From:Tim SomervilleSent:03 April 2017 12:20To:Tom MiddletonSubject:Current MDAttachments:Draft MD - Publishing MH's GB Report.docx

Just remembered I did make a few minor updates, so this is the current version.

Tim Somerville | Senior Governance Manager | Greater London Authority |

GREATER LONDON AUTHORITY

REQUEST FOR MAYORAL DECISION – MDXXX

Title: Publication of Dame Margaret Hodge MP's Review of the Garden Bridge Project

Executive Summary:

In October, under cover of MD2041, the Mayor formally approved the appointment of Dame Margaret Hodge MP to lead an independent review of the Garden Bridge project. This was in the context of the Mayor's commitment to ensuring Londoners have full information about how public money is being spent.

It was further decided, again under MD2041, that Dame Margaret's final report would be published.

Dame Margaret has now completed the review. She issued her final report to the Mayor on 4 April 2017. The Mayor has reviewed the report and this Decision Form is seeking his approval for the publication and dissemination of that final report by the Greater London Authority, including on the GLA's website.

Decision:

The Mayor approves, having reviewed its content:

• the publication of Dame Margaret Hodge MP's independent report into the Garden Bridge project, as issued to him on 4 April 2017, by the Greater London Authority

Mayor of London

I confirm that I do not have any disclosable pecuniary interests in the proposed decision, and take the decision in compliance with the Code of Conduct for elected Members of the Authority. The above request has my approval.

Signature:

Date:

PART I - NON-CONFIDENTIAL FACTS AND ADVICE TO THE MAYOR

Decision required – supporting report

1. Introduction and background

- 1.1. On 19 October 2016, and under cover of MD2041, the Mayor approved the appointment of Dame Margaret Hodge MP to lead an independent review of the Garden Bridge project. The review was for the purpose of considering whether taxpayers were receiving value for money; to look in detail at procurement process for work associated with the project; and to look also at whether required standards had been met for transparency and openness, going back to the beginning of the project.
- 1.2. MD2041 stated that Dame Margaret would produce a final report for the Mayor on completion of the review – and that the Mayor was committed to publishing it in full. Dame Margaret has now finished her review and issued her final report to the Mayor on 4 April 2017. The Mayor has reviewed the report's content and now intends for the GLA to publish it in full - by making the report available on london.gov.uk, the GLA's website.
- 1.3. The original terms of reference for the review are included within the final report, appended to this Decision Form. Dame Margaret also explains how she conducted her review and lists, in an appendix to the report, the people and organisation with whom she talked and those who wrote to her to share their views
- MD2041 set out also background to the Garden Bridge project itself, which is not repeated here. 1.4.

2. **Objectives and expected outcomes**

- 2.1. MD2041 explained the review would:
 - consider whether taxpayers were receiving value for money
 - look in detail at the procurement process around the project, and whether required standards had been met for transparency and openness, going back to the beginning of the project
 - set out any lessons that should be learnt in order to improve the conduct of potential and • approved projects in the future
 - result in a report, produced for the Mayor, following the completion of the review with the Mayor committed to publishing the report in full
- 2.2. The terms of reference set for the review are repeated at the start of Dame Margaret's report.
- 2.3. This specific decision relates to that last bullet point. Publishing the report will meet the Mayor's commitment. It will support the Mayor's wider commitment that Londoners have full information about how public money is being spent.

3. **Equality comments**

3.1. There are no direct equality implications arising from this decision. Publishing the report will be of benefit to all Londoners.

Other considerations 4.

a) Risk

Dame Margaret makes recommendations intended to improve processes and practices connected to, 4.1. and enhance transparency of, public procurement and project governance and management. MD Template October 2016 2

Publishing the report will therefore support ongoing learning and reduce risks arising from and associated with publicly funded projects.

4.2. Risks flowing from the publication of the report are covered in the legal comments below.

b) Links to Mayoral strategies and priorities

4.3. The Mayor has pledged to be open and transparent. Publishing this report directly and indirectly supports that pledge.

c) Impact assessments and consultations

- 4.4. Dame Margaret held meetings with relevant stakeholders and others who asked to see her to inform her report. She reviewed the submissions of those who wrote to.
- 4.5. It is considered necessary for the Mayor to consult on this specific decision.

