED]@london.gov.uk>; Tim Steer <[REDACTED]@london.gov.uk>; Erica Walker <[REDACTED]@london.gov.uk>; transportdesk <transportdesk@london.gov.uk>
Subject: Re: Will Hurst attack story
Those lines good for me - ta James.
Sent from my iPhone

On 12 Sep 2018, at 10:06, James Ryan <[REDACTED]@london.gov.uk> wrote:

How about:

Spokes -

'The Mayor has always said he would not agree to any more of London taxpayers' money being spent on the Garden Bridge, and no taxpayer money controlled by Sadiq has been spent on the project since his election.'

'Following correspondence with the Garden Bridge Trust and looking at the detail at Margaret Hodge's independent review, the Mayor's view was that continuing with the project would have exposed the London taxpayer to too much additional financial risk.'

Notes

The briefing note referred to was written when Boris Johnson was Mayor of London. As set out in the Loan Facility Agreement between TfL and the Garden Bridge Trust, signed in November 2015, the Trust would have been required to pay back the £20m loan with minimum payments of £250,000 a year for 50 years, followed by repayment of the outstanding amount (including any interest) at the end of the 50 year period.

The briefing note described the key risks associated with TfL's funding for the project, and identified the risk that it was not certain about how debt with such a long payback term would be treated in the future. TfL's expectation was always to receive repayments for this loan and to work with the Trust to ensure it was repaid

in full.

From: Nick Bowes

Sent: 12 September 2018 09:59

To: Leah Kreitzman <[REDACTED]@london.gov.uk>; David Bellamy <[REDACTED]@london.gov.uk>; James Ryan <[REDACTED]@london.gov.uk>; Patrick Hennessy <[REDACTED]@london.gov.uk>; Sarah Brown <[REDACTED]@london.gov.uk>; Jack Stenner <[REDACTED]@london.gov.uk>; Heidi Alexander <[REDACTED]@london.gov.uk>; Tim Steer <[REDACTED]@london.gov.uk>; Erica Walker <[REDACTED]@london.gov.uk>

Cc: transportdesk <transportdesk@london.gov.uk>

Subject: RE: Will Hurst attack story

I don't have a problem with the line

Seems unfair we are being blamed for something written by a senior tfl officer pre may 2016 that we didn't know about

Will is also claiming on twitter we were asked 24 hours ago for a comment (hence why the piece is published without us in it, I guess)

From: Leah Kreitzman

Sent: 12 September 2018 09:56

To: David Bellamy <[REDACTED]@london.gov.uk>; James Ryan <[REDACTED]@london.gov.uk>; Patrick Hennessy <[REDACTED]@london.gov.uk>; Sarah Brown <[REDACTED]@london.gov.uk>; Nick Bowes <[REDACTED]@london.gov.uk>; Jack Stenner <[REDACTED]@london.gov.uk>; Heidi Alexander <[REDACTED]@london.gov.uk>; Tim Steer <[REDACTED]@london.gov.uk>; Erica Walker <[REDACTED]@london.gov.uk>

Cc: transportdesk <transportdesk@london.gov.uk>

Subject: RE: Will Hurst attack story

<https://twitter.com/mrjamesob/status/1039794291596513280>

From: David Bellamy

Sent: 12 September 2018 09:48

To: James Ryan <[REDACTED]@london.gov.uk>; Patrick Hennessy <[REDACTED]@london.gov.uk>; Sarah Brown <[REDACTED]@london.gov.uk>; Nick Bowes <[REDACTED]@london.gov.uk>; Jack Stenner <[REDACTED]@london.gov.uk>; Leah Kreitzman <[REDACTED]@london.gov.uk>; Heidi Alexander <[REDACTED]@london.gov.uk>; Tim Steer <[REDACTED]@london.gov.uk>; Erica Walker <[REDACTED]@london.gov.uk>

Cc: transportdesk <transportdesk@london.gov.uk>

Subject: RE: Will Hurst attack story

Thanks James.

My recollection is that the Hodge review made the point that we couldn't rely on the Trust repaying the loan (check) and that was part of Sadiq's reasoning in reaching the decision he made.

It's also important to remember that it was the Government's decision to underwrite the project in 2016 (Sadiq refused to do so) that enabled it to continue and incur additional costs. It remains the case that no taxpayer money controlled by Sadiq has been spent on the project since his election.

I defer to others on whether we should respond.

David.

From: James Ryan

Sent: 12 September 2018 09:40

To: Patrick Hennessy <[REDACTED]@london.gov.uk>; Sarah Brown <[REDACTED]@london.gov.uk>; Nick Bowes <[REDACTED]@london.gov.uk>; Jack Stenner <[REDACTED]@london.gov.uk>; Leah Kreitzman <[REDACTED]@london.gov.uk>; Heidi Alexander <[REDACTED]@london.gov.uk>; Tim Steer <[REDACTED]@london.gov.uk>; Erica Walker <[REDACTED]@london.gov.uk>; David Bellamy <[REDACTED]@london.gov.uk>

Cc: transportdesk <transportdesk@london.gov.uk>

Subject: Will Hurst attack story

Hi,

See an article below in the Architect's Journal. Will Hurst says it has emerged that Transport for London (TfL) had described its £20 million loan to the Garden Bridge developing the scheme as a 'gift'.

<https://www.architectsjournal.co.uk/news/sadiq-khan-slammed-over-20m-garden-bridge-loan-deal/10035022.article>

Let us know your thoughts.

Here's some info from TfL.

As set out in the Loan Facility Agreement between TfL and the Garden Bridge Trust, signed in November 2015, the Trust would have been required to pay back the £20m loan with minimum payments of £250,000 a year for 50 years, followed by repayment of the outstanding amount (including any interest) at the end of the 50 year period. The briefing note described the key risks associated with TfL's funding for the project, and identified the risk that it was not certain about how debt with such a long payback term would be treated in the future. TfL's expectation was always to receive repayments for this loan and to work with the Trust to ensure it was repaid in full.

And our general line –

'The Mayor has always said he would not agree to any more of London taxpayers' money being spent on the Garden Bridge. Following correspondents with the Garden Bridge Trust and looking at the detail at Margaret Hodge's independent review, the Mayor's view was that continuing with the project would have exposed the London taxpayer to too much additional financial risk.

'Many outstanding issues remained unresolved - with at least a £70M shortfall in construction costs, and the Garden Bridge Trust still not having settled on a final plan for funding ongoing operation and maintenance of a completed bridge.'

James Ryan

Senior Press Officer

Mayor of London's Press Office

[REDACTED]

From: [David Bellamy](#)
To: [Janine Rasiah](#); [Alexander Heidi](#); mediasignoff@london.gov.uk
Cc: [transport desk](#); [Erica Walker](#); [Steer Tim](#)
Subject: RE: Will Hurst Garden Bridge investigation story
Date: 07 January 2019 13:48:15

Thanks Janine. I agree that we have nothing to add.

David.

From: Janine Rasiah
Sent: 07 January 2019 13:38
To: Heidi Alexander <[REDACTED]@london.gov.uk>; David Bellamy <[REDACTED]@london.gov.uk>; mediasignoff@london.gov.uk
Cc: [transportdesk](mailto:transportdesk@london.gov.uk) <transportdesk@london.gov.uk>; Erica Walker <[REDACTED]@london.gov.uk>; Tim Steer <[REDACTED]@london.gov.uk>
Subject: Will Hurst Garden Bridge investigation story

Hi all

Will Hurst has asked for a comment on his Architects Journal story (copied below) that the Charity Commission could face a JR if it fails to take action over the Garden Bridge Trust. Assume we'd say we don't have anything to add as the second opinion is aimed towards the Charity Commission.

Thanks

Janine

Charities regulator urged to launch Garden Bridge investigation

7 January, 2019 By [Will Hurst](#)

The Charity Commission could face judicial review proceedings if it fails to take action over the Garden Bridge Trust, according to new QC opinion

The new legal opinion from David Matthias QC – seen by the AJ – has concluded that the charities regulator could face a judicial review challenge from a concerned member of the public due to its ‘failure’ to call the trustees to account in respect of losses resulting from prematurely signing a construction contract.

Last summer, Jason Coppel QC said it was ‘likely’ that trustees of the Garden Bridge Trust [breached their legal duties](#) to act with reasonable skill and care ‘in particular in relation to the conclusion of the construction contract with Bouygues’.

While Coppel’s opinion is strongly contested by the trustees themselves, the signing of the contract in early 2016 substantially contributed to the aborted scheme’s estimated £43 million bill.

Matthias’s opinion concludes: ‘The Administrative Court might well be persuaded that a member of the public did have sufficient standing to challenge the Charity Commission’s failure to call the trustees to account for such negligent conduct.’

Following repeated complaints about the trust from individuals including Vauxhall MP Kate Hoey, the Charity Commission carried out an inquiry in 2016 and [concluded in February 2017](#) that the trust was acting in compliance with charity law and had the correct financial controls in place.

Since then, it has repeatedly refused to take regulatory action despite the publication of Coppel’s opinion and a lengthy delay in the filing of the trust’s accounts last year.

Caroline Pidgeon, the Lib Dem chair of the London Assembly’s Transport Committee, said she would once again write to the commission to urge it to launch a full investigation

of the running of the trust.

'Public money has been scandalously wasted and private donors are rightly up in arms that their generosity has been squandered,' she said.

'The Charity Commission needs to face up to the magnitude of this issue and recognise that the actions of the Garden Bridge Trust also have a detrimental impact on the reputation of the wider charity sector and future fundraising initiatives.'

Donor Michael Gross, founder and owner of Sydney & London Properties, who gave £50,000 towards the Garden Bridge, [complained last month](#) the money had been 'pissed down the drain'. He echoed Pidgeon in demanding the regulator launch an inquiry.

'I would have thought that the Charity Commission is under an obligation to investigate how £43 million of donor, central and local government money has been lost and has never been accounted for on a project which failed in the most regrettable circumstances,' he told the AJ.

'It is incumbent upon Charity Commission chair Baroness Stowell to launch a full and open investigation. At the same time, it seems to me that Garden Bridge trustees are themselves obligated to refund the individual donors in full, and to give a full and detailed accounting for this extraordinary level of expenditure. If they cannot, there is a clear question of personal liability.'

Michael Ball, chair of [Thames Central Open Spaces](#), a local action group which took legal action against the Garden Bridge Trust when the project was live, said the scheme's delivery by a charity reliant on public money had enabled key players 'Boris Johnson, Thomas Heatherwick, the Garden Bridge Trust, the Department for Transport, TfL and even the Charities Commission to pass the buck'.

He added: 'This culpability merry-go-round could be stopped immediately by The Charities Commission re-visiting their hapless investigation of the Trust - and [at least saving £5m of public funding](#).'

'The clear advice of David Matthias QC is that we all have a direct interest in government according to law, and therefore sufficient standing to bring a Judicial Review should TfL attempt to pay off the GBT. And we will.'

Pidgeon's fellow London Assembly member Tom Copley, a Labour member who chairs a new [cross-party working group](#) examining the Garden Bridge saga, confirmed it 'will be looking into the Charity Commission's role as regulator'.

Copley added: 'I hope they will co-operate with our investigation. We will also be examining the role of the TfL officers who attended the trust's meetings and were supposed to provide oversight to protect public money from being wasted.'

'Given the enormous loss of taxpayer cash resulting from this project, Londoners and taxpayers across the country will want to know what the regulators were doing.'

Both QC opinions were obtained by Unity Legal Solutions, a firm providing services to consumers of legal advice.

Unity founder Roger Billins said: 'Clearly, the commission needs to revisit their position on the Garden Bridge Trust. I will be writing to them to ask them to undertake a review.'

A Charity Commission spokesperson said: 'We continue to engage with the trustees of Garden Bridge Trust on matters that fall within our remit. It is not, and never has been, our role as charity regulator to judge the virtues or otherwise of the allocation of public funds to this project, although we recognise that there is public interest in this matter.'

'We will be writing to the trustees in due course and will provide an update on our regulatory engagement shortly.'

A spokesperson for the Garden Bridge Trust said: 'In response to the alleged criticism of the conduct of the trustees of the Garden Bridge Trust, please note that at every stage of the project the trustees, working closely alongside a range of professional advisers, complied with all of their legal and regulatory requirements. Any suggestion otherwise is simply wrong.'

The Mayor of London has been contacted for comment.

Janine Rasiah

Mayor of London's Press Office – Transport Desk

██████████ | ██████████

From: [Dominic Leggett](#)
To: [Alexander Heidi](#)
Cc: [Will Norman](#)
Subject: Silvertown and the Garden Bridge.
Date: 04 January 2019 01:14:52

Dear Heidi,

Happy New Year!

Let me explain the title of this email. TfL are brilliant in many ways, but, just occasionally they jump the shark.

One example of this was the [Traffic Signal Removal Program](#) (effectively a pedestrian crossing removal program, to increase traffic capacity) in Boris Johnson's first term. I spoke to Isabel Dedring about this when she became Deputy Mayor (because it was obviously nuts), and she agreed that it was crazy and put an end to it. (Unfortunately, this kind of scheme still pops up occasionally. There's right now a proposal to [remove a zebra](#) in Hampstead High St to improve traffic flow (driven by TfL buses) which also needs to be terminated..)

Another example is the Garden Bridge. I read the business case and business plan when this was first proposed (I was curious why cycling had been excluded) and realised that neither made any sense, and the way the contract was constructed meant that, although the scheme was supposed to be funded by donations, once the Trust started to build it, it would almost certainly eventually end up being completed and maintained by TfL. I pointed this out to the Mayor's team before the election (email copied below). Eventually, Sadiq decided to support the bridge for a while, before abandoning it after commissioning Margaret Hodge's report, which agreed with all the points I'd raised a year earlier. This hesitation cost an extra £10m or so.

It seems, from the investigation, that what happened in this case was that Mayor Johnson put some pressure on TfL, and the project manager, Richard de Cani, essentially fudged the optioneering, the business case, and the business plan to allow the project the Mayor wanted to happen (even though there was no need for it, and no viable way to fund and maintain it..). And the fact that the management was handed over to a charitable trust meant that the financial oversight was much less stringent than would have been the case for a project that's a line-item in TfL's budget.

The above is just to make the case that TfL gets things very wrong sometimes, (and can end up writing extensive fictions to back up wrong bad decisions) - and that I have a least some history in correctly spotting that they've done that.

My assessment is that the Silvertown Tunnel Project is a similar mistake. Like the Garden Bridge, it's a project initiated by the previous Mayor - and initial optioneering and building a case for the scheme were project-managed by the same Richard de Cani (before he left for Arup and the was replace by David Rowe)

Like the Garden Bridge, as a PFI scheme, the Tunnel doesn't appear as a line-item on the TfL budget. The result of that, I suspect, is that, like the Bridge, the project hasn't been subject to the same financial scrutiny as projects that involve direct expenditure. If it had, it would most likely have been cancelled by now.

There are five key holes in the case for this project.

1) Building and operating the tunnel just doesn't make any financial sense. The project involves both tolling, and building and operating a tunnel. Because overall levels of traffic are intended to remain constant before and after the build, it turns out that all the congestion benefits of the scheme can be achieved by just tolling the Blackwall tunnel. This means that the only added benefits of actually building and operating the tunnel are the reliability benefits - and these only add up to a third of what building and operating the tunnel will cost.

2) The optioneering is incomplete. Because traffic at Blackwall is tidal, there's a significantly cheaper option (a reversible single bore tunnel, with escape passage/ bike/micro/ev route) that offers almost exactly the same benefits as the proposed scheme (and some other benefits). This option was just never considered.

3) The analysis of the need for the project, and of its benefits completely excludes the potential effect of area-wide demand reduction (congestion charging), a policy that's very likely to be implemented in the next few years.

4) The project is being sold to boroughs on the grounds that it will allow improved bus services across the area - but the indicative bus service suggested shows no benefits at all.

5) If tolls are removed in the future, (and the massively expensive new capacity being built under the river is actually used), this will make congestion and pollution much worse (seriously, who in their right minds builds a vastly expensive project that makes things worse if you ever actually use it?) There's no mechanism to prevent this.

Given these gaping holes in the case for the scheme, it clearly shouldn't be going ahead. But being a PFI project, to TfL it looks cost-free, so it's still moving forward (there's a reason even this incompetent government has stopped building PFI schemes..).

In fact, though, the project still has substantial costs.

1) Someone still has to pay the £1bn cost of building and maintaining the tunnel. And in fact, that's going to be the citizens of SE London, many of them in your former constituency. If this project goes ahead, you're effectively saddling them with a £1bn debt, to pay for infrastructure which according to TfL's own figures, is worth about a third of that cost.

2) Building this scheme is going to make it much harder to bring in area-wide congestion charging and traffic reduction. There's only so much you can charge people to drive. And the need to re-pay the debt ends up being a strong incentive to TfL to keep traffic levels high, so that the debt keeps getting repaid.

3) This scheme involves a lot of pointless concrete-making, which in turn involves substantial pointless CO2 emissions. Not a great idea in a time of climate crisis.

4) If we do start charging drivers, we want that money to go to schemes that reduce congestion, reduce CO2 and local pollution, and increase active travel. We can't do that if we're paying off a £1bn white elephant on the never-never.

5) If the tolls are removed from the tunnels at some point (not unlikely, as a Tory election promise), congestion and pollution will get worse across the area - and TfL will still be saddled with paying off that £1bn debt,.

Anyway, if you don't want the people of Lewisham to be saddled with that £1bn debt, it's

necessary to take action very soon, because contracts will be signed soon, and the cost of stopping the scheme will then be exponentially higher.

I'm very happy to come and meet you and David Rowe, and talk through all the figures. Of course, there's a chance I'm wrong about everything - but also a good chance, I think, that I'm not. And in that case you can save the people of Lewisham a good part of £1bn. I hope that chance is worth an hour of your time. I met Will Norman recently, and I hope he'll attest both that I'm reasonably sane for a campaigner, and that, in general, I know what I'm talking about.

All best,

Dominic

Garden Bridge

2 messages

Dominic Leggett <[REDACTED]@gmail.com>
To: [REDACTED]@labour.org.uk

Tue, Apr 26, 2016 at 4:37 AM

Dear Nick,

Great to see that Sadiq has signed up to LCC's cycling proposals.

You probably saw this today: <http://www.london-se1.co.uk/news/view/8750>

This clearly indicates an increased likelihood of financial collapse of the Garden Bridge Trust at some future point, with significant liabilities to the GLA and TfL.

This is not surprising. The Garden Bridge is an extraordinarily high risk project - a unique design, created by someone with very little experience of designing bridges, funded by an organisation with no cash to spare. It's also a tourist attraction with high maintenance costs and no assured source of income.

Potential costs to the public include the 60 million initial TfL/DfT investment (there's no clear route to the GBT paying off the TfL 'loan'), plus (let's say) fifty years of maintenance at 3.5 million a year (175 million)

That's not all, though. If costs suddenly rise half-way through building (very possible even with more experienced designers) the GBT will run out of money half-way through construction - and the Mayor will be left with a half-completed structure in a very public position, that will likely be as expensive to remove as to complete. I would add thirty percent contingency on top of what the GBT estimate to ensure completion (that would be another 60 million)

It's not unlikely, then that the Garden Bridge will cost the public in the region of 300 million (above and beyond 100 million in sponsorship) over the next fifty years, with 120 million-odd of that occurring under the next Mayor. That's an astonishing amount. In contrast, the Millenium Bridge (which carries more pedestrian traffic than the Garden Bridge is every forecast to) cost 18 millllion.

I think the smart move at this point would be for Sadiq (while 'supporting the bridge') to explicitly remove all maintenance guarantees, and state that there will be no further public funds going to the GBT. This will mean they have to raise sufficient private funds (in order to fulfil planning conditions) to move ahead in good oder or drop the project.

It's vital, though, that they don't get to start to build without finances in place for both completion (with a very high contingency reflecting the risk of the project) and funds for maintenance. Once they have started to build, they will have the GLA, TfL and the Mayor over a barrel.

Best

Dominic

Nick Bowes <[REDACTED]@labour.org.uk>
To: Dominic Leggett <[REDACTED]@gmail.com>

Tue, Apr 26, 2016 at 7:59 AM

Thanks Dominic – very helpful



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LONDON

Len Duvall AM, Chair of the GLA Oversight Committee

Mike Brown MVO

Commissioner
Transport for London
17th Floor Windsor House
42-50 Victoria Street
London
SW1 OTL



City Hall
The Queen's Walk
London SE1 2AA

Switchboard: 020 7983 4000

Minicom: 020 7983 4458

Web: www.london.gov.uk

Ref:

20 November 2017

Dear Mike

Re: Garden Bridge matters, meeting of 15 November 2017

Thank you for attending the meeting of 15 November 2017, during which issues arising out of the extensive and forensic work carried out by the Assembly regarding the Garden Bridge project, and lessons learned following the investigation were discussed.

At the conclusion of the last meeting of the Greater London Authority (GLA) Oversight Committee meeting on 11 October 2017, I indicated that the Committee was minded to pursue certain lines of enquiry further, as there continues to be concern regarding the loss of £46m of public money on this project.

One particular issue, raised during questioning by the Oversight Committee, was the release of the £7m after the construction contract was signed. The Committee has requested clarity regarding how criteria and processes, if they were in place at all, were applied by Transport for London (TfL) to decisions on whether and when to release payments.

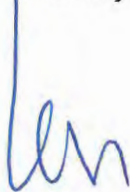
On the broader issues, I do acknowledge and appreciate your approach to Members' questioning on these matters; you have understood the concerns and made a number of statements to indicate that changes are now being made within TfL.

However, it is fair to say that there is no single statement or place where, to date, you have set out the full details of the changes being made to TfL's Board, governance and procurement procedures, to officer conduct rules and the handling of Mayoral directions, both before and after they are issued, as a result of the failings of the Garden Bridge Project. May I invite you to provide the Assembly with that clarity as part of your response to this correspondence.

Furthermore, could I also ask you to detail how TfL ensures compliance with the 'decision making' and 'roles and responsibilities' sections of the Corporate Governance Framework Agreement for the GLA Group, as approved by the Mayor (following consultation with all functional bodies and the Assembly), which deal specifically with the need for clear and accountable decision-making procedures, including in relation to Mayoral Directions.

On behalf of the Assembly, I look forward to your response.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Len', positioned below the text 'Yours sincerely'.

Len Duvall AM
Chair of the GLA Oversight Committee



Len Duvall AM
Chair of the GLA Oversight Committee
City Hall
The Queen's Walk
London SE1 2AA

Mike Brown MVO
Commissioner of Transport

Transport for London
Windsor House
42-50 Victoria Street
London SW1H 0TL

Phone 0343 222 0000
www.tfl.gov.uk

08 December 2017

Dear *Len*

Garden Bridge

Thank you for your letter of 20 November, following our meeting about the Garden Bridge. I am grateful for the work your Committee has done to explore what went wrong with the project, and for the opportunity to set out in one place the action we have taken to improve our processes as a result of your and others' investigations.

Over the last three years there have been a number of reviews and investigations into the project, including your own but also, for example, our Internal Audit report; an External Auditor review of that report; the Charity Commission's review of the Garden Bridge Trust; an investigation by the National Audit Office; and the comprehensive review that Dame Margaret Hodge completed at the request of the Mayor.

Let me be clear that we welcome the findings of all of these reports and investigations. In response to their recommendations, we have taken the following actions:

- **Board level transparency and scrutiny:** Under the clear guidance of the Mayor, we have implemented significant changes to our Board and Committee structure, including creating a Programmes and Investment Committee specifically to focus on our Investment Programme and give us an appropriate level of detailed attention.

Your Committee and Dame Margaret Hodge have both voiced concerns about the level of direct involvement by the previous Mayor and his team in this project, and the use of Mayoral Directions; under our new arrangements, our Audit and Assurance Committee, Finance Committee and Programmes and Investment Committee will also be more closely monitoring activities which are subject to a Mayoral Direction.

We are also supporting the GLA to ensure that where the Mayor takes decisions or provides significant advice in informal meetings, this is properly minuted.

