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Garden Bridge Review Meeting Transcript

Event: MH/Transport for London Meeting

Date: 21 November 2016

*Present: Dame Margaret Hodge MP
Andy Brown
Alex Williams
Thomas Layfield*

DAME MARGARET HODGE (MH):

And you have been since when, just so I get that time?

ANDY BROWN (AB):

Full-time since November last year. I had some minor involvement with it before then, handling correspondence and things like that. In November last year, my former boss, Richard de Cani, asked me to help him out with it. He was very heavily involved, but I was the officer lead beneath him. And then when he left -- in May?

ALEX WILLIAMS (AW):

May, yeah, I took over.

MH: And you're now the Richard de Cani?

AW: I'm the new Richard. Richard was always the new Michele, Michele Dix. It's worth saying in terms of leading, it doesn't make decisions on the core project. It's really about co-ordinating all the interfaces. So the decisions always go up to --

AB: Yeah.

MH: So, this is really for me beginning to understand and if I may, can I come back to you?

AW: Yeah, of course you can.

MH: Because what I've done is been given papers up to there.

AB: Yeah, sorry about that.

MH: I'll be recording. Is that all right?

TOM LAYFIELD (TL):

Yeah, it's already going.

MH: No, it's not just from you. It's from everybody else as well.

Can I just ask you a process thing? Because I've just seen Isabel Dedring and she kept saying, "This is not for City Hall. It's for TfL" and I was trying to work out the relationship because it's a --

AW: It's an interesting one.

MH: And every time I said, "Why? Did you look at this? Did you look at that? Did you look at the other?"

AB: "You should ask TfL that."

MH: "You should ask TfL that." So what is the relationship?

AW: Well, were the questions in relation to detailed procurement or in terms of the allocation of money?

MH: Well, for example, the business case, the outline business case.

AW: Oh okay, yeah. That kind of technical detail --

MH: If I was a minister, I would be aware of the business case for a project like this.

AW: Yeah, yeah (Overspeaking)

MH: Okay. So she is -- she's the equivalent of a minister?

AW: Yes. Yes and in -- she's a minister and in many ways it's her department really.

MH: It's her department? But she said she doesn't come near that and --

AW: Sorry?

MH: She said she didn't come near that. She didn't look at the outline business case.

AB: Well, this was before my fulltime involvement.

MH: I understand all that, but would she -- Would her role ...?

AB: My understanding is that all of the work we did since the very first point that we got involved in the bridge was under a series of mayoral directions and --

MH: Yeah. When was the first mayoral direction?

AW: August 2013. August.

MH: August 2013?

AB: Yes.

AW: Yeah, and there were four of them.

AB: We've got --

AW: We've got this chronology actually, if you want that. That is in the pack. Because that's got all four of them there.

MH: This is 2013 it starts. So where's the one before? Sorry, am I being daft?

AW: No, that's the first one. Nothing formal before 2013.

MH: So when do you get the first mayoral direction?

AB: August of 2013.

MH: Oh, blimey. So after the -- after --

AB: The first work was still in conversation with the Mayor - I think this is right, Alex -- but within the remit of things that we would normally do. And then the very first formal MD1248 allows us to take the broader role that we needed to do to look at things beyond just the transport case for the bridge.

MH: So actually by August 2013 they had employed Heatherwick -- both Heatherwick and Arup, hadn't they?

AB: Yes.

MH: So who would have overseen that?

AB: That was --

AW: They were contracted with us.

AB: Yes. So having spoken with Richard -- are you going to see Richard?

MH: I'm hoping I am.

AB: It would make sense to. So this was stuff that he did and he will be able to --

MH: I think maybe I put him towards the end because he's so central.

AB: Right. So he will be able to tell you first-hand what happened. But my understanding is --

MH: What's the process? That's what I'm after really.

AB: That we have always thought about new bridges in these sorts of locations and whether we should be doing something like this project. And there've been lots of suggestions over the years for living bridge concepts and things like that.

MH: Okay, can I just stop you a minute? I need to do a letter to Isabel Dedring arising out of that now I've got that, because she claimed that she didn't oversee any of this because it was all under a Mayor's direction. Now we've discovered the mayoral direction -- now, are you going to be clear on this, because it's a bit irritating that we're having three people on this now? But the Mayor's direction came after the letting of the Heatherwick contract and the Arup contract. So she said she didn't --

AW: Again, I must admit I'd missed that because --

MH: So they came up, so can I -- just tell me if you haven't got this clear because it's important. So we need to -- I need to write to her saying, "You said to me you didn't get involved in anything to do with the appointment of Heatherwick and Arup because it was all under a Mayor's direction. The Mayor's direction was after the appointment of those two. Would you like to therefore comment on your involvement?"

AB: I think it's important to note that we, as I understand it - correct me if you think I'm wrong here --

MH: And I want to see a draft of that by tomorrow, if that's all right. Is that okay, tomorrow?

TL: Yeah, sure.

AB: We need mayoral directions that are formal documents in place to go beyond what we would normally do.

MH: But you would do it informally because that's what he wants?

AB: But this work --

AW: Yeah.

AB: -- the initial work was within the realm of activities we would normally do in communication with the Mayor. So certainly conversations were taking place in those first six months or seven or eight months of 2013 about what the Mayor wanted us to do and processes that we should follow, although the Mayor himself and Isabel herself weren't directly involved in the procurements that stemmed from decisions about what direction to go in. So the --

MH: But they would have been involved in the decision in January to decide not to go for a design competition and not to go for an OJEU.

AB: Yeah.

MH: So they would have -- that was their decision?

AB: Yes.

MH: That was not your decision?

AB: So there is a briefing note.

MH: On 30 January. I've seen it.

AB: -- that goes to the Mayor and says -- "You wanted us to look into this and here are some options about how we could take it forward." And some of those options are full design competition, full OJEU procurement to deliver the entire bridge in one package, and other options, one of which was the one we took forward which is, "We don't actually know we want to take this through all the way to the end". And actually in hindsight we, TfL, haven't taken it through all the way to the end. It's now with the charitable trust to deliver. So we could do it piecemeal and that's what the Mayor preferred and I think from memory is what we recommended actually as well.

MH: And I think you're being quite kind. It was the way to get Heatherwick -- make sure that Heatherwick got the contract, wasn't it?

AW: Well, there's a process to go through, I think. You can read into it what you want. But, , there was a process that you had to run to get that work. But clearly he was involved before to procure --

MH: And why were there so many -- , you're probably the wrong people to ask this, but there were lots and lots of drafts of that floating around with lots of people changing it. I've seen about 15 drafts of that.

AB: You're right. Yeah, there were.

AW: It's not uncommon for that -- for a whole load of things to go back and forth for drafts.

MH: Between whom?

AW: Between the senior officers.

AW: I'm just thinking about I'm writing stuff now and it's going back and forth on completely -- not on the Garden Bridge now. It's on other projects and you do get people involved in the editing that goes up.

AB: And the heading on I think that note gradually adds departments who have contributed to it. So it starts as planning and then legal and then finance and --

MH: Okay, so I understand that. But I'm trying to get who would have a role in all this. So that, for example, there is advice floating around at that point saying there should be a design. There is legal advice saying there should be a design --

AB: That there is a legal note that says that is the way forward. But that advice is based on the assumption that we will deliver the whole bridge in one package of procurement. So there is a subsequent legal advice produced when we said to the legal team, "That's not what we're recommending".

MH: "So facilitate what we want to do."

