MINUTES - draft

Meeting: GLA Oversight Committee
Date: Wednesday 11 October 2017
Time: 2.00 pm
Place: Committee Room 5, City Hall, The Queen's Walk, London, SE1 2AA

Copies of the minutes may be found at http://www.london.gov.uk/mayor-assembly/london-assembly/oversight

Present:
Len Duvall AM (Chair)
Sian Berry AM
Andrew Boff AM
Tom Copley AM
Steve O'Connell AM
Joanne McCartney AM
Keith Prince AM
Navin Shah AM
Peter Whittle AM
Caroline Pidgeon MBE AM (in attendance for Item 5)

1 Apologies for Absence and Chair's Announcements (Item 1)

1.1 Apologies for absence were received on behalf of Dr Onkar Sahota AM, for whom Joanne McCartney AM was attending as a substitute, and Gareth Bacon AM, Deputy Chairman, for whom Andrew Boff AM was attending as a substitute.

1.2 In accordance with Standing Order 8.2, Caroline Pidgeon MBE AM attended the meeting and participated in the question and answer session at Item 5, with the permission of the Chair.
2 Declarations of Interests (Item 2)

2.1 Resolved:

(a) That the list of offices held by Assembly Members, as set out in the table at Agenda Item 2, be noted as disclosable pecuniary interests; and

(b) That Tom Copley AM’s declaration of gifts and hospitality in the form of recent attendance at the recent BFI Gala be additionally noted.

3 Minutes (Item 3)

3.1 Resolved:

That the minutes of the meeting of the GLA Oversight Committee held on 14 September 2017 be signed by the Chair as a correct record.

4 Summary List of Actions (Item 4)

4.1 The Committee received the report of the Executive Director of Secretariat.

4.2 Resolved:

That the completed and outstanding actions arising from previous meetings of the GLA Oversight Committee be noted.

5 Independent Review of the Garden Bridge and Lessons Learnt (Item 5)

5.1 The Committee received the report of the Executive Director of Secretariat and put questions to The Rt Hon Dame Margaret Hodge MP, Mike Brown MVO, Transport Commissioner and David Bellamy, the Mayor’s Chief of Staff on the independent review of the Garden Bridge and lessons learnt.

5.2 A transcript of the discussion is attached as Appendix 1.

5.3 During the course of the question and answer session, the Committee requested that:

- The Commissioner and Chief of Staff confirm that the GLA and Transport for London (TfL) commercial sponsorship departments had not had any involvement in fundraising for the Garden Bridge;

- The Commissioner revisit whether TfL was able to provide minutes of meetings of the Garden Bridge Trust Board, and additionally confirm whether TfL, through its funding
agreement with the Garden Bridge Trust or any other mechanism, could compel the Trust to release the minutes of its Board meetings;

- The Commissioner confirm whether a due diligence process had been in place via which evidence had been sought that relevant conditions had been met prior to payments being released under the terms of the construction contract;

- The Commissioner provide details of: who at TfL had been responsible for approving the release of £7 million of funding in February/March 2016 – or, if approved at a Board meeting, the membership of the Board at that time and the minutes of the relevant meeting - the basis for that decision; details of how TfL had satisfied itself that the Garden Bridge Trust’s business plan was credible; and whether the risks arising from the project had been identified by TfL at that time and reported within TfL or to senior management;

- The Rt Hon Dame Margaret Hodge MP provide copies of any legal threats she had received during her review or after publication of her report, if there was no impediment to providing them; and

- Martin Clarke, Executive Director of Resources, GLA, provide a copy of his note to Margaret Hodge explaining why the Garden Bridge proposals had not been submitted to the then Investment and Performance Board.

5.4 In concluding the discussion, the Chair:

- Referred to the suggestion made, during the question and answer session, that the Committee might wish to scrutinise the Mayor’s rolling property fund, once in operation, as a useful case study of whether the new governance processes were sufficiently robust and had introduced necessary transparency. He requested that officers examine taking that forward and noted that the Chief of Staff might also wish to conduct a parallel exercise;

- Suggested that the Committee should contribute to the TfL consultation on transparency;

- Suggested that the Committee might wish to consider whether to scrutinise any other historical development deals, possibly in conjunction with the Assembly’s Housing Committee, and requested that officers examine taking that forward. The Chair noted that the Mayor’s Office might want to feed into that scoping exercise; and

- Requested that senior GLA Secretariat officers, in liaison with TfL officers, explore whether there were grounds to suggest that TfL and any of its officials (current and former) had acted ultra vires and/or unlawfully and/or in breach of conduct requirements when undertaking work on the Garden Bridge project in the period before the Mayoral Direction had been issued and before the matter had been formally reported to the TfL Board or one of its subsidiary bodies.

5.5 Resolved:

That the report and the discussion with the invited guests be noted, subject to the additional information requested, as set out at paragraph 5.3, and the proposed next steps, as set out at paragraph 5.4.
6 Workforce Report (Item 6)

6.1 The Committee received the report of the Head of Paid Service.

6.2 In response to queries raised, the Assistant Director of Human Resources and Organisational Development:

- explained that the Authority’s approach to dealing with the issue of ‘revolving door’ staff, which had arisen during consideration of the Garden Bridge Review, was currently under review;
- confirmed that Trans staff were not currently included as a separate category within monitoring data but that that policy would be amended in due course.

6.3 Resolved:

That the report be noted.

7 Appointment of Rapporteur to Investigate the Effectiveness and Economic Viability of Requiring Automatic Water Suppression Systems (Sprinklers) in all London Buildings (Item 7)

7.1 The Committee received the report of the Executive Director of Secretariat.

7.2 Resolved:

That the appointment of Navin Shah AM as a rapporteur for the Planning Committee, to conduct an investigation into the costs and benefits of installing Automatic Fire Suppression Systems in London, be agreed.

8 Assembly Budget Requirement 2018-19 (Item 8)

8.1 The Committee received the report of the Executive Director of Secretariat.

8.2 The staffing proposals at paragraph 6.3 of the report were noted. In addition, it was noted that discussions regarding how any pay rise for staff within the Secretariat would be funded were ongoing.
8.3 **Resolved:**

That the London Assembly’s draft budget requirement for 2018-19 for recommendation to the Mayor be agreed as set out in the report, subject to any changes that might be necessary prior to the final agreement on the budget in February 2018 to reflect:

(a) Any further advice from the Executive Director of Resources on contingencies and financial reserves; and

(b) Any changes that emerge during the remainder of the budget process.

9 **Draft Committee Timetable 2018-19 (Item 9)**

9.1 The Committee received the report of the Executive Director of Secretariat.

9.2 It was noted that officers were reviewing the proposed dates of Assembly Plenary meetings with a view to accommodating formal consideration of the Mayor’s statutory strategies.

9.3 The Chair requested that a note reviewing the impact on media coverage of moving London Assembly Mayor’s Question Time and Plenary to Thursdays be circulated to all Assembly Members.

9.4 **Resolved:**

(a) That the draft timetable of London Assembly and Committee meetings for the 2018-19 year be approved in principle, noting that the final programme of meetings is subject to related decisions by the London Assembly to be taken at the Annual Meeting in May 2018; and

(b) That a note reviewing the impact on media coverage of moving London Assembly Mayor’s Question Time and Plenary to Thursdays be circulated to all Assembly Members.

10 **Work Programme for the GLA Oversight Committee (Item 10)**

10.1 The Committee received the report of the Executive Director of Secretariat.

10.2 **Resolved:**

That the work programme for the remainder of 2017-18 be noted.
11 Date of Next Meeting (Item 11)

11.1 The next meeting of the Committee was scheduled to be held on 23 November 2017 at 10am in Committee Room 5.

12 Any Other Business the Chair Considers Urgent (Item 12)

12.1 There were no items of urgent business.

13 Close of Meeting

13.1 The meeting closed at 4.56pm

Contact Officer: Rebecca Arnold, Head of Member and Committee Services; Telephone: 020 7983 4421; Email: rebecca.arnold@london.gov.uk
Len Duvall AM (Chair): We have a number of formal questions that we collectively have decided that we want to ask concerning this report to you all and then there will, no doubt, be additional questioning arising from your answers or particular issues that Members wish to raise.

If I can begin, the first set of questions is to you, Margaret. Can you outline to the Committee the main findings of your review?

The Rt Hon Dame Margaret Hodge MP: Probably I would start with the difficulties that the project faced, which arose because of the lack of clarity of purpose and it started with that. If we had had the purpose clearly defined, you might then have been able to do a proper project plan and you might have had the funding properly sorted.

That lack of clarity about purpose led to value-for-money concerns and, particularly, right throughout, escalating costs the whole time, which never seemed to be properly brought under control, and a less and less convincing case on value-for-money terms for proceeding. That was the second issue, so a lack of clarity and value-for-money.

Then, the lack of transparency throughout the process, which was probably linked to the Mayoral Direction issue, was another aspect of it. If there had been greater transparency all the way through, people might have halted, thought better, and considered alternative routes forward. That might have been just a much better thing. That is the third thing I would say: lack of transparency.

The fourth thing I would say is a failure of the checks that exist in the system, because there are checks; there was an abuse of the protocols around checks in the system, whether within Transport for London (TfL) or elsewhere throughout. Those would be my four key findings from the review.

Len Duvall AM (Chair): In your experience of reviewing public expenditure in terms of in another place, what surprised you most during this review?

The Rt Hon Dame Margaret Hodge MP: The total lack of regard for due process. I was quite taken aback about that. I was in on the development of this organisation, - and it was a Labour Government that established it [the Greater London Authority] - and what we were trying to do was leave the Mayor free from too much bureaucracy to really do visionary things for London. That was the concept and, in doing that, we probably did not give enough regard to ensuring that the proper checks were in place when people would tend to have a slight abuse of power. I thought that was the first thing.

Then, as you go through and you look at the funding and the ability to raise private finance, the other thing that really surprised me all the way through in the discussions I had with the stakeholders was a real, it seemed, to me, failure to engage effectively with people and garner support for the project. If you are doing something as big as that which has a great impact and is very innovative and quite controversial- think about the wheel- do a lot of work beforehand to try to bring people with you.
I know that the Garden Bridge Trust has been critical and they say I have had one sided view. I did not have a one-sided view. Really, all that came at me was a lot of people who might even have supported the Bridge at an early stage but then, once they got into the detail and understood what was involved in it, withdrew their support. I felt: why on earth did people not engage more actively with the ordinary people? It was supposed to be the people’s bridge but I am not sure which people it served. Those would be the two things that I would say: lack of regard for due process and failure to engage effectively.

Len Duvall AM (Chair): I suppose, lastly, coming to your view and the advice you gave the Mayor, what would have happened if the project had continued? Given the evidence that you had from officials and from the trust and others, what you think would have been the likely scenario had the Mayor followed through on the commitment to underwrite the Garden Bridge? What do you think would have happened?

The Rt Hon Dame Margaret Hodge MP: This is really my judgement and so it was a complete personal judgement call. What I looked at here were both the discussions I had with the Garden Bridge Trust, particularly Paul Morrell [Deputy Chair, Garden Bridge Trust], and also the papers I had from the National Audit Office (NAO), the papers I got from Treasury – the Treasury looked again at the business case - and the history. It is a guesstimate, Len, and so it is difficult to hold me to it, but I came to the view that we, Londoners, had spent - both taxpayers and council taxpayers - getting on for £40 million or £37 million or whatever it was on it. I thought it would end up being over £100 million of public money. That was actually what I, in my head, came to, partly because Paul said it was now north of £200 million in his discussion with me and that was, again, before a spade had gone into the ground and so it was partly that all those costs were escalating. I know it was a fixed-price contract but the failure to keep the team together meant that they would have had to recruit a team again and there would have been into a lot of variations on the contract and so there was that.

Then I just could not feel the realism of their being able to raise private finance, given the controversial nature of the project. If you are a philanthropist or a corporation, you want something back for an investment of that nature and, in a controversial project of this sort, it is difficult to see what they would have got back. I simply could not believe that they would be able to raise the money for the management and maintenance, particularly if the Mayor had given the guarantee because, if you have the guarantee there, why on earth would you, as a funder, think there was any point putting your money into something if in fact the Mayor had underwritten it anyway? I have to stress that that is my own view.

Len Duvall AM (Chair): Sure, and a judgement based on what you had heard and read?

The Rt Hon Dame Margaret Hodge MP: Yes.

Len Duvall AM (Chair): OK. Let us move, David, to you in terms of the Mayor’s expectation for this review. Also, from a number of Assembly Members’ point of view, why did it take so long for him to come to request a review?

David Bellamy (Mayor’s Chief of Staff): In terms of the purpose of the review, largely, that is set out in the terms of reference, which are in Margaret’s report and also in the relevant Mayoral Decision, and so Assembly Members will be familiar with those.

There are probably two particular reasons beyond that that I would highlight. Firstly, this project had quite a lot of complex history that predated this administration and it was helpful to have somebody who was able to get to the bottom of that and ensure the Mayor had a clear understanding of what was going on and also that...
the London taxpayer had a clear understanding, given the amount of public funds that it is obvious went into that.

Secondly, there was a decision towards the Mayor about whether to give guarantees for the operation and maintenance of the bridge. Given that those guarantees may need to run for centuries and given that we are talking about the lifespan of a bridge here, it is definitely a very repercussive decision for any Mayor to have to take. In that context, the Mayor wished to ensure that he had good, independent advice to consider.

In terms of timing, things did take a little while. The Mayor came to the conclusion at some point in mid to late July [2017] that a review of this nature would be a good idea. He asked me to approach Margaret to see if she would be prepared to do it, given her experiences on the Public Accounts Committee (PAC). We spoke and we agreed to meet. Unfortunately, our holidays were sequential and so it was not until the start of September that we could actually sit down and discuss what this might involve; then Margaret was able to consider and confirm that she would like to do things. It then took a couple of weeks to finalise the terms of reference, work out administrative support and so on, up to the announcement of the review on 22 September [2016].

Len Duvall AM (Chair): Thank you. If I come to you, Mike, we will talk about the views of TfL towards the report probably later on in a questioning, but I just want to ascertain your involvement in the final report. How were you and your organisation involved in the review from your perspective? Do you feel that TfL had opportunities to put their side of the account on this project?

Mike Brown MVO (Commissioner of Transport for London): Yes, I do, certainly from the point of view of those people who work for TfL now or at the time of the review, which are the only people I can talk for with any confidence because the people who used to work here or used to work with the previous Mayor, that was a different issue. Certainly, from my perspective, Chair, yes, absolutely. I met with Margaret, as did some members of my team, and I had a sense that it was a very full and thorough line of questioning that was perfectly appropriate in the circumstances of the review as the Mayor had requested.

Len Duvall AM (Chair): OK. Your organisation provided additional information that was not already in the public domain?

Mike Brown MVO (Commissioner of Transport for London): Yes. I had made it very clear to the organisation that we would be fully open and transparent as part of the review. If you are going to have a review, it is really important, as you, Chair, and other Assembly Members will understand, that that is as open as it possibly can be if it is going to have the value that it should have. Absolutely.

Len Duvall AM (Chair): Thank you for that.

Andrew Boff AM: Dame Margaret, the Garden Bridge Trust claims that political uncertainty caused by the changing administration and the review itself was responsible for the difficulty in fundraising. Do you agree with that assessment?

The Rt Hon Dame Margaret Hodge MP: No. If you look at the history, they raised something like £85 million and then they lost -- I hope my figures are right here; it is some months since I looked at it. I will come back to you if I have my figures wrong, all right, but --
David Bellamy (Mayor’s Chief of Staff): Should I help? From Margaret’s report, the funds pledged to the trust, as Margaret reported, in spring 2015 were £85 million and as of May 2016, which is when the mayoral election was and some months before the review was announced, the funds pledged had reduced to £69 million. You can see that there was a reduction in funds pledged in advance of the change of mayoralty, never mind this review.

Andrew Boff AM: Thank you.

The Rt Hon Dame Margaret Hodge MP: Also, I have to say around the fundraising that I did talk to the Garden Bridge Trust about it when they came to see me, although they were somewhat reluctant to reveal a lot to me. I know they have been critical and said that I did not. I did ask them questions but they slightly closed down that line of questioning. I have done a lot of fundraising, as you know, Andrew, in my time and it felt to me that quite a lot of the money claimed was not copper-bottomed money. There was not money in the bank. That felt a bit fragile to me.