5. Financial comments

6. Legal comments

7. Planned delivery approach and next steps

Activity	Timeline
Publish the report	7 April 2017

Appendices and supporting papers:

Dame Margaret Hodge MP's Review of The Garden Bridge

Commented [TS1]: If the legal view is there are risks...

Public access to information Information in this form (Part 1) is subj made available on the GLA website with	ect to the Freedom of Information Act 2000 (FOI Act) and will be nin one working day of approval.	
a procurement process), it can be defer	ising the implementation of the decision (for example, to complete red until a specific date. Deferral periods should be kept to the : This form (Part 1) will either be published within one working day	
Part 1 Deferral: Is the publication of Part 1 of this a If YES, for what reason:		
To coincide with the publication of the	report on the GLA's website.	
	d at the same time as or shortly after Dame Margaret's report).	_
	or advice considered to be exempt from disclosure under the FOI rm, together with the legal rationale for non-publication.	
Is there a part 2 form – YES/NO		Commented [T52]: To be confirmed.
ORIGINATING OFFICER DECLARAT	ION: Drafting officer to confirm the following (✓)	
Drafting officer: <u>Click and insert name</u> has drafted this r confirms the following:	eport in accordance with GLA procedures and	
Sponsoring Director: <u>Click and insert name</u> has reviewed the consistent with the Mayor's plans and p		
Mayoral Adviser: <u>Click and insert name</u> has been consult recommendations. Advice:	ed about the proposal and agrees the	
The Finance and Legal teams have com	mented on this proposal.	
Corporate Investment Board This decision was agreed by the Corpor	ate Investment Board on the (insert date)	
EXECUTIVE DIRECTOR, RESOURCE I confirm that financial and legal implic report.	S: ations have been appropriately considered in the preparation of this	
Signature	Date	
CHIEF OF STAFF:	request to be submitted to the Mayor	
I am satisfied that this is an appropriate		

From:Ed WilliamsSent:03 April 2017 06:50To:Tom Middleton; Tim SomervilleSubject:Fw: CIB

From: David Bellamy @london.gov.uk> Sent: Sunday, 2 April 2017 20:04 To: Jeff Jacobs; Ed Williams Subject: CIB

If I manage to read the papers before 11am tomorrow, I'll send my feedback through (may be very last minute!).

In the meantime, Jeff could you flag under chair's update that there may be a MD this week to publish Margaret Hodge's review. If so, it will be a very minimal decision, just noting that Sadiq has received it and wishes for it to be published. Tim Somerville is leading on this. Normally we wouldn't do this, but it is on legal advice.

Thanks, David.

David Bellamy Chief of Staff Mayor's Office Greater London Authority City Hall, London, SE1 2AA

From:	Tom Middleton
Sent:	04 April 2017 09:54
To:	David Bellamy
Cc:	Jeff Jacobs; The Somerville; The Somerville;
Subject:	MD2108 - Garden Bridge review publication
Importance:	High



David

Please find attached the MD relating to the Garden Bridge review publication.

You'll see that it addresses both outstanding issues: risks arising from publication and Margaret's fee.

On the former, you'll be aware of the issues arising.

On the latter, I've spoken to Jeff and Fiona and we're mindful that the initiating MD stated that "Dame Margaret will be providing her services free of charge". We're also mindful that Margaret will have to declare the fee in the Commons and that it will appear on the GLA's published list of payments in line with our transparency obligations.

Two questions:

- 1. Are you content for the MD to proceed in its current form?
- 2. Should we send it 'round to CIB members as a courtesy for information? (without the report) Jeff and I mentioned its existence briefly at CIB yesterday and there were no immediate comments.

Thanks, Tom

GREATER LONDON AUTHORITY

REQUEST FOR MAYORAL DECISION – MD2108

Title: Publication of Dame Margaret Hodge MP's Review of the Garden Bridge Project

Executive Summary:

In October 2016, under cover of MD2041, the Mayor formally approved the appointment of Dame Margaret Hodge MP to lead an independent review of the Garden Bridge project. This was in the context of the Mayor's commitment to ensuring Londoners have full information about how public money is being spent.

