

This transcript has been disclosed by the GLA in response to a request under the Environmental Information Regulations (EIR).

In accordance with our obligations to liaise with third-parties whose information is subject to an EIR request, the GLA has engaged with the interviewee(s) covered by this transcript.

As part of this process, and following our own review of the transcripts, the GLA identified errors in the transcription of the audio recordings of the interviews. These included

- typographical errors;
- comments being attributed to the wrong person;
- text being omitted in the transcription; and
- instances where the transcriber completely misunderstood what was being said, and writing something wholly incorrect.

Where the GLA has identified genuine errors in the transcription when compared to the audio recording, we have made corrections to these transcripts using “tracked-changes”.

In each case, the corrected text is shown in the margins of the page and is accompanied by a brief explanation for that correction.

The GLA has taken this approach to ensure both the corrections and original text are available, and so we can balance our legal obligations under the EIR with our duty to help ensure accurate information is released in respect of the individuals interviewed as part of the Garden Bridge Review.

In some case, the parties interviewed have asked the GLA to include certain comments regarding their comments to help provide some clarification about what they were intending to convey. Again, these are clearly marked on the transcripts.

Please note however, the transcript may, despite our best endeavours, contain errors due the transcription process itself.

Garden Bridge Review Meeting transcript

Event: *MH/Will Hurst (Architect's Journal)*

Date: *10 November 2016*

Present: *Dame Margaret Hodge MP*

Will Hurst

Claire Hamilton

WILL HURST (WH):

Right, so where can we start?

DAME MARGARET HODGE MP (MH):

Okay and you know that what I'm doing is limited; that I'm looking at the value for money I suppose. I'm not looking -- should we be doing the Garden Bridge.

WH: But you are looking at the procurement as well?

MH: Of course I'm looking at the procurement, absolutely. So over to you and I think if you start where you are. Now, if you don't mind, I'll interrupt and ask you questions as we go along.

WH: Okay.

MH: I haven't read quite a lot of what you sent but you must remember, I'm absolutely drowning in paper here.

WH: Yes, I understand. All right. I'll go through it. What I've done is I've printed out the articles that I think fit, so they're in order. So if I just go through this, that might --

MH: Thank you and you'll leave that with me, will you, the articles?

WH: Happy to do, yes.

MH: Yes, okay.

WH: So I think my view, and this was a hunch which has now become a very confident view, which I think is now being accepted by lots of people including within TfL, is that this was a rigged competition; it wasn't a true competition.

MH: Within who? MtF?

WH: TfL itself.

MH: TfL, yes.

WH: You know, various people within TfL have now accepted that.

MH: Who's accepted that now?

WH: The head of internal audit, Clive Walker, has eventually said it, when pressed by Len Duvall, in a session about a year ago --

MH: Did he? (Overspeaking)

WH: Yes. He was interviewed by Len's committee, the Oversight Committee --

MH: Yes, I've seen that, I've read that.

WH: -- about this internal audit that had been carried out and eventually, Len asked him was the procurement process -- he said something like, "The procurement process was not open and objective. Is that true?" and Clive Walker repeatedly ducked the question. In fact, three times he wouldn't answer yes or no, so Len kept saying, "Yes or no?" and he eventually said, "Yes" so ie, it was not open and objective.

MH: Is Clive Walker on our list for this session?

CLAIRE HAMILTON (CH):

He was someone you were debating whether to speak to or not.

MH: Okay. Let's leave him on it.

CH: He'll be one of the later ones.

MH: Possible. Something I can have a look at it, okay.

WH: Yes. (Overspeaking) I still find it very, very shocking that --

MH: Are you talking about the first tender or the second tender?

WH: Well, the one that I have investigated is primarily the first tender. Because we're an architects' magazine, I've looked a lot less at the Arup one and that, if you wanted to find out more about that, I'd strongly recommend you talk to Walter Menteth who's an architect and procurement specialist who has studied that in a lot of detail and believes ...

MH: Okay and he's on our list, isn't he?

CH: Yes. He actually might be coming as a group.

MH: Okay (Overspeaking) from the RIBA, yeah.

CH: It's actually the Thames Central who was suggesting he comes.

MH: Yes, okay.

WH: Yes. As I was saying, it's mainly the initial design contest between the three invited bidders that I'm talking about and I still find it very, very shocking that there appears to have been a conspiracy to award this contract to just one of them. The others didn't have a fair chance and that that led to a multi-million-pound contract on a £185 million project. What I also find very shocking is --

MH: The first contract wasn't for multi-million-pounds, was it?

WH: No, but it led directly to that. There was no other competitive process. So it led directly to Heatherwick's appointment on a £185 million project, so they would have made millions from that and Arup certainly earned £10 million minimum. So we're talking a big amount of money.

It's shocking in all kinds of ways. It's shocking that the two outfits(?) who were defeated have never even spoken out against it, let alone taken legal action. They'd have a very, very strong case if they took legal action but they won't because TfL is such a powerful client in London, I believe.

I think it's also very shocking that TfL has consistently refused to accept, even the new Commissioner, has always refused to accept that there's anything wrong with this and that it was a stitch-up and a rigged procurement. He's defended it to the hilt and I think it's very shocking that there was a cover-up. There was quite clearly -- and I can show you why, it was a really concerted attempt by those most under investigation when the internal audit was carried out to stop the real criticisms coming out which pointed at that, you know, "Delete this, delete that, you can't say that, you can't say that". The auditors seemed to have been completely under the thumb of the senior people who arranged for this to happen. But I don't blame them as much as Boris Johnson because Boris Johnson was quite clearly instructing them to do this, so they were carrying out what the man wanted.

