

5 April 2019

Tom Copley AM
Greater London Authority
City Hall
The Queen's Walk
London
SE1 2AA

Dear Mr Copley

We acknowledge receipt of your letter dated 26 March, inviting representatives of the Garden Bridge Trust to attend a meeting of your Working Group on Monday 15 April, to which this is a collective reply.

Whilst it is certainly the intention of the trustees of the Garden Bridge that the full story should be told, we regret that we are not able to attend.

We do not believe the Working Group to be representative of the full membership of the Assembly; and nor can we have faith in its objectivity given that leading members of the Group have been so critical of both the Garden Bridge project and the Trust over a matter of years, without at any time feeling it would be helpful to speak to the Trust. Had they done so they would have learned that there is indeed another "side of the story".

From the three topics listed in Sarah Young's email received in advance of your letter, it is also our impression that the session may be designed to perpetuate false allegations made in the past, rather than to gain a full understanding of the circumstances of this complex project.

What we would say in response to those three topics is: -

1. The question about the placing of the construction contract has already been asked by the Charity Commission, has been answered in full, and the Commission has concluded that that decision was:
 - a lawful decision made in accordance with charity law;
 - made in accordance with the trustees' decision-making duties (as set out in Charity Commission guidance);
 - made in what the trustees believed to be the best interests of the charity (that being for the trustees to decide);
 - within a reasonable range of decisions that were available for the trustees to make in the interests of furthering the charity's purpose; and
 - within the range of decisions which a reasonable body of trustees might make.

We would have little or nothing to add to that, save to note that the nature and conditions of the contract, the safeguards built into it, and the consequences of placing it, have been consistently mis-stated.

2. In respect of the release of grant by TfL, we would note that in the opinion of Robert Pearce QC, obtained by TfL in response to the opinion of Jason Coppel QC, it is stated that, as a matter of instruction or information, TfL
 - does not consider that any payments have been made that are in excess of those provided for in the agreed payment schedule;

- nor that there has been any “financial irregularity, impropriety or negligence in relation to the operation of the project”;
- nor that they have been induced into any agreements by misrepresentations made to it by the Trust;
- nor that any of the statements made by the Trust to TfL in the course of the project were false or misleading.

Again, we would have nothing to add.

3. As to whether the Charity Commission should commence further investigation into the trust, you will be aware that this has already been the subject of a Case Study conducted by the Commission which concluded that “*the trustees were meeting their duties and were acting in compliance with charity law...provide strategic leadership and direction to the charity, understand their duties and responsibilities as trustees, and have evidenced robust and informed decision making*”.

There has also been an extensive exchange of questions and answers between the Commission and the Trust since that Case Study was published in February 2017.

Whether there might be any further investigation is a matter for the Commission, and we do not know what you would expect us to say about that prospect, other than that we think it would be both unnecessary and wasteful.

Notwithstanding the above, if the Working Group does have questions born of a genuine spirit of enquiry, then the Trust will respond fully and in writing to any that are put to us.

Yours sincerely



Lord Mervyn Davies
Chairman