I was a bit suspect of the fact that so many [donors] were anonymous. I appreciate that some philanthropists do like to maintain anonymity, but the extent of anonymous pledges was quite large in this instance and that made me feel a bit nervous about how solid those pledges were. There was nothing to stop them - as Sadiq [Sadiq Khan, Mayor of London] said right from the start - carrying on raising money. It is difficult to raise money in any circumstances, but if you are working with a controversial project, as this had become - it did not start like that; it became a controversial project - once you are in that situation, it is much more difficult to get investors, who will always want a return for their philanthropic contribution. It is much more difficult to get them engaged.

You just have to be a bit realistic. They had nothing. They lost money before the election. They never gained any or they were never able to demonstrate any new pledges.

Andrew Boff AM: Did you meet with any of the donors?

The Rt Hon Dame Margaret Hodge MP: No. Let me just explain this to you. Anybody who wanted could have come to see me. If a donor had wanted to come and see me, my door was open. For example, originally, I did not have in my programme meeting the architects who had bid for the contract that Heatherwick was awarded. They approached and wanted to come and see me and that was fine. I have also had people who have written to me. I got quite a lot of letters. People could have given me those. If the Trust had wanted me to meet their donors, I was quite open to that. The trust has also said that I only met people who were against the scheme. I have done a little analysis of that, just out of interest. Out of the 25 meetings I had, seven were with people who were in favour, six were with people who were against and 12 were neutral. Therefore, there was not any bias in there. I did not do that deliberately; that is looking at an analysis now of the nature of the people who came and talked to me.

Andrew Boff AM: Would it be fair to say that the majority of people who came to see you to give evidence were invited by you to come and talk to you?

The Rt Hon Dame Margaret Hodge MP: I invited people to start with and then people suggested other people and so it was a bit of an iterative process.

Andrew Boff AM: You did not invite any donors?
The Rt Hon Dame Margaret Hodge MP: I was not asked to invite donors and no donor wrote to me.

Andrew Boff AM: You were not asked to invite anyone, were you, or were those specific names?

The Rt Hon Dame Margaret Hodge MP: Yes, I was. People suggested --

Andrew Boff AM: Who asked you to invite them?

The Rt Hon Dame Margaret Hodge MP: Various. You have it. I had evidence from TfL officials and they would suggest that maybe somebody else should come in as a TfL official that I had not dealt with.

Andrew Boff AM: Nobody suggested a donor?

The Rt Hon Dame Margaret Hodge MP: Nobody, including the Garden Bridge Trust, suggested that I speak to a donor. This is the other thing: a donor could perfectly well have said, “I would like to come and talk to you about this”. No donor approached me. Had they done so, I would have talked to them.

Andrew Boff AM: Thank you. Mr Brown, have you investigated the concerns that the Garden Bridge Trust raised about how the review was carried out?

Mike Brown MVO (Commissioner of Transport for London): I have not investigated those concerns, no.

Andrew Boff AM: OK. Mr Bellamy, have you conducted any investigation into what the Garden Bridge Trust says are problems with the review? Have you investigated those?

David Bellamy (Mayor’s Chief of Staff): As the Mayor said in his letter of 28 April [2017] announcing his decision around guarantees for the project, he was aware of the letter to Dame Margaret from the Trust, which of course was a letter that was issued publicly and so everybody has had the opportunity to see that. That had been considered in his decision-making.

Andrew Boff AM: Dame Margaret, did the Greater London Authority (GLA) offer any meeting facilities at the GLA for you to conduct your work?

The Rt Hon Dame Margaret Hodge MP: No. I did not ask nor was I offered. I cannot remember asking or being offered.

Andrew Boff AM: Are you a friend of the Mayor, Dame Margaret?

The Rt Hon Dame Margaret Hodge MP: Of course, yes, but hang on a minute, Andrew --

Andrew Boff AM: Was --

The Rt Hon Dame Margaret Hodge MP: No, hang on a minute. If you are suggesting that in some way I was approached by him -- he is a member of my Party. He was a London Member of Parliament (MP). I have known him for goodness knows how many years and we have worked together and socialised together. However, if you are trying to make from that an implication that somehow the personal relationship biased my review, it did not. I was absolutely clear at the start when David [David Bellamy, the Mayor’s Chief of Staff]
first came to see me that I did not have a view on the bridge. It had not crossed my desk. I am an outer London MP; I am not an inner London MP.

The only thing I would have said would have been that we need more bridges out in the east and less in the centre. That might have been my only partisan view, but, apart from that, if the implication is that I am in some way biased, you asked the question and so I am simply saying to you: I knew the Mayor and he is a friend of mine, but that had absolutely no impact on the nature, the approach or the conclusions of my report.

Andrew Boff AM: Thank you for that very full reply. A question does not have an opinion.

The Rt Hon Dame Margaret Hodge MP: It has an implication.

Andrew Boff AM: I do not think --

The Rt Hon Dame Margaret Hodge MP: I just wanted to make that position clear.

Andrew Boff AM: Towards the end of the session that you had with Thomas Heatherwick [designer of proposed Garden Bridge], you said that you had not completed the interview with him. Did you go on to complete that interview with Thomas Heatherwick?

The Rt Hon Dame Margaret Hodge MP: I felt that actually I had got enough out of it and so there was no need to reconvene. I did not think any value would be added if I --

Andrew Boff AM: You came to that conclusion subsequent to the meeting?

The Rt Hon Dame Margaret Hodge MP: Yes, after I talked to lots of other people.

Andrew Boff AM: All right. In the evidence raised when you interviewed Joanna Lumley [British actor], she made a reference to an instruction that had been sent out to Labour mayoral candidates and that information was conveyed to her by David Lammy [The Rt Hon David Lammy MP]. Did you interview David Lammy with regard to that evidence?

The Rt Hon Dame Margaret Hodge MP: You will have to remind me, Andrew. That interview with Joanna Lumley took place when?

Andrew Boff AM: A little while ago; you are quite right. It was 1 December 2016. I am happy to --

The Rt Hon Dame Margaret Hodge MP: If you send it to me, I will have a look at it. To be absolutely honest, I cannot remember.

Andrew Boff AM: I am happy to do my best Joanna Lumley diction and say to you as follows:

“Before the last mayoral election – and I’m reluctant [this is Joanna Lumley speaking] to say this but I have to say it because it’s important for me – David Lammy phoned me up, who is a friend of mine, and said, ‘Why is it that on our list for being mayoral candidates we have to say that we will suppress or cancel the Garden Bridge? Tell me what the Garden Bridge is. What’s so wrong with it?’ [This is what David Lammy supposedly said.] So I talked to him and said, ‘I didn’t know this’. It was approved by the Labour Mayor of London when I first took it to him, Ken Livingstone; he thought it was great. I had
no idea. He said, ‘Well, we have to tick that. We have to say that we would suppress the Garden Bridge. Did you not know that?’”

Then you are then saying, “I don’t think that’s true”, and Joanna Lumley says, “Why did David Lammy phone me then?” Was that not enough evidence --

**The Rt Hon Dame Margaret Hodge MP:** What did I say to that?

**Andrew Boff AM:** You said, “I have no idea, but anyway that’s slightly outside my terms of reference”. I do not want to be unfair to you in any way. Why was it outside the [terms of] reference when it directly affected the future of the Garden Bridge?

**The Rt Hon Dame Margaret Hodge MP:** My terms of reference were not to judge whether this was a good or bad idea. My terms of reference were to judge - if you look up the actual terms of reference on it - value for money for the public. Let us make sure I read this to you properly. It says:

“To assess the public sector contribution to the Garden Bridge project and whether value for money has been achieved; to investigate the conduct of Transport for London, the Greater London Authority and other relevant authorities in regard to the Garden Bridge project from first proposal to date; to achieve this through assessing the findings of previous reviews, interviewing current and former GLA/TfL staff and other stakeholders, and investigating more deeply as required; to set out any lessons that should be learnt in order to improve the conduct of potential and approved projects in the future; to produce a report for the Mayor of London, which will be published in full.”

I stuck to those terms of reference.

**Andrew Boff AM:** You did not think that that was relevant despite it being a major part of what Joanna Lumley said to you about the decision-making process that led --

**The Rt Hon Dame Margaret Hodge MP:** Will you read out again what I actually said to her?

**Andrew Boff AM:** Yes, “I have no idea, but anyway that’s slightly outside my terms of reference”.

**The Rt Hon Dame Margaret Hodge MP:** Quite.

**Andrew Boff AM:** Yes, but, bearing in mind she quoted that, you did not think that that was sufficient?

**The Rt Hon Dame Margaret Hodge MP:** Read it again.

**Andrew Boff AM:** You thought it was outside the terms of reference. I get that. That is the position you are holding, which is fine.

First of all, let us go on to the evidence. You referred in your report a number of times to evidence, but there does not appear to be anything in the way of references in your report to reference documents or anything like that. Is that deliberate not to have references?

**The Rt Hon Dame Margaret Hodge MP:** What are you particularly concerned about where I am unreferenced? Where do I make an assertion that you think is not referenced?
**Andrew Boff AM:** You make a number of assertions about the situation at the time, the situation at TfL. You make references to procedures.

**The Rt Hon Dame Margaret Hodge MP:** Can you just give me an example, please?

**Andrew Boff AM:** You do reference procedures at TfL within your report.

**The Rt Hon Dame Margaret Hodge MP:** Go on. I am just trying to think of an example of where --

**Andrew Boff AM:** That is it.

**The Rt Hon Dame Margaret Hodge MP:** Where are you feeling that I should have referenced and have not referenced?

**Andrew Boff AM:** You admit that you have made references to TfL’s procedures? You are not?

**The Rt Hon Dame Margaret Hodge MP:** Sorry. You started this questioning by saying to me that I did not reference the evidence in the assertions I made. All I would like you to do to make this an easier conversation is to lead me to somewhere where I have said something that you feel is unevidenced.

**Andrew Boff AM:** Do you at any point reference TfL’s internal procedures for procurement?

**The Rt Hon Dame Margaret Hodge MP:** Where is that? Can I go back, Andrew, to what you asked? You said, “You have made certain assertions without reference to the evidence”.

**Andrew Boff AM:** Yes.

**The Rt Hon Dame Margaret Hodge MP:** That is where this conversation is at. All I am asking of you is point me to some. I do have the report here; I hope you have. I do not have the evidence because there is mountains of it, but show me somewhere in the report where you think I say something which you feel I have not evidenced.

**Andrew Boff AM:** You made a reference to the invitation to tender at paragraph 53 and you do not reference that invitation to tender.

**The Rt Hon Dame Margaret Hodge MP:** “The invitation to tender was formally launched on 13 February [2013]”, yes?

**Andrew Boff AM:** There are no references to that information or that data.

**The Rt Hon Dame Margaret Hodge MP:** Well, why --

**Andrew Boff AM:** Sorry, Dame Margaret. I am sorry. The reason I do not have those individual references is because the report is littered with such references about procedures within TfL and about the way in which things should be done and yet at no point do we find any references in your report. I do not understand why there are no references.
The Rt Hon Dame Margaret Hodge MP: I just did not. It would have been a lot of further work to put in the references. If there is something where you think I have made an assertion for which there is no evidence, I would like you to demonstrate that to me. The paragraph that you have demonstrated there, if I read it to the Committee so that they all know what we are talking about:

“The invitation to tender for the bridge design services contract was formally launched on 13 February 2013 [actually, I probably got that out of the minutes of this Committee], although all three firms that were invited to tender were notified of the impending tender on 8 February.”

I probably got that out of this Committee. One of the sources would have been this Committee. I have a boxful of references at home. You are very welcome to have my boxful. “The firms were Marks Barfield Architects, Wilkinson Eyre and Heatherwick Studio.”

Andrew Boff AM: That was useful you have said that, Dame Margaret, because one of the things I was going to move on to is whether you will release all the evidence that has been made available to you.

The Rt Hon Dame Margaret Hodge MP: I do not know. David [David Bellamy] and the GLA would have to have a look at what it is they gave me and whether it is --

Len Duvall AM (Chair): To help Andrew on that particular issue, page 42 of our own report references where we had that information from and we had that information from TfL and it would have been in your numerous papers and Freedom of Information (FOI) [Act] requests as well as TfL information passed to you.

Andrew Boff AM: Thank you for the helpful suggestion, Chair. Of course, Dame Margaret’s report did not even reference our report. It mentioned it but it did not reference it. Can we move on to --

The Rt Hon Dame Margaret Hodge MP: I am not sure what benefit that would have been. I am not sure what you are getting at. There has to be a purpose of questioning, if I may say so. If the assertion is that I have made assertions here that are not based on evidence, please give them to me and I will then try to answer you as to why I came to that view and where it is my own view.

Andrew Boff AM: I am hoping to do that and the Committee --

The Rt Hon Dame Margaret Hodge MP: I do not want you to think that I came to decisions here off the top of my head. I did not. I spent a lot of time going through evidence from this Committee, evidence from the Government, evidence from TfL and others, and it was absolutely --

Andrew Boff AM: You can make that evidence available to us?

The Rt Hon Dame Margaret Hodge MP: I am subject to the GLA or TfL. I am not sure. I do not know quite how it works.

David Bellamy (Mayor’s Chief of Staff): Chair, I do not have the magic piece of paper with me, it seems, to my irritation. When Dame Margaret was appointed to do the review, officers pulled together a suite of reading for her to start. My understanding is that all of that should be referenced. There is a TfL webpage - in the interests of the transparency that perhaps at one stage this project lacked – and that has a whole load of things on there. The bulk of what we were trying to do to set Dame Margaret up was to give her that as a fairly copious reading pack. My belief is that all that stuff is out there on the TfL website for everybody’s
reading pleasure. Clearly, there may have been additional pieces of paper that people presented to her during the review that the GLA and I would not know about. As a public body our obligation is to publish things so that they are there. We would always abide by that.

Andrew Boff AM: Thank you. Dame Margaret, was it at your request that the Mayor tried to prevent the Assembly from having the transcripts?

The Rt Hon Dame Margaret Hodge MP: No.

Andrew Boff AM: Will you --

The Rt Hon Dame Margaret Hodge MP: I am not sure that is true. Is that true?

David Bellamy (Mayor’s Chief of Staff): No, it is not true at all.

Andrew Boff AM: OK. I must have been asking questions in a parallel universe, then, to come to that conclusion. Was the deadline for your report unreasonable?

The Rt Hon Dame Margaret Hodge MP: There was not a deadline.

Andrew Boff AM: Why did you determine that that was the date on which it should be released?

The Rt Hon Dame Margaret Hodge MP: I had hoped to finish it earlier but I had personal circumstances which meant I had a couple of months off.

Andrew Boff AM: When did you ask for the £9,000 payment for the report?

The Rt Hon Dame Margaret Hodge MP: I did not.

Andrew Boff AM: You did not ask for it at any point?

The Rt Hon Dame Margaret Hodge MP: No.

Andrew Boff AM: Who offered it to you?

David Bellamy (Mayor’s Chief of Staff): Chair, I met with Dame Margaret and the external lawyers that we were commissioning to ensure everything was in order before the report’s publication. That meeting took place, from memory, on 15 March [2017]. At the end of that meeting, I spoke to her, as I have written to Assembly Member Boff separately and made clear, explaining the circumstances. I felt that having gone through what we went through with the lawyers and hearing about the scope of work, it had taken significantly more effort from Dame Margaret than perhaps we had realised when we commissioned the work and that, in that circumstance, payment was appropriate.

Also, I was personally uncomfortable about the fact that we had made a payment to a male parliamentarian for doing a review for the Mayor but had not done that for a female parliamentarian. On that basis, I asked Dame Margaret if she would be prepared to accept remuneration and, subsequent to that, I spoke with officers to determine a proportionate amount consistent with payments made for other reviews and work carried out for the Mayor.
Andrew Boff AM: Thank you. Did you get any peer review of your report?

The Rt Hon Dame Margaret Hodge MP: It was my report.

Andrew Boff AM: Yes, but no peer review of the outcomes or the findings?

The Rt Hon Dame Margaret Hodge MP: No, it was my report. It was always my report.

Andrew Boff AM: All right. Why did you accept the £9,000 when originally it was supposed to be work you were doing for free?