- **Exercise of Commissioner's authority:** We have tightened the processes under which the Commissioner and Chief Finance Officer exercise the approvals delegated to them by our Board. In addition, we have expanded the regular reports to the Programmes and Investment Committee on matters they approve, and strengthened the process for ensuring the Chair of the relevant Committee is involved in authorities proposed to be given by the Commissioner or the Chief Finance Officer for matters which are not in the Business Plan or Budget.
- **Senior communication on procurement compliance:** The Mayor and I are crystal clear that all of our procurement processes must be fully complied with at all times. I have recently written personally to all of my senior staff to stress the importance of this, and explain the training and whistleblowing facilities that are available.
- **Escalation of issues:** It is crucial that staff involved in procurement know when and how to escalate concerns and risks about non-compliance with procurement processes. We have reminded all relevant staff that this escalation must happen, with particular focus on the Commercial, Internal Audit and Legal teams.
- **Assurance activity:** We have reviewed our assurance processes, for procurement activity but also more widely, and brought in specialist software to improve processes and reduce risk and error.
- **Review of employment conditions for senior staff:** We are very clear that our leavers remain bound by our Code of Conduct and Business Ethics policy. When we become aware of the impending departure of one of our senior staff, we will now be undertaking an assessment to determine whether there is, or might be perceived to be, a conflict so that responsibilities can be reallocated as necessary. We are also undertaking a review of the contractual terms of all senior employees to ensure that a consistent approach is taken to potential conflicts of interest.

Separately and following Dame Margaret Hodge's review, the GLA is currently considering options for her recommendation to amend employment conditions to limit the potential for 'revolving doors' among senior staff. We will support the GLA in this work.

We also set out a summary of these actions in a paper to our Board on 19 July 2017. This paper is published on our website at: <http://content.tfl.gov.uk/board-20170719-item15-garden-bridge.pdf>

Your letter also asked two specific questions, which I have answered below.

Releasing the £7m grant payment to the Garden Bridge Trust following the signing of their construction contract

We signed our Deed of Grant with the Trust on 2 July 2015, and subsequently varied it on 13 November 2015. These grant documents are published on our website at: <https://tfl.gov.uk/corporate/publications-and-reports/temple-footbridge>.

Under the terms of this Deed of Grant, the Trust was entitled to a payment of £7 million within 10 days of the award of the main construction contract, provided certain Conditions of Payment were met. These Conditions of Payment were:

- The Trust has demonstrated to TfL's satisfaction that it has secured, or is able to secure, a sufficient level of funding, including the Grant from TfL, to cover the costs of construction of the Garden Bridge;
- The Trust has demonstrated to TfL's satisfaction that it has secured, or is able to secure, all necessary consents needed to deliver the Project;
- The Trust has demonstrated to TfL's satisfaction that an appropriate project "go/no go" gateway review has been passed, including proper assessment and management of risks;
- The Trust has demonstrated to TfL's satisfaction that it has appropriate plans in place for the operation and maintenance of the Garden Bridge;
- The Trust has demonstrated to TfL's satisfaction that it has secured a satisfactory level of funding to operate and maintain the Garden Bridge once it is built for at least the first 5 (five) years; and
- The Trust has demonstrated that these funds will only be used in respect of the construction of the Garden Bridge.

Following negotiations between the Trust and its preferred construction contractor, Bouygues, the Trust was in a position to award the main construction contract in late January 2016. This contract was between the Trust and Bouygues; we were not party to it and the Trust did not require our approval to enter into it.

Paul Morrell (Vice Chair of the Trust) wrote on 27 January 2016 to Richard de Cani, our Managing Director, Planning and the named TfL Representative under the Deed of Grant, to request the release of the £7 million payment. A copy of this letter is attached, together with a subsequent, clarifying email of 29 January from Bee Emmott, the Executive Director of the Trust).

We considered the evidence supplied in this letter, as well as the wider information we had available on the status of the project from our regular progress meetings with the Trust, and determined that the Conditions of Payment had been met and it was necessary to release the payment to the Trust.

While we have been the Trust's primary contact on the public funding for the project, half of the public sector contribution has come from the Government and we have always kept colleagues at the Department for Transport informed on the status of the project and its funding. This was also true in this instance, where we provided the Trust's evidence and our view that the Conditions of Payment had been met to the DfT by email on 29 January 2016.

Compliance with the GLA Group Corporate Governance Framework Agreement

I take compliance with Corporate Governance very seriously, and I am committed to our leading the way in terms of transparent and accountable decision-making.

The GLA Group Framework Agreement is an important part of this, and our Board approved us being a signatory to the agreement in September 2016.

Our decision-making and reporting procedures are set out in our Standing Orders and the Terms of Reference of our Committees and Panels. These were most recently updated on 9 November 2017.

In addition, our Code of Conduct sets out how we expect our people to behave and how their day-to-day responsibilities relate to our organisational commitment to professional business conduct and ethics. This includes guidance around the management of conflicts of interest, and our requirement for all Board Members and senior officers to complete the GLA Framework's Register of Interests form.

We carry out an annual review of our Board and decision-making structures, to ensure that they remain effective and compliant with our Standing Orders, our Code of Conduct and the GLA Framework Agreement. We report the outcomes and recommendations of the effectiveness review to our Board, and our Audit and Assurance Committee considers an Annual Governance Statement including a Governance Improvement Plan.

It is crucial that our decision making is completely transparent. Our Board, Committee and Panel meetings are held in public and the papers are published online. We report any instances of my or our Chief Finance Officer's use of delegated authority to our Finance Committee and/or our Programmes and Investment Committee (depending on the nature of the approval) and we are expanding this report to specifically reference if the authority was granted for an item outside of our Business Plan or Budget.

As described in my summary of actions above, the latest revisions to our Standing Orders take this further by adding further internal review processes before any authority is granted and requiring the Chair of the relevant Committee to be consulted on any authority request for a project that is not in our Business Plan or Budget.

Finally, as part of our review our Finance Committee and Programmes and Investment Committee as appropriate will also receive reports on the implementation of Mayoral Directions.

I hope that this answers the points in your letter, but if you or your Committee have any further questions then please let me know. Thank you again for the opportunity to set out the steps we have taken to improve our processes and ensure that the mistakes made on this project can not happen again.

I will also be sending a copy of this letter to all of our Board Members, and publishing it on our website.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Mike Brown', with a long horizontal stroke extending to the right.

Mike Brown MVO

Encl. Correspondence from the Garden Bridge Trust requesting drawdown of the £7m grant payment following the signing of their construction contract

Appendix: correspondence from the Garden Bridge Trust requesting drawdown of the £7m grant payment following the signing of their construction contract

Richard De Cani
Managing Director, Planning
Transport for London
Windsor House
42-50 Victoria Street
London
SW1H 0TL

27 January 2016

Dear Richard

As per the payment profile in the Deed of Variation, dated 13th November 2015, the Garden Bridge Trust ("GBT") is due to drawdown on the next tranche of funding within 10 days of award of the main construction contract (29th January 2016).

I am writing to set out the progress made to satisfy the conditions of this instalment of TfL funding, since my last letter dated 11th December 2015.

The GBT's preferred contractor, Bouygues TP, has provided a revised offer with a viable programme as of December 2015. This has been reviewed by Arup on behalf of GBT for acceptability and assurance purposes. Following final negotiations and receipt of the tender report, a reconciliation with the funding situation was undertaken in parallel. This has been reviewed by the Trustees who intend to proceed to the next stage of award of the construction contract.

The Trust continues to work jointly with TfL and both Westminster City Council ("WCC") and London Borough of Lambeth Council ("LBL") to ensure that any outstanding planning conditions are approved and any outstanding property issues are resolved.

The following outlines our progress in meeting the conditions as set out in the agreement.

The Trust has demonstrated to TfL's satisfaction that it has secured, or is able to secure, a sufficient level of funding, including the Grant from TfL, to cover the costs of construction of the Garden Bridge

The Garden Bridge Trust has raised a total of £145 million, of which £85 million is from the private sector. This is enough to cover the cost of the bridge's construction contract, which is in the region of £100 million. The Trust continues to raise funds from the private sector to cover the remainder of the total project cost and will continue to do so, throughout construction.

Over the last six months, the Trust has secured more than £20 million in private sector contributions to the project. This is an unprecedented achievement for a capital project that has yet to begin construction. The Garden Bridge Trust expect fundraising to accelerate further once construction commences later this year.

The Trustees have a robust strategy to raise the remaining funds, including a series of major opportunities available totalling £42m and a Patron Scheme that will raise £1.5m. In addition, a strong pool of over 200 prospects has been developed, each with the capacity to give donations at the £500k level and above. Support for the project is strong amongst the philanthropic community. The Trust recently went to the market with ticket sales for its forthcoming inaugural fundraising Gala in aid of the charity and has sold all tickets to the event which will host 400-500 guests.

GBT is in advanced discussions with three major corporations for contracts to the value of £15 million which we anticipate will be signed by June 2016.

The Trust's fundraising activities will include the launch of a major public fundraising campaign in 2016, giving the opportunity for the public to engage and support the project.

Contractual agreements are in place for all of the commitments received to date. Each agreement clearly outlines the obligations of the Trust and funder and the release of tranches of funding in accordance with the Trusts requirements and projects progress. The full list of donors includes support from a range of Trusts, Foundations, philanthropists and major corporations, including Google, Sky and Citi Bank. This material has been shared with TfL for assurance purposes.

The Trust has a Development Sub-Committee that is focused on raising funds for the project as well as an in-house fundraising team and consultants that has grown since inception. A further Sub-Committee has been set up to focus on securing Patrons.

The Trust has demonstrated to TfL's satisfaction that it has secured, or is able to secure, all necessary consents needed to deliver the Project;

GBT has a fully articulated plan to address and attend to planning conditions and section 106 requirements prior to commencement of works as outlined in the supporting document Conditions Status Log.

The Garden Bridge Trust have submitted all pre-commencement conditions to Lambeth Council. Twelve of these conditions have been discharged already - seven planning conditions were recommended for approval and discharged at Lambeth's December Planning Committee and a further eight have been submitted for Lambeth's February Planning Committee, all recommended for approval. The remaining conditions, largely operational, will go to Lambeth's March Planning Committee and GBT representatives will attend a technical briefing with Committee Members in advance. TfL have been consulted on relevant conditions and are comfortable with the Trust's approaches and have provided approval to the Local Authorities.

There is one outstanding pre-commencement condition to be submitted to Westminster Council relating to the permanent highway layout for Temple Place, and the expectation is that this will be submitted shortly. Westminster Council planning conditions are unlikely to require a Committee determination and the expectation is that any outstanding conditions will be approved at officer level as has proven the case to date.

Section 106 agreements with both Local Authorities are in final draft form and the Trust expects to finalise these over the next month.

The Trust has demonstrated to TfL's satisfaction that an appropriate project "go/no go" gateway review has been passed, including proper assessment and management of risk;

A Stage gate review checklist has been approved by the Trust's Project Delivery Committee, against a revised short term (30 week) and long term programme which demonstrates progress to date and a plan to succeed on any outstanding property and planning fronts. This has been reviewed along with any associated risk by the Board of Trustees at the Board meeting held on January 14th 2016, who are satisfied to proceed to the next stage. TfL are observers of the Garden Bridge Trust Board meetings and have received a copy of the meeting minutes.

The Garden Bridge Trust Board of Trustees have resolved to execute the construction contract on 29 January 2016. The contract is engrossed and comprehensive and allows for the foreseen work to be delivered within the development forecast. There is provision outside the contract sum for works, yet to be procured, for example the works at London Underground.

The Trust has demonstrated to TfL's satisfaction that it has appropriate plans in place for the operation and maintenance of the Garden Bridge

As explained in the letter dated 11th December, the Trust has produced an Operation and Maintenance Plan which has been through a number of peer reviews.

The Operation and Maintenance Plan is a pre-commencement condition that needs to be discharged by both Lambeth and Westminster. The Plan has been submitted to both Councils for their review.

The Trusts construction contract with Bouygues TP includes the novation of a landscape contract with Willerby. Willerby will be responsible for the maintenance of the garden for the first five years of the bridges life.

The Operations and Maintenance Business Plan (the "OMBP") is subject to approval by Westminster City Council (WCC) and the London Borough of Lambeth (LBL) through a Section 106 obligation.

As explained previously, GBT has prepared a revised OMBP, since that submitted prior to planning consent in 2014, to set out how running costs associated with the Garden Bridge will be funded for five years from opening in 2018 until the end of 2023. The OMBP shows that the Trust is able to fund the costs associated with operating and maintaining the Garden Bridge over the five year business plan period.

The Trust has demonstrated that these funds will only be used in respect of the construction of the Garden Bridge.

The overall programme is being progressed with specific pre-construction activities pursued over the next six months, as indicated in the short term programme reviewed by the Trustees and TfL. The intention is to pursue these activities in parallel with Bouygues progressing the design and enabling works with main construction starting on site in the second quarter of 2016.

This notice is intended to trigger the immediate release of the £7m payment due within 10 days of award of construction contract as set out in Deed of Variation. For cash flow purposes, the Trust requests an initial payment of £2.5m immediately following receipt of this letter, to be followed by the drawdown of the remaining of the £7m on the 13th March 2016. This notice is also intended to provide evidence to trigger the release of the £3m due on 13th February as set out in the Deed of Variation.

We hope the above meets the conditions set out in the agreement. Please confirm acceptance of this proposal.

Yours sincerely,



Paul Dring Morrell
Vice Chair of the Garden Bridge Trust

From: Bee Emmott <[REDACTED]@gardenbridge.london>
Sent: 29 January 2016 08:59
To: Richard de Cani (MD Planning)
Cc: Brown Andy (Corporate Affairs); Rebecca Olajide; Jim Campbell; Jane Hywood
Subject: Re: FAO Richard De Cani

Dear Richard

Further to the below, I wanted to clarify that the information supplied in Paul's letter of 27 January relating to the fourth condition of payment in TfL's Deed of Grant, namely that

"The Trust has demonstrated to TfL's satisfaction that it has appropriate plans in place for the operation and maintenance of the Garden Bridge"

Is also intended to demonstrate fulfilment of the fifth condition of payment in the deed, that

"The Trust has demonstrated to TfL's satisfaction that it has secured a satisfactory level of funding to operate and maintain the Garden Bridge once it is built for at least the first 5 (five) years"

If you'd like to discuss, just let me know.

Best wishes

Bee

On 28 Jan 2016, at 15:32, Bee Emmott <[REDACTED]@gardenbridge.london> wrote:

Dear Richard
Please find attached letter from Paul Morrell, Vice Chair, Garden Bridge Trust.

Best wishes
Bee
Bee Emmott
Executive Director, Garden Bridge Trust
Somerset House, Strand, London, WC2R 1LA

m: [REDACTED]

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From: Carter Howard <[REDACTED]@TfL.gov.uk>
Date: 18 December 2017 at 13:21:55 GMT
To: "Alice Maynard CBE" <[REDACTED]@alicemaynard.co.uk>, "Anne McMeel" <[REDACTED]@btinternet.com>, "Ben Story (work)" <[REDACTED]@Rolls-Royce.com>, "Ben Story (work)" <[REDACTED]@Rolls-Royce.com>, "Ben Story PA" <[REDACTED]@rolls-royce.com>, "Bronwen Handyside" <[REDACTED]@gmail.com>, "Greg Clark CBE" <[REDACTED]@gregclark.com>, "Greg Clark PA" <[REDACTED]@gregclark.com>, "Kay Carberry CBE" <[REDACTED]@gmail.com>, "Lynn Sloman" <[REDACTED]@ransportforqualityoflife.com>, "Mee Ling Ng OBE" <[REDACTED]@btinternet.com>, "Michael Liebreich" <[REDACTED]@liebreichassociates.com>, "Michael Liebreich" <[REDACTED]@gmail.com>, "Michael Liebreich PA" <[REDACTED]@liebreichassociates.com>, "Nelson Ogunshakin OBE" <[REDACTED]@acenet.co.uk>, "Nelson Ogunshakin OBE" <[REDACTED]@acenet.co.uk>, "Nelson Ogunshakin PA(2)" <[REDACTED]@acenet.co.uk>, "Nina Skorupska CBE" <[REDACTED]@live.co.uk>, "Nina Skorupska PA" <[REDACTED]@r-e-a.net>, "Ron Kalifa" <[REDACTED]@worldpay.com>, "Ron Kalifa PA" <[REDACTED]@worldpay.com>, "Tanni Grey-Thompson DBE" <[REDACTED]@tanni.co.uk>, "Tanni Grey-Thompson PA" <[REDACTED]@parliament.uk>, val shawcross <[REDACTED]@london.gov.uk>, Ibitson Ami <[REDACTED]@tfl.gov.uk>, "Herbert Sarah (PA to Deputy Chair of TfL)" <[REDACTED]@TfL.gov.uk>
Cc: Carter Howard <[REDACTED]@TfL.gov.uk>, "Brown Mike (Commissioner)" <[REDACTED]@tfl.gov.uk>, Craig Graeme <[REDACTED]@TfL.gov.uk>, Daniels Leon <[REDACTED]@tfl.gov.uk>, Dix Michèle <[REDACTED]@tfl.gov.uk>, Everitt Vernon <[REDACTED]@TfL.gov.uk>, "Harvey Stuart" <[REDACTED]@tfl.gov.uk>, Kilonback Simon <[REDACTED]@tfl.gov.uk>, Pollins Andrew <[REDACTED]@tfl.gov.uk>, Powell Gareth <[REDACTED]@TfL.gov.uk>, "Wild Mark (MD)" <[REDACTED]@fl.gov.uk>, Williams Alex <[REDACTED]@tfl.gov.uk>, Wright Tricia <[REDACTED]@tfl.gov.uk>, Brown Staynton <[REDACTED]@tfl.gov.uk>, "Kenny Shamus" <[REDACTED]@tfl.gov.uk>, "Walker Clive (Internal Audit)" <[REDACTED]@TfL.gov.uk>, "Clarke Andrea (Exc)" <[REDACTED]@tfl.gov.uk>, Bevins Richard <[REDACTED]@TfL.gov.uk>, "Brown Andy (Corporate Affairs)" <[REDACTED]@tube.tfl.gov.uk>, Thomson Linda <[REDACTED]@tube.tfl.gov.uk>, Branks Kirsten <[REDACTED]@TfL.gov.uk>, "Tagg Ella (ST)" <[REDACTED]@TfL.gov.uk>, Patel Kumud <[REDACTED]@tfl.gov.uk>, "Quearney Carol (ST)" <[REDACTED]@TfL.gov.uk>, Hawley Anthea <[REDACTED]@tube.tfl.gov.uk>, Bradley Clare <[REDACTED]@tfl.gov.uk>, Quinn Amy <[REDACTED]@tfl.gov.uk>, Hawthorne Julia <[REDACTED]@tfl.gov.uk>, Johnson Judith <[REDACTED]@tfl.gov.uk>, Eleodore-Williams Jennifer <[REDACTED]@tube.tfl.gov.uk>, Bellars Lauren <[REDACTED]@tfl.gov.uk>, Breden Julie <[REDACTED]@tfl.gov.uk>, Roach Sam <[REDACTED]@tfl.gov.uk>, Hardeen Devi <[REDACTED]@tfl.gov.uk>, Riley Melanie <[REDACTED]@tfl.gov.uk>, Adcock Emma <[REDACTED]@tfl.gov.uk>, "Gourley Jennifer" <[REDACTED]@TfL.gov.uk>
Subject: Garden Bridge Scrutiny

Dear All

I attach for your information an exchange of correspondence between Len Duval AM, Chair of the GLA Oversight Committee, and Mike Brown MVO, in relation to the Oversight Committee's further discussions on the Garden Bridge project on 15

November.

Mike's response sets out in one place the actions TfL has taken in response to the various reviews of the project.

Please let me know if you have any questions.

Howard

Howard Carter, General Counsel, Transport for London
2nd Floor, Petty France, 55 Broadway, London SW1H 0BD
e-mail: [REDACTED] [tfl.gov.uk](mailto:[REDACTED]@tfl.gov.uk)
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From: Valerie Shawcross <[REDACTED]@london.gov.uk>
Date: 7 April 2017 at 10:00:10 BST
To: "Anne McMeel" <[REDACTED]@btinternet.com>, "GLetang" <[REDACTED]@parliament.uk>, "Grey-Thompson Baroness" <[REDACTED]@tanni.co.uk>, "Ben Story" <[REDACTED]@gmail.com>, "Ben Story PA (Petra Wosterfiled)" <[REDACTED]@rolls-royce.com>, "Bronwen Handyside" <[REDACTED]@gmail.com>, "Alice Maynard CBE" <[REDACTED]@alicemaynard.co.uk>, "Lynn Sloman" <[REDACTED]@transportforqualityoflife.com>, "Mee Ling Ng OBE" <[REDACTED]@btinternet.com>, "Dr Nelson Ogunshakin (work - private & confidential)" <[REDACTED]@acenet.co.uk>, "Dr Nelson Ogunshakin OBE (work - not private & conf)" <[REDACTED]@acenet.co.uk>, "Nelson Ogunshakin's PA" <[REDACTED]@acenet.co.uk>, "Nina Skorupska CBE" <[REDACTED]@live.co.uk>, "Nina Skorupska PA [Lauren Snoxell]" <[REDACTED]@r-e-a.net>, "Kay Carberry CBE" <[REDACTED]@gmail.com>, "Liebreich Michael PA (Jo Jagger)" <[REDACTED]@liebreichassociates.com>, "Michael Liebreich" <[REDACTED]@liebreichassociates.com>, "Michael Liebreich" <[REDACTED]@gmail.com>, "Greg Clark CBE" <[REDACTED]@gregclark.com>, "Greg Clark CBE (Kim Norris)" <[REDACTED]@gregclark.com>, "Ron Kalifa" <[REDACTED]@worldpay.com>, "Ron Kalifa PA (Lesley Hargrave)" <[REDACTED]@worldpay.com>
Cc: Valerie Shawcross <[REDACTED]@london.gov.uk>
Subject: Hodge Independent Review of Garden Bridge project

Dear Board Members,

As you know, in October the Mayor appointed Dame Margaret Hodge to carry out an independent review of the Garden Bridge project. Among other things, Dame Margaret was asked to investigate the conduct of Transport for London (TfL), the Greater London Authority (GLA) and other relevant authorities in regard to the Garden Bridge project and to set out any lessons that should be learnt.

Dame Margaret has now submitted her report to the Mayor and he has approved its publication on the Greater London Authority website. This will be available from this morning at: <https://www.london.gov.uk/gardenbridgeindependentreview>

I have attached a copy of a response letter from the Mayor to Dame Margaret in

acknowledgement of her review. This refers specifically to the improvements we have already made to ensure a stronger TfL Board.

As noted in the attached, the Mayor will now take time to understand the findings to determine its implications for the future.

Yours

Val

#LondonIsOpen

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Date: 12 October 2016 at 13:21:20 BST
To: "'Anne McMeel'" <[REDACTED]@btinternet.com>, "'Lynn Sloman'" <[REDACTED]@transportforqualityoflife.com>, "'Kay Carberry'" <[REDACTED]@gmail.com>, "'MEELING NG'" <[REDACTED]@btinternet.com>, "[REDACTED]@acenet.co.uk" <[REDACTED]@acenet.co.uk>
Cc: Carter Howard <[REDACTED]@Tfl.gov.uk>, "Walker Clive (Internal Audit)" <[REDACTED]@Tfl.gov.uk>, Nunn Ian <[REDACTED]@tfl.gov.uk>, Kenny Shamus <[REDACTED]@tfl.gov.uk>, Riley Sue <[REDACTED]@tfl.gov.uk>, "Hannah Paul" <[REDACTED]@acenet.co.uk>, MacKay Christine <[REDACTED]@Tfl.gov.uk>, Hawthorne Julia <[REDACTED]@tfl.gov.uk>, Gourley Jennifer <[REDACTED]@Tfl.gov.uk>
Subject: NAO Report on the Garden Bridge

Dear All

Following our discussion of the Garden Bridge project at the Audit and Assurance Committee meeting this week, the NAO have now published a report on DfT's funding of the Garden Bridge.