It was further decided, again under MD2041, that Dame Margaret's final report would be published.

Dame Margaret has now completed the review. She issued her final report to the Mayor on 4 April 2017. The Mayor has reviewed the report and this Decision Form is seeking his approval for the publication and dissemination of that final report by the Greater London Authority, including on the GLA's website.

To reflect the significant amount of work involved in the review, it is proposed that a payment of \pounds 10k be made to Dame Margaret. This is in keeping with the level of payment made to the authors of other reviews commissioned by the Mayor.

Decision:

The Mayor approves:

- The GLA's publication of Dame Margaret Hodge MP's independent report into the Garden Bridge project, as issued to him on 4 April 2017 and having first reviewed its contents; and
- A payment of £10k to Dame Margaret Hodge MP to reflect the significant input she has made to the review.

Mayor of London

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

The above request has my approval.

Signature:

Date:

PART I - NON-CONFIDENTIAL FACTS AND ADVICE TO THE MAYOR

Decision required – supporting report

1. Introduction and background

1.1. On 19 October 2016, and under cover of MD2041, the Mayor approved the appointment of Dame Margaret Hodge MP to lead an independent review of the Garden Bridge project. The review was for the purpose of considering whether taxpayers were receiving value for money; to look in detail at procurement process for work associated with the project; and to look also at whether required standards had been met for transparency and openness, going back to the beginning of the project.

Publishing the report

- 1.2. MD2041 stated that Dame Margaret would produce a final report for the Mayor on completion of the review and that the Mayor was committed to publishing it in full. Dame Margaret has now finished her review and issued her final report to the Mayor on 4 April 2017. The Mayor has reviewed the report's content and now intends for the GLA to publish it in full by making the report available on london.gov.uk, the GLA's website.
- 1.3. The original terms of reference for the review are included within the final report, appended to this Decision Form. Dame Margaret also explains how she conducted her review and lists, in an appendix to the report, the people and organisation with whom she talked and those who wrote to her to share their views.
- 1.4. MD2041 set out also background to the Garden Bridge project itself, which is not repeated here.

Payment to Dame Margaret Hodge MP

1.5. To reflect the significant amount of work involved in the review, it is proposed that a payment of \pounds 10k be made to Dame Margaret. This is in keeping with the level of payment made to the authors, where external to the GLA, of other reviews commissioned by the Mayor.

2. Objectives and expected outcomes

- 2.1. MD2041 explained the review would:
 - consider whether taxpayers were receiving value for money
 - look in detail at the procurement process around the project, and whether required standards had been met for transparency and openness, going back to the beginning of the project
 - set out any lessons that should be learnt in order to improve the conduct of potential and approved projects in the future
 - result in a report, produced for the Mayor, following the completion of the review with the Mayor committed to publishing the report in full
- 2.2. The terms of reference set for the review are repeated at the start of Dame Margaret's report.
- 2.3. This specific decision relates to that last bullet point. Publishing the report will meet the Mayor's commitment. It will support the Mayor's wider commitment that Londoners have full information about how public money is being spent.

3. Equality comments

3.1. There are no direct equality implications arising from this decision. Publishing the report will be of benefit to all Londoners.

4. Other considerations

a) Risk

- 4.1. Dame Margaret makes recommendations intended to improve processes and practices connected to, and enhance transparency of, public procurement and project governance and management. Publishing the report will therefore support ongoing learning and reduce risks arising from and associated with publicly funded projects.
- 4.2. Risks flowing from the publication of the report are covered in the legal comments below.

b) Links to Mayoral strategies and priorities

4.3. The Mayor has pledged to be open and transparent. Publishing this report directly and indirectly supports that pledge.

c) Impact assessments and consultations

- 4.4. Dame Margaret held meetings with relevant stakeholders and others who asked to see her to inform her report. She reviewed the submissions of those who wrote to.
- 4.5. It is considered necessary for the Mayor to consult on this specific decision.

5. Financial comments

- 5.1 MD2041 approved expenditure of up to £25k to procure and appoint specialist consultancy support for the review. This amount is expected to be spent in full.
- 5.2 This Decision Form requests expenditure of a further \pounds 10k, taking total expenditure to \pounds 35k.
- 5.3 All costs arising from the review will be met from the Development, Enterprise and Environment Directorate Central Programme Budget.

