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**Title:** Garden Bridge Working Group – Letter to TfL

**Executive Summary**

On 23 January 2020, the GLA Oversight Committee resolved:

*That authority be delegated to the Chair of the GLA Oversight Committee, Len Duvall AM, in consultation with the Garden Bridge Working Group to correspond with Mike Brown MVO, Commissioner of Transport for London and the Mayor of London, in relation to the responses to the Garden Bridge Working Group Report, Up the Garden Path: Learning from the Garden Bridge Project.*

Following consultation with Members of the Garden Bridge Working Group, a letter was sent to TfL. The letter will be reported to the next appropriate GLA Oversight Committee meeting.

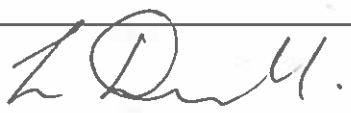
**Decision**

That the Chair of the GLA Oversight Committee, in consultation with the Garden Bridge Working Group, agree the letter to TfL.

**Assembly Member**

I confirm that I do not have any disclosable pecuniary interests in the proposed decision and take the decision in compliance with the Code of Conduct for elected Members of the Authority.

The above request has my approval.

**Signature**  **Date** 19/3/20

**Printed Name** Len Duvall AM, Chair of the GLA Oversight Committee

## Decision by an Assembly Member under Delegated Authority

Notes:

1. The Lead Officer should prepare this form for signature by relevant Members of the Assembly to record any instance where the Member proposes to take action under a specific delegated authority. The purpose of the form is to record the advice received from officers, and the decision made.
2. The 'background' section (below) should be used to include an indication as to whether the information contained in / referred to in this Form should be considered as exempt under the Freedom of Information Act 2000 (FOIA), or the Environmental Information Regulations 2004 (EIR). If so, the specimen Annex (attached below) should be used. If this form does deal with exempt information, you must submit both parts of this form for approval together.

### Background and proposed next steps:

On 23 January 2020, the GLA Oversight Committee resolved:

*That authority be delegated to the Chair of the GLA Oversight Committee, Len Duvall AM, in consultation with the Garden Bridge Working Group to correspond with Mike Brown MVO, Commissioner of Transport for London and the Mayor of London, in relation to the responses to the Garden Bridge Working Group Report, Up the Garden Path: Learning from the Garden Bridge Project.*

Following consultation with Members of the Garden Bridge Working Group, a letter was sent to TfL. The letter will be reported to the next appropriate GLA Oversight Committee meeting.

### Confirmation that appropriate delegated authority exists for this decision

Signed by Committee  
Services



Date 4/3/20

Print Name: Lauren Harvey

Tel: x4383

### Financial implications

**NOT REQUIRED**

Signed by Finance

N/A

Date .....

Print Name

N/A

Tel: .....

### Legal implications

The Chair of the GLA Oversight Committee has the power to make the decision set out in this report.

Signed by Legal



Date 5/3/20

Print Name

Emma Strain, Monitoring Officer

Tel: X 4399

Additional information should be provided supported by background papers. These could include for example the business case, a project report or the results of procurement evaluation.

**Supporting detail/List of Consultees:**

Members of the Garden Bridge Working Group: Tom Copley AM (Chair), Sian Berry AM, Caroline Pidgeon MBE AM and Peter Whittle AM

**Public Access to Information**

Information in this form (Part 1) is subject to the FoIA, or the EIR and will be made available on the GLA Website within one working day of approval.

If immediate publication risks compromising the implementation of the decision (for example, to complete a procurement process), it can be deferred until a specific date. Deferral periods should be kept to the shortest length strictly necessary. **Note:** this form (Part 1) will either be published within one working day after it has been approved or on the defer date.

**Part 1 – Deferral**

**Is the publication of Part 1 of this approval to be deferred? No**

Until what date: (a date is required if deferring)

**Part 2 – Sensitive information**

Only the facts or advice that would be exempt from disclosure under FoIA or EIR should be included in the separate Part 2 form, together with the legal rationale for non-publication.