I have attached a copy for your information.

Howard

Howard Carter, General Counsel, Transport for London
Windsor House, 42-50 Victoria Street London SW1H 0TL
e-mail: [REDACTED]@tfl.gov.uk
Tel: [REDACTED]
Fax: 020 3054 3556 (83556)

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From: Carter Howard <[REDACTED]@TfL.gov.uk>

Date: 7 April 2017 at 11:21:36 BST

To: val shawcross <[REDACTED]@london.gov.uk>, Ibitson Ami

<[REDACTED]@tfl.gov.uk>, "Herbert Sarah (PA to Deputy Chair of TfL)"

<[REDACTED]@TfL.gov.uk>, "Alice Maynard CBE"

<[REDACTED]@alicemaynard.co.uk>, "Anne McMeel"

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<[REDACTED]@acenet.co.uk>, "Nina Skorupska CBE" <[REDACTED]@live.co.uk>,

"Nina Skorupska PA" <[REDACTED]@r-e-a.net>, "Ron Kalifa"

<[REDACTED]@worldpay.com>, "Ron Kalifa PA"

<[REDACTED]@worldpay.com>, "Tanni Grey-Thompson DBE"

<[REDACTED]@tanni.co.uk>, "Tanni Grey-Thompson PA"

<[REDACTED]@parliament.uk>

Cc: Carter Howard <[REDACTED]@TfL.gov.uk>, "Brown Mike

(Commissioner)" <[REDACTED]@tfl.gov.uk>, Williams Alex

<[REDACTED]@tfl.gov.uk>, Dix Michèle <[REDACTED]@tfl.gov.uk>, Everitt

Vernon <[REDACTED]@TfL.gov.uk>, Nunn Ian <[REDACTED]@tfl.gov.uk>,

Craig Graeme <[REDACTED]@TfL.gov.uk>, Daniels Leon

<[REDACTED]@tfl.gov.uk>, "Pollins Andrew" <[REDACTED]@tfl.gov.uk>,

Powell Gareth <[REDACTED]@TfL.gov.uk>, "Wild Mark (MD)"

<[REDACTED]@tfl.gov.uk>, Wright Tricia <[REDACTED]@tfl.gov.uk>, Kenny

Shamus <[REDACTED]@tfl.gov.uk>, "Brown Andy (Corporate Affairs)"

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"Breden Julie" <[REDACTED]@tfl.gov.uk>, Bradley Clare

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Christine <[REDACTED]@TfL.gov.uk>, Hawthorne Julia

<[REDACTED]@tfl.gov.uk>, Thrush Janine <[REDACTED]@tfl.gov.uk>,

Hawley Anthea <[REDACTED]@tube.tfl.gov.uk>, "Quearney Carol (ST)"
<[REDACTED]@TfL.gov.uk>, Johnson Judith
<[REDACTED]@tfl.gov.uk>, Eleodore-Williams Jennifer
<[REDACTED]@tube.tfl.gov.uk>, Thomson Linda
<[REDACTED]@tube.tfl.gov.uk>, Bellars Lauren
<[REDACTED]@tfl.gov.uk>, Roach Sam <[REDACTED]@tfl.gov.uk>, Gourley
Jennifer <[REDACTED]@TfL.gov.uk>

Subject: TfL Board: Publication of Dame Margaret Hodge's review into the Garden Bridge

All

Please see attached a copy of Dame Margaret Hodge's report on the Garden Bridge, together with a copy of the GLA press release that accompanied it. Also attached is a copy of a letter from the Mayor to Dame Margaret.

The report along with the Mayor's letter have been published on the GLA website: <https://www.london.gov.uk/independent-review-garden-bridge-project>

Howard

Howard Carter, General Counsel, Transport for London
Windsor House, 42-50 Victoria Street London SW1H 0TL
e-mail: [REDACTED]@tfl.gov.uk
Tel: [REDACTED] ([REDACTED])
Fax: 020 3054 3556 (83556)

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From: Carter Howard <[REDACTED]@tfl.gov.uk>
Date: 3 October 2016 at 18:47:02 BST
To: Keith Williams <[REDACTED]@johnlewis.co.uk>, "Wright Steve"
<[REDACTED]@btinternet.com>, "Barnes Richard" <[REDACTED]@richardbarnes.co.uk>, Belcher
Charles <[REDACTED]@btinternet.com>, Cooke Brian <[REDACTED]@TheCookees.org.uk>, Grey-
Thompson Tanni <[REDACTED]@tanni.co.uk>
Cc: Carter Howard <[REDACTED]@tfl.gov.uk>, "Walker Clive (Internal Audit)"
<[REDACTED]@tfl.gov.uk>, Riley Sue <[REDACTED]@tfl.gov.uk>, Gourley Jennifer
<[REDACTED]@tfl.gov.uk>
Subject: EY Garden Bridge Review

Dear All

At the Audit and Assurance Committee meeting on 14 June 2016 we agreed that we would let the then Committee Members know when the EY Garden Bridge Review report was being published.

The report has just been published as part of the papers for the Audit and Assurance Committee meeting on 11 October. The report can be found at <http://content.tfl.gov.uk/aac-20161011-part-1-item08-ey-review-of-internal-audit.pdf>.

Please let me know if you have any questions.

Howard

Howard Carter, General Counsel, Transport for London
Windsor House, 42-50 Victoria Street London SW1H 0TL
e-mail: [REDACTED]@tfl.gov.uk
Tel: [REDACTED]
Fax: 020 3054 3556 (83556)

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From: Isabel Dedring <[REDACTED]@london.gov.uk>
Date: 20 June 2015 at 09:13:02 BST
To: "[REDACTED]@TheCookees.org.uk" <[REDACTED]@TheCookees.org.uk>, "[REDACTED]@ba.com" <[REDACTED]@ba.com>
Cc: "[REDACTED]@tfl.gov.uk" <[REDACTED]@tfl.gov.uk>, "[REDACTED]@canary.co.uk" <[REDACTED]@canary.co.uk>, "[REDACTED]@ba.com" <[REDACTED]@ba.com>
Subject: Re: TfL to review tenders for London's garden bridge design | UK news | The Guardian STRICTLY CONFIDENTIAL

I think the current approach is absolutely fine. Happy to discuss over the phone if helpful.

----- Original Message -----

From: Brian Cooke [mailto:[REDACTED]@thecookees.org.uk]
Sent: Saturday, June 20, 2015 08:08 AM
To: Williams Keith <[REDACTED]@ba.com>
Cc: [REDACTED]@tfl.gov.uk; Isabel Dedring <[REDACTED]@canary.co.uk> <[REDACTED]@Canary.co.uk>; Pitman Samantha <[REDACTED]@ba.com>
Subject: TfL to review tenders for London's garden bridge design | UK news | The Guardian STRICTLY CONFIDENTIAL

Dear Keith

I do wonder if Audit Committee should get involved with this? Assuming, of course, that the media article is accurate. At minimum I think we should ask to see the terms of reference and methodology of the "review" that has been asked for by Sir Peter and the full final report as soon as it is available. It may be appropriate for the report to be to the Audit Committee rather than the Commissioner. You may know that, at Finance and Policy committee this week, there was significant criticism of the way some, albeit not this one, projects were being procured. It may therefore be time for a wider review.

I am copying this to Peter H, Isabel and Peter Anderson, as Chairman of FPC.

Regards

Brian

<http://www.theguardian.com/uk-news/2015/jun/19/tfl-to-review-tenders-for-garden-bridge-design-amid-claims-bid-was-prejudged>

Brian Cooke

[REDACTED]

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From: Carter Howard <[REDACTED]@TfL.gov.uk>
Subject: TfL Board: Publication of Dame Margaret Hodge's review into the Garden Bridge
Date: 7 April 2017 at 11:21:36 BST
To: val shawcross <[REDACTED]@london.gov.uk>, Ibitson Ami <[REDACTED]@tfl.gov.uk>, "Herbert Sarah (PA to Deputy Chair of TfL)" <[REDACTED]@TfL.gov.uk>, "Alice Maynard CBE" <[REDACTED]@alicemaynard.co.uk>, "Anne McMeel" <[REDACTED]@btinternet.com>, "Ben Story" <[REDACTED]@gmail.com>, "Ben Story PA" <[REDACTED]@rolls-royce.com>, "Bronwen Handyside" <[REDACTED]@gmail.com>, "Greg Clark CBE" <[REDACTED]@gregclark.com>, "Greg Clark PA" <[REDACTED]@gregclark.com>, "Kay Carberry CBE" <[REDACTED]@gmail.com>, "Lynn Sloman" <[REDACTED]@transportforqualityoflife.com>, "Mee Ling Ng OBE" <[REDACTED]@btinternet.com>, "Michael Liebreich" <[REDACTED]@liebreichassociates.com>, "Michael Liebreich" <[REDACTED]@gmail.com>, "Michael Liebreich PA" <[REDACTED]@liebreichassociates.com>, "Nelson Ogunshakin OBE" <[REDACTED]@acenet.co.uk>, "Nelson Ogunshakin OBE" <[REDACTED]@acenet.co.uk>, "Nelson Ogunshakin PA" <[REDACTED]@acenet.co.uk>, "Nina Skorupska CBE" <[REDACTED]@live.co.uk>, "Nina Skorupska PA" <[REDACTED]@r-e-a.net>,

"Ron Kalifa" <[REDACTED]@worldpay.com>, "Ron Kalifa PA"
<[REDACTED]@worldpay.com>, "Tanni Grey-Thompson DBE"
<[REDACTED]@tanni.co.uk>, "Tanni Grey-Thompson PA"
<[REDACTED]@parliament.uk>
Cc: Carter Howard <[REDACTED]@TfL.gov.uk>, "Brown Mike
(Commissioner)" <[REDACTED]@tfl.gov.uk>, Williams Alex
<[REDACTED]@tfl.gov.uk>, Dix Michèle <[REDACTED]@tfl.gov.uk>,
Everitt Vernon <[REDACTED]@TfL.gov.uk>, Nunn Ian
<[REDACTED]@tfl.gov.uk>, Craig Graeme <[REDACTED]@TfL.gov.uk>,
Daniels Leon <[REDACTED]@tfl.gov.uk>, "Pollins Andrew"
<[REDACTED]@tfl.gov.uk>, Powell Gareth
<[REDACTED]@TfL.gov.uk>, "Wild Mark (MD)"
<[REDACTED]@tfl.gov.uk>, Wright Tricia <[REDACTED]@tfl.gov.uk>,
Kenny Shamus <[REDACTED]@tfl.gov.uk>, "Brown Andy (Corporate
Affairs)" <[REDACTED]@tube.tfl.gov.uk>, Branks Kirsten
<[REDACTED]@TfL.gov.uk>, "Tagg Ella (ST)"
<[REDACTED]@TfL.gov.uk>, "Breden Julie" <[REDACTED]@tfl.gov.uk>,
Bradley Clare <[REDACTED]@tfl.gov.uk>, Quinn Amy
<[REDACTED]@tfl.gov.uk>, MacKay Christine
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<[REDACTED]@tfl.gov.uk>, Thrush Janine
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<[REDACTED]@tube.tfl.gov.uk>, "Quearney Carol (ST)"
<[REDACTED]@TfL.gov.uk>, Johnson Judith
<[REDACTED]@tfl.gov.uk>, Eleodore-Williams Jennifer
<[REDACTED]@tube.tfl.gov.uk>, Thomson Linda
<[REDACTED]@tube.tfl.gov.uk>, Bellars Lauren
<[REDACTED]@tfl.gov.uk>, Roach Sam <[REDACTED]@tfl.gov.uk>,
Gourley Jennifer <[REDACTED]@TfL.gov.uk>

All

Please see attached a copy of Dame Margaret Hodge's report on the Garden Bridge, together with a copy of the GLA press release that accompanied it. Also attached is a copy of a letter from the Mayor to Dame Margaret.

The report along with the Mayor's letter have been published on the GLA website:<https://www.london.gov.uk/independent-review-garden-bridge-project>

Howard

Howard Carter, General Counsel, Transport for London
Windsor House, 42-50 Victoria Street London SW1H 0TL
e-mail: [REDACTED]@tfl.gov.uk
Tel: [REDACTED] ([REDACTED])
Fax: 020 3054 3556 (83556)

From: Valerie Shawcross <[REDACTED]@london.gov.uk>
Subject: Hodge Independent Review of Garden Bridge project
Date: 7 April 2017 at 10:00:10 BST
To: "Anne McMeel" <[REDACTED]@btinternet.com>, "GLetang" <[REDACTED]@parliament.uk>, "Grey-Thompson Baroness" <[REDACTED]@tanni.co.uk>, "Ben Story" <[REDACTED]@gmail.com>, "Ben Story PA (Petra Wosterfiled)" <[REDACTED]@rolls-royce.com>, "Bronwen Handyside" <[REDACTED]@gmail.com>, "Alice Maynard CBE" <[REDACTED]@alicemaynard.co.uk>, "Lynn Sloman" <[REDACTED]@transportforqualityoflife.com>, "Mee Ling Ng OBE" <[REDACTED]@btinternet.com>, "Dr Nelson Ogunshakin (work - private & confidential)" <[REDACTED]@acenet.co.uk>, "Dr Nelson Ogunshakin OBE (work - not private & conf)" <nogunshakin@acenet.co.uk>, "Nelson Ogunshakin's PA" <[REDACTED]@acenet.co.uk>, "Nina Skorupska CBE" <[REDACTED]@live.co.uk>, "Nina Skorupska PA [Lauren Snoxell]" <[REDACTED]@r-e-a.net>, "Kay Carberry CBE" <[REDACTED]@gmail.com>, "Liebreich Michael PA (Jo Jagger)" <[REDACTED]@liebreichassociates.com>, "Michael Liebreich" <[REDACTED]@liebreichassociates.com>, "Michael Liebreich" <[REDACTED]@gmail.com>, "Greg Clark CBE" <[REDACTED]@gregclark.com>, "Greg Clark CBE (Kim Norris)" <[REDACTED]@gregclark.com>, "Ron Kalifa" <[REDACTED]@worldpay.com>, "Ron Kalifa PA (Lesley Hargrave)"

<[REDACTED]@worldpay.com>
Cc: Valerie Shawcross <[REDACTED]@london.gov.uk>

Dear Board Members,

As you know, in October the Mayor appointed Dame Margaret Hodge to carry out an independent review of the Garden Bridge project. Among other things, Dame Margaret was asked to investigate the conduct of Transport for London (TfL), the Greater London Authority (GLA) and other relevant authorities in regard to the Garden Bridge project and to set out any lessons that should be learnt.

Dame Margaret has now submitted her report to the Mayor and he has approved its publication on the Greater London Authority website. This will be available from this morning at: <https://www.london.gov.uk/gardenbridgeindependentreview>

I have attached a copy of a response letter from the Mayor to Dame Margaret in acknowledgement of her review. This refers specifically to the improvements we have already made to ensure a stronger TfL Board.

As noted in the attached, the Mayor will now take time to understand the findings to determine its implications for the future.

Yours

Val

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From: Jo Jagger <[REDACTED]@liebreichassociates.com>
Sent: 14 April 2017 19:49
Subject: Anne McMeel: TfL Board: Publication of Dame Margaret Hodge's review into the Garden Bridge

From: Anne McMeel <[REDACTED]@btinternet.com>
Date: 14 April 2017 at 6:57:33 pm BST
To: Michael Liebreich <[REDACTED]@liebreichassociates.com>
Cc: Jo Jagger <[REDACTED]@liebreichassociates.com>, Carter Howard <[REDACTED]@TfL.gov.uk>, "Ron Kalifa <[REDACTED]@worldpay.com>" <[REDACTED]@worldpay.com>, Nunn Ian <[REDACTED]@tfl.gov.uk>, "Ben Story <[REDACTED]@gmail.com>" <[REDACTED]@gmail.com>
Subject: Re: TfL Board: Publication of Dame Margaret Hodge's review into the Garden Bridge

Michael

Thanks for this. I absolutely agree that specific projects and decisions need to go to the relevant committee or the Board. I do not believe the intention is to route such issues through the AAC which is only being asked to lead on how TfL responds to the elements of the Hodge report that relates to us. Any future decisions in the bridge, in as far as they impact on TfL, will be dealt with by the appropriate committee or the Board.

Happy to discuss when we next cross paths.

Regards

Anne

On 14 Apr 2017, at 15:59, Michael Liebreich <[REDACTED]@liebreichassociates.com> wrote:

Anne,

The AAC's remit is absolutely to ensure that procedures are followed and governance is in place – and there are plenty of lessons to be learned from the Hodge Review – but surely not to call in selected decisions.

The proper TfL governance and approval processes, for a project with an aggregate value of £60m and a potential budgetary hit of more than that, is to be considered by the Finance Committee.

If we start routing selected projects through the AAC and around the Finance Committee, that strikes me as a very troubling precedent. It risks perpetuating the exact same problems as the Hodge Review highlights.

Regards,

Michael

From: Anne McMeel <[REDACTED]@btinternet.com>
Sent: 13 April 2017 12:30
To: Michael Liebreich
Cc: Carter Howard; Ron Kalifa <[REDACTED]@worldpay.com>; Nunn Ian; Ben Story <[REDACTED]@gmail.com>
Subject: Re: TfL Board: Publication of Dame Margaret Hodge's review into the Garden Bridge
Michael

Rest assured the AAC will be looking at systems and governance issues. That will include seeking assurance that any future decisions on funding are subject to the proper TfL governance and approval processes.

Regards
Anne

On 13 Apr 2017, at 10:32, Michael Liebreich
<[REDACTED]@liebreichassociates.com> wrote:

Howard,

I agree that the Audit and Assurance Committee is the correct forum to consider the lessons from the Hodge Review.

However, as I have stated in the past, if GBT requests the release of any part of the loan funding, I believe that really needs to come before the Finance Committee ahead of any decision. It is the Finance Committee which has the commercial skills to consider the bankability of GBT's existing funding pledges and the viability of GBT's ongoing funding activities, and it is the Finance Committee which takes primary responsibility for evaluating potential impacts on TfL's budget.

Thanks,

Michael

From: Gourley Jennifer <[REDACTED]@TfL.gov.uk> on behalf of Carter Howard <[REDACTED]@TfL.gov.uk>
Sent: 11 April 2017 17:43
To: val shawcross; Ibitson Ami; Herbert Sarah (PA to Deputy Chair of TfL); 'Alice Maynard CBE'; 'Anne McMeel'; 'Ben Story'; 'Ben Story PA'; 'Bronwen Handyside'; 'Greg Clark CBE'; 'Greg Clark PA'; 'Kay Carberry CBE'; 'Lynn Sloman'; 'Mee Ling Ng OBE'; Michael Liebreich; 'Michael Liebreich'; Jo Jagger; 'Nelson Ogunshakin OBE'; 'Nelson Ogunshakin OBE'; 'Nelson Ogunshakin PA'; 'Nina Skorupska CBE'; 'Nina Skorupska PA'; 'Ron Kalifa'; 'Ron Kalifa PA'; 'Tanni Grey-Thompson DBE'; 'Tanni Grey-Thompson PA'
Cc: Carter Howard; Brown Mike (Commissioner); Williams Alex; Dix Michèle; Everitt Vernon; Nunn Ian; Craig Graeme; Daniels Leon; Pollins Andrew; Powell Gareth; Wild Mark (MD); Wright Tricia; Kenny Shamus; Clarke Andrea (Exc); Walker Clive (Internal Audit); Curry Justine; Brown Andy (Corporate Affairs); Branks Kirsten; Tagg Ella (ST); Breden Julie; Bradley Clare; Quinn Amy; MacKay Christine; Hawthorne Julia; Thrush Janine; Hawley Anthea; Quearney Carol (ST); Johnson Judith; Eleodore-Williams Jennifer; Thomson Linda; Bellars Lauren; Roach Sam; Seeley Louise; Gourley Jennifer
Subject: RE: TfL Board: Publication of Dame Margaret Hodge's review into the Garden Bridge

Dear All

Following the e-mail circulating a copy of the Garden Bridge Review, Val and Mike have discussed the best way to take forward the consideration of the recommendations in the Review for TfL.

We are proposing that the Audit and Assurance Committee should take the lead in considering the Review. There will be a report on the governance of the project, the previous reviews, actions undertaken to date and proposals for taking forward the recommendations made in the Review to the AAC. The proposed actions will then be presented to the Board to consider.

If members have any questions or any particular views that they would like to be taken into account in the meantime then please let me know.

Howard

From: Gourley Jennifer **On Behalf Of** Carter Howard
Sent: 07 April 2017 11:22
To: val shawcross; Ibitson Ami; Herbert Sarah (PA to Deputy Chair of TfL); 'Alice Maynard CBE'; 'Anne McMeel'; 'Ben Story'; 'Ben Story PA'; 'Bronwen Handyside'; 'Greg Clark CBE'; 'Greg Clark PA'; 'Kay Carberry CBE'; 'Lynn Sloman'; 'Mee Ling Ng OBE'; 'Michael Liebreich'; 'Michael Liebreich'; 'Michael Liebreich PA'; 'Nelson Ogunshakin OBE'; 'Nelson Ogunshakin OBE'; 'Nelson Ogunshakin PA'; 'Nina Skorupska CBE'; 'Nina Skorupska PA'; 'Ron Kalifa'; 'Ron Kalifa PA'; 'Tanni Grey-Thompson DBE'; 'Tanni Grey-Thompson PA'
Cc: Carter Howard; Brown Mike (Commissioner); Williams Alex; Dix Michèle; Everitt Vernon; Nunn Ian; Craig Graeme; Daniels Leon; Pollins Andrew; Powell Gareth; Wild Mark (MD); Wright Tricia; Kenny Shamus; Brown Andy (Corporate Affairs); Branks Kirsten; Tagg Ella (ST); Breden Julie; Bradley Clare; Quinn Amy; MacKay Christine; Hawthorne Julia; Thrush Janine; Hawley Anthea; Quearney Carol (ST); Johnson Judith; Eleodore-Williams Jennifer; Thomson Linda; Bellars Lauren; Roach Sam; Gourley Jennifer
Subject: TfL Board: Publication of Dame Margaret Hodge's review into the Garden Bridge

All

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The report along with the Mayor's letter have been published on the GLA website: <https://www.london.gov.uk/independent-review-garden-bridge-project>



[Independent review of the Garden Bridge project](#)

www.london.gov.uk

Dame Margaret Hodge MP's independent review into the Garden Bridge project has concluded. Her report is published here.

Howard

Howard Carter, General Counsel, Transport for London

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Publication of Dame Margaret Hodge's review into the Garden Bridge

Today the Mayor of London has published Dame Margaret Hodge MP's report on the Garden Bridge.

The Mayor, Sadiq Khan, commissioned Dame Margaret to undertake the review in October 2016. The review did not seek to address whether the Garden Bridge is a good idea. It did assess whether value for money was being secured from the public sector contribution and it examined the policies, procedures adopted to implement the Garden Bridge Project and the conduct of those involved.

Some of the key conclusions of the report include:

- Decisions on the Garden Bridge were driven more by electoral cycles than value for taxpayers' money.

- The costs have escalated from an early estimate of £60m to over £200m today
- The risk to the taxpayer has intensified. The original ambition to fund the Garden Bridge through private finance has been abandoned. The Garden Bridge Trust has lost two major private donors and has pledges of £69million with no new pledges secured since August 2016. With a public sector contribution of £60 million, that leaves a gap in capital funding of at least £70 million. Furthermore, very little progress has been made on raising money to fund the ongoing maintenance of a completed bridge.
- There was not an open, fair and competitive process around the two TfL procurements for the Garden Bridge Project. The two procurements revealed systemic failures and ineffective control systems at many levels.
- The Garden Bridge Trust’s finances are in a precarious state and many outstanding risks remain unresolved.

Commenting on her report, Dame Margaret said:

“I did not seek to ask whether the concept of a garden bridge over the River Thames is a good idea. But my review has found that too many things went wrong in the development and implementation of the Garden Bridge Project.