AB: They wrote a new legal note that says, "If you're going to do it in phases, then no, you don't need to do a full OJEU procurement or design competition --"

MH: Because it's under a so-and-so?

AB: "-- for £60,000 worth of work" which is what we let at that point. "But the point at which you do a large procurement" which the Arup was, "then you absolutely do need to do an OJEU procurement" and that's what we did.

MH: So what would have been -- you weren't involved in this - but how your post-holder would have approached this. You would have got an instruction from the Mayor saying, "I want a garden bridge" given that he'd been in discussions on this? My understanding now is, going back to 2008, that Heatherwick had been bombarding him with --

AW: Really? That far back? I didn't know it was that far back, no.

AB: I didn't know that. I guess I'm not surprised that it might go that far back because there's all sorts of proposals that come to the Mayor from all sorts of different people and lots of them don't go anywhere.

MH: Yeah.

AW: In terms of how it works, I think the previous Mayor --

MH: I don't mind these things.

AW: No, I'm just saying how it works.

MH: Go on.

AW: So, I'll give you an example. Today I was approached by a scheme to reopen the Mail Rail today, in my email box. The Mail Rail that goes under central London.

MH: Oh, yeah.

AW: And it's like -- in my position and in Isabel's -- you get quite a lot of lobbying to say, "This is a great idea. Why don't you back it?"

MH: Yeah.

AW: And under the previous administration, those things went to Boris quite often directly and he would get enthused by them. You can imagine it, can't you?

MH: Yeah.

AW: This new administration, Sadiq, just tends not to get involved in it, doesn't even get to him really. But I can certainly imagine Boris saying, "This is fantastic. Let's look at it. Let's go and look at it". To be fair to him, I think he would have stopped short -- , I wasn't in the room for any of this. But I'd say, my experience of dealing with him, he would have stopped short of an instruction, "You have to procure Heatherwick" and things like that. It would have been, "I'm really enthused about this. Go and meet so-and-so and go and find out more, and tell me how we can help" --

MH: Well, Peter Hendy did three or four meetings with Heatherwick.

AW: Yeah. I've never met him, it is not my thing.

MH: But I'm trying to again get the process. So, the Mayor has an idea -- well, the Mayor gets lobbied by Thomas Heatherwick; he gets lobbied by Joanna Lumley. Fine, all absolutely fine.

AW: Yeah.

MH: At what point -- there are various memos floating around from Transport for London saying, "We ain't got no money in the budget for any of this" which is also fine.

AW: Yeah.

MH: And then suddenly things start to happen. So what triggers that? Where do you take your instruction from? Why did Isabel Dedring say to me -- this very weird relationship between her as the Mayor's person on it in relation to you -- she had nothing to do with it. So who'd started this whole ball rolling? Was it Boris saying to you in -- this doesn't go back far enough for me. But in, --

AW: The first formal written briefing for Boris is the one there that led to --

MH: Yeah, but what led to that?

AW: There would have been quite a few conversations prior to that saying, "We must have a briefing on this. We've heard about this exciting project. Why don't you get your guys to speak to so-and-so and understand it in a bit more detail?"

MH: Isn't there more, just saying, "I want to do this"? That's what I'm trying to get out of you. You can always say "No". But was it, "I want to do this. This is what I intend to do"?

AW: Part of the problem is that neither Andy nor I were in the room. So we don't know what was said. All I know is his enthusiasm for a project would have pushed TfL and say, "Get involved" and that's what we would have done.

I know this is a separate project, but you think about the work we were doing with Barking and Dagenham on the A13 tunnel. That was "Your local authority lead have

been really enthusiastic about the project and us doing some work to see if we can make it work". And then I think that's translated in the August 2013 into a formal -- well, it's before that. That's your point, isn't it? There's procurement before that.

MH: I think there was a decision before. I'm trying to get to see who took the decision.

AW: But I think the key decision is that January 2013.

MH: But what led to that January 2013? Because by then they were already -- the first I heard of it was -- goes back to 2008, "Wouldn't believe that Thomas Heatherwick has these wonderful mad as schemes and they go all round". But then you get Joanna writing to Boris immediately in --

AB: The re-election in 2012.

MH: After the election. Then you get a meeting between --

AB: So as I understand it, that time is all of the type of conversations we've just been talking about, people like Joanna Lumley suggesting things to Boris, conversations between the Mayor and some - I assume; I wasn't in the room - some TfL staff saying, "I like this idea. Can you look into it?" I think there is some email records of people saying that, but not instructing significant pieces of work.

AW: Well, would you like us to dig those out, the 2012 emails?

MH: Well, it's really hard to know -- for me to find out - it shouldn't be that hard - how we got to the position that by January 2013 they were trying to sell the project to Apple, right, so it was far further along the road than you're suggesting.

AW: Yeah, I would say.

MH: And then Isabel Dedring says, "Nothing to do with me, guv. It's all down to TfL". And, I couldn't work out -- if I were a minister and I had this idea, there would be a note saying, "M Hodge instructs us to go away and look at the feasibility or the viability of this project" at some point.

AW: There might have been emails, and I think the onus is on us now to go and trawl through the 2012 emails and get those to you. Because I can understand where you're coming from because it probably does feel odd that there's a detailed formal briefing in 2013 but --

MH: Okay, Joanna Lumley writes in 2012. There's a meeting with Boris and Thomas Heatherwick and I can't believe they did that on their own. There must have been some officers there from somewhere to that.

AW: Sorry, does it say when? Just post-mayoral election?

MH: Post-mayoral election, so May/June.

AW: Yeah. So it's May/June 2012.

AW: So I'm just writing down your question. So Margaret, it's find out who was with the meeting with --

MH: And how you got the instruction. How the whole thing started.

AB: We'll go back and check exactly this because it's not fresh in my mind. But I think that a number of those meetings that were in the second half of 2012, which have been listed out in FOI responses from City Hall, I think that some of them - but not all of them - Peter Hendy was at.

MH: Yeah, he was. He was at some of them because he insisted.

AB: But I don't have a -- I can double-check. I can't think of the exact list.

MH: Okay, here you are. I've found it finally. Meeting with Ed Lister, Isabel Dedring, Mayor, Joanna Lumley, Thomas Heatherwick on 20 September. Another meeting at the Heatherwick Studio on 26 November.

AW: Sorry. The first one was, sorry ...?

AB: 20 September.

MH: Post-mayoral election. Then they all went off to look at the airline. You will fix that for them.

AW: Emirates Airline, yeah.

MH: That was 7 January 2013. Then where's the bit about Peter? Peter obviously got really uptight and got cross about it all and then insisted on being in on a whole load of meetings I can find. I can see what he was doing. He was getting cross that they were doing it without him. Well, that's what it looks like.

AB: "They" being -- "they" is City Hall?

MH: This odd relationship. Does TfL takes its instructions from Isabel? On the A13 you do.

AW: Yes.

MH: On the A13, we bullied you into doing the work!

AW: Well, she's the political boss.

MH: Yeah, quite. So I can't see why she wouldn't be in on getting you to do this work.

AW: Well, going back to your comment about Peter, Peter --

MH: I'll find the Peter meetings. He had three before and he went off to see Heatherwick.

AB: He had an established relationship with Heatherwick as well from other work.

AW: For the New Bus for London?

MH: Oh, so was it -- were these meetings about this or were they about the Routemaster?

AB: A combination of both perhaps.

AW: Yes.

MH: Could have been probably both.

AW: Yeah, I think it probably was, yeah.

AB: But in my head, I would group all of that as part of the, "Someone comes with an idea. Let's figure out what they're actually talking about before we do any meaningful work about it".