The Rt Hon Dame Margaret Hodge MP: Originally, I had thought that this was a three-month job and what I committed to was a day a week over three months. That was originally it.

When I got into the work and I did a very thorough job, it just took me much longer. I am trying to work out how many hours. My weekends over a long, long period were immersed in documents around the Garden Bridge Review, reading those and trying to make sense of different things said by different people at different times, especially a lot of the FOI information. I spent - I do not know - absolutely hours and hours, much more than I had thought. Probably, if I am absolutely honest, if I had realised how much it was, I might not have undertaken it because for weeks it consumed my weekends.

Andrew Boff AM: Had you ever written a report before on your own?

The Rt Hon Dame Margaret Hodge MP: God, yes, down the years I have written loads of reports. I have been around a long time, Andrew.

Andrew Boff AM: Yes. Haven’t we both. What references did you look at on the standards of reports and how they should be presented? Did you use any particular guideline?

The Rt Hon Dame Margaret Hodge MP: I have read and written sufficient reports on these sorts of issues to be able to make a judgement on what is appropriate and not appropriate.

Andrew Boff AM: Did you ever cross-reference back to reports from the House of Commons about its standards for reports?

The Rt Hon Dame Margaret Hodge MP: I cross-referenced to reports and I had a lot of information from the Government in various guises – the NAO, the PAC, the Treasury, the Department for Transport (DfT) – all of whom also submitted written evidence to me. I am trying to think. Half the funding came from the Government and, actually, one of the reasons the PAC did not return to the issue was because I was doing this. They have so much on their plate that they thought this would cover it.

Andrew Boff AM: When did you send transcripts to the people who gave evidence?

The Rt Hon Dame Margaret Hodge MP: That was done by the GLA officer.

Andrew Boff AM: You did not send the transcripts prior to the publication of the report?
The Rt Hon Dame Margaret Hodge MP: Yes. The individual transcripts were sent to those who had given evidence when they asked for it, but the actual dates you will have to get from the GLA admin officer.

Andrew Boff AM: Can you remember any transcripts that you did return to any particular person? Can you remember any particular one?

The Rt Hon Dame Margaret Hodge MP: I did not do it myself. It was done through the GLA admin officer.

Andrew Boff AM: There has been a complaint that those transcripts were not returned despite being requested.

The Rt Hon Dame Margaret Hodge MP: Nobody complained to me.

Andrew Boff AM: No?

The Rt Hon Dame Margaret Hodge MP: No.

Andrew Boff AM: Mr Bellamy, did anybody ask for transcripts from this report from you?

David Bellamy (Mayor’s Chief of Staff): Not from me personally. There were a number of FOI requests submitted subsequent to the publication of Dame Margaret’s report. Where those asked for transcripts, those have been provided. All those requests have now been met, subsequent to officers completing the legal responsibilities they have in terms of checking those with the person who gave evidence, ensuring that they are accurate and contain no information that is inappropriate to publish. That process, I am informed, has now been completed but that was something that is a matter for officers in the usual line of business.

Andrew Boff AM: As much as they may not have made personal requests to you, did your department receive any requests from people who gave evidence for the transcript of their evidence?

David Bellamy (Mayor’s Chief of Staff): Not that I am aware of.

Andrew Boff AM: Not that you are aware of. Would you think that that is a failing, Dame Margaret, if people had not received the transcript of their evidence if they had requested it?

The Rt Hon Dame Margaret Hodge MP: Nobody was. Who has said they asked and were refused? Who asked and was refused?

Andrew Boff AM: Would you think it a failing?

The Rt Hon Dame Margaret Hodge MP: No, it is, again, another hidden allegation, Andrew. Has anybody asked? All I knew is that a couple of people asked if they could see their transcripts and, as far as I know, the GLA officer sent them. There was no problem with that whatsoever.

Andrew Boff AM: In the many reports you have been involved with, would you think it a courtesy to allow people who wanted a transcript to have a copy of it?

The Rt Hon Dame Margaret Hodge MP: Can you tell me who did not a transcript who asked for it?
Andrew Boff AM: It is a question. It was simple. Is it a professional courtesy --

The Rt Hon Dame Margaret Hodge MP: No, I am asking you because behind that question is an assertion that I was trying to hide something. I was not.

Andrew Boff AM: That is fine.

The Rt Hon Dame Margaret Hodge MP: Actually, if you look at how I started all of these things, I said, “We are going to record.” One or two of you came and talked to me. “We are going to record so that there can be no doubt about what was said here”, and I opened the conversation that way. There was no attempt to --

Andrew Boff AM: That is fine. I am trying to get an idea, Dame Margaret, about the standards of the report and, as you can see quite openly and transparently in the questions I am asking, about what you consider makes a good report. One of those things is perhaps to share the transcripts --

The Rt Hon Dame Margaret Hodge MP: When people ask for them.

Andrew Boff AM: -- with the people who have given evidence when people ask for them and that is a common courtesy, I am assuming.

The Rt Hon Dame Margaret Hodge MP: I need to know from you because the implication from what you have said is rather disturbing: that somebody asked for a transcript and it was refused. Who asked for a transcript and was refused?

Andrew Boff AM: I am just trying to see whether or not this a standard by which --

The Rt Hon Dame Margaret Hodge MP: Who asked?

Andrew Boff AM: It should not be dependent upon that.

Len Duvall AM (Chair): Andrew, I am looking --

Andrew Boff AM: We are not getting anywhere with this.

Len Duvall AM (Chair): Fine. I am looking around and there are some of your colleagues who have been wanting to come in.

Andrew Boff AM: Yes, of course.

Len Duvall AM (Chair): Let us give you a break and I will bring you back.

Andrew Boff AM: I have actually just finished.

Len Duvall AM (Chair): Thank you. Sian Berry?
Sian Berry AM: I am afraid, Chair, I was just going to suggest that we were getting into rather technical and administrative issues. When we had Lord Harris in here, we did not challenge his ability to write a report and so --

Andrew Boff AM: I was not in the meeting.

Sian Berry AM: -- can we move on to more interesting things, please?

Len Duvall AM (Chair): Caroline, is yours the same point or is there a different question?

Caroline Pidgeon MBE AM: No, I wanted to ask David a question because this session is about the reaction to this review. Did the review change the Mayor’s mind? If you look back to our first ever Mayor’s Question Time [with Sadiq Khan as Mayor] on 25 May last year, the Mayor at that point said:

“It is quite clear it would cost Londoners more to cancel the Garden Bridge than it would to finish it and it is therefore in the financial interests of London’s taxpayers to complete the Garden Bridge.”

The Mayor clearly said that on 25 May last year. Did Dame Margaret’s report change his mind? Was that the tipping point?

David Bellamy (Mayor’s Chief of Staff): There was something in Dame Margaret’s report that, yes, led to a change of conclusion there. Allow me to explain.

What the Mayor said shortly after taking office that you referred to was about it being better value for Londoners if the project was completed than cancelled. At that stage the Government had just agreed to provide a £15 million underwrite for the project and so, if the project were cancelled, we could be looking at a loss of about £52 million to the public purse for no gain; whereas if the project were to proceed, the net public contribution, after the TfL contribution of that £30 million, £20 million changed to become a loan and so, after that loan was repaid, the net public contribution would have been £40 million. It was on that basis that the Mayor said that it would be in the financial interests of the taxpayer for that project to continue.

What then happened in terms of Dame Margaret’s expert analysis is not just the general point about the likely further escalation of costs, which Dame Margaret has already referred to in evidence today, but also her view about the loan to TfL not being likely to be repaid. In that situation, that changes the net cost of the scheme to the public sector and that changes the balance of the analysis that the Mayor made.

Caroline Pidgeon MBE AM: It was instrumental in changing the Mayor’s mind on this project?

David Bellamy (Mayor’s Chief of Staff): Yes.

Caroline Pidgeon MBE AM: Thank you.

Len Duvall AM (Chair): David, I just have a very quick question on fundraising. Given the infamous or famous 24-hour visit to San Francisco by GLA people, from FOI requests TfL said, “We are having nothing to do with that, guv” because you were busy engaged on other activities to do with procurement and other things. A question to you, Mike, and to David Bellamy. Can you write to this Committee and tell us that your commercial sponsorship departments had nothing to do with fundraising for the Garden Bridge? If you trawl through that, there is a gap here.
I ask these questions because of the total picture, not just this report; everything else that has come together that paints a picture of the Mayor saying, “I want this to happen”. I want to be assured that everything is being done properly and appropriately. You will know, Mike, from your position that one of the accusations from the community, if I can call it that, is that somehow those awarded contracts were also said to be donors for the Garden Bridge. I am not suggesting that.

One way to do it is to go back into your department, do the word-search or whatever you do and just check and give us feedback on this Committee because it has been an issue that Committee Members have raised in private and if we could do the same within the GLA. We have got the Head of Paid Service here but I am asking the Mayor’s Chief of Staff. We want an assurance that those resources were used appropriately or will we find they were used inappropriately. Please give us an assurance on that, hopefully, so that we can clear that one up once and for all and it does not go in the myths that there was a little bit more here going on.

I take that in the picture of the fundraising issue about how difficult it is to fundraise for projects like this are and where things were travelling from and the mayoral commitment to the project, which is quite clear from the documentation we have received. We will pick this up in the recommendations at the end.

I want to make some progress, colleagues, and so let us go to our next set of questions, which is moving to cancellation costs. Tom Copley?

**Tom Copley AM:** Thank you, Chair. I have some questions on the issue of the cancellation costs, initially to the Commissioner on the oversight that TfL had of this project.

The principle mechanism TfL had for oversight of this project was its right to attend Garden Bridge Trust Board meetings as an observer. There have been a couple of FOIs on this to try to get the minutes. Will Hurst of *The Architects’ Journal* put in an FOI in February 2017 asking for all of the minutes and was told, “We do not hold minutes from the Garden Bridge Trust Board”. When a minute was then referenced in a letter from Paul Morrell [Deputy Chair, Garden Bridge Trust] on 27 January [2017], Will Hurst again asked for that one specifically and was told:

“We did exercise our observer rights but do not have a centralised record of any copies of minutes that may have been provided to us. Therefore, in order to provide an answer to this, we have conducted a remote search of Richard de Cani’s [former Managing Director of Planning, TfL] TfL mailbox of all emails from the Garden Bridge Trust since 2012 that contain the keyword ‘minutes’...”

It goes on to say that they manually reviewed the results to determine whether any of the emails contained minutes from the Garden Bridge Trust Board meetings.

My question to you, first of all, is, given that TfL’s principal mechanism for overseeing the project and responsibly managing the taxpayers’ contribution towards it was observer status at Garden Bridge Trust Board meetings, why is TfL unable to provide a complete set of minutes from those meetings in response to FOI requests from the public and indeed questions from the London Assembly?

**Mike Brown MVO (Commissioner of Transport for London):** I do not know the answer to that, Tom, but I am more than happy to have another look to see whether those minutes are available. As far as I am concerned, we will, as ever, be transparent and open with any minutes that we have and we will of course respond to any FOI requests as we always do. From my perspective, particularly because of course when this
project started and for most of its life I was not involved with it at all because I was running London Underground, which had nothing to do with the Garden Bridge project, I see no reason why we would not have another look for that. I am happy to commit to that.

Tom Copley AM: Is this not incredibly concerning? Does this concern you? How do you explain the lack of having a centralised record of this information when it was TfL that was charged with overseeing it? Is not the proper filing of documentation basic good practice when overseeing a grant-funded project of this scale?

Mike Brown MVO (Commissioner of Transport for London): I would hope so and I would expect that under my leadership as Commissioner that would apply.

Tom Copley AM: The most recent minutes of the meetings that have been unearthed through this trawl of Richard de Cani’s inbox are from early 2015. Do you know if at any point TfL or the Garden Bridge Trust made a conscious decision to stop sharing these documents in electronic form and is a hard copy in existence anywhere, do you know?

Mike Brown MVO (Commissioner of Transport for London): Honestly, Tom, I have no information on that whatsoever. I had absolutely no discussion with anyone with regard to the Garden Bridge prior to the day and hour I was asked to cover as Acting Commissioner and so --

Tom Copley AM: Surely once you came in, you then became responsible for this --

Mike Brown MVO (Commissioner of Transport for London): Of course.

Tom Copley AM: -- and should have been insisting that there was adequate oversight, given the scale of public money involved.

Mike Brown MVO (Commissioner of Transport for London): Of course and that is why I was at pains to assure that any such payments that were made and any such commitments that were made were in line with the initial funding arrangements and arrangements that had been put in place that predated my arrival as Commissioner. I had no option but to abide with those recommendations regardless of the fact that I inherited them. In terms of any discussions about not having sight of those minutes, I had no discussion on that topic ever.

Tom Copley AM: Did you ever ask to see the minutes?

Mike Brown MVO (Commissioner of Transport for London): No.

Tom Copley AM: Is that not a bit odd, given the level of public funding that was involved?

Mike Brown MVO (Commissioner of Transport for London): If you look at the breadth and reach of the job of Transport Commissioner, I was new to the job and there was a whole series of things that I had to commit to within very short order. Actually, I was the Acting Commissioner for a period of time before the quite appropriate appointments process took place. To be honest, as all of us do in our working lives, I no doubt was prioritising what were I felt the most risk to TfL and the most important things that we were considering at that time.
Tom Copley AM: I know in your interview with Dame Margaret - and we will come on to this later - you said it was not even in your top 100 transport projects, but you knew it was politically controversial and so would that not have flagged up a red light to you?

Mike Brown MVO (Commissioner of Transport for London): In retrospect, of course, with the benefit of 20/20 hindsight, you could say that this had become and has become much more of a politically focused project since then. However, at the time of me becoming Acting Commissioner, the previous Mayor was in office and he had made his position very clear. In effect, the responsibility for the governance of the Garden Bridge project sat with the Garden Bridge Trust, not in the core of TfL’s responsibilities. Therefore, quite appropriately - of course, the benefit of perfect hindsight always can adjust that view - at that time, I made that judgement as to where my focus would be.

Len Duvall AM (Chair): Mike, when you say ‘politically’, some of the criticisms of the project were of a technical nature and professional nature and went to the heart of some of the issues. It was not just political and people being opposed to the bridge. It was about the processes that TfL were operating. Do you accept that?

Mike Brown MVO (Commissioner of Transport for London): Absolutely, Chair, yes.

Len Duvall AM (Chair): You do? When you say ‘politically’, we have political affiliations, but I --

Mike Brown MVO (Commissioner of Transport for London): Absolutely. I do not want to mislead you, Chair, or you, Tom, or the Committee. Let me be very clear. I have been absolutely determined to follow the recommendations that have emerged from Dame Margaret’s report. Within those recommendations are some issues around the processes of procurement and other factors - which you may get to later on in the meeting, I suspect - and I have been very open in saying that, absolutely, we will put those in place.

One of the first things I did when I took over as Commissioner was set in train a process to have a chief procurement officer put in place across TfL. There had never been a single procurement function across TfL. It was my judgement that, along with some other issues, the Garden Bridge experience warranted that as part of the response to those recommendations and there were many other responses which I suspect we will get to.

Therefore, I do not want to give you the impression at all, Chair, that this was only about a political consideration because I have a responsibility as, in effect, the chief executive of the organisation, of course.

Tom Copley AM: As an organisation, does TfL, either through your funding agreement with the Garden Bridge Trust or in any other ways, have the ability to compel them to release all of the minutes from their Board meetings?

Mike Brown MVO (Commissioner of Transport for London): I do not think we do, but I can check that, but I --

Tom Copley AM: You certainly have some authority to ask them to do so.

Mike Brown MVO (Commissioner of Transport for London): Yes. Again, I am happy to check on that fact and get back you formally on that, yes.
Tom Copley AM: Dame Margaret, from what you have heard here about this lackadaisical approach perhaps or hands-off approach, do you think this symptomatic of a lack of oversight of this project by TfL?

The Rt Hon Dame Margaret Hodge MP: Yes. Mike has really instituted some very important reforms, based hopefully on lessons learnt, which was one of the purposes. There was a lack of oversight all the way through. There was quite a difficult issue, which I probably never even bottomed out, on how decisions were taken to release money through the process.

Tom Copley AM: I am coming on to that in a moment, yes.