6. Legal comments

- 6.1 In view of a possible conflict in this matter for TfL Legal Services, who normally advise the GLA, the Head of Legal Services at LFEPA was asked to commission external lawyers to support the review and advise Dame Margaret and the GLA generally.
- 6.2 Mishcon de Reya were appointed to undertake this work and reviewed and commented on Dame Margaret's report in some detail. Their advice is that the GLA has a defence to any challenge or proceedings that might be initiated by an interested or named. The Head of Legal Services is satisfied that the GLA has taken reasonable and appropriate steps to manage the risks arising from the review.

7. Planned delivery approach and next steps

Activity	Timeline
Publish the report	7 April 2017

Appendices and supporting papers:

Dame Margaret Hodge MP's Review of The Garden Bridge

Public access to information

Information in this form (Part 1) is subject to the Freedom of Information Act 2000 (FOI Act) and will be made available on the GLA website within one working day of approval.

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

Part 1 Deferral:

Is the publication of Part 1 of this approval to be deferred? YES

If YES, for what reason:

To coincide with the publication of the report on the GLA's website.

Until what date: 7 April (to be published at the same time as or shortly after Dame Margaret's report).

Part 2 Confidentiality: Only the facts or advice considered to be exempt from disclosure under the FOI Act should be in the separate Part 2 form, together with the legal rationale for non-publication.

Is there a part 2 form - NO

ORIGINATING OFFICER DECLARATION:	Drafting officer to confirm the following (✓)
Drafting officer:	
<u>Tim Somerville</u> has drafted this report in accordance with GLA procedures and confirms the following:	\checkmark
Sponsoring Director: <u>Jeff Jacobs</u> has reviewed the request and is satisfied it is correct and consistent with	1
the Mayor's plans and priorities.	
Mayoral Adviser: <u>David Bellamy</u> has been consulted about the proposal and agrees the recommendations.	✓
Advice: The Finance and Legal teams have commented on this proposal.	✓
Corporate Investment Board This decision was flagged to the Corporate Investment Board on 3 April 2017	

EXECUTIVE DIRECTOR, RESOURCES:

I confirm that financial and legal implications have been appropriately considered in the preparation of this report.

Signature

Date

CHIEF OF STAFF:

I am satisfied that this is an appropriate request to be submitted to the Mayor

Signature

Date

From:
Sent:
To:
Cc:
Subject:

02 May 2017 15:08 Tim Somerville; Martin Clarke ; Tom Middleton RE: GB Spend

HI Tim,

I can confirm the payments to Mischcon de Reya (via LFEPA) & Dame Margaret Hodge are correct.

Payment for transcription services are £2,589.75.

Regards

Business Accountant Greater London Authority City Hall The Queen's Walk More London London SE1 2AA



From: Tim Somerv	ille	
Sent: 02 May 2017	11:37	
To: Martin Clarke		
Cc:	;	Tom Middleton
Subject: GB Spend	1	

Tom mentioned you were after GB spend. Here are the figures I'm aware of. I've asked Karen to check and confirm.

Mischcon de Reya - \pounds 19,999 + VAT Transcription services - \pounds 5,000 was the budget (**1999** thinks we may have spent less) Payment to Hodge - \pounds 9,500

Tim

Tim Somerville | Senior Governance Manager | Greater London Authority |

From:@london-fire.gov.ukSent:03 April 2017 20:21To:Tom MiddletonCc:Tim SomervilleSubject:RE: Latest version of MD2108Attachments:Draft MD - Publishing MH's GB Report (2).docx

Tom

Thanks. Mishcons have not been very helpful in providing a reassuring legal comment which I think is what is required.