AW: Yes.

AB: And you're asking when does the instruction come. Well, we don't do any serious -- we certainly don't spend any money. We just do some internal thinking before the January point. And I think that was why, when I put this very short note together with the timeline that starts in January 2013, we were keen to only talk with some confidence about TfL's formal involvement. Before that point -- I hesitate to use the word "informal", but informal conversations about something someone had suggested. "Is there any scope to do -- does this make any sense at all?"

And then you get to January and the Mayor has asked to understand in detail how we might take this forward and that's what that briefing note is. He says, "Yes, take it forward in this way, please" and that then kicks off the procurement work which then is led within TfL. And at that point, I think it would be fair for Isabel or the Mayor to say, "I wasn't involved in that" because that's a TfL process to take forward a decision that they have taken to follow the steps and procure someone to do some design advice work. That design advice procurement was our process.

MH: Okay. But then deciding not to do the design competition was their decision?

AB: On our advice, I think.

MH: It rejected using existing framework as well for procurement because Heatherwick was not on the framework. That was their decision or your decision? There were

two decisions that got Heatherwick in the frame. One was deciding not to do an OJEU procurement, and the other one was not -- deciding not to use your framework.

AB: I think what happened was we were between design frameworks. So we were between frameworks for design advisors. The previous framework didn't have Heatherwick on it. I think our new framework which has been let since then doesn't have Heatherwick on it either.

MH: Doesn't?

AB: I think that's right.

MH: Well, they haven't got any architectural experience, have they?

AB: I'm not responsible for putting together the framework.

AW: But also you've asked for more information on the procurement, the New Bus for London, didn't you, where Heatherwick did that?

AB: Yeah.

AW: And I must -- I don't know the procurement brief for that either.

AB: I don't think they've applied to be on the framework so I don't think it's that they were tested and failed.

MH: So in this sense, you've got to there because Boris kept enthusing?

AW: Yes.

MH: You had then -- it's unclear to me still who took the decisions which may ensure that Heatherwick were at least in the frame. Because it seems to me you took two or three decisions there at that 13 January, whether it was in the -- one was not to use your framework, the other was not to use the OJEU route. And both those decisions enabled Heatherwick to be on the -- and the third one to just do the design. So you didn't do the design and you then let the Arup contract separately. So that got you into the £60,000 territory.

And it also meant that you didn't have to show all that technical expertise that Arup had when they came along later. So there are all sorts of decisions that led to the people who'd been enthusing, building models, showing Peter, showing Boris, showing Isabel and showing Ed Lister their view of life.

AB: I need to find the briefing note from January because it's in this huge pile of stuff I gave you, buried somewhere --

MH: And I'll tell you what would be really helpful for me: if you could find that January briefing note that went through God knows how many iterations. And I'd love to know what changed in those iterations. Because I've got endless FOIs and so what I need to do is why did it change and what was the impact of the changes? Can you do that for me?

AB: Yeah, we can do that, absolutely.

MH: That would be so helpful. It's just when you see all these changed iterations of the same document, "What the hell is behind this lot?"

AW: Do you want to know who changed it?

MH: And you want to know who changed it.

AW: Okay. Okay.

MH: So we come to January. Were you involved at all in this trying to get money out of Apple as an organisation?

AW: No. We weren't proactive.

MH: TfL were?

AW: So is this the visit to California? I don't think we were involved in that because I think that was too early. But were we involved in future --

MH: Well, you were. It wasn't too early. It was January.

AB: It was not, "Go out to San Francisco and meet with Apple" and so that's the answer and that's --

MH: Bad luck.

AW: We didn't get that gig.

MH: What I'm wondering is was that backed by officers? That's what I'm really trying to get. So there was a meeting with Apple in San Fran, at which Isabel was there. And she did say she was brought out just to do --

AW: No TfL member of staff was involved.

AB: Not that I'm aware of. When that came up through, I think, an FOI at City Hall, I didn't even know -- that was news to me that that meeting had taken place.

MH: Right, but Isabel had been taken out. So Isabel would have been supported by whom? She went out to San Francisco purely to get money for the Garden Bridge.

AW: In terms of support and in terms of my physical TfL presence today, it wouldn't have happened.

MH: No, but to prepare her. If I do a trip I get all sorts of briefing notes with me to enable me to be effective.

AW: I don't know whether the Mayor's briefing note in January was sufficient or whether she would have had more. But we can check that --

MH: Would she have been paid out of the TfL or out of the GLA?

AW: It would have been GLA, I think. Pretty sure for that. You mean the flight, you mean? We wouldn't have paid.

MH: Wouldn't have paid. Well, just did you provide her with a briefing?

AB: I think the answer to that is no, but we will double-check.

MH: Check.

AW: And so was that just after the Mayor's briefing?

MH: January.

The other thing that is suggested in that 13 January is that you should let Heatherwick get on with it and not pay anybody anything, and that was rejected too.

AB: It was one of the options, yeah.

MH: So there are various options that were dropped. Well, they thought Heatherwick wouldn't carry on doing the money, going and doing (Overspeaking)

AB: Or would have less success without the support of TfL and the Mayor's office in a very active way. And I can see that, actually.

MH: And the other thing was you suggested two bridges should be procured together, that and the Vauxhall Bridge, and that didn't happen. So all these things were rejected, which might have led to a different procurement process. So you rejected -- given it was a Heatherwick concept, he could have carried on developing it, no public money at stake. You rejected that. You rejected doing an OJEU; you rejected doing a design competition; you rejected doing two bridges together.

AW: I suspect the latter rejection was the problems with the -- this is the Pimlico/Nine Elms Bridge, isn't it?

MH: Yeah.

AW: And there's a lot of problems locally on the north side in Pimlico, ie they really do not want it. And I suspect it was a political call on terms of why have two bridges in Westminster. Why couple the two together when they're clearly very opposed to the Pimlico element? The borough in Wandsworth are very keen on it on the south side but the north side and Westminster, they were not keen on it at all.

MH: Okay, fair enough. February 2013 was the visit to Apple so before --

AB: Right, so that would have been after that note in January.

MH: So after the note but before the tender. But Heatherwick was there.

AB: Yes. I think my understanding is that they went -- he went as a private trip and the GLA -- well, he was invited to go along and join them. But that had nothing to do with our separate procurement process of which he was a bidder.

MH: Would you think that's proper?

AB: I would have faith that TfL would be able to carry out impartial procurement processes, isolating themselves from the politics of it.

MH: TfL had given advice to the Mayor that he should distance himself from Heatherwick, legal advice.

AB: Well, that's his decision whether to follow that advice, I suppose, but ...

AW: Sorry, what, Heatherwick should distance themselves or the TfL should?

MH: No, the Mayor should distance himself from Heatherwick.

AW: Oh, I see.

MH: And there he was in San Francisco with them.

AW: Well, the Mayor's representative, ie Isabel, was there (Overspeaking)

MH: And he was too.

AB: I think he went, yeah.

MH: So we then come to a tender about the same time, I suppose after they've had the trip to San Francisco. And then the tender was launched on?

AB: I think, from memory, the tender is launched a day or two after the San Francisco trip, something like that. I think that's -- I haven't got the dates here.

MH: Okay. Why does the tender not talk about a Garden Bridge? Do you know the answer to that? Why does the tender just talk about a pedestrian footbridge or something?

AB: Yes. So to a certain extent it goes back to the question before, of what the decision point was and the steps, and not OJEU and not commit to a very large expenditure and to the whole thing, which is what an OJEU would be for. I understand that the Mayor said, "Can you look into this idea?" and we gave him some options.