The Rt Hon Dame Margaret Hodge MP: It seemed to me the authority for that and the scrutiny of that by officials -- what is at the heart here is this Mayoral Direction issue. For me, with my PAC hat on, a Mayoral Direction is fine and the Mayor should have ideas and that is one of the reasons for having a Mayor, but it should be a red flag to everybody else. Therefore, just because he or she has an idea does not mean that you then forget due process. There was a slight muddle in TfL. It comes out of Peter Hendy’s [former Commissioner of TfL] evidence to me. Somehow, he felt that the Mayor had the mandate to do this, with which I agree because he has this big democratic mandate, and therefore pursuing a Garden Bridge was entirely appropriate, but, actually, forgetting to do due process in the pursuit of a perfectly legitimate objective is not acceptable. All the internal processes within TfL somehow ran away from it because people felt, “This is a Mayoral Direction. We have to get on with it”. You still have duties around value for money and probity. You still have those. That is a really important lesson to learn.

Tom Copley AM: Thank you. I want to come on now to some of these issues around the signing of the engineering contracts specifically, because TfL did have an absolute role there in terms of authorising the release of the next tranche of funding. There has always been some confusion around this issue, not least because the language of the Mayoral Direction needed to be altered at one point.

I want to ask Mike first of all: there were a number of conditions in the deed of grant that needed to be satisfied to TfL’s satisfaction and so I am going to go through a couple of them. Could you explain to us how the Garden Bridge Trust satisfied you - and I quote - “that it has secured a satisfactory level of funding to operate and maintain the Garden Bridge, once it is built, for at least five years from its completion”?

Mike Brown MVO (Commissioner of Transport for London): There was a series of payments that took place since I took over as Commissioner. Those are the only payments that I can talk about with any certainty to this Committee. I cannot --

Tom Copley AM: This was in your time as Commissioner.

Mike Brown MVO (Commissioner of Transport for London): I was advised, for example, that on 10 August 2015 there was a payment of £1.74 million. That payment, which we made DfT aware of, I was advised, was in accordance with the schedule of the funding agreement and, had we not made that payment, then we would have been in breach of the funding agreement as had been laid out previously. That actually is the case for all the subsequent payments, so £3.5 million on 16 November --

Tom Copley AM: I really want to focus on this £7 million payment that was released after the construction contract was signed.

Mike Brown MVO (Commissioner of Transport for London): Yes.
Tom Copley AM: I want you to tell me how the Garden Bridge Trust satisfied you that they had secured “a satisfactory level of funding to operate and maintain the Garden Bridge once it is built for at least the first five years of operation”?

Mike Brown MVO (Commissioner of Transport for London): Can you just remind me of the date of that, Tom?

Tom Copley AM: The £7 million was released in February/March 2016.

Mike Brown MVO (Commissioner of Transport for London): All right. Again, my advice at that time - and by the way, this was also when of course our own Audit and Assurance Committee was undergoing a review of the funding of this – my advice was quite clear that we were obliged to pay that money at that time.

Actually, when we got to the funding of 22 April [2016], there was Mayoral Direction - form1647 - signed, which amended the precondition for the GLA guarantees of the bridge. Instead of needing five years of operating costs at that point, that then said that the Garden Bridge Trust now needed to demonstrate a credible strategy for securing those funds going forward --

Tom Copley AM: The deed of grant was never amended. Sorry, Commissioner.

Mike Brown MVO (Commissioner of Transport for London): That was not an approval that TfL needed to give at that time. That was not something that required our approval and it did not get our approval.

Len Duvall AM (Chair): Could I just come in? I have seen exchanges between TfL officials and DfT officials to draw down their money and it just says there is no due diligence report attached to it and no additional information. It just says the conditions have been met. Is that what you received in terms of the assurances you had or is there in TfL behind every one of these decisions -- I am more interested -- I know the £7 million is an interesting one. In the construction contract, is there a due diligence piece of work on that that reconciles that all the conditions have been met?

Mike Brown MVO (Commissioner of Transport for London): I cannot recall seeing that and --

Len Duvall AM (Chair): I do not think it exists.

Mike Brown MVO (Commissioner of Transport for London): I cannot recall seeing that, Chair, to be honest.

Len Duvall AM (Chair): Can you come back to this Committee and tell us?

Mike Brown MVO (Commissioner of Transport for London): Of course.

Len Duvall AM (Chair): I do not believe that due diligence has been done because you would have disclosed that to the independent inquiry and the information you have given. Looking at the transcripts, it appears that everyone is edging around that and we are relying on an official telling us that it has when it clearly has not.

Mike Brown MVO (Commissioner of Transport for London): Of course I am happy to do that, Chair, and I will just emphasise again. Actually, under my watch - and it goes back to the recommendations that I
accepted from Dame Margaret’s report - there is no way that I would have set up an arrangement that led us down this path. I just want to be very clear about that. Clearly, I am happy to share with you if there is anything there, of course, Chair, yes.

**Len Duvall AM (Chair):** I am very clear because it is quite a serious matter about giving money over when the conditions clearly have not been met.

**Mike Brown MVO (Commissioner of Transport for London):** Yes.

**Len Duvall AM (Chair):** All right. In terms of that, throughout this project, there are questions in terms of drawing down money, but we can pinpoint at the specific times when red flags or someone should have been there highlighting the risks about those that have been signed off before we give that money across. It appears none of that happened, even within TfL, and I cannot find anything in the GLA. I am going to ask some questions of the GLA in a minute about what they do with Mayoral Directions, but, even so, is that --

**Mike Brown MVO (Commissioner of Transport for London):** I do understand. Again - and I know I am verging into the recommendations, Chair, and so forgive me but it is relevant in this context - the Mayor and I fully supported and endorsed the approach to ensure much greater transparency of Mayoral Directions going forward in terms of the TfL Board, which is there to fulfil that function going forward, and we have reconstituted since the current Mayor has been elected our Programmes and Investment Committee rather than a very wide-reaching Finance and Policy Committee, which covered investment matters as well as core finance matters. All of that leads to much greater oversight and scrutiny, including, very helpfully, decisions that are devolved to the role of the Commissioner that have to be reported properly and in full to the Programmes and Investment Committee. It may be in retrospect after this project has happened that that has occurred, but I do want to emphasise to you, Chair, and, through you, to the Committee that that is absolutely appropriate and that is something that I have fully supported.

**Len Duvall AM (Chair):** OK. Sorry, Tom.

**Tom Copley AM:** That is OK, Chair. I still do not think you have explained it to me. I know you mentioned this Mayoral Direction. There was a Mayoral Direction which softened the language to say “has a satisfactory funding strategy”, but the deed of grant was never amended. The deed of grant had the stronger version, which was “secured a satisfactory level of funding”. You still have not explained and I know this was done by Richard de Cani when he was Managing Director of Planning, but presumably the buck stops with you and you would have had to sign this off. Therefore, I want to know from you how they satisfied you that they could operate and maintain the Garden Bridge for at least the first five years of operation.

**Mike Brown MVO (Commissioner of Transport for London):** I did not sign it off because, in the way that this was constructed, that was not required under the arrangement that existed at that time. That is my point, Tom. That is precisely why tightening up those arrangements under my leadership and under my watch is so important. I do not believe that was the original way this was set up and that is regrettable.

**Tom Copley AM:** Looking at it now, are you satisfied that they did have a satisfactory level of funding to operate and maintain the Garden Bridge for at least the first five years?

**Mike Brown MVO (Commissioner of Transport for London):** I was very clear. If I fast-forward to when the current Mayor took office, I was very clear that no such further payments should be made to the Garden
Bridge other than those that were in line with the funding requirements that we had to deliver within the original agreement and there were no other payments made after that time and that --

**Tom Copley AM:** Yes, but you did not have to release the £7 million if you were not satisfied that these conditions had been met. There was no obligation on you to do so.

**Mike Brown MVO (Commissioner of Transport for London):** A decision was clearly made that there was satisfaction to that and I would only say to you that is precisely why tightening up of those processes has been so important to me.

**Caroline Pidgeon MBE AM:** Can I ask who made that decision? If it was not you, who made it?

**Mike Brown MVO (Commissioner of Transport for London):** There is an executive team that sits within TfL and there are --

**Caroline Pidgeon MBE AM:** Who is on that? Who signed it off?

**Mike Brown MVO (Commissioner of Transport for London):** I could share with you the devolved funding approvals that exist. When you are in an organisation - as you very well know, Caroline, from your time on the Transport Committee - there are multibillion-pound projects that have particular approval paths that go from people around my table with devolved accountability for certain levels of expenditure right up to those that require formal board approval. That has always been the case. Clearly, the transparency and the process by which those decisions are made has been enhanced and tightened up in response to these --

**Caroline Pidgeon MBE AM:** On this one, who did it? Maybe you can write to us on which Board it was and who sat on it at the time and any minutes for it.

**Mike Brown MVO (Commissioner of Transport for London):** Yes, I am very happy to do so, of course.

**Tom Copley AM:** Thank you. That would be helpful. The mayoral guarantee of the bridge’s running costs was never signed. I am looking now at Martin Clarke [Executive Director of Resources, GLA]. It was never signed and so why did TfL allow the release of this money upon the signing of the construction contract, given they did not have that guarantee of five years?

**Mike Brown MVO (Commissioner of Transport for London):** Our understanding was that we were obliged to release that funding at that time. That is my understanding.

**Tom Copley AM:** What confuses me is that you were not obliged because you were able to accept that the Garden Bridge Trust had to meet a certain set of conditions as set out in the deed of grant and so you were not obliged. You were able to but you were also able to go to the Garden Bridge Trust and say, “I am sorry. You have not satisfied us of these conditions”.

**Mike Brown MVO (Commissioner of Transport for London):** Look, I am very happy to share with you the basis on which those decisions were made. I just do not have immediately in front of me, Tom, the basis for that decisions, but I am more than happy to of course share that with you. I have no problem with that.

**Tom Copley AM:** I will try this next question. You might not be able to answer this, either. How did TfL satisfy itself in January and February 2016 that the Garden Bridge Trust’s business plan was credible?
**Mike Brown MVO (Commissioner of Transport for London):** Again, I will write to you through the Chair about the process by which that decision was made because I just cannot recall at this moment in time how that decision was come to and who made it.

**Tom Copley AM:** One of the main reasons given by the Mayor for withdrawing the offer of a mayoral guarantee was a lack of belief in the Trust’s business plan. Do you now agree or disagree with that assessment?

**Mike Brown MVO (Commissioner of Transport for London):** It has become apparent, as Dame Margaret referred to in the answer to an earlier question, that the funding that had originally been seen to exist from the private sector contribution had reduced significantly. Even in advance of her report, it become very questionable as to whether the Garden Bridge Trust could raise the necessary funding to satisfy what they needed to satisfy.

**Tom Copley AM:** I want to read you now part of your exchange with Margaret Hodge during your interview and this is in relation to the release of this £7 million and the question about whether you were obliged to do so or not, because during that transcript there is some confusion and you have to correct yourself at one point or be corrected by another TfL officer. Dame Margaret says:

“But you say they [the Garden Bridge Trust] informed you. Why the hell didn’t you write them a letter back saying, ‘This is unwise at this point’? They may inform you. There is nothing from you that says, ‘Hang on a minute. Don’t. This is a bit risky committing us’.”

You say:

“Well, yes, I think in retrospect such a letter might have been a good thing to happen. I think the reality was where the very overt political direction on — at that time was very much in support of the Garden Bridge …”

Dame Margaret then interjects and says, “So nobody would have dared write a letter?” You reply, “Well, the Mayor is my boss, whoever the Mayor is, being honest”.

Were you just doing what the Mayor told you to do?

**Mike Brown MVO (Commissioner of Transport for London):** I have a responsibility to challenge a Mayor when I consider it to be appropriate to do so, but it is quite clear that - as indeed has been alluded to earlier on - there was a very clear personal commitment to this bridge from the previous Mayor.

**Tom Copley AM:** You still had a responsibility to act in the public interest.

**Mike Brown MVO (Commissioner of Transport for London):** I absolutely had a responsibility to act in the public interest and, again, with the benefit of hindsight, maybe I should have challenged at that point in time, but that --

**Tom Copley AM:** There is an awful lot of hindsight in this meeting.
Mike Brown MVO (Commissioner of Transport for London): At that moment, I did not see it was appropriate to do so, but with the benefit of perfect hindsight -- which, again, is why having these proper checks and balances in place is so important going forward and that is where the governance arrangements and the sign-off arrangements and the transparency of such approvals for funding commitment that do now happen are so important.

Tom Copley AM: The public also want people to be held accountable for what happened at the time. The former Mayor has gone. The former Deputy Mayor for Transport has moved on. The former Managing Director of Planning has moved on. There is a feeling that no one is being held accountable for this.

Dame Margaret, do you think it is odd or unacceptable that someone at TfL, the GLA or wherever has not been really been held accountable and has not been disciplined for anything in relation to this project?

Rt Hon Dame Margaret Hodge MP: My goodness. Interestingly enough, I am always reluctant on this but I really do deeply regret that Boris Johnson [former Mayor of London] did not come and talk to me and so I could never challenge what other people said about his role and he never had a chance to explain himself in relation to it. However, it is one of those instances where -- and I said this at the beginning -- he clearly was completely committed. It is political cycles, is it not? You have an electoral cycle. Time and time again in the evidence, people talked about how this was a ‘second-term deliverable’. That was like the scene in the organisation. You get him and his Deputy Mayor for Transport ringing up officials involved all the time. He ought to --

Tom Copley AM: Now she claims she has nothing to do with it or something like that, I believe.

Rt Hon Dame Margaret Hodge MP: Yes. He ought to explain himself. I keep saying this. It is not the idea; it is the due process. It is nothing to do with -- the idea is perfectly legitimate and, fine, you may agree or disagree. That is not the issue.

Tom Copley AM: I want to move on to another point, which is to do with the engineering contract and the relationship between TfL and an Arup.

Len Duvall AM (Chair): Shall we bring that up under procurement?

Tom Copley AM: Do you want to bring it up later?

Len Duvall AM (Chair): Yes, under procurement.

Tom Copley AM: In that case, I will move on to the questions here on the cancellation costs. To Dame Margaret first of all: what evidence did you receive during the review as to how the initial preconstruction funds had been spent? Were they spent on trees, design, advice, public consultations?

Rt Hon Dame Margaret Hodge MP: I did not receive a greater breakdown than I had from TfL and I did not seek that.

Tom Copley AM: Do you think it would be helpful for the public to know in more detail exactly where some of this money has gone?
Rt Hon Dame Margaret Hodge MP: I would hope, now that the Garden Bridge Trust has decided not to proceed with the project, they will be completely open with the way that they, and TfL prior to that, spent the money, absolutely. It is public money.

Tom Copley AM: David, is that something that you would expect from the Garden Bridge Trust now? Are you going to be seeking that they are very open with this information?

David Bellamy (Mayor’s Chief of Staff): Absolutely. I understand that the Trust Chair has committed to publishing full details of where the money went. A great number of people will be interested to see that. If they choose not to, then clearly we will have to explore what powers TfL may have through the wind-up process that is currently underway, in order to bring as much transparency to this as we are able to.

Tom Copley AM: Thank you. To the Commissioner now: what is the status of TfL’s loan to the Garden Bridge Trust?

Mike Brown MVO (Commissioner of Transport for London): At the moment, we are waiting to hear back from the Garden Bridge Trust as to how much of that loan may be able to be returned to us. My objective is to secure as much return to the public purse as we can and we wait to hear from the Garden Bridge Trust, having written to them to that effect.

Tom Copley AM: Would any of the Garden Bridge trustees be personally liable for any of this money?

Mike Brown MVO (Commissioner of Transport for London): I am not aware of the legal detail - forgive me - on that, Tom. I genuinely do not know that point.

Len Duvall AM (Chair): In terms of that, there are approaches on this. We can either work to Greenwich Mean Time or we can work to some other form of time. Is there a sense of urgency from you both about seeking to get back those public monies from a cancelled project?

Mike Brown MVO (Commissioner of Transport for London): Yes, there is, not least, Chair, because what I want to ensure is that there is no reduction in the money that might be available to be paid back to us because a longer timeframe prevails. Absolutely --

Len Duvall AM (Chair): I just wanted to understand the sense of urgency there.