Just to go through it in the order that I set it out in my letter to you; the handwritten note from the Garden Bridge backer and actor, Joanna Lumley, to Boris Johnson in 2012, that was one of the first stories I did. I think the first one was 12 December 2014 and that was me just writing the very first story about that hunch that I and other people had had because we'd discovered, or I'd discovered, that there was a contest. Before that it did seem like a direct appointment but Boris Johnson had just said, "Oh, look, there's this lovely idea of a Garden Bridge by Heatherwick and Lumley, so let's get behind that". Once I discovered there was a contest, I immediately thought, "Well, how can that be a real contest?" given that I'd known about this previous contact between the Mayor and these Garden Bridge backers.

So that was the first story and then shortly after that, in February 2015, I got hold of this handwritten correspondence between Boris and Joanna which I think you probably know about where she asks him to back the project.

MH: Yes.

WH: It's a long time before the actual contest took place. As I say, we now know that there was at least nine meetings held between the Heatherwick team and the Mayor or TfL; people like Peter Hendy, before the competition took place.

Now, they have never divulged what was in those meetings because I've always asked for that in my FOIs but they've always said no minutes were taken. So the only thing I've ever been able to get is the dates and who attended.

The next one I refer to is this one; this isn't in complete chronological order, but discovering this meeting had taken place with Apple in California which was Heatherwick and Boris and various other very senior deputy mayors and so on, flying out to California to try and get Apple to sponsor it. But this was before the competition; this was days before the competition took place and yet, it was a Garden Bridge. In fact, it was Heatherwick's Garden Bridge proposal that they were selling, so clearly, the Mayor was backing that particular design. When the competition took place a few days later, there was no mention of a Garden Bridge. It was just a pedestrian bridge between Temple and South Bank which clearly, there's a huge advantage to Heatherwick, given that they were the only ones that responded to the development.

MH: Just out of interest on that particular point, if I can pull that up, was it in the public domain by then that Joanna Lumley and Heatherwick wanted a Garden Bridge?

WH: You mean by the time that --

MH: (Overspeaking) the Garden tenders were out. I mean, it wasn't just sort of --

WH: No.

MH: It wasn't; nowhere in the public domain?

WH: No.

MH: Nowhere?

WH: No. Not as far as I know. I've never seen anything that came out until much later in 2013 and 2014.

MH: (Overspeaking) nothing?

CH: There's an MQ from very early on which I think was actually (Overspeaking), sorry, I turned that round, which I think was actually asked to (Inaudible) about a meeting that he had with Joanna Lumley and he was asked what that was about.

WH: Yes, I heard about --

CH: The concept bit.

WH: The concept was known to a few people.

CH: Yes, it wasn't very public but it was --

MH: Who was the concept known to?

WH: Well, Mayors because she'd pitched it to Livingstone and he'd not had any time for that. At that point in the late 1990s it was billed as a Diana Memorial. After the death of Princess Diana, Joanna Lumley came forward with the idea of a Garden Bridge to celebrate her. Ken Livingstone didn't like that idea and it didn't go anywhere. So I think --

MH: What I'm trying to get at is would the other two tender -- the people who tendered, the other two architect firms, have known that this concept was around, in your knowledge? I mean, I don't --

WH: It's possible that they might have known that Joanna Lumley had had an idea several years earlier for a Garden Bridge across the Thames but there are countless ideas and proposals for bridges across the Thames. Most of them don't go anywhere, so they would have had no idea. I don't think they would have known of any link between

Heatherwick and Lumley anyway or who their competitors were. They were just one of three who would have been directly approached by TfL to come up with ideas at this point.

MH: Okay.

WH: So yes, where were we? We were talking about the trip to San Francisco. The only reason I found out about that, I mean, it was known that Boris had gone to San Francisco to pitch a Garden Bridge or to -- yes, because that came out through Len's committee. What I then learned, and this was by cross-referencing emails that had been obtained throughout FOI, there were pages and pages and pages of emails between Heatherwick Studio and TfL. I suddenly realised that the dates matched when somebody had been trying to get hold of -- it might have been Peter Hendy or somebody who was trying to get hold of Heatherwick and in this email, dated the exact time of the San Francisco meeting, somebody replied, "Oh, he's in California". So there'd been the suspicion that was Heatherwick or Lumley at this meeting but Boris had refused to answer that to the committee. He refused to say who was with him on that trip or he couldn't remember, which is ludicrous. But it was by cross-referencing these emails that had been obtained under FOI that I realised that Heatherwick was in California at the exact same time that Boris was pitching the Garden Bridge.

So then I went back to TfL and the Mayor and said, "Look, you know, he was there, wasn't he?" and they had to admit it. So yeah, I think it wasn't just he was pitching a Garden Bridge kind of idea. He was pitching Heatherwick's Garden Bridge idea days before the contest and they held several meetings in the run-up to that meeting with Apple.

I say the open OJEU process was not used despite the route being recommended by TfL officials. That was something that came out in the earlier unpublished internal audit. So the published internal audit was very, very gentle and didn't say anything particularly bad about the process but there was this leaked one I think earlier, a few months earlier. That was where I was referring to about the cover-up and that revealed that TfL's own legal department had pressed for the idea of an OJEU. Are you familiar with OJEU

MH: Yes.

WH: Yes, and they say -- so the document makes multiple mentions of the need for OJEU including the legal advice stating that any procurement, quote, "Will need to be subject to competition through OJEU", close quote. The change will need to be to -- might be a suitable process and the published version is one of the examples of how they turned it down.