MH: Look into what idea? Garden Bridge?

AB: Yes, and we said, "Fine. Well, what we should do is we should look at some wider options. This might not be the only show in town". So that's when we did this design advice tender. We didn't want to do a huge procurement for a relatively small amount of work. We ended up paying £52,500 with a £60,000 cap, but of that, £52,500. So to do that quickly and cheaply for the scale of work to be procured, we went to three architects and designers who we knew, one of which was Heatherwick. We knew them from the bus work, but they also were the people with the idea that we wanted to test against, so --

MH: So you've met several times?

AB: Yes, but we also had met the other architects previously on other work.

MH: But they were a very different kettle of fish, weren't they, the other architects, because they'd built bridges?

AB: They had more bridge direct experience but they didn't have the idea that we were doing this about in the first place, so someone comes along with a --

MH: But why didn't you tell them you were doing a Garden Bridge so they could compete?

AB: Because we didn't want to end up with a Garden Bridge necessarily, we wanted to explore other options.

MH: But that's not clear, that's not clear. I can't anywhere in the paperwork see anything that suggests you were looking at anything other than the Garden Bridge. This is not you personally, all right?

AW: But, sorry, doesn't that tender document make that clear?

MH: No. Well, that's the point, you see, that the tender document may not have been a full and fair competition, an open competition. Because if you were looking for a Garden Bridge, you should have said that, and then people --

AB: But we weren't I think is what we would say.

MH: Well, I can't see anything that suggests that. In fact, I think you ring Heatherwick and tell them, "We're about to put out the procurement".

AB: But we do that to the other two bidders as well. There are emails of all three, sending to all three, saying, "We're going --"

MH: You sure? Can you send me copies of the other two, I think? Will you?

AB: Yeah, yeah.

MH: Well, just send me those so I've got those in my book.

There's Boris, he's got this idea in his head, he wants a Garden Bridge, that's fine. So, okay, you want to test it, but I can't for the life of me see why you didn't put in the tender, "I want a Garden Bridge" and if you'd done that, you might have had a different process.

AB: But we wouldn't. For the process we wanted to follow, we would never have said that, because we didn't want a Garden Bridge. I can take that we should have put a sentence in --

MH: Well, all I can tell you is looking it was only on the basis that you wanted a Garden Bridge that Heatherwick would come out on top. On any other assessment, they couldn't possibly come out on top.

AB: Well, I would say that you should put that question to Richard, because he did that assessment.

MH: Well, that's why either the assessment process was wrong or the invitation to tender should have said, , "I am looking for a Garden Bridge" in which case all three of them, might -- If you're just looking for a pedestrian footbridge, there is no way that assessment could have -- sorry, I shouldn't prejudge it, but tell me if I'm wrong about this. Just looking at the documents I've looked at --

AB: Well, I would say ask -- definitely if you see Richard, ask him what he was thinking in that assessment process.

MH: Who did he talk to? Who would he have talked to?

AB: I think from the transcripts of the London Assembly Oversight Committee meetings I think he says that he did that assessment. It was three short bids against a few --

AW: No, but I think Margaret's point is about before the procurement, isn't it?

MH: Well, there's something about -- ie, you put a fair competition out saying, "Hello, I want to build a Garden Bridge. Give me your ideas" or you say, "I want a pedestrian --" but if you want a pedestrian footbridge and you then look at the

assessment, the only thing that was a plus for Heatherwick that I can see was that they said, "Garden Bridge" whereas the others didn't.

AB: Well, I think he explains that a little in the transcript of that meeting, as they were the only ones who had thought beyond, "These are the bridges I've done before". They thought about what might work in that space. Now, you could say there's no surprise that they were the ones who thought more about that. They already had an idea and had been lobbying for it.

MH: Well, more than an idea.

AB: Yeah, a model that they'd show and all those things.

MH: More than a model. They'd had Arup in doing technical specifications and Mace doing costings.

AB: Yes. I haven't seen what that -- what the output of that Arup and Mace type work was, but given how much work needed to be done by Arup since we had procured them, I would assume that it was more technical advice rather than detailed work.

MH: It was a costing. That was a costing.

AB: They were not ready in January 2013 to go into planning. It took us a long time to get to planning.

MH: Yes, I agree. I agree with that, yes.

AB: And absolutely Arup and Mace were involved, but I think it was more, "Is this technically practical?"

MH: Okay. Is it normal in TfL for a design competition like that to be vetted, agreed and authorised by the same individual?

AB: I think for a procurement like that, it would be quite normal not to have any competition at all because it's so small. £60,000 is well under our single-source limit.

AW: Yeah. It's interesting, because there's a lot of focus on that. We've been involved in a lot of procurements.

MH: But then you'd have taken somebody off your framework.

AB: Not necessarily.

AW: You could do single-source, but that would probably look worse, to be perfectly honest.

MH: It would look worse. You could have taken somebody out of the framework.

AB: I think again, off the top of my head, I think it's about £150,000 is the limit -- for that work, single-sourced.

MH: But who would authorise if you spend that money?

AW: Well, Richard certainly can do that or --

MH: Yeah, but would there be a check anywhere in the system, a check?

AW: At that kind of value, I don't -- I think he could have done that.

AB: There would be regular checks of amounts of single-sourcing across departments, I think. So if there was a lot of single-sourcing going on without competition, then the procurement or the internal audit teams might look at it and say, "Let's look at this in more detail to understand why you're not being competitive when there's no reason why you shouldn't, even though you could. "Opportunities like this should be taken to be more openly competitive" but not onerously, so when the cost of going out to lots of people or a whole framework when it's only £60,000 worth of work starts to cost more than the work.

MH: But once you get into a process, which he chose to do, would it have been regularly assessed in the way that it was? If he chose to have a so-called competition between three bidders, in that context is it normal for that to be assessed and authorised by the same person, assessed and authorised?

AB: I don't know the answer to that. I would be surprised if there was a problem with doing it the way Richard did when the alternative is he could have just appointed it within his authority without competition.

MH: Have you got procedures and processes?

AW: We can check that. I'm not aware if the procedures say it has to be more than one. Procurement for that value probably could have been done with a lot more junior officer than Richard, actually. In terms of the procurement thresholds, it's quite --

MH: Were you working for Richard by that time?

AB: No, no. I started to work for Richard in 2014, so late 2014.

AW: I was, but not on this project. Actually, no, I wasn't working for him though.

MH: Could you just check for me the processes?

AB: Yeah.

MH: All the processes, so all the things -- about when you can bring in a consultant.

AW: Well, particularly for stuff below 150K, that kind of threshold?

MH: Yeah. Well, there are two separate things, aren't there? 150K, what are the rules?

AW: Below.

MH: And the second one is once you go into a competitive process, what are the rules, whatever the value?

AW: Which goes to this point about the three, whether it was open and whether it was a genuine competition for the three. Okay, yeah.

MH: There's no point in asking you about the assessment, because you weren't in on that. Are they right to be critical of the fact they rang him on day rates and all that stuff and got him to change his day rate? Have you looked at these contracts? Have you looked at the --

AB: So I think it's useful at this point to talk about the internal audit report that we carried out last year, which does identify a number of failings in the process, and one of those is Richard shouldn't have had a conversation with Arup only about their --

MH: No, this is Heatherwick.