“Value for money for the taxpayer has not been secured. It would be better for the taxpayer to accept the financial loss of cancelling the project than to risk the potential uncertain additional costs to the public purse if the project proceeds.

“In the present climate, with continuing pressures on public spending, it is difficult to justify further public investment in the Garden Bridge.

“I would urge the Mayor not to sign any guarantees until it is confirmed that the private capital and revenue monies have been secured by the Garden Bridge Trust.

“My report outlines some key lessons that can be learned from the Garden Bridge project across different public organisations and makes a number of recommendations. I thank the Mayor, Sadiq Khan, for giving me the opportunity to examine the project in detail.”

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From: Jo Jagger [REDACTED]@liebreichassociates.com>
Sent: 26 January 2017 16:56
Subject: Claire Hamilton: Garden Bridge / Finance Committee

From: Claire Hamilton <[REDACTED]@london.gov.uk>
Date: 26 January 2017 at 4:37:51 pm GMT
To: 'Michael Liebreich' <[REDACTED]@liebreichassociates.com>, Valerie Shawcross <[REDACTED]@london.gov.uk>
Cc: "Ron Kalifa PA (Lesley Hargrave) ([REDACTED]@worldpay.com)" <[REDACTED]@worldpay.com>, Benjamin Kafri [REDACTED]@bloomberg.net>, "[REDACTED]@tfl.gov.uk" <[REDACTED]@tfl.gov.uk>, [REDACTED]@tfl.gov.uk" <[REDACTED]@tfl.gov.uk>
Subject: RE: Garden Bridge / Finance Committee

Dear Michael,

Thanks for looking into the ToR directly and apologies I wasn't able to get back to you yesterday. I was as it happens out all day working for Margaret on the review. It looks like you have found them yourself and there isn't much to add except to say Margaret has been very interested in the process within TfL and between TfL/GLA. I will therefore share your letter with her as I'm sure she'd be interested to see this is being picked up.

Do let me know if you've any other questions about the review.

Kind regards,
Claire

From: Michael Liebreich [mailto:[REDACTED]@liebreichassociates.com]
Sent: 25 January 2017 18:41
To: Valerie Shawcross; Claire Hamilton
Cc: Ron Kalifa PA (Lesley Hargrave) ([REDACTED]@worldpay.com); Benjamin Kafri; [REDACTED]@tfl.gov.uk; [REDACTED]@tfl.gov.uk
Subject: FW: Garden Bridge / Finance Committee
Val,

I will happily hear from Claire regarding the TOR of the Dame Margaret's review.

Meanwhile I'm looking at the published TOR. They do indeed appear to cover the governance issue about scrutiny of projects once they have been approved by Mayoral Direction. However, they do not appear to cover my much bigger concern about TfL being hit with some proportion of the costs of completion, in the event that the Garden Bridge Trust are allowed to start construction but cannot complete it. <https://www.london.gov.uk/press-releases/mayoral/review-to-be-conducted-into-garden-bridge-project>

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Claire, should my letter to Ron (attached) be of use to the Hodge Review I would be happy for it to be included as a submission.

Regards,

Michael

Can you send me Claire's email address.

Thx,

M

From: Jo Jagger [mailto: [REDACTED]@liebreichassociates.com]
Sent: 23 January 2017 14:20
Subject: Val Shawcross: Garden Bridge / Finance Committee

From: Valerie Shawcross < [REDACTED]@london.gov.uk >
Sent: 23 January 2017 13:48
To: Michael Liebreich
Cc: Jo Jagger; Claire Hamilton; [REDACTED]@tfl.gov.uk
Subject: RE: Garden Bridge / Finance Committee

Hi Michael – we are due to meet this week and can touch base on a few different items,. But I just wanted to say that I wouldn't want to trigger any separate TfL work on the Garden Bridge until the Margaret Hodge led Review was completed. She is carrying out an independent review for the Mayor of all the financial issues concerning the Garden Bridge. Claire, who I have copied in here is doing the support work for her review and can fill you in on the details of the TOR etc. I think it will meet the concerns you have.

Best wishes

Val

Valerie Shawcross CBE
Deputy Mayor for Transport
City Hall The Queen's Walk London SE1 2AA
Tel: [REDACTED]

From: Michael Liebreich [mailto: [REDACTED]@liebreichassociates.com]
Sent: 22 January 2017 22:48
To: Valerie Shawcross
Cc: Jo Jagger
Subject: FW: Garden Bridge / Finance Committee

Val,

I just wanted to make you aware, I sent the attached note to Ron just now asking that the Finance Committee take a look at two potential issues relating to the Garden Bridge: the potential impact on TfL's budgets should construction start and the GBT not be able to raise enough money to complete it; and the governance issues around why the project never fell under our normal project oversight processes, even though TfL was managing a total of £60m of public money.

I didn't add you to the formal CC list on the note, but thought I should give you a heads up.

Regards,

Michael

From: Michael Liebreich
Sent: 22 January 2017 22:43
To: 'Ron Kalifa' ([REDACTED]@worldpay.com) [REDACTED]@worldpay.com>
Cc: 'Ron Kalifa PA (Lesley Hargrave)' ([REDACTED]@worldpay.com) <[REDACTED]@worldpay.com>; 'Ben Story' [REDACTED]@gmail.com) <[REDACTED]@gmail.com>; 'Ben Story PA (Petra Wosterfiled)' ([REDACTED]@rolls-royce.com) [REDACTED]@rolls-royce.com>; 'Carter Howard' <[REDACTED]@tfl.gov.uk>; 'Nunn Ian' <[REDACTED]@tfl.gov.uk>; Jo Jagger [REDACTED]@liebreichassociates.com>
Subject: Garden Bridge / Finance Committee

Ron,

Please see attached a note about the Garden Bridge. It is presumably too late to add it to the agenda for this week's meeting, and Howard might suggest we hold any discussion in private. However, I do believe there are some material issues which the Committee should discuss.

See what you think.

Regards,

Michael

Michael Liebreich

Founder and Chairman of the Advisory Board, Bloomberg New Energy Finance

Advisory Board Member, UN Sustainable Energy for All

Founder & Chairman, Finance for Resilience

Board Member, Transport for London

Visiting Professor, Imperial College Energy Futures Lab

Chairman, St Mark's Hospital Foundation

Co-founder and Chairman, Pearlshare

Twitter: @MLiebreich

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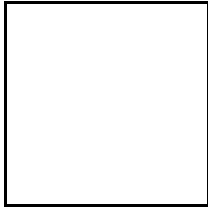
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From: Michael Liebreich [REDACTED]@liebreichassociates.com>
Sent: 22 January 2017 22:48
To: 'val shawcross'
Cc: Jo Jagger
Subject: FW: Garden Bridge / Finance Committee
Attachments: Garden Bridge note to Ron Kalifa.docx

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Sent: 22 January 2017 22:43
To: 'Ron Kalifa ([REDACTED]@worldpay.com)'
Cc: 'Ron Kalifa PA (Lesley Hargrave) ([REDACTED]@worldpay.com)'; 'Ben Story ([REDACTED]@gmail.com)'; 'Ben Story PA (Petra Wosterfiled) ([REDACTED]@rolls-royce.com)'; 'Carter Howard'; 'Nunn Ian'; Jo Jagger
Subject: Garden Bridge / Finance Committee

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Founder & Chairman, Finance for Resilience
Board Member, Transport for London
Visiting Professor, Imperial College Energy Futures Lab
Chairman, St Mark's Hospital Foundation

Co-founder and Chairman, Pearlshare

Twitter: @MLiebreich

From: Michael Liebreich <[REDACTED]@liebreichassociates.com>
Sent: 25 January 2017 18:41
To: 'val shawcross'; Claire Hamilton
Cc: 'Ron Kalifa PA (Lesley Hargrave)'; 'Benjamin Kafri'; Carter Howard; Nunn Ian
Subject: FW: Garden Bridge / Finance Committee
Attachments: Garden Bridge note to Ron Kalifa.docx

Val,

I will happily hear from Claire regarding the TOR of the Dame Margaret's review.

Meanwhile I'm looking at the published TOR. They do indeed appear to cover the governance issue about scrutiny of projects once they have been approved by Mayoral Direction. However, they do not appear to cover my much bigger concern about TfL being hit with some proportion of the costs of completion, in the event that the Garden Bridge Trust are allowed to start construction but cannot complete it.

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Sent: 23 January 2017 14:20
Subject: Val Shawcross: Garden Bridge / Finance Committee

From: Valerie Shawcross <[REDACTED]@london.gov.uk>
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Best wishes

Val

Valerie Shawcross CBE
Deputy Mayor for Transport
City Hall The Queen's Walk London SE1 2AA
Tel: [REDACTED]

From: Michael Liebreich [[mailto:\[REDACTED\]@liebreichassociates.com](mailto:[REDACTED]@liebreichassociates.com)]
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See what you think.

Regards,

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From: Michael Liebreich <[REDACTED]@liebreichassociates.com>
Sent: 09 February 2017 17:47
To: Carter Howard
Cc: Ron Kalifa; Jo Jagger
Subject: Garden Bridge go-ahead

Hi Howard,

Just a quick reminder: you mentioned there was a mechanism which would stop the Garden Bridge from beginning construction without sufficient funding in place to get to completion.

I am unaware of any such mechanism. People seem to be setting great store by the Hodge Review, but its terms of references are to clarify the historic process and learn lessons for future projects.

While I would hope the Garden Bridge Trust can't sign individual contracts they can't honour, that doesn't actually stop them breaking ground before they have all the funds required to complete and fit out the bridge.

I remain very concerned therefore that TfL's budget is exposed because we may be asked to step in at some point to rescue the project.

If I have missed something - a condition attached to a planning approval, provision of some act, whatever - please do point me to it and I'll sleep a bit easier!

Best regards,

Michael

Sent from my iPhone

From: Michael Liebreich <[REDACTED]@liebreichassociates.com>
Sent: 09 March 2017 11:27
To: [REDACTED]@ft.com
Cc: Brown Matt; Jo Jagger
Subject: Garden Bridge

Conor,

In response to your questions:

I have myself been concerned about any possible impact to TfL's budget if construction of the Garden Bridge commences before sufficient funds are raised to complete it. Indeed I raised the issue at one of the last TfL board meetings chaired by Boris Johnson, in December 2015, and have also discussed it with TfL management and incoming board members.

I have been very much reassured to see that it is a condition of the release of TfL's remaining funding to the Garden Bridge Trust (as it is of various other of their key contracts) "that GBT has demonstrated to TfL's satisfaction that it has secured, or is able to secure, a sufficient level of funding ... to cover the costs of construction of the Garden Bridge."

If and when the Garden Bridge Trust requests the release of TfL's loan to begin construction, I would expect the Finance Committee to have the opportunity to examine whether or not this condition has been satisfactorily met.

I am copying this email to Matt Brown, Chief Press Officer for TfL Operations. If you have further questions please direct them to him, I am sure he will be helpful.

Best regards,

Michael

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Advisory Board Member, UN Sustainable Energy for All
Founder & Chairman, Finance for Resilience
Board Member, Transport for London
Visiting Professor, Imperial College Energy Futures Lab
Chairman, St Mark's Hospital Foundation
Co-founder and Chairman, Pearlshare

Twitter: @MLiebreich

From: Michael Liebreich <[REDACTED]@liebreichassociates.com>
Sent: 08 April 2015 09:07
To: Everitt Vernon
Cc: Jo Jagger
Subject: Heads up

Vernon,

Just to let you know, I did a fairly long interview yesterday with London Live. Inevitably cycling and the garden bridge came up, but I don't think I said anything toooooo inflammatory. I was at pains to say I don't speak for TfL. I'm not sure many people watch it at 10am on a weekday.

Regards,

Michael

Michael Liebreich

Founder and Chairman of the Advisory Board, Bloomberg New Energy Finance
Advisory Board Member, UN Sustainable Energy for All
Founder, Finance for Resilience
Board Member, Transport for London
Visiting Professor, Imperial College Energy Futures Lab
Chairman, St Mark's Hospital Foundation

Twitter: @MLiebreich

From: Jo Jagger [REDACTED]@liebreichassociates.com>
Sent: 13 April 2017 12:37
Subject: Anne McMeel: TfL Board: Publication of Dame Margaret Hodge's review into the Garden Bridge

From: Anne McMeel
Sent: 13 April 2017 12:30
To: Michael Liebreich
Cc: Carter Howard; Ron Kalifa ([REDACTED]@worldpay.com); Nunn Ian; Ben Story ([REDACTED]@gmail.com)
Subject: Re: TfL Board: Publication of Dame Margaret Hodge's review into the Garden Bridge
Michael

Rest assured the AAC will be looking at systems and governance issues. That will include seeking assurance that any future decisions on funding are subject to the proper TfL governance and approval processes.

Regards
Anne

On 13 Apr 2017, at 10:32, Michael Liebreich <[REDACTED]@liebreichassociates.com> wrote:

Howard,

I agree that the Audit and Assurance Committee is the correct forum to consider the lessons from the Hodge Review.

However, as I have stated in the past, if GBT requests the release of any part of the loan funding, I believe that really needs to come before the Finance Committee ahead of any decision. It is the Finance Committee which has the commercial skills to consider the bankability of GBT's existing funding pledges and the viability of GBT's ongoing funding activities, and it is the Finance Committee which takes primary responsibility for evaluating potential impacts on TfL's budget.

Thanks,

Michael

From: Gourley Jennifer <[REDACTED]@TfL.gov.uk> on behalf of Carter Howard <[REDACTED]@TfL.gov.uk>
Sent: 11 April 2017 17:43
To: val shawcross; Ibitson Ami; Herbert Sarah (PA to Deputy Chair of TfL); 'Alice Maynard CBE'; 'Anne McMeel'; 'Ben Story'; 'Ben Story PA'; 'Bronwen Handyside'; 'Greg Clark CBE'; 'Greg Clark PA'; 'Kay Carberry CBE'; 'Lynn Sloman'; 'Mee Ling Ng OBE'; Michael Liebreich; 'Michael Liebreich'; Jo Jagger; 'Nelson Ogunshakin OBE'; 'Nelson Ogunshakin OBE'; 'Nelson Ogunshakin PA'; 'Nina Skorupska CBE'; 'Nina Skorupska PA'; 'Ron Kalifa'; 'Ron Kalifa PA'; 'Tanni Grey-Thompson DBE'; 'Tanni Grey-Thompson PA'

Cc: Carter Howard; Brown Mike (Commissioner); Williams Alex; Dix Michèle; Everitt Vernon; Nunn Ian; Craig Graeme; Daniels Leon; Pollins Andrew; Powell Gareth; Wild Mark (MD); Wright Tricia; Kenny Shamus; Clarke Andrea (Exc); Walker Clive (Internal Audit); Curry Justine; Brown Andy (Corporate Affairs); Branks Kirsten; Tagg Ella (ST); Breden Julie; Bradley Clare; Quinn Amy; MacKay Christine; Hawthorne Julia; Thrush Janine; Hawley Anthea; Quearney Carol (ST); Johnson Judith; Eleodore-Williams Jennifer; Thomson Linda; Bellars Lauren; Roach Sam; Seeley Louise; Gourley Jennifer
Subject: RE: TfL Board: Publication of Dame Margaret Hodge's review into the Garden Bridge

Dear All

Following the e-mail circulating a copy of the Garden Bridge Review, Val and Mike have discussed the best way to take forward the consideration of the recommendations in the Review for TfL.

We are proposing that the Audit and Assurance Committee should take the lead in considering the Review. There will be a report on the governance of the project, the previous reviews, actions undertaken to date and proposals for taking forward the recommendations made in the Review to the AAC. The proposed actions will then be presented to the Board to consider.

If members have any questions or any particular views that they would like to be taken into account in the meantime then please let me know.

Howard

From: Gourley Jennifer **On Behalf Of** Carter Howard

Sent: 07 April 2017 11:22

To: val shawcross; Ibitson Ami; Herbert Sarah (PA to Deputy Chair of TfL); 'Alice Maynard CBE'; 'Anne McMeel'; 'Ben Story'; 'Ben Story PA'; 'Bronwen Handyside'; 'Greg Clark CBE'; 'Greg Clark PA'; 'Kay Carberry CBE'; 'Lynn Sloman'; 'Mee Ling Ng OBE'; 'Michael Liebreich'; 'Michael Liebreich'; 'Michael Liebreich PA'; 'Nelson Ogunshakin OBE'; 'Nelson Ogunshakin OBE'; 'Nelson Ogunshakin PA'; 'Nina Skorupska CBE'; 'Nina Skorupska PA'; 'Ron Kalifa'; 'Ron Kalifa PA'; 'Tanni Grey-Thompson DBE'; 'Tanni Grey-Thompson PA'

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Subject: TfL Board: Publication of Dame Margaret Hodge's review into the Garden Bridge

All

Please see attached a copy of Dame Margaret Hodge's report on the Garden Bridge, together with a copy of the GLA press release that accompanied it. Also attached is a copy of a letter from the Mayor to Dame Margaret.

The report along with the Mayor's letter have been published on the GLA website:

<https://www.london.gov.uk/independent-review-garden-bridge-project>



[Independent review of the Garden Bridge project](#)

www.london.gov.uk

Dame Margaret Hodge MP's independent review into the Garden Bridge project has concluded. Her report is published here.

Howard

Howard Carter, General Counsel, Transport for London
Windsor House, 42-50 Victoria Street London SW1H 0TL

e-mail: [REDACTED] [@tfl.gov.uk](mailto:[REDACTED]@tfl.gov.uk)

Tel: [REDACTED]

Fax: 020 3054 3556 (83556)

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Publication of Dame Margaret Hodge's review into the Garden Bridge

Today the Mayor of London has published Dame Margaret Hodge MP's report on the Garden Bridge.

The Mayor, Sadiq Khan, commissioned Dame Margaret to undertake the review in October 2016. The review did not seek to address whether the Garden Bridge is a good idea. It did assess whether value for money was being secured from the public sector contribution and it examined the policies, procedures adopted to implement the Garden Bridge Project and the conduct of those involved.

Some of the key conclusions of the report include:

- Decisions on the Garden Bridge were driven more by electoral cycles than value for taxpayers' money.
- The costs have escalated from an early estimate of £60m to over £200m today
- The risk to the taxpayer has intensified. The original ambition to fund the Garden Bridge through private finance has been abandoned. The Garden Bridge Trust has lost two major private donors and has pledges of £69million with no new pledges secured since August 2016. With a public sector contribution of £60 million, that leaves a gap in capital funding of at least £70 million. Furthermore, very little progress has been made on raising money to fund the ongoing maintenance of a completed bridge.
- There was not an open, fair and competitive process around the two TfL procurements for the Garden Bridge Project. The two procurements revealed systemic failures and ineffective control systems at many levels.
- The Garden Bridge Trust's finances are in a precarious state and many outstanding risks remain unresolved.

Commenting on her report, Dame Margaret said:

"I did not seek to ask whether the concept of a garden bridge over the River Thames is a good idea. But my review has found that too many things went wrong in the development and implementation of the Garden Bridge Project.

“Value for money for the taxpayer has not been secured. It would be better for the taxpayer to accept the financial loss of cancelling the project than to risk the potential uncertain additional costs to the public purse if the project proceeds. “In the present climate, with continuing pressures on public spending, it is difficult to justify further public investment in the Garden Bridge. “I would urge the Mayor not to sign any guarantees until it is confirmed that the private capital and revenue monies have been secured by the Garden Bridge Trust. “My report outlines some key lessons that can be learned from the Garden Bridge project across different public organisations and makes a number of recommendations. I thank the Mayor, Sadiq Khan, for giving me the opportunity to examine the project in detail.”

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From: Michael Liebreich <[REDACTED]@liebreichassociates.com>
Sent: 09 March 2017 11:24
To: [REDACTED]@observer.co.uk
Cc: Jo Jagger; Brown Matt
Subject: RE: Kate Hoey MP & Garden Bridge

Mark,

I have myself been concerned about any possible impact to TfL's budget if construction of the Garden Bridge commences before sufficient funds are raised to complete it. Indeed I raised the issue at one of the last TfL board meetings chaired by Boris Johnson, in December 2015, and have also discussed it with TfL management and incoming board members.

I have been very much reassured to see that it is a condition of the release of TfL's remaining funding to the Garden Bridge Trust (as it is of various other of their key contracts) "that GBT has demonstrated to TfL's satisfaction that it has secured, or is able to secure, a sufficient level of funding ... to cover the costs of construction of the Garden Bridge."

If and when the Garden Bridge Trust requests the release of TfL's loan to begin construction, I would expect the Finance Committee to have the opportunity to examine whether or not this condition has been satisfactorily met.

I am copying this email to Matt Brown, Chief Press Officer for TfL Operations. If you have further questions please direct them to him, I am sure he will be helpful.

Best regards,

Michael

Michael Liebreich

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Chairman, St Mark's Hospital Foundation
Co-founder and Chairman, Pearlshare

Twitter: @MLiebreich

From: Mark Townsend <[REDACTED]@observer.co.uk>

Sent: 07 March 2017 12:43

To: Jo Jagger

Subject: Kate Hoey MP

Dear Michael,

Hope all well with you and apologies for approaching you out of the blue like this. I am investigating the future of the Garden Bridge, particularly in the context of the recent letter to the TfL board from Kate Hoey MP in which she highlights a number of concerns over the future financial viability of the project. In light of her concerns, would it be possible to ask you for a comment on some of the issue she has raised? Many regards and keep up the good work, Mark

Mark Townsend

Home affairs editor

The Observer

[REDACTED]
@townsendmark



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London N1 9GU

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From: Jo Jagger [REDACTED]@liebreichassociates.com>
Sent: 20 February 2017 10:51
Subject: Howard Carter: Garden Bridge - TfL restricted - Private and confidential

From: Carter Howard [REDACTED]@TfL.gov.uk>
Date: 20 February 2017 at 10:42:24 am GMT
To: 'Michael Liebreich' [REDACTED]@liebreichassociates.com>
Cc: "Ron Kalifa ([REDACTED]@worldpay.com)" [REDACTED]@worldpay.com>
Subject: RE: Garden Bridge - TfL restricted - Private and confidential

Hi Michael

The quote is from clause 4.1.1 of the Loan Facility Agreement. Without meeting this Condition of Payment the Trust will not be entitled to the £20million loan. Also, given that the Project won't proceed without this loan, the payment due from TfL on completion of the Bridge under the separate Deed of Grant would also not be paid.

I think the reason why this has not been a major issue is that the fundraising by the Trust has been very strong.

Hope that helps.

Howard

From: Michael Liebreich [mailto:[REDACTED]@liebreichassociates.com]
Sent: 17 February 2017 18:15
To: Carter Howard
Cc: Ron Kalifa [REDACTED]@worldpay.com)
Subject: RE: Garden Bridge - TfL restricted - Private and confidential

Howard,

Thanks for this, I shall certainly sleep easier.

Could you point me to the document where you sourced the quotation "*...that it has secured, or is able to secure, a sufficient level of funding...to cover the costs of construction of the Garden Bridge*".

All this does rather beg the question why the Mayor doesn't issue a clear statement saying publicly that neither TfL nor GLA will release funds/guarantees until sufficient funding is in place to complete construction, because if I wasn't aware that this was the case, I there are many others out there who aren't either. But I guess that is up to him to decide.

M

From: Carter Howard <[REDACTED]@TfL.gov.uk>
Sent: 10 February 2017 10:07
To: Ron Kalifa; Michael Liebreich
Cc: Williams Alex; Clarke Andrea (Exc); Ritchie Charles; Brown Andy (Corporate Affairs); Brown Mike (Commissioner)
Subject: Garden Bridge - TfL restricted - Private and confidential

Ron/Michael

You asked for a note on whether TfL or the GLA may be required to pay for the costs of completing the Garden Bridge, in the event that the Garden Bridge Trust commences construction but then runs out of money.

To date, TfL has signed two agreements with the Trust: a Deed of Grant on 2 July 2015 and a Loan Facility Agreement on 13 November 2015.