Then there was this relevantly recent note that I got through FOI which was Richard DeCani had authored this. He was, as you know, the officer who carried out the procurement, and this was dated December 2012, so that's two months before the competition. This is the first time that we see a direct instruction to TfL, that the Mayor wants this particular design. They've always denied that.

MH: I haven't come across that. Why have they not -- TfL/Heatherwick, I don't think I've seen the TfL/Heatherwick emails for some reason. Are they not in a batch here?

CH: I'm not sure which one it is. Which FOI was that? Is that one of yours?

WH: Yes, this is one of mine. This isn't actually email correspondence. This is a briefing note, as I say, that was circulated to various TfL departments.

MH: I'm not sure I've seen TfL/Heatherwick correspondence or this particular note. If you can get hold of it --

WH: I can send you any of these things.

MH: Can you?

WH: Yes.

CH: That would be helpful.

MH: I haven't seen -- I don't think I've seen the TfL/Heatherwick. I've seen a lot of FOIs, so, as I said to you, I'm slightly drowning at the moment.

WH: Yeah, I bet. Let me just make a note as we go along and see what you'd like to see.

MH: I haven't seen that, so I'd like to see the TfL/Heatherwick briefing note and the TfL/Heatherwick correspondence prior to the launching of the competition. I mean, any of it, but obviously it's quite interesting to see what was on there.

WH: Okay, yes. So this 12-page note, which is entitled, "The Garden Bridge" and is marked "Draft and Confidential", was circulated to TfL's most senior management and it states, quote:

"The design of Thomas Heatherwick supported by the actress, Joanna Lumley, has provoked 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."

Now, that's very interesting because according to Heatherwick's bid two months later, they don't say anything about sculptural columns. They make out, in their bid, that it's just an early sketch because they can't reveal that they've already designed the thing. Do you see what I mean? They have to keep up the pretence that they're just like Marks Barfield and Wilkinson Eyre, that they've been approached by TfL, and they're scratching their heads, "Well, if you have a bridge across the Thames itself, then you might want to put a garden on it". So I can show you more details of that but there's always this pretence of, you know, they're just like any other bidder and they're going to start the design work in February 2013 when actually, we know that they would have been working on this design for months ahead of the competition.

So the note goes on:

"The Mayor is extremely supportive of the need for additional footbridges across the Thames and is keen for TfL to support this proposal."

So it doesn't say, "The Mayor is keen to support this proposal or something like it from another designer". They just say, "This proposal". So the fact that no other alternatives are mentioned, I think is clear evidence that (1), Boris instructed senior TfL officials about which design he wanted and which team he wanted but (b) that he

consistently lied to the London Assembly when he said time and time again that he had no preference because, you know --

MH: Several times when he said, "I have no preference"?

WH: Yes, multiple.

MH: Can you send me those?

WH: Yeah.

MH: It'll help me to stop me searching. It would be really helpful. I'm sorry to give you that extra.

WH: That's all right. So I think --

MH: Saying he had no preference between the three bidders?

WH: Yes, exactly. He said that on LBC, he said that to the London Assembly many times when they questioned him on that.

MH: Right, okay.

WH: Where did we get to:

"A single person has assessed both the commercial and technical aspects of the three design bids."

Which is unusual form. "Heatherwick Studio missed the deadline for submitting" but was allowed to proceed. That, in itself, is not amazing. That's something that happens but:

"Suspect scoring of the bids including giving Heatherwick Studio higher marks for bridge design experience than the other two competitors. This was despite the fact that Heatherwick had designed one small bridge and the other two, dozens of bridges."

This was one of the early stories that I wrote because I got hold of the scoring and that shows that Heatherwick was given a score of four out of five for relevant design experience. The other two got three out of five. There's also, when they look at the commercial aspects, all three competitors were all awarded three out of five for cost or daily rates, yet Heatherwick's bid was I think £175,000 or something.

MH: That was the -- I'm a bit confused about this number (Several inaudible words). There was a total cost and there was a day rate and the day rates were quite similar and the total costs were what I'm not clear about. It's whether they were asked for total costs or whether they were just asked for day rates and I'm not sure. I mean, I'm going to have another dig through the material and see --

CH: I think that is covered in there. Off the top of my head, I don't know, but I think it is covered.

MH: Would you check that? It's just when I keep coming across it and I can't work out -- because they all put a total cost in, they also all put a day rate in.

WH: Yeah; I've never seen the day rates because those were redacted in everything that I've asked for. And DeCani certainly asked --

MH: Yeah but they assessed it on the day rate, so all we need to see -- they did assess it on the day rate, so we just need to understand whether or not that was clear. Can you come back to me on that; is that all right? Just whether that was clear and when they were asked to tender and why, therefore, they included a total cost?

WH: Yes.

MH: Okay.

WH: But in the scoring, Heatherwick was also given higher marks than the other two for understanding the brief.

MH: Yes.

WH: In February, this year, I found out that there'd been an internal challenge to Richard DeCani's scoring.

MH: I didn't know that.

WH: Yes, which was again emails. When I asked for all emails between DeCani and other senior TfL staff, I discovered this. His name is Paul Plummer.

MH: P-L-U-M-M-E-R.

WH: Yes. He is a senior manager within TfL's commercial department and he unsuccessfully challenged DeCani's scoring.

MH: Is he still there?

WH: Yes, I think so.

MH: Could we put him on our list just for (Overspeaking) Is he TfL's commercial ...?

WH: He was, or is, a senior manager in TfL's commercial department.

MH: Okay.

WH: So in the email chain, DeCani wrote to the commercial department on 5 March 2013 with comments in his assessment sheet saying, quote:

"Based on this assessment, we would like to invite Heatherwick. Interview not required at this stage."