AB: Oh, with Heatherwick. So there are two slightly different things, so with Heatherwick he called them up to clarify who people were in the rates listing, because Heatherwick had different job titles than you would expect, so what does "visualizer" mean? Does it mean the person who uses the CAD tools? Because we call that differently, so we just want to understand who these people are at Heatherwick Studio.

With Arup, he had a conversation with them to ask if they would lower their rates. As I understand it, he didn't ask Heatherwick to lower their rates. It was just a clarification question. In both cases, I think the internal audit report says he shouldn't have done that, he should have asked the same question of all tenderers. With the Heatherwick one, you could say, well, how could he have asked that question of the other tenderers if he understood what their bid meant, so he didn't need to check with them. But maybe he should have made the other bidders aware of the question, even they couldn't answer it.

With the Arup one, he certainly should have asked that of everyone, but what the conclusion was that didn't actually affect the outcome of that procurement, because Arup was so far ahead technically that it was very highly likely to get the award.

MH: Except they came seventh out of 13 or whatever it was. They were so far ahead they came seventh.

AB: In the technical scores?

MH: In the initial scoring. They came seventh out of 13. Then they had this telephone conversation and then they suddenly come out top.

AB: Well, I need to swot up on the numbers with that, but --

MH: For the initial assessment, they were 7 out of 13. They were then interviewed, which is interesting, and I can't understand from the papers why, because normally you'd only interview the top whatever. And then they changed their rates and suddenly miraculously they came out on top. And of course they had been working on it before.

AW: So the position pre-procurement or pre-interview and the position post-interview?

MH: Well, and why they were interviewed.

AW: Okay. We can find out what. I'm not surprised they were interviewed.

MH: And you didn't interview 13?

AW: No, no.

AB: But if they'd scored very highly in the technical, but their position out of the 13 was low because their commercial was very poor, then I could see that might be a reason to interview them, because they were very good technically and you wanted to understand --

MH: And he assessed that all himself?

AB: No, that was a more -- that was a group, a panel. In fact, I think Richard wasn't even on the panel for that.

MH: Right.

AB: I think the recommendations of the panel went to him afterwards.

MH: Okay, that's helpful, that's helpful.

AB: That was a full OJEU compliant, big -- £8.2 million worth of work went to Arup as a result of that. That was a serious procurement off our framework.

MH: And can you tell me how much Heatherwick got out of that?

AB: I don't know that number. They were a subcontractor of Arup.

AW: We wouldn't be privy to that information, would we?

AB: It might be a line item in some of their invoices, but as long as when we were checking their invoices, the work that they were charging for was correct and felt like what we had asked them to do, I don't think we would scrutinise how they choose to pay their subbies.

MH: That's helpful, thank you.

AB: Can I just say, on the Arup stuff, I don't know what information you've seen in terms of the scores from that procurement process.

MH: They were all thrown away.

AB: So we have some numbers from the scoring, which is quite confusing, and that's one of the examples of freedom of information, our hands are a bit tied and we release stuff that's potentially confusing.

So separately, the stuff that was thrown away was handwritten notes of the individual members of that panel, because they were scribbling on stuff. They didn't keep that for the two years between when it happened and since the scrutiny. The actual results of their group discussion to reach a single score we do have, but the way in which we've stored those numbers is perhaps not as helpful to someone looking back now as it could have been. And those numbers have been released under FOI to, I think it was, Caroline Pidgeon's office and passed on to other people. And there have been a number of incorrect attempts to understand what they meant, so you will have seen them through the FOI.

MH: I probably have and I have forgotten them. Go on.

AB: And there's a mountain of stuff. One of the FOIs you will receive from us, if you haven't already, is that information, and if you want - or Claire wants - to talk through it, I can do that with you. I went through it this morning.

MH: What am I likely to misunderstand on it?

AB: I printed off some of it to show you.

AW: But is that part of the seventh though, the seventh to first?

AB: It's part of that process, yeah. So because I expected Claire to be here and possibly to grill me on it, I printed some stuff off.

MH: Claire, she's got stuck, irritatingly.

AB: So this is one example of my coloured scribbles. All the people who asked for the FOI will get is the black printed text. Now, how you could be expected to interpret that on your own, I don't know, which is why when we answered the FOI from Caroline Pidgeon's office, we sent a separate message, because our responses to an FOI

request have to be very carefully structured by our lawyers to make sure that we're complying with the law.

MH: Yeah, yeah, yeah.

AB: It was in a separate message to her office saying, "This is complicated and we know it, sorry. If you want to talk to us about it, please do" and they didn't take us up on that offer. And it was then since used, for example, in one instance by a man called Walter Menteth, who did a detailed assessment of the procurement off the back of all that information and he makes a number of mistakes in his report and I can quite understand why. But even when we asked him, "Do you want to talk through this, because you got it wrong?" he said, "No, I don't want to talk to you".

MH: Well, look, can I just say to you, because of time, if this comes up as an issue, do you mind coming back and explaining it for me?

AB: Very happy to discuss that with you or Claire or anyone. I just wanted to show you, that's an example of how you get a spreadsheet of numbers, and that will come in a pdf form as well, so you can't even process it in a spreadsheet.

MH: What I've seen is them coming 7 out of 13 and I wonder if that's a --

AB: Yeah, so I will look into that definitely and come back to you. It might be in the internal audit report, possibly.

MH: By the way, where did cyclists come out in it? There was going to be a cycle path on this thing.

AB: I don't know, but my guess would be somewhere in the design process, possibly in consultation with the local authorities, as to what they would be happy approving through the planning process.

MH: Okay. Where the hell is the ... I'm not going to find it.

AW: You must be swamped with information.

AB: So initial scoring placed Arup seventh out of the 13 bidders.

MH: Oh, there, you've got it. Where is that?

AB: It's page 5 of the internal audit report.

MH: Okay.

AB: Because of their higher cost:

"In spite of the fact their technical bid was judged by the evaluation team to be strongest, however, a decision was taken to interview Arup because they had the strongest technical bid."

So that's the rationale for why they were interviewed. The only reason that they were low is that they were charging too much.

MH: Just tell me, the other thing is you then prepare a business case, don't you, after the event? TfL prepares a business case.

AB: Yeah. I think that would have been --

MH: Actually, that was after the Chancellor had given his money, wasn't it?

AB: That would have been carried out with support from our contractors, I think is the next --

MH: Have you looked at that business case? Have you looked at it?

AB: I have. A while back, yeah. I think it's ... I don't have a problem with it. Are there particular bits that you --

MH: I think it's a -- I don't know. Well, you tell me.

AB: I haven't reviewed it in detail myself with a view to whether I think it's a robust business case, because --

AW: Sorry, is that the business case from the Trust?

AB: It's the strategic outline business case produced by TfL

MH: It's TfL, which must have gone to your board, because -- before you agreed to proceed.

AB: No, because --

MH: It's too small?

AB: Well, and also our involvement and financial contribution to the project was under mayoral direction, so it will have gone to our board for information to keep them updated.

MH: When was the business case done?

AB: May 2014.

MH: Explain to me a little bit, you say by then you've got a mayoral direction, so what are the checks on process and expenditure once you've got a mayoral direction? Who checks what, just generally?

AB: Well, my understanding is that if the Mayor directs us, as he does in this case, to (a) be an enabler for this project; and (b) give it £30 million from our money, that is the check. The Mayor has the power to tell us to do things.

MH: It must get checked that that money. There must be a way. Is there no check on probity and value?

AB: What, after that point, have we used that £30 million that he's asked us to give to the project in a good way?

MH: Yeah, or even you release it, yeah.

AB: Yeah, that will be through all of the normal internal audit processes and procurement processes.