Mike Brown MVO (Commissioner of Transport for London): It is absolutely very urgent, yes.

Len Duvall AM (Chair): You are on it and you are on the case?

Mike Brown MVO (Commissioner of Transport for London): Yes.

Tom Copley AM: Once TfL handed over control to the Garden Bridge Trust in 2015, what controls did you have over how it spent public funding before construction?

Mike Brown MVO (Commissioner of Transport for London): We did not, really. There was some other funding that we had to -- there was some work that we had to do, for example, as the highway authority and we had to do some work and there were issues around Temple Station. However, in terms of the core amount
of the money, because the responsibility was with the Trust for how that spending was executed, that was their responsibility.

**Tom Copley AM:** Do you think, compared with other projects, the amount of money spent during the preconstruction period was unusually high?

**Mike Brown MVO (Commissioner of Transport for London):** It is difficult to compare it to other projects because I have never seen any project quite like this.

**Tom Copley AM:** None of us have.

**Len Duvall AM (Chair):** You could put it in a different way.

**Tom Copley AM:** Do you think it would have been different had this project been managed directly by TfL?

**Mike Brown MVO (Commissioner of Transport for London):** Yes.

**Tom Copley AM:** Interesting. What have you learnt as a result of your experience with the Garden Bridge Trust? Would you repeat this structure in future?

**Mike Brown MVO (Commissioner of Transport for London):** Absolutely not. I did not start that structure in the first instance and there is a huge amount of learnings on how you should be very cautious about relying on a charitable trust, on charitable donations and on private sector donations. It is perfectly appropriate, by the way, to work in tandem between the private and public sectors for big iconic projects. That is not the issue at hand here. However, the level of controls and the level of assurance as to how public money is spent is absolutely an imperative, absolutely. Again, our response to the recommendations made by Dame Margaret evidence that, too.

**Tom Copley AM:** Thank you. I have some further questions I will bring up later.

**Caroline Pidgeon MBE AM:** Mike, do you accept that some of the cancellation costs we are going to face are as a result of TfL’s lack of processes by, for example, allowing the Garden Bridge Trust to sign a £105 million construction contract and the like, when not everything was in place?

**Mike Brown MVO (Commissioner of Transport for London):** The difficulty goes right back to the original funding agreement with them. Had we still been able to control how they spent their money at that point, yes, but the reality was that, the control being with the Garden Bridge Trust, they were responsible from a governance perspective as to how that money was spent, not TfL.

**Caroline Pidgeon MBE AM:** TfL effectively created the Garden Bridge Trust.

**Mike Brown MVO (Commissioner of Transport for London):** Effectively, but I cannot comment on how that happened or why that happened because I was not there.

**Caroline Pidgeon MBE AM:** How it was set up is partly TfL’s responsibility. You set up this structure. It clearly has not worked and there are going to be huge costs to the taxpayer as a result. Do you accept TfL has some responsibility?
Mike Brown MVO (Commissioner of Transport for London): I accept that TfL has responsibility, absolutely. I was not the Commissioner at the time. I was nothing to do with it at the time.

Caroline Pidgeon MBE AM: Is your duty as Commissioner to the Mayor, as you put in your transcript from Dame Margaret - “The Mayor is my boss, whoever the Mayor is, to be honest” - or is it to the taxpayer?

Mike Brown MVO (Commissioner of Transport for London): I have multiple responsibilities. I am held accountable to the Mayor, to the TfL Board which clearly exists, and I am subject to scrutiny, as part of the mayoral family, to the London Assembly, as with this afternoon. There is a multiple series of stakeholders that I interact with at all times.

Caroline Pidgeon MBE AM: In this case and since you have become Acting Commissioner and Commissioner, should you not have looked at this in greater detail and thought about the taxpayer rather than the Mayor and the Mayoral Direction?

Mike Brown MVO (Commissioner of Transport for London): In retrospect, Caroline, as I tried to say to Tom [Tom Copley AM] and through the Chair as well, you could assume all of that. I had 24 hours’ notice to take over the role of Acting Commissioner. There then was a process to fill that job transparently and openly, as I consider it, a few months later. There was a huge learning curve and sense of priorities that I had to get to grips with and I made a judgement to focus on those of the highest spend and what I considered to be the highest importance to London taxpayers and fare-payers as to what was going on at that moment in time. As ever, I am more than happy to accept as a human being that sometimes in retrospect you would judge things differently than I did at the time.

Caroline Pidgeon MBE AM: Thank you.

Andrew Boff AM: Mr Bellamy, what undertakings did you give to the Garden Bridge Trust that they had the Mayor’s support?

David Bellamy (Mayor’s Chief of Staff): Nothing beyond the Mayor’s public statements.

Andrew Boff AM: You did not say to them, “It is all right. The Mayor is behind you”, or anything like that?

David Bellamy (Mayor’s Chief of Staff): No.

Andrew Boff AM: Thank you. Mr Brown, how do you take the comments of your predecessor, who reckoned the business case for the Garden Bridge was pretty similar to the business case for the Rotherhithe Bridge?

Mike Brown MVO (Commissioner of Transport for London): I cannot comment on what my predecessor’s views are.

Andrew Boff AM: Presumably, you would say that the Rotherhithe Bridge business case is more sound than the Garden Bridge’s. Is that correct? I do not want to put words in your mouth.

Mike Brown MVO (Commissioner of Transport for London): The Rotherhithe business case, given the challenges of interchanging at Canada Water and the need to improve pedestrian and cycling access to the Isle of Dogs from Canada Water is a very important transport project.
Andrew Boff AM: To quote precisely from Peter Hendy:

“Well, the business case for the pedestrian bridge in Canary Wharf to Rotherhithe isn’t much cop, if I remember rightly.”

He then goes on to say it is a similar case.

Mike Brown MVO (Commissioner of Transport for London): With respect, Sir Peter Hendy has not been the Commissioner for two and a half years and the detailed analysis is, I am sure, quite different than it might have been when he last looked at it.

Andrew Boff AM: Lovely. Thank you very much.

Joanne McCartney AM: Just on that point, I listened to Mike and to Dame Margaret, but I understand the initial business case in July 2014 was reviewed by the Treasury on behalf of the PAC and they came to a very different view of TfL’s original business case. I believe they said that the transport benefits were marginal. Is that correct?

Rt Hon Dame Margaret Hodge MP: Yes, absolutely. The PAC let me have that analysis that they had asked for and they were very sceptical of the business case. In fact, one of the arguments around whether it should or should not continue was that it would have required a new business case and everybody would have done a new business case and probably the transport benefits were highly marginal. I thought they were highly marginal in the 2014 case and the dependence in the business case on uplift in land values was also very questionable. If you look at it today, it just would not be there.

Joanne McCartney AM: Thank you.

Len Duvall AM (Chair): I just want to go back to an earlier part the conversation. When we were signing off on all this money and the due diligence process or the lack of a due diligence process, we had a Treasury report in the background and NAO reports that --

Rt Hon Dame Margaret Hodge MP: The Treasury redoing of the business case was after that.

Len Duvall AM (Chair): After the monies, but we certainly had NAO concerns around on it and I just want you, when you come back to this Committee, to think about what they were and where they reported to within the TfL organisation or to senior management at any time and about the risks of this project and what people were signing off before we were giving the money over.

Mike Brown MVO (Commissioner of Transport for London): Yes, of course I will, Chair.

Sian Berry AM: Just following on from the previous question about the transport case, as you probably know, I have been a transport campaigner for some time and I am quite familiar with transport business cases. I am incredibly aware of how difficult it is often to justify walking and cycling schemes in terms of how often car journeys and time savings for car journeys overwhelmed the case for cycling and walking schemes. It was very surprising to me to find, when I was running for Mayor and looking through some of the papers that had come out the review, that this had a solid transport business case.
To the Commissioner, you came to see this Committee in December 2015 and you did reassure the Committee that there was a transport business case, but the transcripts to the review do show that you more or less admit that that was not the strongest part of the business case. You said - and Assembly Member Copley quoted you before - that this would not be “in my top 100”.

Can I ask you to comment on that? Was there politics behind the original transport case and to what extent you would stand by it if you had to look at that project again? I know you inherited it, but you offered assurance.

**Mike Brown MVO (Commissioner of Transport for London):** Yes, sure. It is a very reasonable question. Look, any improved crossing over the Thames, whether it is in the east of London or whether it is in any part of London, has some marginal benefit in terms of improving access between the two sides of the river. That was the point I probably did not very eloquently make in front of that December 2015 meeting, but, in a sense, that is true. It does not mean that it is anything like of the same imperative as, for example, putting new signals on the Circle line or increasing capacity on those lines by 55% or about improving bus prioritisation or improving walking and cycling and healthy streets more generally. It does not compare to any of those at all, nor does it indeed compare, as I have just answered to the previous question, to the benefits you get from the Canada Water-to-Isle of Dogs bridge or the Rotherhithe bridge. However, the context in which I was making the statement was a general discussion about transport benefits. To say there was none would not have been correct because it opened up an opportunity for some people to walk across the river who might not have otherwise done so, but, in the greater scheme of transport projects around the city projected for the city, it was nowhere near a top priority.

**Sian Berry AM:** Yet it was able to pull down money from TfL and the Treasury for transport reasons.

**Mike Brown MVO (Commissioner of Transport for London):** Sure.

**Sian Berry AM:** Can I ask Dame Margaret to comment on that as well? Do you think it would have been more honest - is that one of the conclusions that you draw - to have emphasised other aspects of it and to compare those benefits with some of the harms that it would do to things like trees if you are making a judgement?

**Rt Hon Dame Margaret Hodge MP:** My first lesson learnt: be clear about what you are doing and why. A Garden Bridge could be an iconic, fantastic tourist attraction. It could be. Whether it was in the right place you can argue about, but it could be. If we had had that, the whole business case would have been different and we might be in a very different place today. My suspicion of course is, knowing the finances in this space, TfL is a route towards money. You might think about that. I did not really address that in my review but, because TfL has that money around if you have a brand new idea, maybe they try to get it dressed up as a bit of transport infrastructure, which most of the business case reviews now suggest were marginal. The most recent Treasury one says that.

**Sian Berry AM:** Yes, I found that incredibly frustrating. ‘Dressed up as a transport project’; it is a really good phrase.

The other quite non-standard part of the business case that was spending public money was the fact that it was so heavily dependent on other contributions, on private contributions and particularly philanthropic contributions from which the people making the contributions were not going to make a profit and so there is a question there. Again, the Treasury money came into that and they have quite strict rules about things like
the management case, the financial case and whether or not the rest of the money might come in and whether the project is viable. You have made presumably some recommendations to the Treasury department that signed it off or the DfT?

**Rt Hon Dame Margaret Hodge MP:** I did not do those in detail because the PAC had --

**Sian Berry AM:** You said they were not looking at it because you were doing this review, and so are you going to feed back into that?

**Rt Hon Dame Margaret Hodge MP:** No, I could do, but they had one review which looked at the DfT contribution, which is their remit, in which they suggested – again, I have not looked at this for a few months and so apologies if I am not being 100% accurate – that the business case was not very strong. To be honest, with the Treasury business case review, even if none of this had happened, I just wonder what Treasury’s position would be under the new Conservative Government. I have not had any conversations and I do not have any inside knowledge, but if Philip Hammond [The Rt Hon Philip Hammond MP, Chancellor of the Exchequer] and others look at that Treasury business case review in the current climate of public expenditure, they would have question marks over it. That would be my reading of it.

**Sian Berry AM:** Arguably, the reason that the project has collapsed now is not to do with the fact that the transport case disappeared. Those were not the reasons that it collapsed. It was because the Trust itself said they cannot raise the other side of the money. It is that kind of project where a small amount of money is going against money that is quite speculative. Is there going to be a very sceptical view taken of any subsequent projects in the future? Will there be new rules about the risk of unseen money?

**Mike Brown MVO (Commissioner of Transport for London):** Absolutely. I would not enter into this sort of arrangement ever again in this way. It is something you look back at and you say, given what emerged, that is not what you wish to do.

As I say, I do just want to emphasise, though, that that is not the same as saying you would never enter into projects that had some private sector funding, but it is the mechanism by which you have certainty of that funding prior to committing public sector funds alongside it. I just want to emphasise that point, Chair, through you, if I may, because it is an important point to make.

**Sian Berry AM:** Yes, that is the point. If you have a project where you have different sources of funding, the certainty surrounding each part of that funding has to be good before you put the public money in, and it seems in this case this was not.

**Peter Whittle AM:** Dame Margaret, we talked about this being a controversial project. The impression I have is that there was a point at which public support went, but do you have any comments on the state of the general public opinion when it was initiated? Was there a great public support for it or demand? Maybe your review did not go that far, but are we to be convinced that there was a great groundswell of support for this thing in the first place?

**Rt Hon Dame Margaret Hodge MP:** Remember I was not looking at whether this was a good idea or not, although I do think if this project had had huge public support it would have been much easier to raise the philanthropic monies, so to that extent my interest was whether or not they would raise the philanthropic monies.
The Trust itself claimed that it had great public support from a poll they did - I do not know whether it was MORI; I should not say that - in 2014, where they claimed that 87% of people supported the bridge. I did look a little bit at that in detail and there were six questions on the survey, of which three were about who were you, identity questions. There were three about the actual bridge, one of which said, “What do you like or dislike about it and what would you do differently?” I have a background in this; I worked in this area. It was not what I would call a rigorous approach.

What was interesting is in the course of talking to people -- and I talked to three people sitting around the table today, or four, I cannot remember. I talked to a lot of local councillors, local MPs, GLA councillors who are leaders in their community, who talk quite - to me -convincingly about the response they were getting in various -- whether it was surveys, whether it was in their inbox, in that way. My feeling on this was that if somebody says to you we are going to have a garden bridge, it sounds like a lovely idea. Then as the detail emerged and the extent of public expenditure commitment emerged, that is when confidence in the concept started to decline, which is why I said at the beginning, if I had been the Garden Bridge Trust, I would have put a huge amount of effort into ensuring that there was support for this concept. It is really important for the philanthropic giving, it is really important, not just an end in itself. Do not look up at the Treasury or the Mayor, look at the people in whose interest it is, the people’s bridge. Joanna Lumley called it ‘the people’s bridge’, and I felt people were up that way, not down that way. In my discussions with the elected groups, it was suggested to me that what had started as vaguely positive -- Coin Street was similar. Coin Street similarly felt at the beginning a great idea. It was only when they started consulting with their population that that began to emerge and people were thinking, “Hold on a minute, I am not sure we like this.” Certainly, on the Lambeth side, where there have been cuts by the local council to investment in their open spaces, it was particularly difficult there in terms of acceptance by the local population.

Probably it started off with people thinking, “Okay, I am a bit iffy”, but let us take that, and then there was insufficient effort by the Garden Bridge Trust to maintain that confidence in the concept. Then the evidence I had, particularly from locally elected politicians and pressure groups, was that support disintegrated.

Peter Whittle AM: I see, but the original poll that you mentioned, the only one really, was more or less not saying, “Do you want one or not?” it was more or less saying, “You are going to get one, what do you want it to be like?”

Rt Hon Dame Margaret Hodge MP: Yes.

Peter Whittle AM: Thank you.

Len Duvall AM (Chair): Peter, do you want to continue on with some more questions about the senior staff and the revolving doors into the private sector?

Peter Whittle AM: Yes, thank you. This is about the movement of staff. Dame Margaret, I want to start by asking you what are your main concerns about the movement of senior staff between public bodies and the private sector. What are your main concerns? As I understand it in your review, in the case of two quite senior staff who then went to Arup, you saw no problem with that.

Rt Hon Dame Margaret Hodge MP: I saw no evidence of that.

Peter Whittle AM: Yes. Can you explain why you came to that decision particularly?
Rt Hon Dame Margaret Hodge MP: To be absolutely honest, Peter, this is an issue of which I had concern at the time with the PAC. Very often you looked at defence contracts, you looked at transport and infrastructure contracts, you looked at employment, health service. There are whole areas where there is a revolving-door syndrome, which I find may not be in the public interest. It has been an issue that has been around for some time. This is absolutely no criticism of either the company or the two individuals, but if two individuals who were closely involved in the letting and running of a contract then go off and work there, in terms of public confidence in that as an appropriate pattern of behaviour, I have a question mark. It is not just here, it is elsewhere.