Plummer responded three days later saying he was, quote, "Not comfortable with the decision". He wrote, quote:

"How was the commercial criteria scores reached given the range of daily rates submitted? All three cannot have scored 15 per cent. I don't agree with the summary comments that I've 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'm not comfortable that we have proceeded at the moment given the issues highlighted above."

He also raised fears about the scope agreed on the project and questioned the bid by Heatherwick Studio to its own intellectual property rights over the design of the Garden Bridge. In his response to Plummer, DeCani wrote, quote:

"Let's be very clear here about where we are. In terms of the best people to do the job, it's Heatherwick. This is who we want to appoint because of their expertise and approach to the project."

DeCani did not answer Plummer's question on why scoring in a category was identical giving different day rates but confirmed that TfL was appointing quote, "on the basis of day rates rather than fixed sums". He concluded, quote:

"In terms of the next steps, I've already notified Heatherwick that it is our intention to appoint them, subject to agreeing a contract, and we need to quickly progress to the next stage and formalising letters etc. This work needs to close next week. Can we please aim to have the letters formalised today?"

Later, the same day, DeCani emailed again to say he'd been in touch with Heatherwick Studio because quote, "We need to move this on and get the contract sorted". He also started copying in various senior people like TfL's commercial head, David Young, and head of commercial law, Justine Curry, who didn't address or question either but appeared to back DeCani's general approach.

MH: Can you send me those?

WH: Yes. So the Plummer correspondence?

MH: Yeah, thank you. I'm sorry to ask you this but I'm completely muddled on was it day rate, hourly rate (Overspeaking)

CH: I'll look into that.

WH: It might be on that, for what it's worth, is even if it was primarily on day rates, why would you ignore, if you were in the job of deciding on a commercial criteria, why would you ignore the overall fixed sum?

MH: I don't know why they've put -- that's what I'm trying to understand. I'm trying to understand why they put them in, in the first place, so whether they've been asked --

WH: They've not been asked to.

MH: But why did they, all three? It's a bit weird that all three put them in.

WH: Good question. So yeah, we've dealt with that, the senior management challenger. In January 2013 TfL's own legal department cautioned that a, quote, "Level playing field was needed in a contest", given that Heatherwick had already raised his proposals for a Garden Bridge between Temple and South Bank. Despite this advice, no mention of a garden element was made in the brief sent to the three firms involved in a competition.

Sorry, I've lost where I am. Here we go. Internal correspondence between DeCani and other senior figures suggests a premeditated plan to circumvent proper process and outside scrutiny. For example, TfL internal discussions prior to the competition include the warning, quote:

"It would be very important not to make premature announcements around particular designs or proposals ahead of the procurement process being completed."

Sorry, its's quote.

MH: I haven't got any of this internal correspondence. I don't know why it's not come to me. I would've remembered some of this, I've now read the whole lot.

WH: Because they haven't sent it to you?

MH: Somebody hasn't sent it. I'm trying (Overspeaking)

WH: TfL have sent you a very select ...

CH: We've asked separately for things. There was one that I needed in this; I've asked about it and he mentioned the fact that they searched for Garden Bridge, so whether it wasn't included in the terms of the FOI but I'll --

MH: Are these all your FOIs?

WH: Most of them, yeah.

MH: Have we asked for all of the FOIs?

CH: Yes, relevant to Garden Bridge but --

MH: But have they asked for all the FOIs (Inaudible)?

CH: I didn't use that term. I said, "Could we have the FOIs you've done about the Garden Bridge?" So I can say, "Make sure we've got all of those".

MH: I just don't remember any of this, I'm sorry. So I do need to see those.

CH: So I will make a (Overspeaking)

MH: So, a delayed announcement. Sorry; I'll call that delayed clarity on (Inaudible) and that's an email from whom?

WH: It's in here. Here we go.

(19 seconds of background noise)

WH: Here we go.

MH: Is that your letter to me?

WH: It is, yeah. And then it's just all the articles printed out.

MH: Okay.

WH: Yeah. So this is -- I called this TfL's trail of damning documents. This was email correspondence between TfL staff that I got hold of. So in an email dated 9 January 2013, the day after TfL's legal department set out its advice on a procurement process, which as you remember, will be about open -- level playing field, open competition. TfL's then head of corporate affairs, Caroline Murdoch, wrote to DeCani and his managing director of planning, Michelle Dix, to discuss Thomas Heatherwick's forthcoming visit to TfL's Emirates Airline cable car. Now, I don't know why Thomas

and Joanna were asked to go to the TfL Emirates cable car but this was a month before the design competition was launched.

MH: I have seen this (Overspeaking) I have seen this.

WH: So Caroline Murdoch says, quote:

"Isabel Dedring is going to let them know that there will be a proposed way forward, that might be shared with them early next week."

This is talking about Lumley and Heatherwick:

"I will give you a verbal update on the rest of the discussion unless Peter Hendy would prefer to."

So they're very shy about what they put in these emails. You know, the thing about verbal updates is clearly suspicious, I think, because it's, "We don't want to put this in writing".

MH: So Caroline Murdoch, it's either to Isabel --

WH: Yeah, this is to DeCani, an email of 9 January 2013 and it's Caroline Murdoch writing to DeCani and his boss, Michelle Dix to discuss this forthcoming visit of Lumley and Heatherwick. In an email sent a week later, 16 January, TfL's then managing director of planning, Michelle Dix, suggests amends to the updated Garden Bridge next steps briefing note. So this is the briefing note I referred to earlier where there was the first clear example of the Mayor instructing TfL that he wanted this design. So this is them editing the document that hadn't yet been released.