Accordingly I have drafted the attached. Is this helpful? I have sent it to Mishcons and asked them to bless

Miles Smith Head of Legal and Democratic Services

E: <u>Plondon-fire.gov.uk</u>

From: Tom Middleton [mailto Sent: 03 April 2017 16:26 To: SMITH, MILES Cc: Tim Somerville Subject: Latest version of MD2108 Importance: High

Miles, as discussed – please see the attached

#LondonIsOpen

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GREATER LONDON AUTHORITY

REQUEST FOR MAYORAL DECISION – MD2108

Title: Publication of Dame Margaret Hodge MP's Review of the Garden Bridge Project

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Decision:

The Mayor approves:

- The GLA's publication of Dame Margaret Hodge MP's independent report into the Garden Bridge project, as issued to him on 4 April 2017 and having first reviewed its contents; and
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Mayor of London

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- **6.1** In view of a possible conflict in this matter for TfL Legal Services who normally advise the GLA, the Head of Legal Services at LFEPA was asked to commission external lawyers to support the review and advise Dame Margaret and the GLA generally.
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Activity	Timeline
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If YES, for what reason:

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Is there a part 2 form - NO

ORIGINATING OFFICER DECLARATION:	Drafting officer to confirm the following (✓)
Drafting officer:	
<u>Tim Somerville</u> has drafted this report in accordance with GLA procedures and confirms the following:	\checkmark
Sponsoring Director: <u>Jeff Jacobs</u> has reviewed the request and is satisfied it is correct and consistent with	1
the Mayor's plans and priorities.	
Mayoral Adviser: <u>David Bellamy</u> has been consulted about the proposal and agrees the recommendations.	✓
Advice: The Finance and Legal teams have commented on this proposal.	✓
Corporate Investment Board This decision was flagged to the Corporate Investment Board on 3 April 2017	

EXECUTIVE DIRECTOR, RESOURCES:

I confirm that financial and legal implications have been appropriately considered in the preparation of this report.

Signature

Date

CHIEF OF STAFF:

I am satisfied that this is an appropriate request to be submitted to the Mayor

Signature

Date

From:	Tom Middleton
Sent:	05 April 2017 09:46
To:	Jeff Jacobs; Fiona Fletcher-Smith: David Bellamy
Cc:	; Tim Somerville;
Subject:	RE: MD2108 - Garden Bridge review publication

Let's leave the fee in the current MD and publish that MD on Monday so as not to clash with the announcement on Friday – this approach would be in keeping with our standard practices.

We've incorporated all your other points, David - thanks.

From: Jeff Jacobs Sent: 05 April 2017 08:21 To: Fiona Fletcher-Smith; David Bellamy; Tom Middleton Cc: Tim Somerville; Subject: Re: MD2108 - Garden Bridge review publication

I am ok with a separate MD - as long as there is one definitely . We have to update the earlier MD. Personally, I would leave it in the current MD and get the whole thing out of the way in one go. But David's call on that

J

Sent from my BlackBerry 10 smartphone on the O2 network.

From: Fiona Fletcher-Smith Sent: Wednesday, 5 April 2017 07:58 To: David Bellamy; Tom Middleton Cc: Jeff Jacobs; Tim Somerville; Subject: Re: MD2108 - Garden Bridge review publication

We could do a separate MD on the payment.

We are suggesting the need for MD rather than DAR given the contentious nature of the project and because we were explicit about not making a payment to Margaret in the original MD. might be seen as unusual to use any other decision making process given this.

Fiona Fletcher-Smith Executive Director

From: "David Bellamy"	@london.gov.uk>	
Date: Tuesday, 4 April 2017	7 at 8:02:51 pm	
To: "Tom Middleton"	@london.gov.uk>	
Cc: "Jeff Jacobs"	@london.gov.uk>, "	london.gov.uk>, "Fiona
Fletcher-Smith"	@london.gov.uk>, "Tim S	omerville"
< @london.g	ov.uk>, "Claire Hamilton" <	@london.gov.uk>
Subject: Re: MD2108 - Gar	den Bridge review publication	

Many thanks Tom. A few comments:

- 1.2: the report is now due to be received by the Mayor on 5 April

- 4.5: this should say there is NO need for consultation?

- 5.2: the lawyers fee is 20k+VAT, transcript services are a few k, then there's Margaret's fee. Is 35k enough?

- 6.2: add "party" after "interested or named".

On the fee, I had agreed £9,500 with Margaret. As you note this will be publically disclosed both at our end and also at Parliament. I don't think it is ideal for this to be announced on the day the review is published; is there an alternative approach that can be taken?