Under the Deed of Grant, TfL is to provide grant funding to the Trust totalling £40 million (consisting of £10 million of TfL money and £30 million of DfT money). To date, £37.39 million has been paid (including the costs of services in kind from TfL). The balance of the payments under the Deed of Grant (£2.61 million) is subject to the satisfaction by the Trust of various conditions of payment – in particular, that *“Practical completion of the main construction contract has been attained.”*

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The Trust also benefits from an underwriting of up to £9 million, available up to the point at which construction commences, in the event that the Trust decides not to proceed with the Project. This underwriting would be paid from the DfT’s share of the grant funding.

In the event that the Trust runs out of funds to complete the Garden Bridge part way through construction, TfL will have no legal responsibility to meet the shortfall. Similarly, the proposed GLA guarantees place no obligations on the GLA to complete the structure. The GLA has not entered into legally binding agreements with the Trust but there has been an agreement in principle to provide certain required guarantees subject to *“agreement as to the terms of the guarantees and to appropriate arrangements being in place between the GLA and the Trust giving the GLA appropriate rights in the events such guarantees are called upon, and the Trust demonstrating to the Mayor’s satisfaction that it has a satisfactory funding strategy in place to operate and maintain the Garden Bridge for at least the first five years from its completion.”*

The obligations to be guaranteed relate to the maintenance and operation of the Garden Bridge once constructed. They do not relate to the construction phase. Under the draft PLA guarantee the GLA would guarantee various obligations in the Trust’s proposed river works licence – but explicitly excluding liability relating to construction. None of the three guarantees would impose an obligation on the GLA (or TfL) to complete the Garden Bridge if the Trust failed to complete it.

The Trust will not be entitled to the outstanding £22.61 million of public sector funding if it is not able to demonstrate to TfL’s satisfaction *“that it has secured, or is able to secure, a sufficient level of funding...to cover the costs of construction of the Garden Bridge.”* It is difficult to envisage circumstances where the Trust could proceed with the Project without this funding; so, in practice, TfL can prevent construction proceeding if it is concerned that insufficient funding has been secured.

Similarly, the Project will not proceed without the GLA guarantees. No doubt the ability of the Trust to demonstrate that it can fully fund construction will have an impact on the GLA’s willingness to give these guarantees.

Other organisations (the PLA, Coin Street Community Builders, and potentially Westminster) have also required conditions around construction funding. If these conditions are not satisfied then the Project would not proceed. For example, the proposed Lease and River Works Licence with the PLA places an obligation on the Trust *“...Not to construct or place the Works...without first providing to the Landlord to the Landlord’s reasonable satisfaction proof that the Tenant has...sufficient funding (including contingency provision of five million pounds) available to complete construction of the Garden Bridge.”*

These arrangements therefore would ensure that TfL and the GLA are not under an obligation to meet any funding shortfall and that the construction work can only commence when TfL, the GLA and a number of other parties are all satisfied that the GBT has access to

sufficient funds to complete the construction works and maintain the bridge for a period thereafter.

Please let me know if you have any questions or need any further information.

Howard
Howard Carter, General Counsel, Transport for London
Windsor House, [42-50 Victoria Street London SW1H 0TL](#)
e-mail: [REDACTED] [@tfl.gov.uk](#)
Tel: [REDACTED]
Fax: [020 3054 3556](#) (83556)

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From: Jo Jagger [REDACTED]@liebreichassociates.com>
Sent: 10 February 2017 10:13
Subject: Howard Carter: Garden Bridge - TfL restricted - Private and confidential

From: Carter Howard
Sent: 10 February 2017 10:07
To: Ron Kalifa; Michael Liebreich
Cc: Williams Alex; Clarke Andrea (Exc); Ritchie Charles; Brown Andy (Corporate Affairs); Brown Mike (Commissioner)
Subject: Garden Bridge - TfL restricted - Private and confidential
Ron/Michael

You asked for a note on whether TfL or the GLA may be required to pay for the costs of completing the Garden Bridge, in the event that the Garden Bridge Trust commences construction but then runs out of money.

To date, TfL has signed two agreements with the Trust: a Deed of Grant on 2 July 2015 and a Loan Facility Agreement on 13 November 2015.

Under the Deed of Grant, TfL is to provide grant funding to the Trust totalling £40 million (consisting of £10 million of TfL money and £30 million of DfT money). To date, £37.39 million has been paid (including the costs of services in kind from TfL). The balance of the payments under the Deed of Grant (£2.61 million) is subject to the satisfaction by the Trust of various conditions of payment – in particular, that *“Practical completion of the main construction contract has been attained.”*

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Please let me know if you have any questions or need any further information.

Howard
Howard Carter, General Counsel, Transport for London
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e-mail: [redacted]@tfl.gov.uk
Tel: [redacted]
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From: Jo Jagger [REDACTED]@liebreichassociates.com>
Sent: 08 March 2017 21:30
Subject: Howard Carter: Garden Bridge - TfL restricted - Private and confidential

From: Carter Howard [REDACTED]@TfL.gov.uk>
Date: 8 March 2017 at 7:22:22 pm GMT
To: "[REDACTED]@liebreichassociates.com" [REDACTED]@liebreichassociates.com>
Cc: "[REDACTED]@worldpay.com" [REDACTED]@worldpay.com>, "[REDACTED]@liebreichassociates.com" [REDACTED]@liebreichassociates.com>, Everitt Vernon [REDACTED]@TfL.gov.uk>, Nunn Ian <[REDACTED]@tfl.gov.uk>, Brown Matt [REDACTED]@tfl.gov.uk>
Subject: Re: Garden Bridge - TfL restricted - Private and confidential

Michael

Thanks for asking us about this and apologies that I missed your call earlier.

Our strong preference would be that you offered no comment and referred the request to the TfL Press Office. This ensures there is only one person speaking for TfL and avoids it becoming a personal issue for you. We would also co-ordinate any reply with City Hall.

If you were to comment then we would suggest in your first bullet point that you said: I have been very much reassured to see that it is a condition of the release of TfL's remaining funding to the Garden Bridge Trust (as it is of various other of their key contracts) "that GBT has demonstrated to TfL's satisfaction that it has secured, or is able to secure, a sufficient level of funding ... to cover the costs of construction of the Garden Bridge."

The quotes you give are an accurate reference to our funding agreements but it's a minefield of complexity if you refer to 'construction loans' and 'key contracts' and draws us into a lot of detail. The danger of starting a dialogue in the media on these and other issues is that they will keep coming back to you.

We would be happy to brief the Finance Committee at any point if that would be helpful.

Howard

-----Original Message-----

From: Michael Liebreich
To: Howard Carter
Cc: Ron Kalifa
Cc: Jo Jagger
Cc: Vernon Everitt
Cc: Ian Nunn
Subject: RE: Garden Bridge - TfL restricted - Private and confidential
Sent: Mar 8, 2017 5:26 PM

Howard,

Sorry to bother you again on the Garden Bridge. The Kate Hoey letter has put a spotlight on the issue of risk to TfL's budget from any construction cost fundraising shortfall – and a

couple of journalists (Conor Sullivan at the FT and Mark Townsend at the Observer) have been alerted to the fact that I raised this issue at the December 2015 board meeting. They are asking me for a comment.

What I want to be able to tell them is the following:

I have been very much reassured to see that it is a condition of the release of TfL's construction loan to the Garden Bridge Trust (as it is of various other of their key contracts) "that GBT has demonstrated to TfL's satisfaction that it has secured, or is able to secure, a sufficient level of funding ... to cover the costs of construction of the Garden Bridge." If and when the Garden Bridge Trust requests the release of TfL's loan to begin construction, I would expect the Finance Committee to have the opportunity to examine whether or not this condition has been satisfactorily met.

I don't think this should cause too many problems, please let me know if I have missed any implications.

I'm copying Vernon because AFAIK he is still the point person on any public statements by board members.

I'm also copying Ron and Ian, to keep them in the loop. Given the condition in the loan agreement, I think that the board needs an opportunity to scrutinise any decision before funds are advanced - and the right committee to take a detailed look is surely the Finance Committee.

Regards,

Michael

From: Jo Jagger [mailto: [REDACTED]@liebreichassociates.com]
Sent: 20 February 2017 11:51
Subject: Howard Carter: Garden Bridge - TfL restricted - Private and confidential

From: Carter Howard [REDACTED]@TfL.gov.uk>
Date: 20 February 2017 at 10:42:24 am GMT
To: 'Michael Liebreich' [REDACTED]@liebreichassociates.com>
Cc: "Ron Kalifa [REDACTED]@worldpay.com)" [REDACTED]@worldpay.com>
Subject: RE: Garden Bridge - TfL restricted - Private and confidential
Hi Michael

The quote is from clause 4.1.1 of the Loan

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From: Jo Jagger [REDACTED]@liebreichassociates.com>
Sent: 10 February 2017 09:20
Subject: Howard Carter: Garden Bridge go-ahead

From: Carter Howard
Sent: 10 February 2017 08:44
To: Michael Liebreich
Cc: Ron Kalifa; Jo Jagger
Subject: Re: Garden Bridge go-ahead
Michael

Thanks. We have been preparing a note and I will let you have it very shortly.

Howard

Sent from my iPad

> On 9 Feb 2017, at 17:47, Michael Liebreich wrote:

>

> Hi Howard,

>

> Just a quick reminder: you mentioned there was a mechanism which would stop the Garden Bridge from beginning construction without sufficient funding in place to get to completion.

>

> I am unaware of any such mechanism. People seem to be setting great store by the Hodge Review, but its terms of references are to clarify the historic process and learn lessons for future projects.

>

> While I would hope the Garden Bridge Trust can't sign individual contracts they can't honour, that doesn't actually stop them breaking ground before they have all the funds required to complete and fit out the bridge.

>

> I remain very concerned therefore that TfL's budget is exposed because we may be asked to step in at some point to rescue the project.

>

> If I have missed something - a condition attached to a planning approval, provision of some act, whatever - please do point me to it and I'll sleep a bit easier!

>

> Best regards,

>

> Michael

>

>

>

>

>

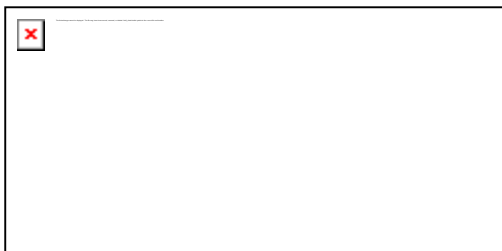
>

>

> Sent from my iPhone

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From: Jo Jagger [redacted]@liebreichassociates.com>
Sent: 23 January 2017 20:16
Subject: JJ: Val Shawcross: Garden Bridge / Finance Committee

[redacted]@london.gov.uk

On 23 Jan 2017, at 5:55 pm, Michael Liebreich [redacted]@gmail.com> wrote:

Can you send me Claire's email address.

Thx,
M

From: Jo Jagger [mailto:[redacted]@liebreichassociates.com]
Sent: 23 January 2017 14:20
Subject: Val Shawcross: Garden Bridge / Finance Committee

From: Valerie Shawcross [redacted]@london.gov.uk>
Sent: 23 January 2017 13:48
To: Michael Liebreich
Cc: Jo Jagger; Claire Hamilton; [redacted]@tfl.gov.uk
Subject: RE: Garden Bridge / Finance Committee

Hi Michael – we are due to meet this week and can touch base on a few different items,. But I just wanted to say that I wouldn't want to trigger any separate TfL work on the Garden Bridge until the Margaret Hodge led Review was completed. She is carrying out an independent review for the Mayor of all the financial issues concerning the Garden Bridge. Claire, who I have copied in here is doing the support work for her review and can fill you in on the details of the TOR etc. I think it will meet the concerns you have.

Best wishes

Val

Valerie Shawcross CBE
Deputy Mayor for Transport
City Hall The Queen's Walk London SE1 2AA
Tel: [redacted]

From: Michael Liebreich [mailto:[redacted]@liebreichassociates.com]
Sent: 22 January 2017 22:48
To: Valerie Shawcross
Cc: Jo Jagger
Subject: FW: Garden Bridge / Finance Committee

Val,

I just wanted to make you aware, I sent the attached note to Ron just now asking that the Finance Committee take a look at two potential issues relating to the Garden Bridge: the potential impact on TfL's budgets should construction start and the GBT not be able to raise

enough money to complete it; and the governance issues around why the project never fell under our normal project oversight processes, even though TfL was managing a total of £60m of public money.

I didn't add you to the formal CC list on the note, but thought I should give you a heads up.

Regards,

Michael

From: Michael Liebreich
Sent: 22 January 2017 22:43
To: 'Ron Kalifa ([REDACTED]@worldpay.com)' [REDACTED]@worldpay.com>
Cc: 'Ron Kalifa PA (Lesley Hargrave) [REDACTED]@worldpay.com)' [REDACTED]@worldpay.com>; 'Ben Story [REDACTED]@gmail.com)' [REDACTED]@gmail.com>; 'Ben Story PA (Petra Wosterfiled) [REDACTED]@rolls-royce.com)' [REDACTED]@rolls-royce.com>; 'Carter Howard' [REDACTED]@tfl.gov.uk>; 'Nunn Ian' [REDACTED]@tfl.gov.uk>; Jo Jagger [REDACTED]@liebreichassociates.com>
Subject: Garden Bridge / Finance Committee

Ron,

Please see attached a note about the Garden Bridge. It is presumably too late to add it to the agenda for this week's meeting, and Howard might suggest we hold any discussion in private. However, I do believe there are some material issues which the Committee should discuss.

See what you think.

Regards,

Michael

Michael Liebreich

Founder and Chairman of the Advisory Board, Bloomberg New Energy Finance

Advisory Board Member, UN Sustainable Energy for All

Founder & Chairman, Finance for Resilience

Board Member, Transport for London

Visiting Professor, Imperial College Energy Futures Lab

Chairman, St Mark's Hospital Foundation

Co-founder and Chairman, Pearlshare

Twitter: @MLiebreich

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From: Michael Liebreich [REDACTED]@liebreichassociates.com>
Sent: 17 February 2017 18:15
To: Carter Howard
Cc: 'Ron Kalifa'
Subject: RE: Garden Bridge - TfL restricted - Private and confidential

Howard,

Thanks for this, I shall certainly sleep easier.

Could you point me to the document where you sourced the quotation “...that it has secured, or is able to secure, a sufficient level of funding...to cover the costs of construction of the Garden Bridge”.

All this does rather beg the question why the Mayor doesn't issue a clear statement saying publicly that neither TfL nor GLA will release funds/guarantees until sufficient funding is in place to complete construction, because if I wasn't aware that this was the case, I there are many others out there who aren't either. But I guess that is up to him to decide.

M

From: Carter Howard <[REDACTED]@TfL.gov.uk>
Sent: 10 February 2017 10:07
To: Ron Kalifa; Michael Liebreich
Cc: Williams Alex; Clarke Andrea (Exc); Ritchie Charles; Brown Andy (Corporate Affairs); Brown Mike (Commissioner)
Subject: Garden Bridge - TfL restricted - Private and confidential

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Please let me know if you have any questions or need any further information.

Howard

Howard Carter, General Counsel, Transport for London
Windsor House, [42-50 Victoria Street London SW1H 0TL](#)

e-mail: [REDACTED]@tfl.gov.uk

Tel: [REDACTED]

Fax: [020 3054 3556](tel:02030543556) (83556)

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From: Michael Liebreich [REDACTED]@liebreichassociates.com>
Sent: 08 March 2017 17:27
To: Carter Howard
Cc: Ron Kalifa [REDACTED]@worldpay.com); Jo Jagger; Everitt Vernon; Nunn Ian
Subject: RE: Garden Bridge - Tfl restricted - Private and confidential

Howard,

Sorry to bother you again on the Garden Bridge. The Kate Hoey letter has put a spotlight on the issue of risk to Tfl's budget from any construction cost fundraising shortfall – and a couple of journalists (Conor Sullivan at the FT and Mark Townsend at the Observer) have been alerted to the fact that I raised this issue at the December 2015 board meeting. They are asking me for a comment.

What I want to be able to tell them is the following:

- I have been very much reassured to see that it is a condition of the release of Tfl's construction loan to the Garden Bridge Trust (as it is of various other of their key contracts) "that GBT has demonstrated to Tfl's satisfaction that it has secured, or is able to secure, a sufficient level of funding ... to cover the costs of construction of the Garden Bridge."
- If and when the Garden Bridge Trust requests the release of Tfl's loan to begin construction, I would expect the Finance Committee to have the opportunity to examine whether or not this condition has been satisfactorily met.

I don't think this should cause too many problems, please let me know if I have missed any implications.

I'm copying Vernon because AFAIK he is still the point person on any public statements by board members.

I'm also copying Ron and Ian, to keep them in the loop. Given the condition in the loan agreement, I think that the board needs an opportunity to scrutinise any decision before funds are advanced - and the right committee to take a detailed look is surely the Finance Committee.

Regards,

Michael

From: Jo Jagger [mailto:[REDACTED]@liebreichassociates.com]
Sent: 20 February 2017 11:51
Subject: Howard Carter: Garden Bridge - Tfl restricted - Private and confidential

From: Carter Howard <[REDACTED]@Tfl.gov.uk>
Date: 20 February 2017 at 10:42:24 am GMT
To: 'Michael Liebreich' [REDACTED]@liebreichassociates.com>

Cc: "Ron Kalifa [REDACTED]@worldpay.com)" [REDACTED]@worldpay.com>
Subject: RE: Garden Bridge - TfL restricted - Private and confidential

Hi Michael

The quote is from clause 4.1.1 of the Loan Facility Agreement. Without meeting this Condition of Payment the Trust will not be entitled to the £20million loan. Also, given that the Project won't proceed without this loan, the payment due from TfL on completion of the Bridge under the separate Deed of Grant would also not be paid.

I think the reason why this has not been a major issue is that the fundraising by the Trust has been very strong.

Hope that helps.

Howard

From: Michael Liebreich [mailto:[REDACTED]@liebreichassociates.com]
Sent: 17 February 2017 18:15
To: Carter Howard
Cc: Ron Kalifa [REDACTED]@worldpay.com)
Subject: RE: Garden Bridge - TfL restricted - Private and confidential

Howard,

Thanks for this, I shall certainly sleep easier.

Could you point me to the document where you sourced the quotation "*...that it has secured, or is able to secure, a sufficient level of funding...to cover the costs of construction of the Garden Bridge*".

All this does rather beg the question why the Mayor doesn't issue a clear statement saying publicly that neither TfL nor GLA will release funds/guarantees until sufficient funding is in place to complete construction, because if I wasn't aware that this was the case, I there are many others out there who aren't either. But I guess that is up to him to decide.

M

From: Carter Howard <[REDACTED]@TfL.gov.uk>
Sent: 10 February 2017 10:07
To: Ron Kalifa; Michael Liebreich
Cc: Williams Alex; Clarke Andrea (Exc); Ritchie Charles; Brown Andy (Corporate Affairs); Brown Mike (Commissioner)
Subject: Garden Bridge - TfL restricted - Private and confidential

Ron/Michael

You asked for a note on whether TfL or the GLA may be required to pay for the costs of completing the Garden Bridge, in the event that the Garden Bridge Trust commences construction but then runs out of money.

To date, TfL has signed two agreements with the Trust: a Deed of Grant on 2 July 2015 and a Loan Facility Agreement on 13 November 2015.

Under the Deed of Grant, TfL is to provide grant funding to the Trust totalling £40 million (consisting of £10 million of TfL money and £30 million of DfT money). To date, £37.39 million has been paid (including the costs of services in kind from TfL). The balance of the payments under the Deed of Grant (£2.61 million) is subject to the satisfaction by the Trust of various conditions of payment – in particular, that *“Practical completion of the main construction contract has been attained.”*

The Loan Facility Agreement provides for a loan facility of up to £20 million to be made available to the Trust. Nothing has yet been paid to the Trust under this agreement. Payments under the Loan Facility Agreement are also subject to conditions of payment. These include that *“GBT has demonstrated to TfL’s satisfaction that it has secured, or is able to secure, a sufficient level of funding...to cover the costs of construction of the Garden Bridge.”*

The Trust also benefits from an underwriting of up to £9 million, available up to the point at which construction commences, in the event that the Trust decides not to proceed with the Project. This underwriting would be paid from the DfT’s share of the grant funding.

In the event that the Trust runs out of funds to complete the Garden Bridge part way through construction, TfL will have no legal responsibility to meet the shortfall. Similarly, the proposed GLA guarantees place no obligations on the GLA to complete the structure.

The GLA has not entered into legally binding agreements with the Trust but there has been an agreement in principle to provide certain required guarantees subject to *“agreement as to the terms of the guarantees and to appropriate arrangements being in place between the GLA and the Trust giving the GLA appropriate rights in the events such guarantees are called upon, and the Trust demonstrating to the Mayor’s satisfaction that it has a satisfactory funding strategy in place to operate and maintain the Garden Bridge for at least the first five years from its completion.”*

The obligations to be guaranteed relate to the maintenance and operation of the Garden Bridge once constructed. They do not relate to the construction phase. Under the draft PLA guarantee the GLA would guarantee various obligations in the Trust’s proposed river works licence – but explicitly excluding liability relating to construction. None of the three guarantees would impose an obligation on the GLA (or TfL) to complete the Garden Bridge if the Trust failed to complete it.

The Trust will not be entitled to the outstanding £22.61 million of public sector funding if it is not able to demonstrate to TfL’s satisfaction *“that it has secured, or is able to secure, a sufficient level of funding...to cover the costs of construction of the Garden Bridge.”* It is difficult to envisage circumstances where the Trust could proceed with the Project without this funding; so, in practice, TfL can prevent construction proceeding if it is concerned that insufficient funding has been secured.

Similarly, the Project will not proceed without the GLA guarantees. No doubt the ability of the Trust to demonstrate that it can fully fund construction will have an impact on the GLA’s willingness to give these guarantees.

Other organisations (the PLA, Coin Street Community Builders, and potentially Westminster) have also required conditions around construction funding. If these conditions are not satisfied then the Project would not proceed. For example, the proposed Lease and River Works Licence with the PLA places an obligation on the Trust “...*Not to construct or place the Works...without first providing to the Landlord to the Landlord’s reasonable satisfaction proof that the Tenant has...sufficient funding (including contingency provision of five million pounds) available to complete construction of the Garden Bridge.*”

These arrangements therefore would ensure that TfL and the GLA are not under an obligation to meet any funding shortfall and that the construction work can only commence when TfF, the GLA and a number of other parties are all satisfied that the GBT has access to sufficient funds to complete the construction works and maintain the bridge for a period thereafter.

Please let me know if you have any questions or need any further information.

Howard

Howard Carter, General Counsel, Transport for London
Windsor House, [42-50 Victoria Street London SW1H 0TL](http://www.tfl.gov.uk)
e-mail: [REDACTED]@tfl.gov.uk
Tel: [REDACTED]
Fax: [020 3054 3556](tel:02030543556) (83556)

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From: Michael Liebreich <[REDACTED]@liebreichassociates.com>
Sent: 10 March 2017 12:43
To: [REDACTED]@emap.com
Cc: Brown Matt; Jo Jagger
Subject: RE: Garden Bridge

Will,

In response to your questions:

I have indeed been concerned about any possible impact to TfL's budget if construction of the Garden Bridge commences before sufficient funds are raised to complete it. I raised the issue at one of the last TfL board meetings chaired by Boris Johnson, in December 2015, and have also discussed it with TfL management and incoming board members.

I have been very much reassured to see that it is a condition of the release of TfL's remaining funding to the Garden Bridge Trust (as it is of various other of their key contracts) "that GBT has demonstrated to TfL's satisfaction that it has secured, or is able to secure, a sufficient level of funding ... to cover the costs of construction of the Garden Bridge."

If and when the Garden Bridge Trust requests the release of TfL's loan to begin construction, I would expect the Finance Committee to have the opportunity to examine whether or not this condition has been satisfactorily met.

I am copying this email to Matt Brown, Chief Press Officer for TfL Operations. If you have further questions please direct them to him, I am sure he will be helpful.