MH: Yeah, but I think it's beyond that. I know this may not seem great money to you, but it's a £30 million --

AB: No, it's a significant amount of money.

MH: It's £60 million actually, because you were also charged with the --

AW: Yes, we're managing for the DFT.

MH: So there's £60 million. You get a mayoral direction. So once you get that context -- because the Mayor could decide anything. The Mayor might decide now to cut fares by 20 per cent - that might be a direction - so there must be a way in which the system -checks that there's probity in the actions you've taken under that direction and there's value for money.

AW: Well, there's an ongoing discussion with the Trust as they're developing the project to check that they're --

MH: I'm just talking about general systems here. Do you want to go away and think about it and come back to me and write to me?

AB: It's probably easier to get that written down for you from people who deal with it day in, day out.

MH: Because that looks to me -- because what Isabel Dedring says to me then is --

AB: I think we'll come back to you with something in writing from the people who actually deal with those processes all the time. I think there's two sides to it. In this

case, there is the Mayor telling us to use a certain amount of money and to take this forward, so that is the approval side.

MH: Yeah, that's fine.

AB: Then the probity side, yes.

MH: Probity and value, still within it, value.

AB: Yeah, yeah. We have our normal procure controls to make sure that the results of procurement exercises are proper. We have audit processes to check that in general activities going on, not just to do with spending money, but all sorts of other things are being done properly. Then there is the approvals and financial controls process through the Finance and Policy Committee, that oversees stuff and checks that things are still happening.

MH: Richard de Cani just had it all. There were no checks. That's what I'm trying to work out in the system, so --

AW: But, sorry, is this checks post-contract award you mean?

MH: Right the way through, releasing money to them. There was a decision that only £20 million should be spent on pre-construction. We're now nearly £40 million and rising. So all those things would be issues at some point that somebody ought to -- , apart from you now, be saying, "Okay, I'll give you another £10 million" or £3 million or £5 million, whatever. There ought to be a system for ...

AW: Well, this would go to what used to be the Finance and Policy Committee in terms of project updates. Some of the work, for example, will be done as part of the programme.

I'll give you an example: there was a report just after the Mayor came into office for the works we were doing on behalf of the Trust at Temple Station. That was in a programme report for everything that LU was doing and it was picked up there as part of it. So even though the individual project is small, it's part of the programme report that goes to the board at the appropriate stage.

MH: So they could pick up a little --

AW: If there was big variations, but that's slightly -- well, I think we still need to go back and check on your point, because that's mainly around a discrete project around an LU station at Temple.

AB: In the case of those decisions about, "Do we give you some more money?", pre-construction caps and those sorts of things, that's about transfer of grant and loan money that is agreed through our funding agreement with the Trust. I think

ultimately that is something that Richard had authority for, because the scale was within his authority as managing director.

But he did that on advice from other people in TfL, including me. There are a number of conditions that the Garden Bridge Trust has to satisfy to have access to this next tranche of funding. Have they satisfied it? Well, they've done this, they've done that.

MH: But, for example, at one point very recently, you suddenly give them another £1.3 million. And it's all pre-construction, whereas the letter from Osborne makes it clear that --

AW: That's an underwrite.

AB: That's slightly different.

AW: It's not actual money, is it? It's the potential risk of the drawdown.

AB: It's the use of the existing -- part of the existing £60million. We've made it available to them if they need to draw on it.

MH: Why?

AB: In terms of approvals for that, there was a briefing paper. I think that went to the Commissioner to ask for his point of view there.

AW: Well, and City Hall's Chief of Staff.

AB: And we had discussions with City Hall about that. That was just before the election.

MH: I'm interested in the controls that were bureaucratically in the system.

AW: So of the £36 million or whatever it is (Overspeaking)

MH: Yeah, the £37 million -- well, they've just said to me today they need another £10 million before they start. So you're going to end up with about £50 million of the £60 million, if they start constructing the bridge, they will need another £10 million pre-construction.

AB: Well, they've never said exactly to us and I would be very concerned if they did say that to us.

MH: They said it to me this morning.

AB: The next payment that they could ask to get is £10 million and we would have to have a process to consider that, but I personally would be very surprised if they got

anywhere near that £10 million if they weren't about to start building it and it was the start of construction work.

MH: Well, they've said once they got the permissions to start, okay?

AW: Well, post-Coin Street and all of that stuff.

MH: Post-Coin Street. Once they've got all those permissions to start to get the position where they could actually start building the construction, ie pre-construction, they need another £10 million. You're not going to be able to say no. You're not going to be able to say no.

AW: Is that the Bouygues pre-construction works?

MH: Pre-construction, that was their absolute --

AW: No, Bouygues, the contractor.

MH: Oh, I don't know who would be spending it. It must be Bouygues, it must be.

AB: It would fit, because that would be all they would need to do.

MH: Arup, they still have a contract with Arup.

AB: If they had everything to do with the land negotiations and everything sorted, the only thing left to do to would be to mobilise their construction contractor.

MH: What's his name, the guy who's the construction guy on there? What's he called, the guy?

AB: Paul Morrell.

MH: He said it's another £10 million.

AB: Yeah. They might be saying, "To remobilise our construction contractor so that they can get their JCBs moving on to site we need this money" and that will get them starting work two weeks later.

MH: They've got to buy barges and things; that was the thing.

AB: Would you consider that construction or pre-construction? Work now to reach a deal with Coin Street or develop more plans for the planning committee to consider in Lambeth, it's very hard to define that as construction rather than pre-construction, but mobilising your JCBs and your construction contractor --

MH: Did they seek authorisation from you to let the contract to Bouygues?

- AB: We were certainly talking with them. Because of where the project is and the approach the Mayor has asked us to take, but at the time we were having regular meetings, at least weekly meetings with them, to stay updated where the project is, so it would have been part of those discussions. I don't think there is a record of them saying, "Please can we have your approval to let this contract?" and us saying, "Yes".
- AW: Well, we were certainly aware of it.
- AB: Yes, but we were aware that it was happening, yeah.
- MH: And given the criticism of the NAO report, that they let the contract before they'd got all the authorisations, let alone the funding.
- AB: I think the rationale for letting it when they did was that they had carried out a lengthy procurement process, much more so than they would need to if they were just a private entity, because we had forced them to be more open, that was part of the conditions we put in our funding agreement, and having got the contractor through that, they didn't want to lose them through delays.
- MH: But they were risking a huge --
- AB: So it was a slightly riskier approach on one hand, but a less risky approach on the other hand, because they were mitigating the risk of losing their contractor because of delays.
- MH: But by then you knew that Coin Street were going to be difficult.
- AB: I don't think we did, so I've asked myself a number of times, should I have advised Richard in February and March when those payments were made - because I think there were payments in February and March this year, around the time of the construction contract - should I have advised him that I thought it was right to give them that money then, knowing what I knew? And every time I come up with the answer yes. The key step that needed to happen was Coin Street. There have been some delays with, for instance, Westminster since then that we would never have foreseen, because they were progressing very well and all the messaging was very positive from them. But all the messaging from Coin Street was very positive at that time as well and I had no reason to doubt that they would come to the table and find a commercial deal, especially considering how generous the deal on the table from the Garden Bridge Trust was and still is.
- AW: I think in hindsight we were probably too optimistic about Coin Street. I think that's a fair point.
- MH: People know Coin Street, don't they?

AW: Yes, exactly. That's why they are where they are, because they're belligerent and they hold on to their assets, don't they? But I think we were getting good soundings out that it was going to be resolved.