Therefore, my own view is twofold. I know it is really hard. If you are in the private sector you get a quarantine period, quite often, when you move from one job to the other and that would be one thing that I would investigate. There may be difficulties with it, difficulties around enforcement, but I would look at that. The other system that we have in central Government, which is okay, not brilliant, is that there is a committee that looks if people move from either working or -- politicians, if you are Minister --

Peter Whittle AM: This is ACOBA (Advisory Committee on Business Appointments) you are talking about?

Rt Hon Dame Margaret Hodge MP: They look at it and they say whether it is an acceptable move or not. With a mechanism like that - and it is not impugning anything against anybody here - in terms of the public interest and public perceptions, it is very important to have transparency around this and a quarantine period is a really good private-sector convention which the public sector should look at and perhaps adopt.

Peter Whittle AM: In the case of the two individuals who are mentioned in this report, you saw no suspicion there, you had no reason --

Rt Hon Dame Margaret Hodge MP: I saw absolutely no evidence.

Peter Whittle AM: How did you come to that conclusion? Purely on statements?

Rt Hon Dame Margaret Hodge MP: Statements, and I had absolutely no written evidence at all that suggested that. I did not dig massively around it but I certainly questioned them both on it. I also got correspondence from Arup.

Peter Whittle AM: Thank you. Mr Brown, what, if any, restrictions are placed on senior TfL staff in moving to the private sector as it stands?

Mike Brown MVO (Commissioner of Transport for London): We do not place restrictions other than for people who have left under a severance agreement. We have not characteristically done that, because clearly, until somebody resigns and then is moving on, you do not know where they are going to go or what is going to happen. However, I would just say that I know that across the GLA we are now looking at the types of things that Dame Margaret refers to as what we might do to more rigorously pursue this, and I absolutely commit to playing a full part in that. Across the GLA we now have a new Human Resources (HR) Director who has some experience, as I understand it, in the NAO and therefore will play a role in carrying out a review of how we do this. I will absolutely commit to ensuring that TfL is fully playing a part in that review and support it in whatever way we can and complying with whatever emerges from that.

Peter Whittle AM: Will you face any particular problems if the conditions are made more restrictive at TfL?
Mike Brown MVO (Commissioner of Transport for London): I will not face any challenges as TfL. The only thing we have to make sure is that we are staying on the right side of the law because I know there are some legal processes that we have to follow to make sure we are not restricting somebody’s individual freedoms and all those kinds of things. Therefore, we will of course make sure we are complying with best practice, as determined by this review by the GLA, which we will be happy to follow the advice of, and ensuring that we do things, as best industry practice, we should do.

Peter Whittle AM: Thank you. David, do you think the rules should be tightened. If so, would this be something that would apply across the whole of the GLA family?

David Bellamy (Mayor’s Chief of Staff): The place to start is that the Mayor does support Dame Margaret’s recommendation and, for the reasons Dame Margaret set out, it is important that there is not a perception formed that private firms can gain advantage in a procurement process or in other similar processes through recruiting somebody who was involved in that work here at the GLA or in one of the functional bodies. The question then becomes one of how we proceed there, something we have taken legal advice on.

What we are looking at is probably two options. One is a restrictive covenant in people’s contract of employment, which basically restricts their ability to carry out their trade when they cease being employed by the GLA or functional body. There are one or two examples of those used around the GLA group, but I know - and I know this is my private-sector experience before coming here - they can be very difficult to enforce. If their purpose effectively deprives the individual of their ability to make a living in their field, then the court is likely to throw them out and that is just creating more legal costs and burdens for ourselves as an authority, which is not helping anybody.

The civil service, as you touched on earlier, has business appointment rules in this regard. The legal basis on which those operate is slightly different. The NAO this summer criticised how those have been implemented and carried out and so there is clearly some learning to draw there. As Mike said, it is great that the GLA now has a new Assistant Director for HR who comes from the Cabinet Office and who can help us work closely with the Cabinet Office to try to draw those lessons.

The other thing that is a possible approach that Dame Margaret mentioned is the idea of the quarantine period when somebody tenders their notice. That has an advantage in that you know they are not starting at a new employer and they are not thus passing things on or whatever it may be. The downside, of course, with that is that it is an expenditure of public funds to pay somebody to do nothing. You can see how that can create negative perceptions as well. This is not an easy one to solve at all. Now that Charmaine [Charmaine DeSouza, Assistant Director for HR and Organisational Development, GLA] is on board, we will be picking up this recommendation again and trying to work out the best way to thread through these things. In the meantime, it probably is worth saying, certainly for the GLA and I am sure it is true in all the functional bodies as well, that contracts of employment do contain confidentiality clauses that persist after people’s employment here. That provides some degree of protection and reassurance in terms of how people behave when they move on from the organisation.

Peter Whittle AM: You mentioned public money being given to people for doing nothing, effectively. This is not really part of my questioning here, but I am not going to get the chance to ask you again. The thing is that what people are asking me and what members of the public and people who come to the Assembly Members ask more than anything is that the money that we have lost, the £50 million or whatever, we are not going to get back. They want to know how was it distributed and who got it. They know they are not going
to get it back, and I know this is not in our remit today, but I wondered if you could give them any guidance as to where the £50 million went. Was it on consultancy fees, was it on feasibility studies, what was it on?

David Bellamy (Mayor’s Chief of Staff): What we expect we are looking at is the expenditure to date has been £37.4 million. On top of that, the DfT decided to underwrite the project in May 2016, without which and had they not issued that, the project would have gone no further. Initially that underwriting was for £15 million, but then, after a change of Secretary of State, it was scaled back to £9 million. The Committee of course will be aware, per Dame Margaret’s report, that that was only done after a letter of direction was issued to the DfT accounting officer to overrule his advice in the matter. What that additional £9 million is for is what at the moment the Garden Bridge Trust are putting together a claim for to TfL, who act as the administrators of the DfT funding for the scheme. The Commissioner, has been clear that we will only be paying out any of that money where we are legally obliged to do so. The way that works is it is not about the Trust drip-feeding through individual payment requests. They have to pull everything together and make one single declaration. That has taken them some time to do and we all await that to bring this to a close. I understand that the Chair of the Garden Bridge Trust has committed to publishing full details of where their money was spent.

Peter Whittle AM: When will we get that, David?

David Bellamy (Mayor’s Chief of Staff): That is a matter for the Garden Bridge Trust. From our side, through the windup process and the administration that TfL has to do and the checking to ensure that that DfT money that will be paid out is only paid out where it absolutely has to be, we will see what information we are able to gather and obtain and then we will look to make that public. You are absolutely right that the people of London do want an answer to that question.

Len Duvall AM (Chair): Let us move on. We have one last set of formal questions.

Tom Copley AM: I thought it was best to bring it in under this section. This was a follow-up to Peter [Peter Whittle AM]. I have been passed some emails that were released as a result of a FOI [request] by The Architects’ Journal in relation to contact between Arup and TfL officers regarding the engineering contract. According to TfL’s auditors and the report that they published, Arup claim that at the bidding stage they were not involved with Thomas Heatherwick Studios. The tender for the bid was launched in April 2013. However, a couple of months before then, in January 2013, the former Managing Director of Planning at TfL wrote to Duncan Wilkinson, who is part of Arup’s infrastructure design team. This is all in the FOI which has been released:

“Garden Bridge across the Thames, Heatherwick and [Joanna] Lumley. Ring any bells? Apparently, Arup are involved with Mace.”

Wilkinson responded:

“Yes, it does ring bells. Thomas Heatherwick is apparently the man of the hour. My bridge colleagues are helping our building practice who work with Heatherwick. I can let you have my views when we meet or we can speak on the phone.”

The former Managing Director of Planning replies that he has met with the Mayor and Peter Hendy and:

“We are potentially going to be doing some work to take this forward as a mayoral project, so at some point a contact and discussion with Arup would be good.”
That does not really tally with a claim that Arup were not involved with Thomas Heatherwick, does it, Mike?

**Mike Brown MVO (Commissioner of Transport for London):** The key lesson going forward for this is that we need to have much greater transparency and records of all conversations that have taken place.

**Tom Copley AM:** Of course, but it goes back to the point about people wanting - and this is part of our job on the Assembly - accountability for what has happened. We want the process changed going forward. Do you think this undermines TfL’s own audit if the information that they were given about potential contacts with Thomas Heatherwick and Arup were not properly declared?

**Mike Brown MVO (Commissioner of Transport for London):** Clearly that is precisely why we need to have all these interactions and conversations properly documented, which I fully support and endorse. Going forward, I want to make sure that our experts in the now single commercial team we have, and indeed the legal team, feel they have the absolute right to escalate and bring to the attention of me or my executive committee, or anybody else in the chain of command, issues that are of concern to them in not following due process in any procurement matter. Therefore, absolutely, we have to get this better going forward. That is precisely why I have changed the procurement processes since I have been doing this job, exactly for those reasons.

**Tom Copley AM:** The contract between TfL and Arup was signed on 8 July 2013. During the bidding process, TfL’s rules are very clear that contact between anyone at Arup and TfL was only permitted via one officer, who I will not name but is named in the tendering. That is the only contact that is permitted. Contact with Heatherwick Studio is also not permitted. Arup were interviewed on 16 May. The contract was not signed until 8 July 2013 but there were a number of emails that have been released between people at Arup and TfL staff, including the former Managing Director of Planning, before the contract was signed. Does that concern you?

**Mike Brown MVO (Commissioner of Transport for London):** That is precisely, again, why I want to see some transparency. Of course, just to be clear, there sometimes will be interaction between, on a consistent basis, various bidders, as part of the normal procurement process. That is standard practice in any --

**Tom Copley AM:** That is via the named person. These are contacts by the person who is not named.

**Mike Brown MVO (Commissioner of Transport for London):** That was what I was going to go on and say, but that is precisely why we need - and we now indeed have - that very clear transparency of process about who interacts on what, so that if there are some clarifications that are sought from bidders on a particular aspect of the procurement process and there needs to be some interaction as a result of that, that is open and transparent and is on the record. If there is any evidence of any --

**Len Duvall AM (Chair):** Mike, can I just interrupt? On this occasion, I just want to cover one of the bits of information TfL supplied us with. There is an exchange between a TfL official on an opening of the flyway, if I can call it that, the Emirates Flyway, with another TfL official that says:

“I have spoken to Thomas Heatherwick and asked them what procurement process they would like to have and they said they prefer option 3.”

That is not the interaction that we would expect, would we?
Mike Brown MVO (Commissioner of Transport for London): No, it is not, but --

Len Duvall AM (Chair): I can list a number of examples, throughout this process, of those issues and where there has been a breach in this process around the procurement issues.

Mike Brown MVO (Commissioner of Transport for London): Absolutely, and I understand the point and that is precisely why I have accepted Dame Margaret’s recommendation on this subject. I have accepted it and, not only that, I have ensured that it has been put in place.

Len Duvall AM (Chair): That same information - I have to say - was available to you when we issued our report on the procurement issues.

Mike Brown MVO (Commissioner of Transport for London): Yes.

Len Duvall AM (Chair): It is no different and some of the issues that Dame Margaret is commenting on are issues that we have raised with you directly and with others in TfL and asked questions of.

Mike Brown MVO (Commissioner of Transport for London): I am very sorry, Chair, if we did not give the sense of urgency of dealing with these issues, but I can assure you that these are very important issues. In parallel, of course, we accept these recommendations and changes. I have been reorganising the way that TfL runs. For example, we now run as a single executive committee. That was not the case previously, that was not the way the organisation operated; it now does. There is very tight control and grip from me and the Acting Chief Financial Officer (CFO) as to how we oversee these projects. That was not historically the way the organisation operated. Of course, I would never have meant to be disrespectful to the work that had gone into the report of this Committee.

Tom Copley AM: I also want to put on the record, Chair, if I may, that when The Architects’ Journal, as result of receiving this information through the FOI Act, approached Arup for a comment, they were sent the following letter from the Arup Group Legal Director. I will quote it because I want it to go on the record:

“I write further to a request for comment sent by Will Hurst of The Architects’ Journal to one of my colleagues. We responded to that request earlier this afternoon but I am concerned about some of the insinuations that are being made in Will Hurst’s email. He makes incorrect allegations against Arup, for example in respect of collusion, that Arup broke multiple tender rules and failed to declare conflicts of interest. None of these allegations are substantiated against Arup by the contents of his email and I am concerned that such statements might be repeated in any published articles. Fair criticism of the Garden Bridge Trust is perfectly reasonable but I cannot accept defamatory statements which would otherwise cause Arup serious harm and financial loss. I trust that you will consider these issues carefully before publishing and ensure the article, if any, is accurate and supported by facts not supposition.”

I am told it is very unusual for a publication to be sent a threatening legal letter before an article has even been published, simply in response to requests. I want to put that on the record because I believe it is important that the public see the actions of a multibillion-dollar company against a small trade publication. Does it concern you that Arup is behaving in his way, Mike?

Mike Brown MVO (Commissioner of Transport for London): That is not really for me to comment, Chair. What Arup chooses to do from its processes is really up to it.
Tom Copley AM: Dame Margaret, did you receive any legal threats during your review or after publication of your report?

The Rt Hon Dame Margaret Hodge MP: I certainly received a number of letters to ensure that --

Tom Copley AM: Did you feel they were threatening?

The Rt Hon Dame Margaret Hodge MP: There were similar sorts of letters to me.

Tom Copley AM: Would you name any of the organisations they came from?

The Rt Hon Dame Margaret Hodge MP: I had one from Arup but I am trying to think who else.

Len Duvall AM (Chair): Could you supply the Committee with those?

Tom Copley AM: Could you supply them, because that would be very helpful for us, if there is no impediment to you doing that?

The Rt Hon Dame Margaret Hodge MP: What I cannot remember is whether I then got it from the two other people who work there. I just cannot remember.

Tom Copley AM: Thank you very much. That is all I have to ask.

Len Duvall AM (Chair): Let us move into the final set of questions. Joanne McCartney.

Joanne McCartney AM: Thank you. Can I start with Dame Margaret, if I may. It seems that all this stemmed from Mayoral Directions. You stated earlier that you were involved in setting up the GLA legislation and the idea was to give the Mayor the power to do something bold and visionary for London. Obviously, that has failed in this circumstance. You talked earlier in your opening about an ‘abuse’ of protocols, which is an extremely serious word to use. Where do you think, having looked at this now, the balance lies on that Mayoral Direction? We know from the Garden Bridge that there was a lack of clarity. One of the participants that you interviewed stated that it was not predominantly a transport project, yet others said it was. When a Mayor is using a Mayoral Direction, should they ensure that there is value for money but also, if it is to Tfl, for a transport purpose?

The Rt Hon Dame Margaret Hodge MP: Yes. My answer is that there probably are the structures available and the reforms that Tfl have instituted are really important and I warmly welcome them. It was the internal controls through internal audit and commercial as well as the direct executive roles. Therefore, they are there. You can get it right within the framework.

What appeared to me is a culture that a Mayoral Direction trumped everything else, and it just should not. It just should not. Just because you have a policy you want to pursue - and no doubt in my time I have pursued similarly innovative policies that people might have disagreed with - that does not mean you do not follow due process. Probably you can create the right balance. It does not need legislative changes, it does not need any change in powers; you have it there. It is about transparency and using those powers more effectively. I cannot stress enough that transparency is so important in all these things. Again, with all my experience with the PAC, if we just had a bit more transparency, we would get better value.
Len Duvall AM (Chair): Just while we are on Mayoral Directions, I just want to clarify something. You cover it in the report but I want it from the officers. What do we call it, the old name? The old organisation called it the Investment and Performance Board (IPB); I understand is renamed and rebranded now. Under the IPB, Mayoral Directions usually went to this committee.

Did any of those Mayoral Directions concerning the Garden Bridge go to this committee, where a number of officers would have been sitting around the table and may have helped Martin Clarke [Executive Director of Resources, GLA] with some of these deliberations in terms of discussions on the bits he was involved with? Did any of those Mayoral Directions with the Garden Bridge proposals go to that committee, to your knowledge?

Martin Clarke (Executive Director, Resources): Not that I remember. No, not that I remember and in fact I can see from my transcript Dame Margaret asked for a note explaining why it did not go to the IPB.