MH: Yeah, I've seen this, I have seen this.

(Overspeaking)

WH: Yeah. So Dix wrote,

"Richard, given all the work that Thomas Heatherwick and Arup has done to date, is it going to be quicker for them to take a lead and we help them?"

DeCani's final draft of the briefing note includes the option of Heatherwick leading the promotion of the project which it says could potentially be delivered in less time, potentially between six and ten months quicker because there'd be, quote, "No requirement to comply with public procurement rules". However, it also identified problems with this approach including TfL having less control over the scheme.

In a separate section marked "Writs", and I think this is very significant, and I did mention this earlier, it states, quote:

"It would be very important not to make premature announcements around particular designs or proposals ahead of the procurement process being completed."

MH: Yes and that's all (Inaudible) for Michelle Dix?

WH: So the first two are these emails and then one referring to and that is a draft because I had several drafts.

MH: (Overspeaking) It's a document I've seen. There were lots of drafts and I haven't looked at all of them, so which one are you telling me to look at?

WH: So I have to find that one, okay.

MH: I looked at the first and the last, all right? I couldn't -- I didn't look at all of them.

WH: Yeah. Okay. Premature announcements, I've got all that.

MH: I have got those.

WH: Yeah. So I said, this is in my words, "I think this is a premeditated plan to circumvent proper process and outside scrutiny". And then I went to the second section which is since we began the investigation I think there have been other developments that point to a rigged competition and a subsequent cover-up. Emails released under FOI show that an internal audit and the process carried out by TfL was sanitised for the officer most at risk of criticism, Richard DeCani. There are numerous examples of him successively deleting critical passages and even the main conclusion that the procurement was neither quote, "open or objective", close quote. Despite what the recent EY report claims, you've seen that, haven't you; the Ernst & Young report?

CH: We have it; it's quite short (Overspeaking)

MH: It's in the TfL bit, okay.

WH: Yeah.

MH: In the TfL bits have got the (Inaudible) draft internal audit (Several inaudible words) the draft one.

CH: I don't think the draft's included. I have a copy of it but I've only got a hard copy, but I can get another one from TfL.

MH: Right. Can you get me a hard copy?

CH: It's because what they've provided is the original and they're all the various bits of correspondence between audit people.

MH: Can you do me a favour, just to save time? Is just show the changes; can you go from the original and show the changes? If you can highlight the changes for me.

WH: Yeah. I've got a document on that where I've highlighted the ones I think are the most important.

MH: Yes. We ought to do it; we'll do it.

WH: Okay.

MH: So can you do that, Claire? I've seen the internal, but I haven't seen the original. So you know that, it's so perfectly standard process, so you should just know that.

WH: What is perfectly standard process?

MH: When you get an audit, you do get a chance always to comment on an audit and change matters of fact. That is what happens. That's a perfectly --

WH: But matters -- these aren't matters of fact.

MH: Well, we'll see. Let me have a look at them but you should be (Overspeaking) go back and change an audit report is not of itself surprising.

WH: Yeah but surely, there is a balance, isn't there, between the power of the auditor and the power --

MH: Yeah, of course. That's why I want to see what's changed.

WH: Yeah, of course, yeah.

MH: But, you know, that's not, of itself (Overspeaking)

WH: No. I mean, it's quite right that the auditor would go to the person -- the subject of this and say, "Is this right?"

MH: Yeah. I mean, our National Audit Office, and our money (Several inaudible words) so that you would know if left(?) we've probably lost a bit but you would know that actually, the (Inaudible) had agreed anything which is quite a powerful thing to have as well when we were doing our work, okay?

WH: Yeah.

MH: So I'm just ...

WH: Yeah but when Mike Brown sent **you** that EY document, that had never been released. That was the first time anybody had seen it and EY, as you probably know, was a founding backer of the Garden Bridge Trust. One of their senior people sits on the board of the Garden Bridge Trust. But what I find particularly bizarre about the EY report is that it's very first major point of substance claims that the TfL board had never criticised the competition. Sorry, it says something like, "We agree with TfL that the competition was not transparent, open or fair". Now, the point is, the only published version of the TfL audit never says that. Caroline Pidgeon wrote to Peter Hendy to say this should be examined and Peter Hendy agreed for the internal audit on the grounds of was this open, fair and transparent. So that was they set out to answer but when it was actually published, the conclusions were all about value for money. They never answered the question about -- the EY now seems to be claiming that TfL was able to police itself when it wasn't able to police itself. Do you see what I mean?

MH: No.

WH: The first point that the EY report makes --

MH: Yes, I understand that.

WH: Yeah, is that, you know, "We agree with TfL, it's process wasn't open (Overspeaking)"

MH: But you're saying the internal audit report, as published, never admitted that.

Commented [GLA FoI1]: This was amended after the GLA spotted an error in the transcription

Deleted: me

WH: Yeah. So they kind of -- they're not being fair (Overspeaking)

MH: Well, that, in the end --

WH: -- of their representation of TfL's ability to police them.

MH: This is the internal audit.

WH: Yeah. It's making an ultimatum issue but I found it a bit shocking because I thought, "Well, just to be clear about what TfL was saying which was, 'Nothing to see here, Gov'" kind of thing.

TfL destroyed key documentation involved in the procurement including the information to support the commercial analysis, the designs bids and the technical evaluation. They sort of said, "Oh, we threw it out". That was nothing; mainly about the (Inaudible). Whether it's illegal or not, I don't know but it's very, very frowned upon by (Inaudible) procurement.