Best regards,

Michael

Michael Liebreich

Founder and Chairman of the Advisory Board, Bloomberg New Energy Finance
Advisory Board Member, UN Sustainable Energy for All
Founder & Chairman, Finance for Resilience
Board Member, Transport for London
Visiting Professor, Imperial College Energy Futures Lab
Chairman, St Mark's Hospital Foundation
Co-founder and Chairman, Pearlshare

Twitter: @MLiebreich

From: Michael Liebreich <[REDACTED]@liebreichassociates.com>
Sent: 09 March 2017 11:14
To: Carter Howard
Cc: Jo Jagger; Brown Matt; Ron Kalifa ([REDACTED]@worldpay.com); Everitt Vernon; Nunn Ian
Subject: RE: Howard Carter: Garden Bridge - TfL restricted - Private and confidential

Thanks Howard,

I think I do need to give them something because the current angle is that the board was either hoodwinked or useless. I'll stick to your formulation and after that I'll make no comment and send them to Matt.

Regards,

Michael

From: Jo Jagger [mailto:[REDACTED]@liebreichassociates.com]
Sent: 08 March 2017 22:30
Subject: Howard Carter: Garden Bridge - TfL restricted - Private and confidential

From: Carter Howard [REDACTED]@TfL.gov.uk>
Date: 8 March 2017 at 7:22:22 pm GMT
To: "[REDACTED]@liebreichassociates.com" [REDACTED]@liebreichassociates.com>
Cc: "[REDACTED]@worldpay.com" [REDACTED]@worldpay.com>, "[REDACTED]@liebreichassociates.com" [REDACTED]@liebreichassociates.com>, Everitt Vernon [REDACTED]@TfL.gov.uk>, Nunn Ian [REDACTED]@tfl.gov.uk>, Brown Matt [REDACTED]@tfl.gov.uk>
Subject: Re: Garden Bridge - TfL restricted - Private and confidential

Michael

Thanks for asking us about this and apologies that I missed your call earlier.

Our strong preference would be that you offered no comment and referred the request to the TfL Press Office. This ensures there is only one person speaking for TfL and avoids it becoming a personal issue for you. We would also co-ordinate any reply with City Hall.

If you were to comment then we would suggest in your first bullet point that you said:
I have been very much reassured to see that it is a condition of the release of TfL's remaining funding to the Garden Bridge Trust (as it is of various other of their key contracts) "that GBT has demonstrated to TfL's satisfaction that it has secured, or is able to secure, a sufficient level of funding ... to cover the costs of construction of the Garden Bridge."

The quotes you give are an accurate reference to our funding agreements but it's a minefield of complexity if you refer to 'construction loans' and 'key contracts' and draws us into a lot

of detail. The danger of starting a dialogue in the media on these and other issues is that they will keep coming back to you.

We would be happy to brief the Finance Committee at any point if that would be helpful.

Howard

-----Original Message-----

From: Michael Liebreich

To: Howard Carter

Cc: Ron Kalifa

Cc: Jo Jagger

Cc: Vernon Everitt

Cc: Ian Nunn

Subject: RE: Garden Bridge - TfL restricted - Private and confidential

Sent: Mar 8, 2017 5:26 PM

Howard,

Sorry to bother you again on the Garden Bridge. The Kate Hoey letter has put a spotlight on the issue of risk to TfL's budget from any construction cost fundraising shortfall – and a couple of journalists (Conor Sullivan at the FT and Mark Townsend at the Observer) have been alerted to the fact that I raised this issue at the December 2015 board meeting. They are asking me for a comment.

What I want to be able to tell them is the following:

I have been very much reassured to see that it is a condition of the release of TfL's construction loan to the Garden Bridge Trust (as it is of various other of their key contracts) "that GBT has demonstrated to TfL's satisfaction that it has secured, or is able to secure, a sufficient level of funding ... to cover the costs of construction of the Garden Bridge." If and when the Garden Bridge Trust requests the release of TfL's loan to begin construction, I would expect the Finance Committee to have the opportunity to examine whether or not this condition has been satisfactorily met.

I don't think this should cause too many problems, please let me know if I have missed any implications.

I'm copying Vernon because AFAIK he is still the point person on any public statements by board members.

I'm also copying Ron and Ian, to keep them in the loop. Given the condition in the loan agreement, I think that the board needs an opportunity to scrutinise any decision before funds are advanced - and the right committee to take a detailed look is surely the Finance Committee.

Regards,

Michael

From: Jo Jagger [[mailto: \[REDACTED\]@liebreichassociates.com](mailto: [REDACTED]@liebreichassociates.com)]

Sent: 20 February 2017 11:51

Subject: Howard Carter: Garden Bridge - TfL restricted - Private and confidential

From: Carter Howard [REDACTED]@TfL.gov.uk>
Date: 20 February 2017 at 10:42:24 am GMT
To: 'Michael Liebreich' [REDACTED]@liebreichassociates.com>
Cc: "Ron Kalifa [REDACTED]@worldpay.com)" [REDACTED]worldpay.com>
Subject: RE: Garden Bridge - TfL restricted - Private and confidential
Hi Michael

The quote is from clause 4.1.1 of the Loan

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From: Jo Jagger [REDACTED]@liebreichassociates.com>
Sent: 08 April 2015 09:40
Subject: Vernon Everitt: Heads up

From: Everitt Vernon
Sent: 08 April 2015 09:38
To: Michael Liebreich
Cc: Jo Jagger
Subject: Re: Heads up
Michael,

Thank you.

Vernon

Vernon Everitt
Managing Director, Customer Experience, Marketing & Communications,
Transport for London
11th floor, Windsor House
42-50 Victoria Street
London
SW1H 0TL

Email: [REDACTED]@tfl.gov.uk
Tel: [REDACTED]
Mob: 07967 279260

From: [REDACTED]@liebreichassociates.com [mailto:[REDACTED]@liebreichassociates.com]
Sent: Wednesday, April 08, 2015 09:06 AM GMT Standard Time
To: Everitt Vernon
Cc: Johanna Jagger
Subject: Heads up

Vernon,
Just to let you know, I did a fairly long interview yesterday with London Live. Inevitably cycling and the garden bridge came up, but I don't think I said anything toooooo inflammatory. I was at pains to say I don't speak for TfL. I'm not sure many people watch it at 10am on a weekday.

Regards,
Michael
Michael Liebreich

Founder and Chairman of the Advisory Board, Bloomberg New Energy Finance
Advisory Board Member, UN Sustainable Energy for All
Founder, Finance for Resilience
Board Member, Transport for London
Visiting Professor, Imperial College Energy Futures Lab
Chairman, St Mark's Hospital Foundation
Twitter: @MLiebreich

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From: Michael Liebreich [REDACTED]@liebreichassociates.com>
Sent: 13 April 2017 10:32
To: Carter Howard
Cc: Ron Kalifa [REDACTED]@worldpay.com); Nunn Ian; Ben Story
[REDACTED]@gmail.com); Anne McMeel ([REDACTED]@btinternet.com)
Subject: RE: TfL Board: Publication of Dame Margaret Hodge's review into the Garden Bridge

Howard,

I agree that the Audit and Assurance Committee is the correct forum to consider the lessons from the Hodge Review.

However, as I have stated in the past, if GBT requests the release of any part of the loan funding, I believe that really needs to come before the Finance Committee ahead of any decision. It is the Finance Committee which has the commercial skills to consider the bankability of GBT's existing funding pledges and the viability of GBT's ongoing funding activities, and it is the Finance Committee which takes primary responsibility for evaluating potential impacts on TfL's budget.

Thanks,

Michael

From: Gourley Jennifer <[REDACTED]@TfL.gov.uk> on behalf of Carter Howard
<[REDACTED]@TfL.gov.uk>

Sent: 11 April 2017 17:43

To: val shawcross; Ibitson Ami; Herbert Sarah (PA to Deputy Chair of TfL); 'Alice Maynard CBE'; 'Anne McMeel'; 'Ben Story'; 'Ben Story PA'; 'Bronwen Handyside'; 'Greg Clark CBE'; 'Greg Clark PA'; 'Kay Carberry CBE'; 'Lynn Sloman'; 'Mee Ling Ng OBE'; Michael Liebreich; 'Michael Liebreich'; Jo Jagger; 'Nelson Ogunshakin OBE'; 'Nelson Ogunshakin OBE'; 'Nelson Ogunshakin PA'; 'Nina Skorupska CBE'; 'Nina Skorupska PA'; 'Ron Kalifa'; 'Ron Kalifa PA'; 'Tanni Grey-Thompson DBE'; 'Tanni Grey-Thompson PA'

Cc: Carter Howard; Brown Mike (Commissioner); Williams Alex; Dix Michèle; Everitt Vernon; Nunn Ian; Craig Graeme; Daniels Leon; Pollins Andrew; Powell Gareth; Wild Mark (MD); Wright Tricia; Kenny Shamus; Clarke Andrea (Exc); Walker Clive (Internal Audit); Curry Justine; Brown Andy (Corporate Affairs); Branks Kirsten; Tagg Ella (ST); Breden Julie; Bradley Clare; Quinn Amy; MacKay Christine; Hawthorne Julia; Thrush Janine; Hawley Anthea; Quearney Carol (ST); Johnson Judith; Eleodore-Williams Jennifer; Thomson Linda; Bellars Lauren; Roach Sam; Seeley Louise; Gourley Jennifer

Subject: RE: TfL Board: Publication of Dame Margaret Hodge's review into the Garden Bridge

Dear All

Following the e-mail circulating a copy of the Garden Bridge Review, Val and Mike have discussed the best way to take forward the consideration of the recommendations in the Review for TfL.

We are proposing that the Audit and Assurance Committee should take the lead in considering the Review. There will be a report on the governance of the project, the previous reviews, actions undertaken to date and proposals for taking forward the recommendations made in the Review to the AAC. The proposed actions will then be presented to the Board to consider.

If members have any questions or any particular views that they would like to be taken into account in the meantime then please let me know.

Howard

From: Gourley Jennifer **On Behalf Of** Carter Howard

Sent: 07 April 2017 11:22

To: val shawcross; Ibitson Ami; Herbert Sarah (PA to Deputy Chair of TfL); 'Alice Maynard CBE'; 'Anne McMeel'; 'Ben Story'; 'Ben Story PA'; 'Bronwen Handyside'; 'Greg Clark CBE'; 'Greg Clark PA'; 'Kay Carberry CBE'; 'Lynn Sloman'; 'Mee Ling Ng OBE'; 'Michael Liebreich'; 'Michael Liebreich'; 'Michael Liebreich PA'; 'Nelson Ogunshakin OBE'; 'Nelson Ogunshakin OBE'; 'Nelson Ogunshakin PA'; 'Nina Skorupska CBE'; 'Nina Skorupska PA'; 'Ron Kalifa'; 'Ron Kalifa PA'; 'Tanni Grey-Thompson DBE'; 'Tanni Grey-Thompson PA'

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Subject: TfL Board: Publication of Dame Margaret Hodge's review into the Garden Bridge

All

Please see attached a copy of Dame Margaret Hodge's report on the Garden Bridge, together with a copy of the GLA press release that accompanied it. Also attached is a copy of a letter from the Mayor to Dame Margaret.

The report along with the Mayor's letter have been published on the GLA website:
<https://www.london.gov.uk/independent-review-garden-bridge-project>



Independent review of the Garden Bridge project

www.london.gov.uk

Dame Margaret Hodge MP's independent review into the Garden Bridge project has concluded. Her report is published here.

Howard

Howard Carter, General Counsel, Transport for London

Windsor House, 42-50 Victoria Street London SW1H 0TL

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Publication of Dame Margaret Hodge’s review into the Garden Bridge

Today the Mayor of London has published Dame Margaret Hodge MP’s report on the Garden Bridge.

The Mayor, Sadiq Khan, commissioned Dame Margaret to undertake the review in October 2016. The review did not seek to address whether the Garden Bridge is a good idea. It did assess whether value for money was being secured from the public sector contribution and it examined the policies, procedures adopted to implement the Garden Bridge Project and the conduct of those involved.

Some of the key conclusions of the report include:

- Decisions on the Garden Bridge were driven more by electoral cycles than value for taxpayers’ money.
- The costs have escalated from an early estimate of £60m to over £200m today
- The risk to the taxpayer has intensified. The original ambition to fund the Garden Bridge through private finance has been abandoned. The Garden Bridge Trust has lost two major private donors and has pledges of £69million with no new pledges secured since August 2016. With a public sector contribution of £60 million, that leaves a gap in capital funding of at least £70 million. Furthermore, very little progress has been made on raising money to fund the ongoing maintenance of a completed bridge.
- There was not an open, fair and competitive process around the two TfL procurements for the Garden Bridge Project. The two procurements revealed systemic failures and ineffective control systems at many levels.
- The Garden Bridge Trust’s finances are in a precarious state and many outstanding risks remain unresolved.

Commenting on her report, Dame Margaret said:

“I did not seek to ask whether the concept of a garden bridge over the River Thames is a good idea. But my review has found that too many things went wrong in the development and implementation of the Garden Bridge Project.

“Value for money for the taxpayer has not been secured. It would be better for the taxpayer to accept the financial loss of cancelling the project than to risk the potential uncertain additional costs to the public purse if the project proceeds.

“In the present climate, with continuing pressures on public spending, it is difficult to justify further public investment in the Garden Bridge.

“I would urge the Mayor not to sign any guarantees until it is confirmed that the private capital and revenue monies have been secured by the Garden Bridge Trust.

“My report outlines some key lessons that can be learned from the Garden Bridge project across different public organisations and makes a number of recommendations. I thank the Mayor, Sadiq Khan, for giving me the opportunity to examine the project in detail.”

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From: Michael Liebreich [REDACTED]@liebreichassociates.com>
Sent: 14 April 2017 15:59
To: Anne McMeel ([REDACTED]@btinternet.com)
Cc: Jo Jagger; Carter Howard; Ron Kalifa ([REDACTED]@worldpay.com); Nunn Ian; Ben Story ([REDACTED]@gmail.com)
Subject: RE: TfL Board: Publication of Dame Margaret Hodge's review into the Garden Bridge

Anne,

The AAC's remit is absolutely to ensure that procedures are followed and governance is in place – and there are plenty of lessons to be learned from the Hodge Review – but surely not to call in selected decisions.

The proper TfL governance and approval processes, for a project with an aggregate value of £60m and a potential budgetary hit of more than that, is to be considered by the Finance Committee.

If we start routing selected projects through the AAC and around the Finance Committee, that strikes me as a very troubling precedent. It risks perpetuating the exact same problems as the Hodge Review highlights.

Regards,

Michael

From: Anne McMeel <[REDACTED]@btinternet.com>
Sent: 13 April 2017 12:30
To: Michael Liebreich
Cc: Carter Howard; Ron Kalifa ([REDACTED]@worldpay.com); Nunn Ian; Ben Story ([REDACTED]@gmail.com)
Subject: Re: TfL Board: Publication of Dame Margaret Hodge's review into the Garden Bridge

Michael

Rest assured the AAC will be looking at systems and governance issues. That will include seeking assurance that any future decisions on funding are subject to the proper TfL governance and approval processes.

Regards

Anne

On 13 Apr 2017, at 10:32, Michael Liebreich [REDACTED]@liebreichassociates.com> wrote:

Howard,

I agree that the Audit and Assurance Committee is the correct forum to consider the lessons from the Hodge Review.

However, as I have stated in the past, if GBT requests the release of any part of the loan funding, I believe that really needs to come before the Finance Committee ahead of any decision. It is the Finance Committee which has the commercial skills to consider the bankability of GBT's existing funding pledges and the viability of GBT's ongoing funding activities, and it is the Finance Committee which takes primary responsibility for evaluating potential impacts on TfL's budget.

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Sent: 11 April 2017 17:43

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Howard

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Sent: 07 April 2017 11:22

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All

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[Independent review of the Garden Bridge project](#)

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Dame Margaret Hodge MP's independent review into the Garden Bridge project has concluded. Her report is published here.

Howard

Howard Carter, General Counsel, Transport for London

Windsor House, 42-50 Victoria Street London SW1H 0TL

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Publication of Dame Margaret Hodge's review into the Garden Bridge

Today the Mayor of London has published Dame Margaret Hodge MP's report on the Garden Bridge.

The Mayor, Sadiq Khan, commissioned Dame Margaret to undertake the review in October 2016. The review did not seek to address whether the Garden Bridge is a good idea. It did assess whether value for money was being secured from the public sector contribution and it examined the policies, procedures adopted to implement the Garden Bridge Project and the conduct of those involved.

Some of the key conclusions of the report include:

- Decisions on the Garden Bridge were driven more by electoral cycles than value for taxpayers' money.
- The costs have escalated from an early estimate of £60m to over £200m today
- The risk to the taxpayer has intensified. The original ambition to fund the Garden Bridge through private finance has been abandoned. The Garden Bridge Trust has lost two major private donors and has pledges of £69million with no new pledges secured since August 2016. With a public sector contribution of £60 million, that leaves a gap in capital funding of at least £70 million. Furthermore, very little progress has been made on raising money to fund the ongoing maintenance of a completed bridge.
- There was not an open, fair and competitive process around the two TfL procurements for the Garden Bridge Project. The two procurements revealed systemic failures and ineffective control systems at many levels.
- The Garden Bridge Trust's finances are in a precarious state and many outstanding risks remain unresolved.

Commenting on her report, Dame Margaret said:

"I did not seek to ask whether the concept of a garden bridge over the River Thames is a good idea. But my review has found that too many things went wrong in the development and implementation of the Garden Bridge Project.

“Value for money for the taxpayer has not been secured. It would be better for the taxpayer to accept the financial loss of cancelling the project than to risk the potential uncertain additional costs to the public purse if the project proceeds.

“In the present climate, with continuing pressures on public spending, it is difficult to justify further public investment in the Garden Bridge.

“I would urge the Mayor not to sign any guarantees until it is confirmed that the private capital and revenue monies have been secured by the Garden Bridge Trust.

“My report outlines some key lessons that can be learned from the Garden Bridge project across different public organisations and makes a number of recommendations. I thank the Mayor, Sadiq Khan, for giving me the opportunity to examine the project in detail.”

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From: Jo Jagger [REDACTED]@liebreichassociates.com>
Sent: 24 January 2017 11:16
Subject: Ron Kalifa: Garden Bridge / Finance Committee

From: "Kalifa, Ron" <[REDACTED]@worldpay.com>
Date: 24 January 2017 at 10:49:58 am GMT
To: 'Michael Liebreich' <[REDACTED]@liebreichassociates.com>
Cc: "Hargrave, Lesley" <[REDACTED]@worldpay.com>, "Ben Story ([REDACTED]@gmail.com)" <[REDACTED]@gmail.com>, "Ben Story PA (Petra Wosterfiled) ([REDACTED]@rolls-royce.com)" <[REDACTED]@rolls-royce.com>, Carter Howard <[REDACTED]@TfL.gov.uk>, Nunn Ian <[REDACTED]@tfl.gov.uk>, Jo Jagger [REDACTED]@liebreichassociates.com>
Subject: RE: Garden Bridge / Finance Committee

Thanks for your e-mail and the note.

I agree that this is something that we should consider but it would make most sense to do that with all of the background after the review by Margaret Hodge has concluded.

I will ask the Secretariat to make sure that we get an opportunity to discuss it as soon as the report is available.

Appreciate you raising this,
Ron

From: Michael Liebreich [mailto:[REDACTED]@liebreichassociates.com]

Sent: 22 January 2017 22:42

To: Kalifa, Ron

Cc: Hargrave, Lesley; Ben Story ([REDACTED]@gmail.com); Ben Story PA (Petra Wosterfiled) ([REDACTED]@rolls-royce.com); Carter Howard; Nunn Ian; Jo Jagger

Subject: Garden Bridge / Finance Committee

Ron,

Please see attached a note about the Garden Bridge. It is presumably too late to add it to the agenda for this week's meeting, and Howard might suggest we hold any discussion in private. However, I do believe there are some material issues which the Committee should discuss.

See what you think.

Regards,

Michael

Michael Liebreich

Founder and Chairman of the Advisory Board, Bloomberg New Energy Finance

Advisory Board Member, UN Sustainable Energy for All

Founder & Chairman, Finance for Resilience

Board Member, Transport for London

Visiting Professor, Imperial College Energy Futures Lab

Chairman, St Mark's Hospital Foundation

Co-founder and Chairman, Pearlshare

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From: Jo Jagger [REDACTED]@liebreichassociates.com>
Sent: 12 February 2017 10:06
Subject: Ron Kalifa: Garden Bridge - TfL restricted - Private and confidential

From: "Kalifa, Ron" [REDACTED]@worldpay.com>
Date: 11 February 2017 at 8:38:33 pm GMT
To: Carter Howard [REDACTED]@TfL.gov.uk>, Michael Liebreich [REDACTED]@liebreichassociates.com>
Cc: "Brown Mike (Commissioner)" [REDACTED]@tfl.gov.uk>, Ritchie Charles [REDACTED]@TfL.gov.uk>, "Clarke Andrea (Exc)" [REDACTED]@tfl.gov.uk>, Williams Alex [REDACTED]@tfl.gov.uk>, "Brown Andy (Corporate Affairs)" [REDACTED]@tube.tfl.gov.uk>
Subject: Re: Garden Bridge - TfL restricted - Private and confidential

Howard
Thx for the note, it helps me contextualise the background.
I am in the US at present but will find time next week for a quick chat on the phone to clarify a few points.
Have a good weekend.
Ron

From: Carter Howard <[REDACTED]@TfL.gov.uk>
Date: 10 February 2017 at 05:07:46 GMT-5
To: Michael Liebreich [REDACTED]@liebreichassociates.com>, Kalifa, Ron [REDACTED]@worldpay.com>
Cc: Clarke Andrea (Exc) <[REDACTED]@tfl.gov.uk>, Brown Andy (Corporate Affairs) [REDACTED]@tube.tfl.gov.uk>, Ritchie Charles <[REDACTED]@tfl.gov.uk>, Williams Alex [REDACTED]@tfl.gov.uk>, Brown Mike (Commissioner) [REDACTED]@tfl.gov.uk>
Subject: Garden Bridge - TfL restricted - Private and confidential

Ron/Michael
You asked for a note on whether TfL or the GLA may be required to pay for the costs of completing the Garden Bridge, in the event that the Garden Bridge Trust commences construction but then runs out of money.

To date, TfL has signed two agreements with the Trust: a Deed of Grant on 2 July 2015 and a Loan Facility Agreement on 13 November 2015.

Under the Deed of Grant, TfL is to provide grant funding to the Trust totalling £40 million (consisting of £10 million of TfL money and £30 million of DfT money). To date, £37.39 million has been paid (including the costs of services in kind from TfL). The balance of the payments under the Deed of Grant (£2.61 million) is subject to the satisfaction by the Trust of various conditions of payment – in particular, that “*Practical completion of the main construction contract has been attained.*”

The Loan Facility Agreement provides for a loan facility of up to £20 million to be made available to the Trust. Nothing has yet been paid to the Trust under this agreement. Payments under the Loan Facility Agreement are also subject to conditions of payment. These include that *“GBT has demonstrated to TfL’s satisfaction that it has secured, or is able to secure, a sufficient level of funding...to cover the costs of construction of the Garden Bridge.”*

The Trust also benefits from an underwriting of up to £9 million, available up to the point at which construction commences, in the event that the Trust decides not to proceed with the Project. This underwriting would be paid from the DfT’s share of the grant funding.

In the event that the Trust runs out of funds to complete the Garden Bridge part way through construction, TfL will have no legal responsibility to meet the shortfall. Similarly, the proposed GLA guarantees place no obligations on the GLA to complete the structure. The GLA has not entered into legally binding agreements with the Trust but there has been an agreement in principle to provide certain required guarantees subject to *“agreement as to the terms of the guarantees and to appropriate arrangements being in place between the GLA and the Trust giving the GLA appropriate rights in the events such guarantees are called upon, and the Trust demonstrating to the Mayor’s satisfaction that it has a satisfactory funding strategy in place to operate and maintain the Garden Bridge for at least the first five years from its completion.”*

The obligations to be guaranteed relate to the maintenance and operation of the Garden Bridge once constructed. They do not relate to the construction phase. Under the draft PLA guarantee the GLA would guarantee various obligations in the Trust’s proposed river works licence – but explicitly excluding liability relating to construction. None of the three guarantees would impose an obligation on the GLA (or TfL) to complete the Garden Bridge if the Trust failed to complete it.