Len Duvall AM (Chair): Can we have a copy of that note?

Rt Hon Dame Margaret Hodge MP: Can I just make a chronology point which is quite important? The two contracts were both let before there was a Mayoral Direction.

Len Duvall AM (Chair): I was going to say that because one of the issues that come through in the transcript is that the defence is the Mayoral Direction, but most of the activities that this Committee has been questioning took place prior to a Mayoral Direction. The Mayoral Direction comes in September [2013]. The first time it ever goes to a TfL Board is in July [2013]. That is the first they ever hear about it. All the activities on procurement and discussions - inappropriate discussions, I should say - that take place are all before any of those formal issues. From the Committee’s point of view, we want a nail on the head that it was all covered by a Mayoral Direction. No, it was not. The timelines that TfL has provided and you have provided and our own timelines on issues make that very clear about activities that were going on before that.

Joanne McCartney AM: The two contracts were let in March and July 2013 and the first mayoral directive was in August 2013.

Len Duvall AM (Chair): I might come back to that period of time at the end of this session.

Joanne McCartney AM: Dame Margaret, in your report, what comes over is quite clear that once there was a mayoral directive all sense of reason seemed to disappear from both critical appointees and officers in TfL. You make the point that elected parties have to act with integrity, and our own decision-making rules here talk about the seven principles of public life, including integrity, honestly and transparency. You also said the Mayor’s appointees in City Hall should have stood up to Boris Johnson [former Mayor of London] and the TfL Commissioner should not have interpreted a clear and proper decision of the Mayor as a licence to contravene procedures.

I want to move to David and ask, now that you have had this report, has that made you and the Mayor think about how you need to approach Mayoral Directions, and what lessons did you learn from this report?

David Bellamy (Mayor’s Chief of Staff): I would start by saying that Mayoral Directions are clearly an important power for the Mayor. For example, to get TfL to work on the Mayor’s Transport Strategy, an entirely uncontroversial thing, legally a Mayoral Direction is required in order that TfL could do that work, or
indeed to set fares. Yes, they have a very important legal basis and it is right, as the elected Mayor, that the Mayor of the day has the ability to direct and take decisions as they see fit.

I totally agree, and I know the Mayor does, with Dame Margaret’s point about how vital it is that this is transparent. That is why they all report in to the TfL Board. Within this building we instituted a change in summer - maybe September - 2016 where we replaced the old IPB, which had slightly fallen into disuse anyway, was the impression I got in the previous administration, and we now have a weekly Corporate Investment Board which meets. That consists of all the mayoral advisors and all the executive directors on the mayoral side of the GLA. Not just Mayoral Directions but every single Mayoral Decision that is put before the Mayor goes through that forum first, which gives everybody the opportunity to ask questions and provide challenge or raise concerns if they have them, so that everybody is sighted on that. Ultimately my signature goes on every Mayoral Direction before it goes to the Mayor. Part of that is my check that an appropriate process has been followed and that everybody has had the chance to have their say about that. Therefore, we absolutely have that process in place to ensure that that consideration is given. That meeting is minuted by the Secretariat and those minutes are published so there is a track record there. Then, of course, the Mayoral Decisions and Mayoral Directions, when there are Mayoral Directions made, are also published. Therefore, again we bring that transparency.

Chair, this might be a moment just to broaden slightly, with your permission. One of the things that I did before coming here, before the mayoral election, was to study the November 2015 report by Deloitte to the TfL Board on its effectiveness. If the Committee is not already aware of that, that may be something you wish to consider. Reading between the lines, that shows a number of real issues in terms of governance at TfL and something that, when the Mayor came into power, and equally with the new Commissioner as well, there is a joint determination to tackle.

You will see that in terms of both the appointments that have been made at the TfL Board, the changes to the committees and the processes around that, the commitment to ensure that Mayoral Directions that relate to TfL are reported to the Board and tracked by the relevant committee, and now the work that is going on in this year’s Board effectiveness review that the Deputy Mayor [for Transport] is leading, to look at standing orders and ensure that the scheme of delegation in use at TfL is appropriate. What that shows is that from the leadership at TfL and the Mayor and the Deputy Mayor and indeed myself have a real commitment to improve governance at TfL and try to ensure that it is at the level that it should be, given the important responsibilities the organisation carries out.

Joanne McCartney AM: That leads me into my next question, which was to Mike, about the TfL Board itself. Just reading the report it seemed obvious to me that Board members have a legal and fiduciary duty. By omission, they were not carrying it out. What have you done with the new Board to ensure they understand their legal and fiduciary duties?

Mike Brown MVO (Commissioner of Transport for London): David [Bellamy] has begun to answer that, but perhaps to add to that, the very fact is that Mayoral Decisions, as soon as possible after they have been taken, are now reported to the full Board. That did not happen previously. There also is a quarterly summary of issues around Mayoral Decisions to the Audit and Assurance Committee, as well as an annual review of all those Mayoral Directions issued. As well as that, as I alluded to earlier on at the very start of this session, the restructuring of the committees of the Board has been extremely helpful in separating out the Programmes and Investment Committee to allow sufficient time and scrutiny and oversight of the projects and programmes across TfL, including where decisions have been allowed to be devolved to me. There is a review, a report, of those decisions made as part of the report into the Programmes and Investment Committee, separate now from
the Finance Committee, which has an important role to play, but trying to run those two together was a real challenge before.

I should also say that the way that this Board functions - and this will emerge in time following the Deputy Mayor for Transport’s review of the Board effectiveness now - is an entirely different way than previous Boards have operated. That is really helpful in terms of demonstrating proper governance and proper oversight and proper scrutiny of the executive of TfL and indeed ensuring that Mayoral Decisions that are made outwith the formal Board process and properly reported back into it at the earliest opportunity. I am very confident we are in a very different place from where we were previously.

Joanne McCartney AM: The report also noted the leeway given to the Commissioner on spending decisions. Has that been tightened up and are you more accountable?

Mike Brown MVO (Commissioner of Transport for London): Absolutely, and again that goes back to the point I raised to you, which is around the reporting of any decisions that I have made and how those are scrutinised and overseen by the Programmes and Investment Committee. I can assure you scrutiny on those decisions does take place and that is entirely appropriate. The provisions for such delegations are in standing orders, but those of course are subject to review and subject to the correct level of scrutiny, which I am entirely supportive of.

Joanne McCartney AM: Thank you. I want to go on to procurement in a moment. Before I do, Dame Margaret, on page 19 of your report you spoke to the two firms of architects that did not win the design competition. It is quite clear from your interviews with them, and I quote:

“They felt the competition have in reality been predetermined. We feel deeply embarrassed to have been used in this way by a publicly accountable body who should know better.”

Did you get a sense there about the reputational risk that this fiasco had done to TfL in the wider world or not?

Rt Hon Dame Margaret Hodge MP: Certainly there is a reputational risk, but do remember that these architectural bodies are also very dependent on ongoing contracts from TfL, which is why I was surprised. Before I put this into the report, I was quite clear, in talking to the architects, as to whether they would object to my putting that in the public domain. They were quite happy about that. Therefore, reputational risk to TfL, yes, but remember this is a bit of David and Goliath. Their practices depend on getting work out of TfL. That is a very different position for them.

Joanne McCartney AM: Perhaps I can direct my next question to Mike. Have the relationships with those firms been rebuilt and has some progress been made?

Mike Brown MVO (Commissioner of Transport for London): Absolutely. I can assure you on the record, that we will absolutely be giving them proper consideration for any further work that is bid. In fact, again it is worth saying - and maybe you were going to come on to this; forgive me if I am leaping into your next question - it is required practice now. The evaluation of bids is conducted using specialist software that records those decisions and processes with absolute transparency. There is no way that that can be interfered with in any way whatsoever. It is required practice that the evaluation of these bids is carried out by more than one person to ensure that there is proper assessment of any issues that people might have concern. Also, again because we have the single Chief Procurement Officer function now within our commercial team, proper
escalation processes are already in place to ensure that, if necessary, people have access directly to me or the acting CFO or indeed the Chief Procurement Officer if they are feeling that in any way there are inappropriate or incorrect decisions being made, notwithstanding the much greater certainty of process that we now have in place.

Joanne McCartney AM: Thank you. Can I ask, Dame Margaret, after hearing that and seeing what processes TfL have now instituted, are you content that they have accepted the spirit and the specifics of your recommendations?

Rt Hon Dame Margaret Hodge MP: Yes, and I will put a plea to you which is to please scrutinise it to make sure that it works in practice.

Joanne McCartney AM: Thank you.

Caroline Pidgeon MBE AM: I wanted to pick up the process of Mayoral Directions. Clearly the issue, as Len has already put, is that loads of the work on the Garden Bridge took place ahead of any Mayoral Direction. In your processes now, Mike, are you telling me there is no possibility of work going ahead before a Mayoral Direction on that is outside, say, the business plan?

Mike Brown MVO (Commissioner of Transport for London): That is not actually the way it works. I am hesitating to answer the question with a straight yes because there are a number of activities that we get on and do all the time with the business plan. We have to manage the organisation on a day-to-day basis and clearly that would not necessarily be specifically outlined in the business plan and nor would you expect a Mayoral Direction to be. In terms of major procurement decisions and decisions on projects that were, let me say, at the margin of being called transport projects, I would expect there to be the proper diligence as is outlined in our acceptance of Dame Margaret’s recommendations.

Caroline Pidgeon MBE AM: One of the key issues around this Mayoral Direction is the role of the Deputy Mayor for Transport in all of this. The Deputy Mayor for Transport has a close relationship. She is Deputy Chair of the Board; she has day-to-day dealing with you. Reading all the transcripts, it is quite clear that the former Deputy Mayor said, “I was not involved in anything, I did not see any of that, I have no memory of most things”, but the former Commissioner was very clear that Isabel [Isabel Dedring, former Deputy Mayor for Transport] was on their backs every day. The pressure on a daily basis was absolute.

It seems to me that you could have a Deputy Mayor, on behalf of the Mayor, pushing something that may not be in any of your business plans or processes and you could feel under pressure to be doing work when there has not been a clear direction, a clear setting out of the purpose of whatever this is, even if it is just the initial working up an idea. How can you guarantee that will not happen again?

Mike Brown MVO (Commissioner of Transport for London): I can only speak from my own experience and the evidence that I have in my experience of being Commissioner. Since this current Mayor has been elected there has been no such process applied to me on any occasion whatsoever.

Caroline Pidgeon MBE AM: What processes are being put in place? Yes, we all know the current Deputy Mayor for Transport and we knew the previous one, but you could have an administration with someone trying to push something through. What is in place to stop this ever happening again?
Mike Brown MVO (Commissioner of Transport for London): As I outlined, the processes that are now in place, which are much more explicit and much more transparent as to Mayoral Directions taken, the reporting of those to the board, the reporting of those through the Audit and Assurance Committee, the best-in-industry practice in terms of the evaluation software for bids taking place and how the procurement is applied, the scheme of delegations to the Commissioner and my senior team is all part of this process of ensuring a much tighter control on this that allows proper corporate governance to apply rather than any individual having undue influence of process outwith such a governance arrangement.

Len Duvall AM (Chair): Can I just interrupt? We ought to be careful about politicians having preferences. That is quite reasonable and chasing performance on a project is quite reasonable. What is unreasonable is if you do not follow your own policies in doing it and it is not clear and some of the policies that you are following in pursuing it are dubious and dodgy. That is another way to put it, really, because of the evidence that we have before us about the procurement process, some of the other activities, one I have quoted earlier on that I find particularly offensive. I can name a whole number that offend me, because a number of us have been in local government. I am a big fan of TfL; I am a big fan of professional officers. They are one of the institutional strengths of this country and I talk up TfL, but on this particular occasion TfL let us down in terms of the way that some activities were carried out. I just find that from your own evidence you gave us. That is what I stress. It is not us making it up or others providing it. You gave us the evidence, you gave us the issues in terms of FOI requests and others, that showed that you have fallen short of a standard of behaviour and conduct, to be honest, in terms of pursuing this project.

I just want to be careful and the reason why I interrupted you is there is nothing wrong with political preference, particularly in pursuing it, and in terms of pursuing performance, but you have to stay within the rules and policies in pursuing those objectives.

Mike Brown MVO (Commissioner of Transport for London): If I may, that is precisely why following this new process and having that suite of recommendations responded to by us and in place, alongside, I would say, of having a Board. Just to emphasise - and the Board effectiveness will emerge in due course, as is being carried out by the current Deputy Mayor - with a Board that allows a much more normal interaction with me as the Chief Executive than frankly I ever was able to have with the previous Board. I am being very honest with you.

This is a very important relationship outwith and notwithstanding political views, which you are quite right to say what you did and that is absolutely correct and appropriate. It is an important relationship when you have a non-executive board that is part of the scrutiny and oversight on behalf of the Mayor or TfL but that does it in line with good corporate governance. That is really important. I have worked in the private sector, I have seen how these things work and I have to say this feels much more conventional in terms of its oversight of me and my executive team but also in the interaction and support and guidance and counsel I can get from Board members in their particular specialist areas. That is an important point to emphasis and that will probably emerge in the Board effectiveness review in the fullness of time.

Caroline Pidgeon MBE AM: That is really helpful. What I wanted to follow up is you are saying that this cannot happen again, but what happens now? The Mayor comes up with an idea. That is what they are there for. They come up with these great ideas.

Tom Copley AM: The jungle motorway, for example.
Caroline Pidgeon MBE AM: Whatever it is going to be. Tom has his idea already. You come up with your idea, your big idea. You have weekly meetings with the Mayor and so on, that then being worked up and taken forward. Do you then ask officers maybe to do some initial scoping work or whatever? When does that then go into this formal process? It is quite clear, “the Mayor has asked us put resources into this, to start working this up, to then start getting funding”. This is almost drip, drip, drip, how it happened. I can see once it gets to, “All right, we have agreed we are going to build a garden bridge”, this goes into this process. Before that, when it effectively is the Deputy Mayor [for Transport] chasing you and the Mayor at his weekly or fortnightly meetings, where does that get picked up?

Mike Brown MVO (Commissioner of Transport for London): Again, just to emphasise, the way things work now is in a very different way than might have been the case previously. The interaction with the Board or the committees of the Board --

Caroline Pidgeon MBE AM: But way before. This is not at the Board level.

Mike Brown MVO (Commissioner of Transport for London): No, but I have to say -- and you made the point earlier on about the business plan and how we scrutinise and work to the business plan. What we have now is a very clear structure of how we work in this administration, which I really welcome. We have a Mayor’s Transport Strategy, which you are aware of, which takes us to 2041. We have a five-year business plan that is a funded and demonstrable commitment and certainty to enable us to deliver steps along the way to achieve that strategy. Then there is an annual scorecard that I produce to manage the organisation, endorsed by the board internally.

Within the construct, that is how we ensure that we are absolutely complying with what meets legal planning. If there is funding requested or sought outwith that, then it would be my responsibility, if necessary with the support of the Board but certainly directly to the Deputy Mayor and the Mayor and David [Bellamy], to discuss how on earth we would come up with different funding for that.

I have to say, if you look at a raft of these recommendations taken in the round and taken also in the context of a board that operates in a different way from what we perhaps might have seen, we are in a very different arrangement. The reason I can be quite confident in saying to you that this is not something that I could sense a creep forward - which are not your words but what you are implying about how a project would happen - I just do not think that would happen. Given that I go to all those meetings with the Mayor and the Deputy Mayor on a regular basis, I cannot imagine that scenario emerging without there being proper process to scrutinise.

David Bellamy (Mayor’s Chief of Staff): If I may add to that, if it is helpful, if a project idea comes forward that requires money spent on it, clearly the officers of TfL have delegated power to spend money up to a certain point. If, for instance, the Mayor of the day were to ask the Commissioner to write a letter to somebody, the cost of a postage stamp and a piece of paper, that is within his power. There is clearly a point at which the expenditure that would be required would be outwith and approval would be required. That is what the standing orders of the organisation are there to do.