**Is there a part 2 form - No**

**Lead Officer/Author**

Signed



Date

6-3-20

Print Name

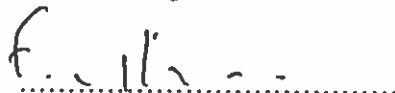
Gino Brand

Tel: x5792

Job Title

Senior Policy Adviser

Countersigned by  
Director



Date

06.03.20

Print Name

Ed Williams

Tel: x4399

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

**Mike Brown MVO**  
Commissioner  
Transport for London  
Palestra  
Blackfriars Road  
London SE1 8NJ  
(sent by email)

13 March 2020

Dear Mike,

**Transport for London response to the Garden Bridge Working Group report**

Thank you for your response to the London Assembly Garden Bridge Working Group's report on the Garden Bridge project. I note all the responses and the following are those where I feel strongly the need to highlight the continued concerns of the Working Group.

In general, we are disappointed to see Pathway held up as the solution to the majority of issues identified in the London Assembly's review of the Garden Bridge project. As you have highlighted yourself, Pathway had already been adopted by TfL before the Garden Bridge project. As a result, we remain concerned that you have not put adequate changes in place to prevent a similar loss of public funds.

Your response stated that:

*"this particular project was delivered outside of that investment programme by an independent charity and with our role established by a series of Mayoral Directions."*

The findings of our Garden Bridge report make it very clear that we see TfL had full sight of the situation and was fully aware that the required conditions for the release of funds had not been met.

We find the multiple references to Pathway, a system that was not even used with the Garden Bridge project, as insufficient to alleviate our concerns. I repeat my assertion from the report that it is clear that the public must have full confidence that TfL is carrying out its financial responsibilities in the right way – and this includes oversight of third-party stakeholders to whom public money is used to deliver infrastructure projects.

# LONDON ASSEMBLY

Len Duval AM, Chair of the GLA Oversight Committee

We remain unconvinced with your assurance that it is “highly unlikely that we would enter into the same governance arrangements for a major project in the future” really cover the full range of our concerns which we highlighted in the following recommendations.

## **Recommendation 1**

By December 2019, TfL to update its procurement processes to include an overarching procurement strategy for each relevant stage of delivery for all significant infrastructure projects (that is, those valued over £50 million).

Your response stated that:

*“Since 2013, we have used a single integrated and consistent project delivery methodology framework, called Pathway.”*

The Working Group remains concerned that despite the existence of Pathway, mistakes still occurred that led to the failure of the Garden Bridge project and cost taxpayers £43 million without a single brick being laid. We are yet to be convinced that TfL has made adequate changes to its procurement processes to prevent a recurrence of this issue. We would like to request further explanation in order for the Working Group to understand how Pathway will prevent a repeat of this situation, when it did not prevent the waste of public money for the Garden Bridge project?

## **Recommendation 2**

By December 2019, TfL should update project delivery processes to ensure it signs off on key delivery stages for significant infrastructure projects.

Your response stated that:

*“As stated above, our delivery methodology framework, Pathway, is designed to support the assured delivery of our Investment Programme.”*

Again, this reference to Pathway seems misplaced. We see no evidence that anything has changed that would prevent a recurrence. Again, I ask if you can help the Working Group to understand how Pathway will ensure a clear assessment of delivery when it did not facilitate it in this case?

## **Recommendation 4**

For infrastructure projects valued at £50 million or greater that are being delivered by third-party stakeholders, TfL should include contractual conditions for TfL oversight and authorisation to better manage risk associated with delivery. It is recommended that procurement and project governance framework updates are implemented by December 2019.

# LONDON ASSEMBLY

Len Duval AM, Chair of the GLA Oversight Committee

Your response stated that:

*“Currently Pathway states that if a project is being delivered by a third party, they are able to use an alternative industry-recognised project management methodology. However, our Sponsorship team will be examining third party schemes and our governance of them in 2020 to see if there are any changes we can make.”*

The Garden Bridge project highlighted the problems that a lack of effective oversight and authorisation will allow. Clearly the existence of Pathway did nothing to prevent the issue occurring initially and TfL’s reluctance to change any of its processes means that the risk remains. The Working Group would like to see tangible evidence of how TfL processes have changed to prevent a similar loss of public money. Your reference to an intention to examine the governance of third-party schemes in 2020, could be seen as a worryingly slow response to an event that occurred four years ago.