The Trust will not be entitled to the outstanding £22.61 million of public sector funding if it is not able to demonstrate to TfL’s satisfaction *“that it has secured, or is able to secure, a sufficient level of funding...to cover the costs of construction of the Garden Bridge.”* It is difficult to envisage circumstances where the Trust could proceed with the Project without this funding; so, in practice, TfL can prevent construction proceeding if it is concerned that insufficient funding has been secured.

Similarly, the Project will not proceed without the GLA guarantees. No doubt the ability of the Trust to demonstrate that it can fully fund construction will have an impact on the GLA’s willingness to give these guarantees.

Other organisations (the PLA, Coin Street Community Builders, and potentially Westminster) have also required conditions around construction funding. If these conditions are not satisfied then the Project would not proceed. For example, the proposed Lease and River Works Licence with the PLA places an obligation on the Trust *“...Not to construct or place the Works...without first providing to the Landlord to the Landlord’s reasonable satisfaction proof that the Tenant has...sufficient funding (including contingency provision of five million pounds) available to complete construction of the Garden Bridge.”*

These arrangements therefore would ensure that TfL and the GLA are not under an obligation to meet any funding shortfall and that the construction work can only commence when TfL, the GLA and a number of other parties are all satisfied that the GBT has access to sufficient funds to complete the construction works and maintain the bridge for a period thereafter.

Please let me know if you have any questions or need any further information.

Howard

Howard Carter, General Counsel, Transport for London
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Len Duvall AM, Chair of the GLA Oversight Committee

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Ref:
20 November 2017

Dear Mike

Re: Garden Bridge matters, meeting of 15 November 2017

Thank you for attending the meeting of 15 November 2017, during which issues arising out of the extensive and forensic work carried out by the Assembly regarding the Garden Bridge project, and lessons learned following the investigation were discussed.

At the conclusion of the last meeting of the Greater London Authority (GLA) Oversight Committee meeting on 11 October 2017, I indicated that the Committee was minded to pursue certain lines of enquiry further, as there continues to be concern regarding the loss of £46m of public money on this project.

One particular issue, raised during questioning by the Oversight Committee, was the release of the £7m after the construction contract was signed. The Committee has requested clarity regarding how criteria and processes, if they were in place at all, were applied by Transport for London (TfL) to decisions on whether and when to release payments.

On the broader issues, I do acknowledge and appreciate your approach to Members' questioning on these matters; you have understood the concerns and made a number of statements to indicate that changes are now being made within TfL.

However, it is fair to say that there is no single statement or place where, to date, you have set out the full details of the changes being made to TfL's Board, governance and procurement procedures, to officer conduct rules and the handling of Mayoral directions, both before and after they are issued, as a result of the failings of the Garden Bridge Project. May I invite you to provide the Assembly with that clarity as part of your response to this correspondence.

Furthermore, could I also ask you to detail how TfL ensures compliance with the 'decision making' and 'roles and responsibilities' sections of the Corporate Governance Framework Agreement for the GLA Group, as approved by the Mayor (following consultation with all functional bodies and the Assembly), which deal specifically with the need for clear and accountable decision-making procedures, including in relation to Mayoral Directions.

On behalf of the Assembly, I look forward to your response.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Len', is positioned below the text 'Yours sincerely'.

Len Duvall AM
Chair of the GLA Oversight Committee



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08 December 2017

Dear *Len*

Garden Bridge

Thank you for your letter of 20 November, following our meeting about the Garden Bridge. I am grateful for the work your Committee has done to explore what went wrong with the project, and for the opportunity to set out in one place the action we have taken to improve our processes as a result of your and others' investigations.

Over the last three years there have been a number of reviews and investigations into the project, including your own but also, for example, our Internal Audit report; an External Auditor review of that report; the Charity Commission's review of the Garden Bridge Trust; an investigation by the National Audit Office; and the comprehensive review that Dame Margaret Hodge completed at the request of the Mayor.

Let me be clear that we welcome the findings of all of these reports and investigations. In response to their recommendations, we have taken the following actions:

- **Board level transparency and scrutiny:** Under the clear guidance of the Mayor, we have implemented significant changes to our Board and Committee structure, including creating a Programmes and Investment Committee specifically to focus on our Investment Programme and give us an appropriate level of detailed attention.



Your Committee and Dame Margaret Hodge have both voiced concerns about the level of direct involvement by the previous Mayor and his team in this project, and the use of Mayoral Directions; under our new arrangements, our Audit and Assurance Committee, Finance Committee and Programmes and Investment Committee will also be more closely monitoring activities which are subject to a Mayoral Direction.

We are also supporting the GLA to ensure that where the Mayor takes decisions or provides significant advice in informal meetings, this is properly minuted.

- **Exercise of Commissioner's authority:** We have tightened the processes under which the Commissioner and Chief Finance Officer exercise the approvals delegated to them by our Board. In addition, we have expanded the regular reports to the Programmes and Investment Committee on matters they approve, and strengthened the process for ensuring the Chair of the relevant Committee is involved in authorities proposed to be given by the Commissioner or the Chief Finance Officer for matters which are not in the Business Plan or Budget.
- **Senior communication on procurement compliance:** The Mayor and I are crystal clear that all of our procurement processes must be fully complied with at all times. I have recently written personally to all of my senior staff to stress the importance of this, and explain the training and whistleblowing facilities that are available.
- **Escalation of issues:** It is crucial that staff involved in procurement know when and how to escalate concerns and risks about non-compliance with procurement processes. We have reminded all relevant staff that this escalation must happen, with particular focus on the Commercial, Internal Audit and Legal teams.
- **Assurance activity:** We have reviewed our assurance processes, for procurement activity but also more widely, and brought in specialist software to improve processes and reduce risk and error.
- **Review of employment conditions for senior staff:** We are very clear that our leavers remain bound by our Code of Conduct and Business Ethics policy. When we become aware of the impending departure of one of our senior staff, we will now be undertaking an assessment to determine whether there is, or might be perceived to be, a conflict so that responsibilities can be reallocated as necessary. We are also undertaking a review of the contractual terms of all senior employees to ensure that a consistent approach is taken to potential conflicts of interest.

Separately and following Dame Margaret Hodge's review, the GLA is currently considering options for her recommendation to amend employment conditions to limit the potential for 'revolving doors' among senior staff. We will support the GLA in this work.

We also set out a summary of these actions in a paper to our Board on 19 July 2017. This paper is published on our website at: <http://content.tfl.gov.uk/board-20170719-item15-garden-bridge.pdf>

Your letter also asked two specific questions, which I have answered below.

Releasing the £7m grant payment to the Garden Bridge Trust following the signing of their construction contract

We signed our Deed of Grant with the Trust on 2 July 2015, and subsequently varied it on 13 November 2015. These grant documents are published on our website at: <https://tfl.gov.uk/corporate/publications-and-reports/temple-footbridge>.

Under the terms of this Deed of Grant, the Trust was entitled to a payment of £7 million within 10 days of the award of the main construction contract, provided certain Conditions of Payment were met. These Conditions of Payment were:

- The Trust has demonstrated to TfL's satisfaction that it has secured, or is able to secure, a sufficient level of funding, including the Grant from TfL, to cover the costs of construction of the Garden Bridge;
- The Trust has demonstrated to TfL's satisfaction that it has secured, or is able to secure, all necessary consents needed to deliver the Project;
- The Trust has demonstrated to TfL's satisfaction that an appropriate project "go/no go" gateway review has been passed, including proper assessment and management of risks;
- The Trust has demonstrated to TfL's satisfaction that it has appropriate plans in place for the operation and maintenance of the Garden Bridge;
- The Trust has demonstrated to TfL's satisfaction that it has secured a satisfactory level of funding to operate and maintain the Garden Bridge once it is built for at least the first 5 (five) years; and
- The Trust has demonstrated that these funds will only be used in respect of the construction of the Garden Bridge.

Following negotiations between the Trust and its preferred construction contractor, Bouygues, the Trust was in a position to award the main construction contract in late January 2016. This contract was between the Trust and Bouygues; we were not party to it and the Trust did not require our approval to enter into it.

Paul Morrell (Vice Chair of the Trust) wrote on 27 January 2016 to Richard de Cani, our Managing Director, Planning and the named TfL Representative under the Deed of Grant, to request the release of the £7 million payment. A copy of this letter is attached, together with a subsequent, clarifying email of 29 January from Bee Emmott, the Executive Director of the Trust).

We considered the evidence supplied in this letter, as well as the wider information we had available on the status of the project from our regular progress meetings with the Trust, and determined that the Conditions of Payment had been met and it was necessary to release the payment to the Trust.

While we have been the Trust's primary contact on the public funding for the project, half of the public sector contribution has come from the Government and we have always kept colleagues at the Department for Transport informed on the status of the project and its funding. This was also true in this instance, where we provided the Trust's evidence and our view that the Conditions of Payment had been met to the DfT by email on 29 January 2016.

Compliance with the GLA Group Corporate Governance Framework Agreement

I take compliance with Corporate Governance very seriously, and I am committed to our leading the way in terms of transparent and accountable decision-making.

The GLA Group Framework Agreement is an important part of this, and our Board approved us being a signatory to the agreement in September 2016.

Our decision-making and reporting procedures are set out in our Standing Orders and the Terms of Reference of our Committees and Panels. These were most recently updated on 9 November 2017.

In addition, our Code of Conduct sets out how we expect our people to behave and how their day-to-day responsibilities relate to our organisational commitment to professional business conduct and ethics. This includes guidance around the management of conflicts of interest, and our requirement for all Board Members and senior officers to complete the GLA Framework's Register of Interests form.

We carry out an annual review of our Board and decision-making structures, to ensure that they remain effective and compliant with our Standing Orders, our Code of Conduct and the GLA Framework Agreement. We report the outcomes and recommendations of the effectiveness review to our Board, and our Audit and Assurance Committee considers an Annual Governance Statement including a Governance Improvement Plan.

It is crucial that our decision making is completely transparent. Our Board, Committee and Panel meetings are held in public and the papers are published online. We report any instances of my or our Chief Finance Officer's use of delegated authority to our Finance Committee and/or our Programmes and Investment Committee (depending on the nature of the approval) and we are expanding this report to specifically reference if the authority was granted for an item outside of our Business Plan or Budget.

As described in my summary of actions above, the latest revisions to our Standing Orders take this further by adding further internal review processes before any authority is granted and requiring the Chair of the relevant Committee to be consulted on any authority request for a project that is not in our Business Plan or Budget.

Finally, as part of our review our Finance Committee and Programmes and Investment Committee as appropriate will also receive reports on the implementation of Mayoral Directions.

I hope that this answers the points in your letter, but if you or your Committee have any further questions then please let me know. Thank you again for the opportunity to set out the steps we have taken to improve our processes and ensure that the mistakes made on this project can not happen again.

I will also be sending a copy of this letter to all of our Board Members, and publishing it on our website.

Yours sincerely



Mike Brown MVO

Encl. Correspondence from the Garden Bridge Trust requesting drawdown of the £7m grant payment following the signing of their construction contract

Appendix: correspondence from the Garden Bridge Trust requesting drawdown of the £7m grant payment following the signing of their construction contract

Richard De Cani
Managing Director, Planning
Transport for London
Windsor House
42-50 Victoria Street
London
SW1H 0TL

27 January 2016

Dear Richard

As per the payment profile in the Deed of Variation, dated 13th November 2015, the Garden Bridge Trust ("GBT") is due to drawdown on the next tranche of funding within 10 days of award of the main construction contract (29th January 2016).

I am writing to set out the progress made to satisfy the conditions of this instalment of TfL funding, since my last letter dated 11th December 2015.

The GBT's preferred contractor, Bouygues TP, has provided a revised offer with a viable programme as of December 2015. This has been reviewed by Arup on behalf of GBT for acceptability and assurance purposes. Following final negotiations and receipt of the tender report, a reconciliation with the funding situation was undertaken in parallel. This has been reviewed by the Trustees who intend to proceed to the next stage of award of the construction contract.

The Trust continues to work jointly with TfL and both Westminster City Council ("WCC") and London Borough of Lambeth Council ("LBL") to ensure that any outstanding planning conditions are approved and any outstanding property issues are resolved.

The following outlines our progress in meeting the conditions as set out in the agreement.

The Trust has demonstrated to TfL's satisfaction that it has secured, or is able to secure, a sufficient level of funding, including the Grant from TfL, to cover the costs of construction of the Garden Bridge

The Garden Bridge Trust has raised a total of £145 million, of which £85 million is from the private sector. This is enough to cover the cost of the bridge's construction contract, which is in the region of £100 million. The Trust continues to raise funds from the private sector to cover the remainder of the total project cost and will continue to do so, throughout construction.

There is one outstanding pre-commencement condition to be submitted to Westminster Council relating to the permanent highway layout for Temple Place, and the expectation is that this will be submitted shortly. Westminster Council planning conditions are unlikely to require a Committee determination and the expectation is that any outstanding conditions will be approved at officer level as has proven the case to date.

Section 106 agreements with both Local Authorities are in final draft form and the Trust expects to finalise these over the next month.

The Trust has demonstrated to TfL's satisfaction that an appropriate project "go/no go" gateway review has been passed, including proper assessment and management of risk;

A Stage gate review checklist has been approved by the Trust's Project Delivery Committee, against a revised short term (30 week) and long term programme which demonstrates progress to date and a plan to succeed on any outstanding property and planning fronts. This has been reviewed along with any associated risk by the Board of Trustees at the Board meeting held on January 14th 2016, who are satisfied to proceed to the next stage. TfL are observers of the Garden Bridge Trust Board meetings and have received a copy of the meeting minutes.

The Garden Bridge Trust Board of Trustees have resolved to execute the construction contract on 29 January 2016. The contract is engrossed and comprehensive and allows for the foreseen work to be delivered within the development forecast. There is provision outside the contract sum for works, yet to be procured, for example the works at London Underground.

The Trust has demonstrated to TfL's satisfaction that it has appropriate plans in place for the operation and maintenance of the Garden Bridge

As explained in the letter dated 11th December, the Trust has produced an Operation and Maintenance Plan which has been through a number of peer reviews.

The Operation and Maintenance Plan is a pre-commencement condition that needs to be discharged by both Lambeth and Westminster. The Plan has been submitted to both Councils for their review.

The Trusts construction contract with Bouygues TP includes the novation of a landscape contract with Willerby. Willerby will be responsible for the maintenance of the garden for the first five years of the bridges life.

The Operations and Maintenance Business Plan (the "OMBP") is subject to approval by Westminster City Council (WCC) and the London Borough of Lambeth (LBL) through a Section 106 obligation.

As explained previously, GBT has prepared a revised OMBP, since that submitted prior to planning consent in 2014, to set out how running costs associated with the Garden Bridge will be funded for five years from opening in 2018 until the end of 2023. The OMBP shows that the Trust is able to fund the costs associated with operating and maintaining the Garden Bridge over the five year business plan period.

COMMERCIAL IN CONFIDENCE

Over the last six months, the Trust has secured more than £20 million in private sector contributions to the project. This is an unprecedented achievement for a capital project that has yet to begin construction. The Garden Bridge Trust expect fundraising to accelerate further once construction commences later this year.

The Trustees have a robust strategy to raise the remaining funds, including a series of major opportunities available totalling £42m and a Patron Scheme that will raise £1.5m. In addition, a strong pool of over 200 prospects has been developed, each with the capacity to give donations at the £500k level and above. Support for the project is strong amongst the philanthropic community. The Trust recently went to the market with ticket sales for its forthcoming inaugural fundraising Gala in aid of the charity and has sold all tickets to the event which will host 400-500 guests.

GBT is in advanced discussions with three major corporations for contracts to the value of £15 million which we anticipate will be signed by June 2016.

The Trust's fundraising activities will include the launch of a major public fundraising campaign in 2016, giving the opportunity for the public to engage and support the project.

Contractual agreements are in place for all of the commitments received to date. Each agreement clearly outlines the obligations of the Trust and funder and the release of tranches of funding in accordance with the Trusts requirements and projects progress. The full list of donors includes support from a range of Trusts, Foundations, philanthropists and major corporations, including Google, Sky and Citi Bank. This material has been shared with TfL for assurance purposes.

The Trust has a Development Sub-Committee that is focused on raising funds for the project as well as an in-house fundraising team and consultants that has grown since inception. A further Sub-Committee has been set up to focus on securing Patrons.

The Trust has demonstrated to TfL's satisfaction that it has secured, or is able to secure, all necessary consents needed to deliver the Project;

GBT has a fully articulated plan to address and attend to planning conditions and section 106 requirements prior to commencement of works as outlined in the supporting document Conditions Status Log.

The Garden Bridge Trust have submitted all pre-commencement conditions to Lambeth Council. Twelve of these conditions have been discharged already - seven planning conditions were recommended for approval and discharged at Lambeth's December Planning Committee and a further eight have been submitted for Lambeth's February Planning Committee, all recommended for approval. The remaining conditions, largely operational, will go to Lambeth's March Planning Committee and GBT representatives will attend a technical briefing with Committee Members in advance. TfL have been consulted on relevant conditions and are comfortable with the Trust's approaches and have provided approval to the Local Authorities.

From: Bee Emmott <[REDACTED]@gardenbridge.london>
Sent: 29 January 2016 08:59
To: Richard de Cani (MD Planning)
Cc: Brown Andy (Corporate Affairs); Rebecca Olajide; Jim Campbell; Jane Hywood
Subject: Re: FAO Richard De Cani

Dear Richard

Further to the below, I wanted to clarify that the information supplied in Paul's letter of 27 January relating to the fourth condition of payment in TFL's Deed of Grant, namely that

"The Trust has demonstrated to TFL's satisfaction that it has appropriate plans in place for the operation and maintenance of the Garden Bridge"

is also intended to demonstrate fulfilment of the fifth condition of payment in the deed, that

"The Trust has demonstrated to TFL's satisfaction that it has secured a satisfactory level of funding to operate and maintain the Garden Bridge once it is built for at least the first 5 (five) years"

If you'd like to discuss, just let me know.

Best wishes

Bee

On 28 Jan 2016, at 15:32, Bee Emmott <[REDACTED]@gardenbridge.london> wrote:

Dear Richard
Please find attached letter from Paul Morrell, Vice Chair, Garden Bridge Trust.

Best wishes
Bee
Bee Emmott
Executive Director, Garden Bridge Trust
Somerset House, Strand, London, WC2R 1LA

m: [REDACTED]

Click [here](#) to report this email as SPAM.

The Trust has demonstrated that these funds will only be used in respect of the construction of the Garden Bridge.

The overall programme is being progressed with specific pre-construction activities pursued over the next six months, as indicated in the short term programme reviewed by the Trustees and TfL. The intention is to pursue these activities in parallel with Bouygues progressing the design and enabling works with main construction starting on site in the second quarter of 2016.

This notice is intended to trigger the immediate release of the £7m payment due within 10 days of award of construction contract as set out in Deed of Variation. For cash flow purposes, the Trust requests an initial payment of £2.5m immediately following receipt of this letter, to be followed by the drawdown of the remaining of the £7m on the 13th March 2016. This notice is also intended to provide evidence to trigger the release of the £3m due on 13th February as set out in the Deed of Variation.

We hope the above meets the conditions set out in the agreement. Please confirm acceptance of this proposal.

Yours sincerely,

A handwritten signature in blue ink, appearing to be 'Paul Dring', followed by a horizontal line.

Paul Dring Morrell
Vice Chair of the Garden Bridge Trust

Item 2
Z

From: Anne McMeel [redacted]@tfl.gov.uk
Subject: Re: Garden Bridge - TfL Response to the Hodge Review - TfL Restricted
Date: 28 May 2017 at 11:33
To: Howard Carter [redacted]@tfl.gov.uk
Cc: Walker Clive (Internal Audit) [redacted]@tfl.gov.uk, Gourley Jennifer [redacted]@tfl.gov.uk

Howard

As promised I have now looked at the draft report. A few issues on the basis that the new Board members have not, like the officers, been living and breathing this project, since 2012:

- Background
 - I would find it helpful to have an appendix summarising the scope of the five mayoral directions and their timing
 - Also, I think it would be helpful to be very explicit about the size and scope of the procurement that TfL initiated. As we have discussed it is very easy to think that TfL, and not the Trust, were procuring the bridge
- Action to date and responses to Hodge report
 - A lot of work has clearly been done and it is always difficult to present this sort of information but I do wonder if a shorter covering report with matrix appendices showing the audit/Hodge recommendations and actions/responses would help in terms of clarity and in identifying completed actions and action still to be taken with proposed timescales
- Response to Hodge Recommendations
 - The 5.2 recommendation implies all contracts and projects being reported to committees with no recognition of scale, so my question is does the proposed information going to the various committees cover all projects and contracts. I suspect not so do you need to explain/refer to the scheme of delegation a bit more
 - Given the changes made to the committee structure and the proposals in this report if the garden bridge surfaced now would it be discussed at a committee at a time when action could still be taken as opposed to a retrospectively. I suspect this is always going to be an issue given most of the committees only meet four times a year
 - The response to 5.2 identifies the need to be clear about the financial and other implications of mayoral directions and the subsequent reporting framework within TfL but there doesn't seem to be a feedback mechanism to the Mayor if the implications of the mayoral direction changes. This could mean a continuing uncertainty in terms of governance responsibility
 - The response to 5.7 identifies future actions, it would be useful to have some timescales for completion

I hope this helps and am happy to discuss when you are back at work.
Enjoy the bank holiday

Anne

On 28 May 2017 at 11:33, Carter Howard [redacted]@tfl.gov.uk wrote:

Anne

It was good to see you yesterday. We are working on dates for the AAC and will confirm shortly.

As discussed yesterday, I have attached the draft paper on the Garden Bridge Review

I would be happy to discuss if you have any questions

Howard

Howard Carter, General Counsel, Transport for London
Windsor House, 42-50 Victoria Street London SW1H 0TL
e-mail: [redacted]@tfl.gov.uk
Tel: [redacted]
Fax: 020 3054 3556 (83556)

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.....
<Draft AAC_Board paper on Hodge review (draft 25 May).doc>

Date: [] 2017

Item: **Garden Bridge – TfL Response to the Hodge Review**

This paper will be considered in public

1 Summary

1.1 This paper describes the background to TfL's involvement in the project for a footbridge with garden features, a "Garden Bridge", to be built across the Thames between the Southbank and Temple station (the Project).

1.2 On 19 October 2016, the Mayor of London appointed the Rt. Hon. Dame Margaret Hodge MP to undertake a review of the Project. That review has produced a report which was published on 7 April 2017 (the Report) and contained a number of recommendations, including for TfL. A copy of the Report is provided at Appendix 1.

1.3 This paper sets out TfL's response to the recommendations addressed to it in the Report and makes recommendations to the Board on TfL's proposed response.

2 Recommendation

- 1.1 That the Board notes the paper and agrees TfL's proposed response to the recommendations of the Rt. Hon. Dame Margaret Hodge MP in her review into the Garden Bridge project.**

3 Background

3.1 TfL first became involved in the Project in late 2012 when the previous Mayor expressed his desire for TfL to consider whether the construction of a bridge with an innovative and novel design would be feasible.

3.2 Since then we have carried out work on the project under a series of four Mayoral Directions, including securing planning permission on behalf of the Garden Bridge Trust in Westminster and Lambeth in late 2014, and have provided approximately £37m of funding to the Project of which around £13.5m has been provided by the Government and the remainder has been provided by TfL. The Government has provided an additional underwriting of up to £9m, payable to the Garden Bridge Trust in the event of the project's cancellation.

3.3 In 2015, the Project was handed over to the Garden Bridge Trust, an independent charity established to deliver, operate and maintain the bridge.

3.4 In accordance with Mayoral Directions, TfL has been required to remain engaged with the project. Our involvement has been to provide funding, as required by the Mayoral Directions, and as a landowner on the North Bank (at Temple station).