Under intense questioning from the London Assembly and after the internal audit was published, TfL's head of internal audit, Clive Walker, reluctantly admitted the procurement had been neither open or objective, as we talked about. The detailed report by the London Assembly said; you know all this.

A barrister specialising in procurement, who I approached to examine details of the contest, described it as quote, "legally defective throughout".

MH: Who was that?

WH: His name is Parishil Patel. He's a procurement specialist, barrister. I'll just find it.

MH: You showed him the papers, but you didn't --

WH: I sent him all the evidence I had at the time.

MH: Right. Was he paid by you to?

WH: No.

MH: No. He did it pro bono.

WH: Yeah. I don't have any money to pay a barrister.

MH: AJ may be very, very rich.

WH: Sorry; I'll just try and find the story.

(31 seconds of background noise)

WH: Here we go. Sorry about that. So, it's Parishil Patel of 39 Essex Chambers. He's a barrister and procurement specialist and, as I say, I sent him a load of articles and the actual source material. He said TfL had shown, quote:

"A widespread disregard for both its own rules and general rules of procurement which was not usual. There were real issues as to whether an OG note ought to have issued and whether there was a level playing field in respect of the valuation of the design submitted."

He also criticised the internal audit carried out by TfL. He said, quote:

"There are legitimate concerns as to a lot of documentation evidencing the steps and decisions undertaken in the process and the internal audit, the decisions and processes were properly and fairly conducted. The form, I would make it extremely difficult to justify the decision and processes being within legal boundaries. Recent case law in the procurement field has made it clear how important contemporaneous documentation is to establish the lawfulness of the process."

Yeah, he said there were concerns as to whether the procurement was a fundamental breach of the principles of equal treatment and transparency and that allowing successful bidders to change prices after tenders had been submitted. Asked whether the procurement of the Garden Bridge was unusual, the barrister added, quote:

"The picture which is painted is one of widespread disregard for the relevant rules of both procurement and TfL's standing orders. That is not usual. It is, however, depressingly usual for authorities to fail to record matters contemporaneously and to destroy relevant documents."

I've referred to this earlier but an in-depth report on the process by procurement performed with Project Compass, that's Walter Manteth's --

MH: Yeah, I see that.

WH: That analysed the scoring data in both TfL's design contest and (Overspeaking) yeah. That's why you need to talk to Walter (Overspeaking)

MH: Okay. That's Walter, what's his name?

WH: That's Walter Menteth.

MH: They're both down here.

WH: And, as you know, both DeCani and former deputy mayor, Isabel Dedring, who was involved in many of the pre-procurement meetings, have both been employed by Arup subsequently.

MH: Yeah.

WH: So that's really all the articles I was referring to in my letter.

MH: I haven't got this Walter's name down. What's his handle?

WH: Walter Menteth, M-E-N-T-E-T-H and he's a former head of the procurement reform group at the Royal Institute of British Architects.

MH: I wondered where they were. So are they part of RIBA then?

WH: Well, he's not -- Project Compass is not RIBA.

MH: What is it?

WH: It's an independent project reform lobby group. They're trying to make procurement fairer and more open to SMEs.

MH: Who's involved in that? Do you know?

WH: Walter and a few other architects who are interested in the subject. So there's a few sorts of keen architects who like to get involved in the nitty gritty of the process. People like that.

MH: Right, okay, but it doesn't sit beneath (Overspeaking)

WH: It's not part of the RIBA; it's completely independent.

MH: Okay.

WH: As I was saying, he has --

(Break in audio)

WH: -- procurement committees at the RIBA previously.

MH: Okay.

WH: So this bit is not -- was not in my letter but I thought you'd be interested in it. We've talked about the EY stuff. This is stuff I'm working on at the moment which -- that I believe there's a lot of information that has not come out under FOI because they are still resisting releasing stuff, so this -- despite all the scrutiny your inquiry, despite Sadiq's pledge to shine a light on this, they're still withholding --

MH: Who is they; TfL?

WH: TfL, yeah. So this is what I was referring to earlier. This is the original bid document by Heatherwick Studio. So this was in February 2013 when they were one of three approached by TfL to come up with ideas for a pedestrian bridge across the Thames.

MH: Right. Can I just ask, have we asked TfL to give us everything that they have going back to Ken Livingstone's day between them and Heatherwick and Joanna?

CH: Not specifically, no.

MH: Okay, well I want everything.

CH: Okay.

MH: And I want it before I see them. So I ought to have this. How did you get this?

WH: FOI.

MH: (Overspeaking)

CH: Well you've got a copy of -- you've got a copy of this specifically.

MH: Have I?

CH: Yes.

MH: (Several inaudible words) got that one?

CH: It's in the FOIs.

WH: It's in part of that document that what's-his-name sent you, Mike -- you know, Mike Brown?

CH: It's also in the FOIs.

MH: It's in the TfL and it's also in the FOI.

WH: It's difficult because he sent me it in one document which I think makes it quite hard to --

MH: I am getting muddled. I mean the problem is I'm doing a bit at a time so your -- even your very good (Several inaudible words).

WH: So as I say I've got -- looking back at this, I've got hold of this --

MH: But I just want to make sure I've got absolutely everything.

CH: Yeah.

MH: Anything they've got and all meetings, even go back to Ken's day because if you did this in 1998/99 ...

WH: Yeah. So as I say this, I think, is quite a dishonest or disingenuous document when you know what we now know because they're making out that they've just been asked to do something and they've done some rough sketches. You know, it's a deliberately very rough sketch to further the idea that they've just begun to design when actually they've been working on it for months and months and months and have all those sculptural columns and they have a worked-up design that looked almost exactly like the ones you now see on the Garden Bridge Trust website document and then their language as well:

"Our initial thought is to integrate the generously planted character of the garden into the experience of crossing a bridge."