That is why Dame Margaret made the recommendation that we look at this area and that is why this is in the TfL response to Dame Margaret’s report, which has been through a number of the TfL Board committees and through the full Board in July, says that in the review of Board effectiveness that is taking place now, we are going to look at those standing orders. I understand there has already been some restrictions on the Commissioner’s power as a result of the change to the committee structure, which Mike [Mike Brown MVO]
already spoke about, which means that more things go there that previously might have fallen on the desk of the Commissioner. What we are going to do in that review is -- it is absolutely right, clearly, that the Commissioner has power to take action as the Chief Executive of the organisation in a situation where executive action needs to be taken. Equally, it is essential that appropriate approvals are in place for decisions and that where the Commissioner has to take such action there is appropriate, quick reporting and validation of that.

In the review of the TfL standing orders that we are going to do as part of this review, we are going to pick up that and look at it in more detail and ensure that, as an administration, we are comfortable with how that is constituted.

Caroline Pidgeon MBE AM: There is still a place at the beginning. The Mayor has the idea, jungle motorway, whatever it is. He sits there and has an idea and you, within your existing standing orders, could say, “OK, John over there, you are going to commission so-and-so consultants to work up if it is feasible”. The GLA officer here could do some work on it. Effectively, staff time and money could be spent up to a certain level before coming back to say this is a runner or not. Then if it is runner it will go into a process. You could still see some money spent on mayoral ideas but there is a point that this has now become a project and you would kick in with all your new processes.

David Bellamy (Mayor’s Chief of Staff): Absolutely.

Len Duvall AM (Chair): What you do not do is have mates doing it, or you be very clear and upfront about where it is and you do not come halfway through your process evaluation. The first report TfL received was in July 2016. If you look at all the other associated reports, there is a great deal of detail. There is even detail on the £25,000 spend - that was small beer to TfL - on a bridge repair. There is virtually nothing on this project and it is the first time the TfL Board ever received notification. Again, it is not even to the full Board, it is to a subcommittee. It comes out of the blue, bypasses every check and balance to get on to the agenda and then adopted. That cannot be right.

Rt Hon Dame Margaret Hodge MP: There was an authority in July 2013 to spend the first £4 million.

Len Duvall AM (Chair): From that Board. That was why --

Rt Hon Dame Margaret Hodge MP: That is the Financial and Policy Committee.

Len Duvall AM (Chair): That is it, but that is the first time it ever appeared in TfL Board papers. If it had come up and said there was proper evaluation and all the rest of it, I would not be saying anything. It cannot be right, in the 21st century, about the transparency of what went on and occurred here.

Sian Berry AM: Can I ask David a couple of questions about future safeguards against things like this in a more general sense. I know you have talked a lot about processes. I am assuming you think the processes cannot be bent to meet a political force in the same way as they were in this case. There were processes in place but the politics behind it was so forceful that nothing managed to stop all this money being spent.

Are you confident now that the processes cannot be bent exactly in the same way? We do vote, there is a mandate, but under particularly strong force from an elected mayor most processes could be bent. Are you confident that you are putting in place good safeguards? To what extent does transparency form the basis of that? I know Dame Margaret was saying whatever processes you have, transparency helps ensure the
challenge and the scrutiny. Are you going, for example, to be publishing more information to do with Mayoral Decisions or planning or things like that?

**David Bellamy (Mayor’s Chief of Staff):** On the first point, there are two things. The first is the strength of processes. The processes are, demonstratively, a lot stronger than they were. That is reflected in the evidence you have heard this afternoon. There are still one or two areas that we have talked about where we need to finish our work and we will do that, but there is real progress there.

You are coming from the right perspective when you say that in extreme circumstances is it possible to design a process that anybody cannot subvert. The answer is I doubt it is possible to design such a process. That brings me to my second point that people who operate processes are really important. In that sense, leading to what was said before, elections have consequences. That is when people take decisions at the ballot box. That feeds into what happens.

In terms of your point about transparency, a decision is not a decision until it is decided. There are strong and clear processes at the Authority here that mean that all decisions and -- usually a Mayoral Decision is to issue a direction. There are strong processes that when the Mayor takes those decisions they will be published within 24 hours unless there is a particular reason why they need to be held back for a short period, e.g. it is going to be announced next week or something like that and you cannot publish the decision ahead of the announcement, you need to publish them both at the same time. There is that process of transparency about that.

As I say, I believe not only in maintaining that external transparency and the ways in which we have improved that with the TfL Board. I know Mayoral Directions were also the subject of interest in previous administration in regard to the Fire Authority and some of the decisions that were taken there. Obviously, we are hoping that the Government will move the necessary secondary legislation and will change the governance structures there. One of the things that is important when that happens is that we get the right transparency, were there to be any Mayoral Directions issued relating to the London Fire Brigade, that they are also visible as well. We need to ensure that is right, both where the directions are issued but also where they are received. If we can get the transparency right at both sides, and the governance and the oversight, then hopefully that will ensure that we are in the appropriate place.

**Sian Berry AM:** Thank you. You make a good point that elections are there ultimately to hold people to account. Arguably, in this case, if we had not had a change of Mayor, a lot of this information would not have come out. We understand the decision a lot better now that Dame Margaret has had a look, although the report that this Committee made was potentially enough for the Mayor to have made a different decision.

Therefore, my question next is: how do we test whether or not the new processes are working? I am wanting to make a suggestion because we cannot wait until Sadiq [Sadiq Khan, Mayor of London] comes up with a jungle motorway or something equally ridiculous as that. There is a new rolling property fund that the Mayor is coming up with, which we do not know many of the details for yet, but it seems like the Mayor is going to be buying and selling and making lots of deals to do with bits and pieces of land. Certainly, as an Assembly Member, I have had many pieces of land suggested to me already for this. I know that we all know people who would like land to be bought and used. Potentially, there is some scope for mates and people you already know or preferences to be made for certain deals over others, and I wondered if, once some of that fund had been used, that would be an appropriate time to review --

**Len Duvall AM (Chair):** At the end?
Sian Berry AM: Yes.

Len Duvall AM (Chair): I would say we might need to do a bit of scoping work before we do, but I understand what you are saying.

Sian Berry AM: That might be an idea, and I wanted to ask Mike about the TfL Board because you are doing a lot of property deals now and ask whether you think the Board is strong enough. Does it have enough property specialists to scrutinise that work that TfL is getting more and more involved in?

Mike Brown MVO (Commissioner of Transport for London): First of all, I would say that we do have a commercial development advisory group, which is chaired by and populated by some property experts who advise the Board on the validity and the integrity of any such deals that emerge in the fullness of time. Again, I have to say, the link between that commercial development advisory group and the Board is entirely different from where it was before, because again the restructure of the Board. Therefore, there are some checks and balances in place to ensure that is done correctly and appropriately, yes. However, clearly, I am more than happy for any transparency on that to be reviewed over time.

Sian Berry AM: Sorry, you said that Board was tasked with looking at integrity as well?

Mike Brown MVO (Commissioner of Transport for London): Yes, it looks at the whole process. Clearly having an advisory group who have huge experience in the property sector to represent best value for TfL and therefore taxpayers’ interests as part of this is really important and the Board self-evidently will look to that group to properly advise them on the overall structure of any deals that we do.

Sian Berry AM: Thank you. Just to say, Chair, that was a suggestion potentially for the Chief of Staff as well as for the Committee in terms of what to review.

Len Duvall AM (Chair): I can deal with that. We will wrap up because it is a very important issue you have raised about relationships and knowledge and how things can go wrong, and so let us get there before they go wrong, not just for TfL, but for the GLA group and housing and land.

Andrew Boff AM: I was not going to contribute, but it was something you said, Chair, about TfL to Mr Brown. We absolutely are unanimous that TfL employs some extraordinarily talented people, no doubt about that. However, sometimes it appears, as you can see from this meeting on this subject, and on other subjects as well, that the inspiration for their governance is less to do with glasnost [openness] and more to do with Schrödinger. We do not know anything about it. We, as an Assembly, since I have been on here, know very little about what is going on at the moment. We only see a result produced at the end and TfL have to understand that is enormously frustrating for us to do our very important job of holding you to account. We time after time get people from TfL, your predecessor gave the same saying, “Yes, we are dealing with it”, however sometimes we feel like we are being patted on the head and said, “Go away, we know best and we will let you know when we have finished”. Do you understand that about the frustration there is when dealing with TfL?

Mike Brown MVO (Commissioner of Transport for London): First of all, I am really sorry if we ever give that impression. That is not my style and those around this table who know me perhaps better than you, Andrew, will say that is not my approach and I absolutely welcome the scrutiny from this Committee and from the Assembly generally of TfL’s activity.
I would also perhaps refer you, if I may, and I am sure you do look at this, to the agendas, notes and minutes, of our various committees and panels are hugely detailed in terms of the sort of things they cover. As recently as this Friday, we have coming up a very long and detailed Programmes and Investment Committee, which is a new committee I referred to earlier on, which goes through in huge detail the sorts of projects that are underway, the types of delivery challenges we have, how those projects are progressing, and in that spirit I am determined to continue to ensure we are as open and transparent as possible and again I can only apologise if that has not always been evident to your Committee. However, we will need to try harder.

**Andrew Boff AM:** I recognise you are getting better, but I also recognise it was a hell of an effort to get those into the public domain on our behalf. It was our efforts that got those into the public domain. Something about the culture of the TfL --

**Len Duvall AM (Chair):** No, it is about some whistle-blowers, people who were pretty brave in giving us information, who clearly were unhappy at the non-professionalism that was going on around them, because clearly at the early stages people were giving us and supplying us information and a big thank you to them because they felt equally offended by what was taking place. Not politically, because it was mostly all technical and about what was taking place under TfL’s name.

Colleagues, I am now going to sum up very quickly and it does not preclude anything else; we can have further discussion. As a Member, I was hoping this was going to be the last time that we might be talking about the Garden Bridge. There is a serious matter I am going to raise later on, Mike, which is going to be a bit tough. I want you to understand why the equivalent to this Committee’s foot is being held on the back of your neck and your organisation’s neck, to delivering what you have said. I take it in good faith and we have had, from your predecessors, from your internal audit, an interesting exchange with them.

We have requested various bits of information and we do want to follow up on that. I have raised the issue about the sponsorship issues, others have raised various things and officers have kept details of that. We will remind you about it if you do not have your own notes. The same with you, Dame Margaret, in terms of some of the information that you may have that you need to check with GLA whether it is appropriate for us to have, however we would welcome that information because it helps us to understand and learn lessons of the future. It was about minutes of meetings of what exists or does not exist.

You [TfL] have a consultation on transparency at the moment. I do not think we formally decided we should put in a contribution into that. We should take a decision from officers that we should. There is a deficiency in that because you do not talk about procurement. We can add to that. We would like to do that and we should do. Your closing date was the end of October; hopefully we can do something before then and meet your deadlines. If not, we might ask if you would accept a late submission from us because we want to give you the best advice about what we see before us in terms of that.

We will follow up the recommendations of your report, Dame Margaret but, also, we want to follow up our recommendations as well with both TfL and with the Mayor’s Office around that.

Certainly, on the job issue, I am looking to the Assistant Director of Human Resources and Organisational Development, Charmaine [DeSouza], who will come to this body at some stage at the appropriate time; you will share in some deliberations before the Mayor takes any final decision so that we could have a look at that because I know that will be an interest.
Now, Sian [Berry AM], on the points that you raised, you have raised a really interesting issue about the housing movement in both the private sector as well as the public sector. Housing associations, bigger housing associations versus larger ones, get a dollop of subsidy. Where are they getting deals because they deliver or do not deliver? We have private sector house builders who are different, seem to be like we did have a sort of select list model of those. We should look at scoping, having an informal discussion before, but thinking how best do we scrutinise that either in terms of offering advice to the Mayor’s Office on housing and land or to the GLA family, TfL, about how that can be done in a transparent way and in a way where no one feels there is a tainted process.

There have been times in the many years I have been on this Assembly where you might just question some of the aspects of some of those developments or deals and dare I say the magic words of ‘value for money’ and so can we take that offline outside this. Housing Committee members might need to be involved. Can we talk that through? I am happy to convene it, chair it, however the appropriate officers in the room can think how we scope that up, because it is needed and we need to think that through.

There is an element I spoke to the Mayor’s Office about, post-scrutiny/pre-scrutiny. We have not quite ever solved that out, how can we do that in commercial confidential situations. However, certainly seeing the same names come up time and time again cannot be right in a place like London and the southeast in terms of who is there and who is not there. We need to ask some questions about that. You might wish to comment on that scoping report as well. We are not precious about that. We want to get it right in terms of the transparency of arrangements that we need to do.

Now, Mike, I want to go back to two issues around this and it revolves around decision-making in TfL. I am in a dilemma because I have spent the weekend, the last couple of days, rereading some of the information and almost working my way up and it may have come across in some of my comments about what we have had. However, I do not take this bit lightly and it would have to be with agreement of colleagues and so I have not spoken for those.

Let us go to the earlier issue, the drawdown of money about whether the Garden Bridge Trust met conditions or did not meet conditions. In my own mind there are certain bits where it is very clear they did not and that clearly is wrong in some ways and I am thinking about that. Then I go back, so I am combining two issues, to the period of time in 2013, long before any Mayoral Decision and in the five or six months leading up to the TfL report that Margaret referred to where it is the first report on the table saying, “This is a project”, out of the blue to a subcommittee, as I call it. You might have a different take on it. Now, there are some issues there and no doubt I am almost thinking that you should be allowed to write back to us on that issue of whether there was any illegality or ultra vires activity done by TfL before it went to its TfL governance board and before you had the Mayoral Direction. Now, we need some legal advice. I do not see it as adversarial because I want to help to try to make sure this never happens again and we do learn these lessons because I am old school. I come from the day when councillors used to be surcharged for activities like this as well as officers. When remuneration for councillors was nothing and you were subsidising being a councillor in terms of those issues. The checks and balances do not seem to be there in terms of officials and, dare I say, have been eased off by politicians. I do not think they should be, but they have been eased off. That is just my personal view of that.

I am thinking of the issue of topping and tailing internal audit reports, knowing full well the only bit that gets published is the front bit and the back bit and you never read the full body of the bit. The question is quite frankly what were people trying to hide and misleading in terms of the internal process. I believe there may well be a case - and there may well be a case in the GLA - of where there is misconduct of officials. I know that is something I do not take lightly about that, but that needs to be looked at and I do not see how we can
conclude these issues around the Garden Bridge unless we look at those issues. That is why we need to take some legal advice and, if we do it jointly around those issues, it should. I am not one for taking heads; however, £46 million has been lost to the public purse on this project and the drawing down of money, things when I am not sure.

You are going to write back to us whether there was due diligence done. If the due diligence is the letter that I saw go to the DfT, yes, they have satisfied it and we have no accompanying information, but that cannot be right. I suspect you may have had something similar. That is not appropriate. Please reassure me that was not the case and there is something more behind it. We would have seen it by now if there was. There are some issues there and there is an issue for the GLA - it is not just for TfL - about what that is and we need to be reassured there because there is a taint over us about that and those issues.

Therefore, I am recommending that last bit; you may wish to reflect whether we do that jointly, that we go through it and that we work out some mechanism to do it. I am looking for our officers to help and work with us about how we do that. However, the checks and balance have been loosened somewhat and the trust and confidence has to be there in terms of what we do and how people carry out those tasks. I just want to be reassured of that and, as I said, I do not take it lightly and you should move to that. I would like to think we could do it jointly. I would like to think we could, but we ought to, just to clear those issues because some of the activities that took place were just inappropriate and should have been stopped if we had checks and balances to bring it back on track to do it right. I am not saying, in terms of that, there were processes and options open for this to be done properly and it was not. Would it have led to the cancellation of the project? I do not know.

They are different issues. Really, as Members know, whether people are in favour of the bridge or against the Garden Bridge, it does not really matter. It is not the merits of that. We are talking about the processes arriving at where we got to and were they properly followed or not. In this case they were not. Therefore, I would like you to reflect on that and come back; I would like the officers to work that up if I get the agreement with the Committee to do that. It is about closure, but equally there is some ongoing work that we need to do to make sure it does not. Like I say, TfL has a lot to be proud of. It is not just a London organisation. It is an internationally recognised organisation of good practice. On this occasion, it slightly let us down in terms of this for all sorts of reasons and I recognise you are trying to re-establish that grip that is required on the checks and balances.

Can I thank you all for the way you have answered the questions. If you need to talk further with me I am happy to make myself available, but you might want to talk to our officials as to how we move that further forward. Thank you very much.