MH: So what switched Coin Street, do you think? It's quite interesting, you look at it and early on you get massive public support for this concept and then suddenly it goes sour.

AW: When you speak to -- what's the name of the guy we meet? I've forgotten his name now.

AB: Iain Tuckett.

AW: Iain Tuckett. When you talk to Iain Tuckett, he's effectively the chief executive of Coin Street. He talks about pressure from within his constituency of Coin Street and where they are apparently not happy with the scheme and nervous about the implications of the scheme. So he talks the talk about him being under a lot of pressure from his constituents, for want of a better word.

MH: Why did that suddenly happen?

AW: I don't know. I can't think of something -- it's become a much more toxic project, hasn't it, really? And I don't know whether that's affected Coin Street.

MH: Why? Just tough on public money? it's just weird to watch how it's shifted.

AW: Tough, but personally I think there was a backlash against Boris, this was a grand project too far potentially. I don't know. -

AB: It's, I think, probably some backlash against Heatherwick as well. I know a number of -- just totally anecdotally -- I know a number of architects who are friends of mine who resent the architectural-type work that he's done without being -- without having an architecture degree, basically, so it's part of that.

MH: Let me ask, the other thing is do you think they were -- they've lost some of the money that was promised them. they're down by about £15 million.

AB: Another result of the politically toxic environment that they've been in, I think.

MH: And they're now -- and their costs have now gone up, they're now talking about £200 million.

AB: So what they have informed me, as the TfL scrutineer of it, is definitely the number is at least £185 million, and that is the number that we are committed to it being, but because of the delays to do with all the other stuff and having to stand down our construction contractor, it is likely to go up, but we don't know to what. And I sit on Garden Bridge Trust board meetings as an observer on TfL's behalf, and they have

never said, "The number is now £200 million" or, "The number is now blah". It's "The number is £185 million, but we will need to reassess that once we are able to remobilise our construction contractor". The longer it takes, the more complex things get, the higher that number will be, but we don't know what it is yet.

AW: But yes, there is a significant gap before they can get going.

MH: And is it your view they can raise it?

AB: Not before they start building it. They would need to start with a gap.

MH: And would you think that was --

AB: Appropriate? I think we'd need to see what they were coming forward with closer to the time.

AW: Yeah. It depends on the percentage, doesn't it? How close are they? Is it a bridgeable gap? Sorry, excuse the pun.

MH: Well it hasn't moved.

AW: Well, it's gone down. Sorry, the gap's got bigger. I think we need to review their business case, don't we, before they can start?

AB: We need to review their operation and maintenance business plan.

AB: The way the trustees behave, again, observing them in their board meetings, their view - I don't know if this tallies with what they said to you this morning - is they would not expect to have 100 per cent locked in, but they would expect a very healthy percentage locked in and also a very healthy pipeline of future prospects. I think they would need to make a call whether that was 75 per cent raised with significantly more than 25 per cent advanced in negotiations or like 85 per cent before they were willing to come to us. I think we would be hard-pressed with a number towards the lower end of that scale and it would be a conversation that we would have with the Mayor's office.

MH: Because who picks up the tab if they don't -- who would pick up the tab if they didn't raise the --

AB: If they started and failed to raise the rest of it?

AB: Yeah, so this connects into the conversation about longer-term operation and maintenance stuff, because there's the guarantees that you may want to ask about in a minute. We've been very careful in constructing legal documents that mean that we are not on the hook if they start and don't finish, we're not legally obliged to finish, to plug the gap. Would we end up with the huge pressure of everyone around looking to us? Quite possibly. My personal view is that it would be us or central

government that people would expect to plug that gap if there was a half-finished bridge on the Thames. But we wouldn't be obliged to and that would be a political fight at the time.

MH: And very finally, the maintenance. The maintenance, looking at that, it's another document, and maybe I'm really getting tough and hard in my old age: you look at all the comparators and everything. are you convinced by that income? Not so much the expenditure -- the income is what I'm looking at, because again, from a public expenditure point of view, you pick up the tab.

AB: So my view of that document, I am looking forward to more specialist advice on that.

MH: They've told the document you sent me was out of date, by the way.

AB: It is. It wasn't when I sent it to you. They sent us a new version last week. Which I can send you.

MH: Well, they'll send it, and I want to see the -- they've promised me that. If you do it as well, then I might get it and just annotate the changes.

AW: Well, again, there's another commentary for David Bellamy which you can have to highlight the changes, if you want that.

MH: Thank you. I'd just highlight what I'd like to see is what did they change.

AW: No, there was some interesting changes.

AB: The version that you have is March, is it?

MH: Yeah.

AB: Yeah, I think there might be two versions, an October version and then a November version. I can you send you them and the commentary of the changes.

MH: Just send me the November version. Send me the latest.

AB: Okay. I'll send you both commentaries. There'll be two commentaries, one from March to October and then October to November, but only one new document. Well, some of the November changes don't make sense if you don't see the October changes.

MH: Anyway, it does seem very -- I've read the critique by that guy.

AB: Dan Anderson?

MH: Yeah, which I thought was --

AB: I think some of that is fair. I think some of it is less fair, but there are fair comments in it.

MH: What do you think is unfair?

AB: So I think Garden Bridge Trust has made some quite conservative assumptions and there are some other assumptions that I don't know how conservative they are. And I'm looking forward to a review that Lambeth is going to commission from some experts who will be able to say whether they're conservative or not. I think in some places Dan Anderson has said -- has taken a conservative assumption and said, "What if it goes wrong? Make it much, much worse and the bridge falls over" and I think it's not quite fair to take a very pessimistic assumption already and then make it a lot worse and say the bridge falls over.

MH: I think the income, it is 70 per cent philanthropic giving, which is a lot. You look at anything, you look at the Tate -- it's not capital, it's revenue. I chair a theatre now, and it's much easier to raise capital. Try and raise revenue, you're in right old trouble.

AW: But they don't think -- what's quite interesting in the change, there's different comparators, isn't there, between the different companies in terms of that charitable contribution. The National Trust --

MH: Yeah, but the comparators are just -- , it's apples and pears.

AW: I know. It's a one-off.

AB: So that is definitely the half of it that I much more want to see some expert assessment from Lambeth's consultants.

MH: And if you're not happy with the income, because they said to me this morning that their plan would be to not even try to raise certainly the endowment, which is probably quite key, until after they'd raised all the capital.

AB: Yes.

MH: Okay, so they're going to start building that bridge without all the capital raised, which they say half of the £75 million.

AW: And without an endowment.

MH: And without the endowment.

AW: That's our big -- that's one of our biggest concerns we've got.

AB: Yes, that is one of David Bellamy's biggest concerns that he keeps asking about, is --

AW: Yes, which goes back to this point, you need that sign-off before they can start. Because it's a pre-commencement condition – well the new mayoral administration will want greater certainty of that, as will Lambeth.

MH: But they can't get it.

AW: Well, they can. They have to sign off that operating business plan before they start the construction.

MH: But it is a plan, it's not money. It's just a business plan. Anybody can write a business plan. I can write --

AW: Yeah, but has to be deemed to be a credible plan, doesn't it?

AB: Yes, and then they have to operate in line with it or they're in breach of --

MH: But then what do you do? What do you do then?

AB: Well, if you get to a point where you're satisfied that they have a credible plan, then you have ways of forcing them to follow it through planning and through the legal structures that we're putting in place as well.

MH: You don't, because in the end, you pick up the tab, because you've committed that through --

AW: But I think the scale of endowment will be a big issue for the new administration.