## **Recommendation 5**

By December 2019, the London Assembly’s capacity to scrutinise third-party stakeholders contracted by the GLA and its functional bodies must be significantly improved. This involves:

- TfL reviewing and reporting back to the GLA Oversight Committee regarding current policies and/or accountability mechanisms for scrutiny of third-party stakeholders who are involved in the delivery of significant infrastructure projects
- the GLA lobbying the Ministry for Housing, Communities and Local Government to amend the *Greater London Authority Act 2007*, to enact an extension of the London Assembly’s powers of summons to include third-party stakeholders.

Your response stated that:

*“...we already have clear accountability measures built into our project management processes such as Pathway.”*

The Working Group remains concerned with the policies and accountability mechanisms for scrutiny of the third-party stakeholders involved in the delivery of significant infrastructure projects. Once again we would like to highlight that the Garden Bridge project failed despite Pathway having previously been adopted at TfL.

## **Recommendation 6**

Where there is a change in contractual conditions, and subsequent transfer of risk, for significant infrastructure projects valued £50 million or greater, TfL should:

- implement mechanisms for mitigating risk when amending criteria
- consider other provisions that will offset increased short-term risk to minimise exposure to risk in the long-term.

# LONDON ASSEMBLY

Len Duval AM, Chair of the GLA Oversight Committee

It is recommended that project governance framework updates are implemented by December 2019.

Your response stated that:

*"...we had a number of mechanisms in place to mitigate our financial risk at various stages of the Garden Bridge Trust Board meetings and had regular high level meetings with the leadership of the Trust to keep track of progress."*

Despite the 'number of mechanisms in place', a significant amount of public money was lost on this project. This would appear to the Working Group as evidence that these controls were insufficient and need revision. We ask that you provide further information to the Working Group to explain how the mechanisms you have in place to mitigate financial risk would prevent a recurrence of a Garden Bridge type situation.

## **Recommendation 10**

For all future infrastructure projects that will use a hybrid governance model (that is, involving a charity and TfL or another functional body of the GLA), the Charity Commission must be engaged early in the planning and development stage. This involves:

- formal consultation with the Charity Commission during the development of the strategic business plan
- the Charity Commission developing and issuing formal guidance regarding hybrid governance models and monitoring accordingly, within the scope of its regulatory compliance functions.

Your response stated that:

*"...it is clear that lessons can be learned for future projects. For example, should we enter into a similar governance arrangement in the future, we would encourage any third sector body involved in the delivery of a major project to engage with the Charity Commission at an early stage and for this to continue throughout the project."*

The Working Group is not confident that those lessons that can be learned have been taken on and implemented and ask you to kindly provide tangible examples of how you have applied the lessons of this project.

As I hope that we have made clear in this response, we struggle to accept your references to Pathway as the solution to the weaknesses that led to this loss of public money. Pathway predated this project, was not actually used on this project and would not necessarily be used for a similar project in the future. The lack of any tangible response to the recommendations in our report leaves the Working Group with serious concerns that a similar situation could recur.

# LONDON ASSEMBLY

Len Duval AM, Chair of the GLA Oversight Committee

We are asking for a response to this letter as soon as possible. When providing your response please copy in the Working Group's Policy Adviser, Rachael Aldridge (rachael.aldridge@london.gov.uk).

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Len Duval', is centered on the page.

**Len Duval AM**

Chair of the GLA Oversight Committee

If you have any questions, please do not hesitate to contact the Garden Bridge Working Group's Committee Officer, Lauren Harvey, on 020 7983 4383 – [lauren.harvey@london.gov.uk](mailto:lauren.harvey@london.gov.uk)