That's not an initial thought; that's a design that they have worked-up to a very late stage:

"By conceiving the garden as the principal focus of the bridge's design an engineering structure can then be a simple, yet expressive means of support and hold this garden. It may even be possible for the structure to change width across the span."

Now I know -- I'll show you why they've already done that so it's not -- it may be possible they've already designed it like that:

"... change the span to give it a dynamic crossing experience that allows variations of scale, openness and intimacy."

So that's that.

MH: Can I just ask you a question on that? I'm conscious I've got people coming in at 4.00 pm so --

WH: I'm nearly there.

MH: Originally, they were going to have cycling --

(Telephone ringing)

WH: Yeah.

MH: -- so if you're saying this is more than an idea, in those original ... When did the cycle come in and go out? Have you been able to see that?

WH: That's a good question. I don't actually know exactly when ... You're right, it was initially going to have cycle lanes and then Lumley herself I think said, "No, we're not going to have that because it will interfere with the tranquillity".

MH: Well, I think, probably she was in -- you know, it was sort of someone designed something and it shows you it was unfeasible to have a cycle lane.

WH: So I'm pretty sure by the time this was done that they wouldn't have been envisaging a cycle lane. They certainly don't talk about that.

MH: Cycle lanes we're going to look at when we're ...

WH: Yeah.

MH: But that suggests to me -- I mean if that is the original thing they have sent to TfL in February -- they sent that TfL in February?

WH: Yes. That was their bid to win the design contest and it may --

MH: That went in with the March bid?

WH: Yes.

MH: Because it was February.

WH: Yeah. What does the timeline say? It was --

MH: March was when they (Overspeaking)

WH: Yeah, yeah, so they would have submitted it the following month.

MH: Before?

WH: Yeah.

MH: Before?

WH: How do you mean "before"?

CH: If that's dated February, the competition ends March. Margaret's wondering whether it went in (Overspeaking)

WH: Oh, I see what you mean. No, I would have -- I would have thought it was just dated February but they submitted it in March but I don't know. Yeah, but two months later, and this is something I've only just seen in the documents that Mike Brown sent to you, I've never seen this before, but in those documents you get the invitation to tender to the engineers. So that's two months after this, April 2013, and down the bottom of that document you get these. So they haven't completed their study. In fact, they'd only just been appointed but somebody's designed a garden bridge. Do you see what I mean? It's not possible to design something in that space of time. I mean it doesn't say whose design it is but this is what the engineers are being shown and that's clearly the Thomas Heatherwick design.

MH: So this is when they went out to tender for the second contract.

WH: Yes, two months later.

MH: Which was in -- when was that dated? March, April, May, was that?

WH: April.

MH: April.

WH: April.

MH: April 2013, detailed designs.

WH: Yeah.

MH: And you're saying it's impossible to do this and they weren't actually given a -- they weren't actually given a contract --

WH: They weren't even given the contract until April, I think.

MH: Yeah. No.

WH: So how did this get worked up to that extent? This is clearly Heatherwick because these are very, very similar to the ... I mean that's in it; you can see that on the Garden Bridge Trust website now. It was ready-cooked; the whole thing was done before they'd even got the contract. So it's just a sham, you know?

So based on that, I asked TfL in October that I would like to see --

MH: What, this October?

WH: Yes, 5 October, I wanted to see what Heatherwick had actually done. So they're getting paid £60,000 by TfL appointed in either March or April 2013. What did they do for that £60,000? Where's all the work? So I said:

"Under the FOI Act, please send me the study on a pedestrian bridge between Temple and South Bank which was produced by Heatherwick Studio and commissioned by TfL in March 2013 subject to a contract of [actually] May 2013."

So these images of the Heatherwick Garden Bridge come out a month before they're contracted to design anything. So I asked for the work and they've replied:

"I can confirm we do not have the information you require. Heatherwick Studio carried out a range of activities under that contract including providing design advice, considering different designer projects 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."

So they're saying, "No, you can't have anything" and I've replied on 2 November:

"Thank you for your reply of 25 October to my earlier letter. I'd like to appeal. I'm surprised and disappointed that you've concluded 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 MH's current inquiry, could you please reconsider as a matter of urgency."

In my FOI request I did not actually ask for a specific study document as you term it but merely the study on the pedestrian bridge produced by Heatherwick Studio. The dictionary defines a study as a detailed investigation and analysis of a subject or situation, and everything you list in your answer which was produced by Heatherwick Studio, ie design advice considering different design options for this new bridge and the support in 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 is being withheld. I do hope this is an oversight and not a disingenuous attempt to suppress something which I know has not been published on the dedicated TfL page relating to the Garden Bridge."

So I'm still awaiting the appeal on that.

MH: (Several inaudible words) talked about before and I need the invoices for the £60k, the basis on which they paid out the £60k.

CH: Okay.

WH: And this is just a little bit more on all the examples of the --

MH: Sorry, don't use this stuff, will you? We're not going to use this now.

WH: What, this?

MH: Yeah.

WH: No.

MH: Okay.

WH: It's just for my record. I'm not going to publish it.

MH: Let me get on with the work.