MH: But you won't have an endowment. They have just said to me this morning you won't have an endowment until after you've raised the capital. They won't raise the capital before you get the go ahead.

AW: Yes. Well, I agree, but I think we have to put those stark figures in front of the new administration at City Hall, probably with Lambeth as well.

MH: Lambeth are now changing their view, aren't they? They've given planning permission, but they seem to be much more --

AW: No, I think they're a bit fed up with it, to be perfectly honest.

AB: Yes.

AW: We speak to the leader. I don't know if you'll meet the leader or the chief exec, but I think she's fed up with it. There's so much political heat on it and no return at all and they've just had enough. They just want it to happen, either happen or not happen but when there's kind an inbetween period, but they have to be, from a planning perspective, to be involved to sign off that outline business case. And then there's a debate about who is taking on that risk if the endowment isn't there and --

MH: Well, you are. Not you, the GLA.

AB: The GLA would be, through the guarantees.

AW: That's a decision for the administration to take, isn't it when they've looked at all the figures.

AW: So we come back again, by the sound of it, because we've all enjoyed it so much.

AW: But in the interim, we'll get you -- there's a lot of questions.

AB: All the things I've scribbled down.

MH: Yeah, thank you very much. Thanks for your time.

AW: Is it worth us sending you a list of the questions first or check we're going to come to you?

MH: Yeah this has been really helpful, just to clarify. I think I've got the key things, haven't I?

AB: Our role has changed as we've gone through, but we've touched on every phase of that today.

AW: Your remit doesn't take into account the next steps for the project itself, does it? It's more about lessons learnt and lessons for TfL (Overspeaking)

MH: Well, I've got to look at value for money and use of public money and processes, so I'm looking at what should you change in the way you do from what we learn from this. Is there value for money?

AW: Yes.

MH: It feels to me that, but do you go ahead or not is a decision for the Mayor.

AW: Okay, but that's not -- you're not going to comment on that?

MH: No.

AW: No, because I suppose in some ways the public is damned if it does and damned if it doesn't, really, because on the one hand, if you -- if we stopped it now -- that money is gone with no asset, but then --

MH: But it's whether you raise more money later down the line.

AW: Exactly, exactly. That's the --

MH: And that's a judgement. And then he decides, so he decides.

AW: So it's an informed decision, regardless. That's for him to take. Yeah, I get that.

MH: Now, what they will say, the risk is there because of me, so if I disappear and say, "It's all absolutely dandy" the risk goes.

AW: Well, yours is one of many risks though, isn't it?

AB: One of many risks, yeah, so what I was about to say, it relates to the time before you were ever on the scene doing this stuff. The last time that we, as TfL, chose to give them money for the project was, I think, March.

MH: It does seem to me that there was money given just before the election, which I thought was a bit iffy.

AB: Yeah. Shall I do that now? Do you have time?

MH: Go on, quick.

AB: Okay, so the Garden Bridge Trust came to us shortly -- two, three, four weeks - can't remember - before the election, saying, "So we need cover for our financial exposure beyond the end of" when was it, "April" and we said, "This is in purdah. We can't do this" and they said, "If you don't give it to us, we'll go bust and it all goes down the drain." So it was decided by people at GLA who deal with purdah, not us, that we should discuss this with the Mayor as an urgent issue that is urgent enough to be raised during purdah.

AW: The former Mayor.

AB: The former Mayor, yes. I think, although I don't have a record of it, that he did pick up the phone to Zac Goldsmith and Sadiq Khan to say he was having this issue, so they were aware of it during the election campaign.

MH: Why was it not written down?

AB: And he decided to give them just enough cover, time-limited, to get them to the other side of the election so that the new Mayor, whoever that might be, could choose. There is a briefing note, I think, to support the bureaucratic decision to give that £1.3 million underwriting in the light of advice from City Hall that that's what they wanted us to do, I think.

MH: Can you send me that, because I'm not aware of having seen it?

AB: You may not have seen it. There's so much stuff that was already out there and before we gave that to you, someone in TfL said, "Is that everything? Make sure it's

everything" and the answer is it can't be everything, because it's three, four years' worth of working and briefing notes, so you would be buried under the paperwork if I gave it to you.

MH: Well, I did pick that up, that there'd been this money given just before the election. I thought that was inappropriate, but you gave no money after, so if this is only to tide them over, what happened after?

AB: So all of the decisions for financial exposure since then have been DFT ministerial decisions.

MH: Right. This is the £9 million.

AB: So we have only ever, in my time on the project, decided to give them money on the basis of an assessment at the time of what the risk profile looked like and whether they were meeting the conditions in their funding agreement. And I said before, back in March when we gave them the last -- the most recent chunk of TfL money, I felt much, much more confident than I do now about their ability to reach a deal with Coin Street. I've been in negotiations with them and Lambeth and Coin Street all in one room and it was going in the right direction and there was a reducing list of issues that needed to be cleared. And after that point it stalled and the list got longer. In the world where we've known that it's stalled and the list has got longer, we've never approved to give them any money.

MH: There is an interesting question on which you might come back to me: the economic benefits and the cost benefit, , in the business case, most of them arose out of an increase in property values and this was all before what's happened to London property values. Are you still happy with that? Can you come back to me on that? Just because I'm in a rush, I'm really sorry. But there was something where you released money, although they hadn't met any of the conditions, but I'm not going to find it.

AB: Is it possibly some of the commentary from the NAO --

MH: Yeah, yeah, yeah, that's it.

AB: We, as TfL, have some issues with that assertion by the NAO, because if you look at the exchange of correspondence, the Chancellor said, "I would expect you to meet these four" I think it is, "conditions" and at no point does the Mayor actually come back and say, "Yeah, we accept those conditions". In fact, one of them is taking on long-term responsibility --

MH: I don't think you can do that --

AB: -- for the money -- for the funding of it, and the Mayor comes back and says, "There's no way I'm doing that" but then it carries on as one of the NAO's four things that weren't satisfied, but we didn't --

MH: But when you get a Treasury letter like that ... you can't just say, "This is negotiable". When he gives you money -- I've been there so many odd times of Chancellors in the past, when they say they give you money and they put conditions, those are non-negotiable conditions. That's why the NAO will have done that. Maybe Government operates on different rules. So you're right, they are -- you met one of the four is what the NAO say. The fact that you want to go back and renegotiate is not on. That just isn't how Treasury works. It doesn't work like that.

AB: I would need to consult one of our legal team who knows more about this than me, who I went to the NAO offices with to run through some error-checking with them. And he was saying, "We just don't accept, from what happened --" it wasn't the case of, "Sorry, Chancellor, you don't have any authority", it was more that what happened is not what was reported in the NAO. They did not create these four conditions that we then just ignored, it was more nuanced than that. The conditions were coming up as a back and forth between the Mayor and the Chancellor and were never agreed on and since then developed instead into the conditions that we set out in our funding agreement and --

MH: Which the Treasury have signed off?

AB: I think so. Yes.

MH: Can you check that? Because normally if you get a Treasury thing saying, "These are the conditions" you have to take it, lump it or leave it.

AW: Well, I suppose was signed off by DFT or by Treasury? Because we deal with DFT all the time though, don't we, not Treasury?

AB: The sign-off would have been by DFT, because the provision of funding was through the variation of our block transport grant.

MH: I'm going to have to go. Thank you so, so much. I'm going to rush because --

AW: If you need us to come back in a couple of weeks, we're happy to do that.

MH: Brilliant, thank you.