Fine for the MD to be circulated to CIB once the above is dealt with.

Thanks, David.

Sent from my BlackBerry 10 smartphone on the O2 network.

From: Tom Middleton
Sent: Tuesday, 4 April 2017 03:53
To: David Bellamy
Cc: Jeff Jacobs; Fiona Fletcher-Smith; Tim Somerville;
Subject: MD2108 - Garden Bridge review publication

David

Please find attached the MD relating to the Garden Bridge review publication.

You'll see that it addresses both outstanding issues: risks arising from publication and Margaret's fee.

On the former, you'll be aware of the issues arising.

On the latter, I've spoken to Jeff and Fiona and we're mindful that the initiating MD stated that "Dame Margaret will be providing her services free of charge". We're also mindful that Margaret will have to declare the fee in the Commons and that it will appear on the GLA's published list of payments in line with our transparency obligations.

Two questions:

- 1. Are you content for the MD to proceed in its current form?
- 2. Should we send it 'round to CIB members as a courtesy for information? (without the report)

Jeff and I mentioned its existence briefly at CIB yesterday and there were no immediate comments.

Thanks, Tom

From:	
Sent:	03 April 2017 12:23
To:	Tom Middleton
Cc:	Tim Somerville
Subject:	RE: MD2108 number please

Take MD2108

From: Tom Middleton Sent: 03 April 2017 12:21 To: C: Tim Somerville Subject: MD number please

Publication of Dame Margaret Hodge MP's Review of the Garden Bridge Project

From:Tom MiddletonSent:05 April 2017 19:49To:Image: Cc:Subject:Tim SomervilleSubject:Re: MD2108 - Garden Bridge review publication

the plan is to publish this MD on Monday but please check with Tim before you do anything

Sent from Email+ secured by MobileIron

From: "Tom Middleton" <u>n@london.gov.uk</u>> Date: Wednesday, 5 April 2017 at 16:02:52 To: "<u>@london.gov.uk</u>> Subject: FW: MD2108 - Garden Bridge review publication

From: David Bellamy
Sent: 04 April 2017 20:03
To: Tom Middleton
Cc: Jeff Jacobs; (Fiona Fletcher-Smith; Tim Somerville; Subject: Re: MD2108 - Garden Bridge review publication

Many thanks Tom. A few comments:

- 1.2: the report is now due to be received by the Mayor on 5 April

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Fine for the MD to be circulated to CIB once the above is dealt with.

Thanks, David.

Sent from my BlackBerry 10 smartphone on the O2 network.

From: Tom Middleton
Sent: Tuesday, 4 April 2017 03:53
To: David Bellamy
Cc: Jeff Jacobs; Fiona Fletcher-Smith; Tim Somerville; Subject: MD2108 - Garden Bridge review publication

Please find attached the MD relating to the Garden Bridge review publication.

You'll see that it addresses both outstanding issues: risks arising from publication and Margaret's fee.

On the former, you'll be aware of the issues arising.

On the latter, I've spoken to Jeff and Fiona and we're mindful that the initiating MD stated that "Dame Margaret will be providing her services free of charge". We're also mindful that Margaret will have to declare the fee in the Commons and that it will appear on the GLA's published list of payments in line with our transparency obligations.

Two questions:

- 1. Are you content for the MD to proceed in its current form?
- 2. Should we send it 'round to CIB members as a courtesy for information? (without the report) Jeff and I mentioned its existence briefly at CIB yesterday and there were no immediate comments.

Thanks, Tom

From:Ali PictonSent:06 April 2017 12:02To:EndCc:EndSubject:RE: MD Garden Bridge

The date on it is wrong

It was issued to Sadiq on the 5th

Can you revise and resend

Thanks Ali

Ali Picton |Head of Mayor's Private Office - Mayor of London City Hall |The Queen's Walk |London |SE1 2AA |Tel: GREATER LONDON AUTHORITY

-----Original Message-----From: Sent: 05 April 2017 17:34 To: Ali Picton Cc: Subject: MD Garden Bridge

Hi - I have just now left the MD and appendix on your desk.

David approved it by email last night and Martin has signed it.