WH: And this is just my list of the deletions and redactions that occur between the initial audit and the finished audit, and one of them I think was very important where they say -- they delete this whole passage which says:

"The nature of the findings from this audit we believe increases the risk of a legal challenge being raised by the unsuccessful bidders in both contracts. If the informal contract between TfL and individual bidders it [oh, it doesn't make sense] if the

informal contract between TfL and individual bidders that had an adverse impact on the transparency of each procurement process undertaken, the challenge could be raised with regard to the nature of the contract between TfL and the successful bidders. If successful it may result in TfL's suffering significant reputational damage at a financial cost."

I mean that's pretty strong stuff but that just gives you an example of what they were deleting. But that's about it, I think. That's as far as I've got.

MH: It would be very helpful if you left that all with me and I'll check it over at the weekend and then we'll get ... Yes, that's really helpful. Is there any other aspect of it? Do you know the relationship with -- have you ... Are they here? They're here. Okay.

██████ Shall I bring them up?

MH: Where's --

██████
MH: ██████████

Commented [GLA FoI2]: Redacted EIR 12(3) - Personal data has been removed as involves a third-party completely unconnected with the Garden Bridge or the review.

██████ She'll be here soon.

FEMALE SPEAKER: Let me just turn --

MH: Just bring them up, bring them up. Bring them up and when you bring them up, we'll stop. Thank you. Thank you, Matt. She's an associate of Heatherwick?

WH: She's named as an associate on the bid document that we were just looking at, the one that they submitted for the invitation to tender. After that there's no acknowledgement that she is an associate and they strongly denied that she was paid by Heatherwick but why you would list somebody like that as an associate I think is very odd. They never really explained that.

MH: Okay. And you haven't looked beyond that addendum; you've just been focusing on this (Several inaudible words)?

WH: We've written all sorts of stories about the Garden Bridge, value for money as well as procurement, things like the safety of the construction given the timetable of the Thames tideway tunnel; all sorts of things but procurement's definitely been what we've majored on.

MH: And I assume the Thames tideway's delayed too, is it? Do we know that?

CH: Whether the project itself is delayed?

MH: Yeah.

CH: I don't believe it has been and I think that's one of the things that --

MH: So is it sort of starting 2018?

WH: Yeah, there's going to be a clash.

CH: (Overspeaking)

MH: There is going to be a clash?

WH: Yeah, which they've always warned it would be a safety issue but they're now saying it can be worked around because there's safety measures.

CH: Because that's the interesting bit about how that was used to initially -- as some of the reasons why things had to happen so quickly --

WH: That's exactly right.

CH: -- to try and avoid it clashing with TTT --

WH: That's exactly right.

CH: -- and then now it's happening.

WH: Now it's not a problem.

CH: It's a bit strange.

WH: Yeah.

CH: So that's something to explore with the Trust definitely in terms of their construction timelines and also just the cost because if both of those things are happening at the same time, as you say, working around that sounds like it has implications.

WH: I have actually spoken to a QC in recent days who hasn't gone on the record but has had a look at a lot of this stuff. This is a criminal QC, not a procurement barrister like the other guy, and he said there's no direct evidence of vested interests but that he thinks there's a lot of reason to look into whether they have a vested interest.

MH: Okay and I'm just looking at some of the questions. You originally looked at this because of --

WH: Because I just had a hunch really. I think something smelled bad about, you know -- I knew that there was a Garden Bridge and I knew that Heatherwick and Lumley had been very cosy with the Mayor and, you know --

MH: Did you get any work on the (Inaudible)?

WH: Not really, no.

MH: You didn't so you weren't -- that's okay.

WH: But it was just finding out about the fact there had been a TfL competition made me immediately think, "Well, was that competition fair? Was it a real competition?" I already had my doubts straight away because I realised that the two firms -- once I saw the details of the competition, I realised that Heatherwick was appointed in the design contest and Arup were appointed in the engineering contest and, hold on a minute, both of those firms were on the Lumley team months and months before.

MH: And probably the very last, have you come across anything else like this either with TfL or GLA?

WH: No, not exactly like this. I think --

MH: Have you kept an eye on stuff they've done? I mean when you did the -- you know, the, what do you call it?

WH: The cable car or ...?

MH: The cable car stuff.

WH: And the (Several inaudible words). I think there's lots of evidence of Boris liking the sort of back door meetings in order to (Overspeaking)

(Background discussion)

MH: [REDACTED] I'm just finishing off. Just finishing off. I'll be one sec. Go and have a look at the view; go and have a look at the view.

Commented [GLA FoI3]: Redacted EIR 12(3) - Personal data has been removed as involves a third-party completely unconnected with the Garden Bridge or the review.

WH: Yes, so I think -- I mean whether you call them vanity projects or whatever, I think there are other projects like the bus, like the cable car, like the (Several inaudible words) all of it which had similar aspects to them in terms of the Mayor getting personally involved with the designers.

MH: (Several inaudible words)

WH: Yes. So in this I mean I think the Mayor should be able to push things that they believe in and get things done of course, but I just think there's also a way of doing that --

MH: Due process.

WH: -- and having a due process that is fair.

MH: Yeah. Well, you have been fantastic.

WH: Thanks.

MH: You will leave all that with me, are you?

WH: Yeah.

MH: Do you mind?

WH: No.

MH: And then if I need to come back to you, I will.

WH: Okay.

MH: And you're very early on in the people I've seen so --

WH: Okay. You are very welcome to. I'll help any way I can.

MH: Okay.

WH: And, as I say, there are (Overspeaking)

MH: And you will send me that stuff that you -- to save me having to go through as much as ...

WH: Yeah. Yeah, and if there are any more that you think of --

MH: Yeah, we'll come back to you. And you'll get the extra stuff for me?

CH: Yes, absolutely.

MH: Oh, more paper.

CH: Indeed.

MH: Thank you so much.