3.5 The procurement processes and the involvement of the Mayor described above have been scrutinised by the Greater London Authority's Oversight Committee.

3.6 TfL's Internal Audit department also carried out a review of two procurements conducted by TfL. At the request of TfL's Audit and Assurance Committee, a further review was undertaken by EY, TfL's External Auditors; the findings of that review have also been published.

3.7 In common with the standard practice under the previous Mayor, the Mayoral Directions referred to above were reported to the Board as part of the Commissioner's Report. A specific paper was presented to the Finance and Policy Committee on 18 July 2013. The EY audit report was presented to the Audit and Assurance Committee on 11 October 2016.

3.8 The National Audit Office has investigated the Department for Transport's funding contribution to the Project and the Charity Commission has reviewed the governance of the Garden Bridge Trust. The findings of these reviews affected the Department for Transport and the Garden Bridge Trust respectively, rather than TfL.

3.9 The response of the Garden Bridge Trust to the Report is included at Appendix 2.

3.10 TfL has, since autumn 2015, published key information on the Project on its website at: <https://tfl.gov.uk/corporate/publications-and-reports/temple-footbridge>, including project, procurement and planning documentation, correspondence with the GLA's Oversight Committee and correspondence contributing to the Report, together with the various Mayoral Directions on the Project. TfL has also responded to some 46 requests for information under the Freedom of Information Act 2000.

4 Actions to date

4.1 As noted above, there has been a high level of scrutiny of the Project and TfL's involvement before the Report. In particular, TfL's Internal Audit team made a number of recommendations, all of which have already been addressed.

4.2 Those recommendations were that:

- (a) individuals involved in the management and delivery of procurement activities are responsible for ensuring they are fully aware of the requirements placed on them and TfL by guidance and statute to ensure best practice is followed. Planning staff involved in procurement activities should make

themselves aware of these requirements;

(b) at the start of any procurement, and commensurate to the size and level of risk, TfL Commercial should brief all staff involved in the process giving clear instructions relating to:

(i) the process that will be followed;

(ii) roles and responsibilities;

(iii) the documentation they will be expected to produce and provide to TfL Commercial; and

(iiii) escalation procedures for reporting non-compliance.

This briefing will emphasise the rules of engagement with bidders and the need for segregation of duties during the evaluation of bids;

(c) TfL Commercial should develop a training package on TfL's procurement processes for use with staff who are not familiar with them, and for staff who are new to TfL. The purpose of this training material should be to raise awareness of the guidance available, the policy and procedure that must be followed and the potential ramifications of non-compliance;

(d) TfL Commercial should be robust in ensuring that issues in relation to the procurement process are highlighted on a timely basis and escalated as appropriate to ensure action is taken to mitigate any breaches of policy or procedure; and

(e) TfL Commercial should identify the reason(s) that led to the error in the analysis of Arup's commercial submission error and whether improved controls need to be put in place.

4.3 All those recommendations have been actioned as follows:

(a) TfL Commercial led a piece of work to identify the methods of tender evaluation across TfL and Crossrail and to use best practice to develop a consistent approach to bid evaluation. This approach has been rolled out and been mandatory from October 2015;

(b) TfL's Commercial team has reviewed our internal training provision to ensure it is up to date, and prepared tailored briefing packs which have been shared with other parts of the business;

(c) all our Commercial staff have undergone training on the Public Contracts Regulations 2015 and Utilities Contracts Regulations 2016;

(d) new training has been developed and rolled out for TfL Commercial staff, focusing on how to design tender evaluations and inform bidders of the outcome;

(e) all our Planning staff who manage procurements have completed our updated internal training module on procurement processes;

(f) communications have also gone out to all our staff to explain the information resources available to allow them to stay up to date on the requirements they must follow when carrying out procurement;

(g) we have updated and shared across the business a collection of guidance documents and briefing packs that explain how procurement should be carried out;

(h) Commercial Directors (whose roles are now encompassed in the Chief Procurement Officer role) have also issued communications to their departments encouraging staff to escalate any issues where they believe policy or their advice is not being followed;

(i) a single TfL Commercial team has been established, which will improve the quality and coordination of our commercial services within the organisation; and

(j) we have reviewed our assurance processes for procurement activity, and we have now introduced the use of a specialist software (called AWARD) to improve these processes and reduce risk and error.

These training and information resources will be provided to new staff as appropriate.

4.4 As reported to the Audit and Assurance Committee on 11 October 2016, the recommendations made by EY together with TfL's response are summarised as follows:

- (a) *Reminders to the Internal Audit Team of a number of points relating to the documentation of audit findings within the audit file.* Internal Audit acknowledges the importance of an appropriate level of documentation of findings, and this is already incorporated into its methodologies. Internal Audit staff will be reminded of the specific points raised by EY.
- (b) *Additional management action to enhance the monitoring of procurements to ensure compliance with policy and procedures, particularly on high profile procurements.* TfL is currently undertaking a review of its commercial processes and this recommendation will be implemented as part of that review.
- (c) *Reminders to audit managers regarding review of audit working papers prior to issue of the draft report.* Internal Audit's methodologies already require managers to carry out sufficient review of audit working papers to satisfy themselves that the audit has been properly conducted and appropriate conclusions drawn. Audit managers will be reminded of the specific points noted by EY.
- (d) *Suggested enhancements to audit terms of reference/engagement letters.*

The points mentioned by EY are included in engagement letters as appropriate to the particular circumstances of each review.

5 Hodge review recommendations and TfL response

5.1 The Report makes the following recommendations in relation to TfL and the GLA, beneath each of which is TfL's proposed response:

5.2 Greater transparency should be introduced for procurement processes and more effective checks and balances need to be in place to ensure that public money is properly and well spent. The TfL Board and its committees should receive proper, full and prompt reports setting out information on projects and the performance of contracts in a regular item on their agendas. The Board should have authority to intervene where appropriate and ensure information on performance against contracts is publicly available. While respecting necessary commercial confidentiality, this should not become an excuse for failure to report fully on contracts.

TfL response: Since his appointment, the Mayor has implemented significant changes to the structure and role of TfL's Board, Committees and Panels, which were considered and approved by the Board at its meetings on 19 July and 22 September 2016. In particular, these changes included separating the workload of the former Finance and Policy Committee between two new committees to enable the Board and its committees to review delivery and consider priorities more effectively within the overall financial and strategic context.

The reporting and oversight of TfL's Investment Programme is also being enhanced with better reporting of TfL's performance on a programme basis, rather than focussing on individual, high value investment projects. The Programmes and Investment Committee, under authority from the Board, scrutinises each programme in detail annually, with each meeting considering the performance of and proposals for five programmes, as well as considering updates at each meeting on all other programmes within TfL's Investment Programme.

Where the Committee wishes to consider any programme or part of a programme in more detail, it can do so; this includes the scope to consider particular aspects of any procurement as well as the performance of contracts and so provides the necessary checks and balances. Committee involvement is not confined to receiving reports at the programmed meetings and can include briefings and other engagement that will be recorded within the relevant update reports to the Committee which are published.

Mayoral Directions fall into three broad categories: first, those addressing technical issues with TfL's statutory powers; second, those related to TfL's commercial development activities; and third, those related to TfL's projects and programmes, including the Investment Programme.

Proposed Mayoral Decisions (including Mayoral Directions) are subject to scrutiny within the GLA by its Corporate Investment Board before being considered by the Mayor. It is proposed that the papers for Mayoral Directions should make clear the financial and other implications for TfL, as well as for the GLA.

The Mayor has been clear that the Board should have the opportunity for a meaningful discussion of all Mayoral Directions to TfL. It is proposed that all Mayoral Directions to TfL should be brought to the Board for discussion as soon as possible after they are received by TfL. It is proposed that Mayoral Directions falling into the first and second categories above should, for so long as they are applicable, be reported against at each meeting of the Finance Committee and Mayoral Directions falling into the third category should, for so long as they are applicable, be reported against at each meeting of the Programmes and Investment Committee. A list of all relevant Mayoral Directions will be maintained on the TfL website with links to the relevant Mayoral Decisions. The list of current Mayoral Directions will also be considered annually by the Audit and Assurance Committee as part of its consideration of the annual audit plan to ensure that appropriate audit resource is being applied to assurance on TfL's work in implementing Mayoral Directions. This will also be kept under review at each quarterly meeting of the Committee.

5.3 The delegations to the Commissioner at TfL should be reviewed. At present the Commissioner is not appropriately and publicly accountable for the public money spent.

TfL response: All decisions by the Commissioner to exercise authority delegated to him by the Board are recorded, with their rationale and are reported to the Programmes and Investment Committee (and previously to the Finance and Policy Committee) along with similar decisions made by the Chief Finance Officer at his level of authority.

In addition, since the activities on which the Report is based took place, there have been changes to the Board and Committee structure as described above which will reduce materially the number of expenditure decisions required of the Commissioner.

The scheme of delegations in TfL's Standing Orders and associated transparency will also be reviewed further as part of the 2017 TfL Board Effectiveness Review.

We will also enhance processes for content and circulation of papers to the Commissioner and Chief Finance Officer requesting authorities to ensure that appropriate representatives of all relevant disciplines with TfL are involved.

5.4 Decisions about projects taken by senior staff working at TfL should be properly recorded and documented within clearly defined formal decision making processes.

TfL response: Please see TfL's proposed response at paragraph 5.2 above and the actions already undertaken as described at paragraph 4.3 above. In particular, it is now required practice that the evaluation of bids is conducted using specialist software which records decisions and facilitates transparency. It is also now required practice that the evaluation of bids is conducted by more than one person. Our new approach to approval and scrutiny of programmes by the Programmes and Investment Committee means that key decisions will be considered by programme boards and, where appropriate be scrutinised by the Programmes and Investment Committee.


5.5 TfL's supervisory role and its remit to approve financial decisions should be strengthened so that it is better able to discharge an expanded stewardship role and to guide strategic direction. In this case, the first time a paper was presented to the TfL Board was in July 2013, although this was a novel project involving large sums of money. Sir Peter Hendy, the then Commissioner, was clear that he believed authority lay with the Mayor, not the TfL Board. The review of the TfL's Board powers and functions should aim to ensure that the Board can fulfil its role as a check and balance to the power of the Mayor and the Commissioner.

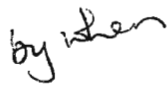
TfL response: Please see the comments at paragraphs 5.2 and 5.3 above. In particular, the changes to the structure and role of TfL's Board, Committees and Panels that have been introduced by the Mayor have a particular focus on investment decisions with the Programmes and Investment Committee dedicated to that purpose. As well as addressing TfL's Business Plan and Budget as a whole, the new approach to approvals and reporting on TfL's performance gives the Committee a broad overview across the Investment Programme, rather than pinpointing only specific high value decisions, and enables detailed scrutiny wherever the Committee considers appropriate. The new structure also reduces the number of expenditure decisions required of the Commissioner. Where such decisions are taken they will continue to be reported to the Programmes and Investment Committee.

5.6 Where decisions are taken by the Mayor, or significant advice provided, in informal meetings these should be properly minuted so that there is a record of those decisions.

TfL response: TfL agrees with this recommendation and will support the GLA's processes for minuting Mayoral meetings as appropriate.

5.7 The Commercial, Legal and Internal Audit teams within TfL all share an obligation to guarantee that procedures and protocols are consistently followed. In this case advice was not always followed and Internal Audit appeared to be under undue pressure in its final report on the procurement process. The authority and accountability of these three parts of the organisation should be reviewed to make certain that their advice is independent and that their accountability reinforces that independence. Where advice is overruled there should be transparent reporting protocols in place so that there is a proper explanation and account of any decision to overrule or ignore advice.

TfL response: TfL will review the procedures in place to ensure that Commercial, Legal and Internal Audit advice is appropriately considered and followed. In particular, TfL will document the process to be followed in the event that relevant advice from those functions is not being appropriately considered. 

It is also proposed that TfL's processes for handling audit reports be updated to address the review of draft reports and to document the process for such reviews. 

5.8 The Mayor should conduct a review of employment conditions and the potential for revolving doors among senior staff and the Mayor's own political appointees. He should consider appropriate changes so that there can be no hint of a conflict of interest when contracts are let by TfL or the Greater London Authority whilst

recognising the legal requirement to not impose restraints on trade.

TfL response: TfL will support the Mayor in any review in response to this recommendation. TfL's Code of Conduct (the Code), which applies to all Board Members and Advisers, employees of TfL and its subsidiary companies and employees of agencies and consultancies contracted to carry out work for TfL, fully embraces the principles laid out in the Nolan Report on standards of behaviour in public life.

In particular, when carrying out public business, including making public appointments, awarding contracts, or recommending individuals for rewards and benefits, all those bound by the Code are required to make choices on merit. They are also required to declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interest. Any conflict must be notified in writing to TfL and updated as appropriate. Those bound by the Code must not place themselves under any financial or other obligation to outside individuals or organisations that might influence them in the performance of their official duties.

In addition to participating in any review undertaken by the GLA, TfL will provide guidance on the handling of potential conflicts of interest in contractual notice periods and will also review the standard contracts for senior staff to consider whether further safeguards should be introduced.

List of appendices to this report:

Appendix 1 – Report of the Rt. Hon. Dame Margaret Hodge MP into the Garden Bridge
Appendix 2 – Response of the Garden Bridge Trust to the Report

List of Background Papers:

Paper to Finance and Policy Committee 18 July 2013
Paper to Audit and Assurance Committee 11 October 2016

NAO report: <https://www.nao.org.uk/report/investigation-the-department-for-transport-funding-of-the-garden-bridge/>

Charity Commission report: <https://www.gov.uk/government/news/charity-commission-publishes-report-on-garden-bridge-trust>

Papers to Board: <https://tfl.gov.uk/cdn/static/cms/documents/board-20160719-item16-decision-making-structure.pdf>

<https://tfl.gov.uk/cdn/static/cms/documents/board-20160922-item09-standing-orders.pdf>

Contact Officer: Howard Carter, General Counsel

Number: [REDACTED]

Email: [REDACTED]@tfl.gov.uk

(Template updated May 2012)

From: [Thomas Heatherwick](#)
To: [Daniel Moylan](#)
Subject: Garden Bridge Support
Date: 21 October 2015 19:23:28

Dear Daniel

Apologies for the non-personal nature of this email. Despite the fact that an independent poll recently showed that 78% of Londoners supported the project, there is a small but vocal minority who oppose the project.

I heard of the idea for the Garden Bridge 14 years ago and this motivated our involvement and the setting up of the charity that would allow there to be a special place open to everyone at no cost for the next thousand years. The Garden Bridge Trust charity has now raised a huge amount of money and with planning permission granted is almost ready to start construction but we need our supporters out there!

If you, like we do, feel that it would be an enormous loss to London, if having come this far the project didn't go ahead, it would be amazing if you would add your voice alongside thousands of others. Please find a link below which will go straight to a page where you can add your name and message of support:

<https://www.gardenbridge.london/use-your-voice#>

Thank you so much in advance for doing this your voice could make all the difference, giving future generations a new place that we can all be proud of.

Warmest wishes

Thomas

From: no-reply@gardenbridge.london
To: [Daniel Moylan](#)
Subject: Thank you for supporting the Garden Bridge website
Date: 21 October 2015 19:51:13



Thank you very much for your kind message of support. We will keep you updated with any future relevant information.

Thank you

The Garden Bridge Trust Team

From: Lynn Sloman <[REDACTED]@transportforqualityoflife.com>
Sent: 11 April 2017 14:38
To: Carter Howard; 'Anne McMeel'
Cc: Gourley Jennifer
Subject: RE: TfL Board: Publication of Dame Margaret Hodge's review into the Garden Bridge

Thanks Howard – that all sounds good.
Lynn

From: Carter Howard [mailto:[REDACTED]@TfL.gov.uk]
Sent: 11 April 2017 14:24
To: Lynn Sloman ; 'Anne McMeel'
Cc: Gourley Jennifer
Subject: Re: TfL Board: Publication of Dame Margaret Hodge's review into the Garden Bridge
Hi Lynn

Thanks.

Yes, the plan is for the AAC to take the lead for TfL on this and consider a paper before it goes to the Board. We are going to let the Board know that and I will pick up with you and Anne on exactly how we take it forward.

You are right of course that some of the actions are for the GLA and we will pick up with them on how they want to take that forward. I imagine that the Mayor will want to have a full list of all of the actions taken across both organisations in due course.

Hope that's all ok.

Howard

From: Lynn Sloman <[REDACTED]@transportforqualityoflife.com>
Sent: 11 April 2017 13:20
To: 'Anne McMeel'; Carter Howard
Subject: RE: TfL Board: Publication of Dame Margaret Hodge's review into the Garden Bridge
Anne, Howard,

Some of the recommendations in Dame Margaret Hodge's report on the Garden Bridge (pp24-25) may be ones that the Audit Committee should pick up (in particular, recommendation A insofar as it relates to the need for greater transparency of procurement processes; and F on authority and accountability of Commercial, Legal and Internal Audit teams).

Would it be appropriate for us to have an item at the next AAC meeting setting out any actions that have already been taken that address these recommendations, and any further actions that may be needed, so that we can assure ourselves that all necessary steps are in hand and the same thing could not happen again?

Some of the other recommendations go beyond the AAC remit and are more for the Mayor or for the TfL Board as a whole, but I also think it would be helpful to have an understanding of who is in the lead in addressing each recommendation.

Lynn

From: Gourley Jennifer [mailto:[REDACTED]@TfL.gov.uk] **On Behalf Of** Carter Howard
Sent: 07 April 2017 11:22
To: val shawcross <[REDACTED]@london.gov.uk>; Ibitson Ami <[REDACTED]@tfl.gov.uk>; Herbert Sarah (PA to Deputy Chair of TfL) <[REDACTED]@TfL.gov.uk>; 'Alice Maynard CBE' <[REDACTED]@alicemaynard.co.uk>; 'Anne McMeel' <[REDACTED]@btinternet.com>; 'Ben Story' <[REDACTED]@gmail.com>; 'Ben Story PA' <[REDACTED]@rolls-royce.com>; 'Bronwen Handyside' <[REDACTED]@gmail.com>; 'Greg Clark CBE' <[REDACTED]@gregclark.com>; 'Greg Clark PA' <[REDACTED]@gregclark.com>; 'Kay Carberry CBE' <[REDACTED]@gmail.com>; 'Lynn Sloman' <[REDACTED]@transportforqualityoflife.com>; 'Mee Ling Ng OBE' <[REDACTED]@btinternet.com>; 'Michael Liebreich' <[REDACTED]@liebreichassociates.com>; 'Michael Liebreich' <[REDACTED]@gmail.com>; 'Michael Liebreich PA' <[REDACTED]@liebreichassociates.com>; 'Nelson Ogunshakin OBE' <[REDACTED]@acenet.co.uk>;

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Cc: Carter Howard [redacted] @TfL.gov.uk>; Brown Mike (Commissioner) [redacted] @tfl.gov.uk>; Williams Alex [redacted] @tfl.gov.uk>; Dix Michèle [redacted] @tfl.gov.uk>; Everitt Vernon [redacted] @TfL.gov.uk>; Nunn Ian [redacted] @tfl.gov.uk>; Craig Graeme [redacted] @TfL.gov.uk>; Daniels Leon [redacted] @tfl.gov.uk>; Pollins Andrew [redacted] @TfL.gov.uk>; Powell Gareth [redacted] @TfL.gov.uk>; Wild Mark (MD) [redacted] @tfl.gov.uk>; Wright Tricia [redacted] @tfl.gov.uk>; Kenny Shamus [redacted] @tfl.gov.uk>; Brown Andy (Corporate Affairs) [redacted] @tube.tfl.gov.uk>; Branks Kirsten [redacted] @TfL.gov.uk>; Tagg Ella (ST) [redacted] @TfL.gov.uk>; Breden Julie [redacted] @tfl.gov.uk>; Bradley Clare [redacted] @tfl.gov.uk>; Quinn Amy [redacted] @tfl.gov.uk>; MacKay Christine [redacted] @TfL.gov.uk>; Hawthorne Julia [redacted] @tfl.gov.uk>; Thrush Janine [redacted] @tfl.gov.uk>; Hawley Anthea [redacted] @tube.tfl.gov.uk>; Quearney Carol (ST) [redacted] @TfL.gov.uk>; Johnson Judith [redacted] @tfl.gov.uk>; Eleodore-Williams Jennifer [redacted] @tube.tfl.gov.uk>; Thomson Linda [redacted] @tube.tfl.gov.uk>; Bellars Lauren [redacted] @tfl.gov.uk>; Roach Sam [redacted] @tfl.gov.uk>; Gourley Jennifer [redacted] @TfL.gov.uk>

Subject: TfL Board: Publication of Dame Margaret Hodge's review into the Garden Bridge
All

Please see attached a copy of Dame Margaret Hodge's report on the Garden Bridge, together with a copy of the GLA press release that accompanied it. Also attached is a copy of a letter from the Mayor to Dame Margaret.

The report along with the Mayor's letter have been published on the GLA website:

<https://www.london.gov.uk/independent-review-garden-bridge-project>

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Publication of Dame Margaret Hodge's review into the Garden Bridge

Today the Mayor of London has published Dame Margaret Hodge MP's report on the Garden Bridge. The Mayor, Sadiq Khan, commissioned Dame Margaret to undertake the review in October 2016. The review did not seek to address whether the Garden Bridge is a good idea. It did assess whether value for money was being secured from the public sector contribution and it examined the policies, procedures adopted to implement the Garden Bridge Project and the conduct of those involved.

Some of the key conclusions of the report include:

- Decisions on the Garden Bridge were driven more by electoral cycles than value for taxpayers' money.
- The costs have escalated from an early estimate of £60m to over £200m today
- The risk to the taxpayer has intensified. The original ambition to fund the Garden Bridge through private finance has been abandoned. The Garden Bridge Trust has lost two major private donors and has pledges of £69million with no new pledges secured since August 2016. With a public sector contribution of £60 million, that leaves a gap in capital funding of at least £70 million. Furthermore, very little progress has been made on raising money to fund the ongoing maintenance of a completed bridge.

- There was not an open, fair and competitive process around the two TfL procurements for the Garden Bridge Project. The two procurements revealed systemic failures and ineffective control systems at many levels.
- The Garden Bridge Trust's finances are in a precarious state and many outstanding risks remain unresolved.

Commenting on her report, Dame Margaret said:

"I did not seek to ask whether the concept of a garden bridge over the River Thames is a good idea. But my review has found that too many things went wrong in the development and implementation of the Garden Bridge Project.

"Value for money for the taxpayer has not been secured. It would be better for the taxpayer to accept the financial loss of cancelling the project than to risk the potential uncertain additional costs to the public purse if the project proceeds.

"In the present climate, with continuing pressures on public spending, it is difficult to justify further public investment in the Garden Bridge.

"I would urge the Mayor not to sign any guarantees until it is confirmed that the private capital and revenue monies have been secured by the Garden Bridge Trust.

"My report outlines some key lessons that can be learned from the Garden Bridge project across different public organisations and makes a number of recommendations. I thank the Mayor, Sadiq Khan, for giving me the opportunity to examine the project in detail."

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From: [Michael Liebreich](#)
To: ["Ron Kalifa"](#)
Cc: ["Ron Kalifa PA \(Lesley Hargrave\)"; "Ben Story"; "Ben Story PA \(Petra Wosterfiled\)"; Carter Howard; Nunn Jan; Jo Jagger](#)
Subject: Garden Bridge / Finance Committee
Attachments: [Garden Bridge note to Ron Kalifa.docx](#)

Ron,

Please see attached a note about the Garden Bridge. It is presumably too late to add it to the agenda for this week's meeting, and Howard might suggest we hold any discussion in private. However, I do believe there are some material issues which the Committee should discuss.

See what you think.

Regards,

Michael

Michael Liebreich

Founder and Chairman of the Advisory Board, Bloomberg New Energy Finance

Advisory Board Member, UN Sustainable Energy for All

Founder & Chairman, Finance for Resilience

Board Member, Transport for London

Visiting Professor, Imperial College Energy Futures Lab

Chairman, St Mark's Hospital Foundation

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