

From: Michael Liebreich

Sent: 10 August 2017 10:39

To: 'Brown Mike (Commissioner)' <[REDACTED]>

Cc: Jo Jagger <[REDACTED]>; 'Carter Howard' <[REDACTED]>; 'Anne McMeel' <[REDACTED]>

Subject: RE: Discussion w Mike - Private and Confidential

Mike,

Thanks for your response to my note. However I am afraid we are not going to agree on this.

Someone who has, in the period up to and including a tragic accident, held very senior executive positions within the organisations commissioning and running a service, should have no role whatsoever in investigations of that accident. I actually think this is pretty clear and I'm only sorry I did not raise it sooner.

I am delighted that you have Jill Collis leading on this, but if she is leading then she should be doing all reporting to the board, its Committees and Panels, and in public forums.

BTW, this is a great example of why I have always believed you should have a Chief Safety Officer, reporting directly to you. Not to take over responsibility for safety from the businesses, but 1) day-to-day to drive a uniform safety culture and processes across the organisation, and 2) in emergencies to provide a clear single point of reference and support for you. It makes no sense to have that person report to the head of one of the businesses.

Regards,

Michael

From: Branks Kirsten <[REDACTED]> on behalf of Brown Mike (Commissioner)
<[REDACTED]>

Sent: 08 August 2017 13:50

To: Michael Liebreich

Cc: Carter Howard; Anne McMeel; Jo Jagger

Subject: Discussion w Mike - Private and Confidential

Michael

Thank you for your email.

We had a discussion about the issues that you raise and we agreed to have a further discussion in September.

In the meantime, I would like to address the specific issue that you raise in your email below.

Leon has not worked for FirstGroup for some considerable time. Responsibility for Trams only moved to Surface Transport in June 2016. Leon, together with me, has been responsible for overseeing TfL's operational response to the Sandilands derailment. He is not however leading on TfL's engagement with the various regulatory investigations and processes. This is being led by Jill Collis, TfL's Director of Health, Safety and Environment, who reports through Mark Wild and me. I do not agree therefore that there has been any inappropriate conflict of interest in relation to this issue.

I thought it was important to respond to you on this specific issue and we can of course continue our discussion in September.

Mike

Mike Brown
Commissioner
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From: Michael Liebreich [REDACTED]
Sent: 13 July 2017 10:55
To: Carter Howard
Cc: Brown Mike (Commissioner); Anne McMeel ([REDACTED]); Jo Jagger
Subject: Discussion w Mike

Howard,

Following our chat after the recent Finance Committee Meeting, I had a phone call with Mike regarding my concerns about Leon – in general his tendency to answer questions with sweeping statements which later prove to have been inaccurate, and specifically the appropriateness of his role in reporting TfL's response to the terrible accident at Sandilands.

The context here is that Leon was a Director of Tram Operations Ltd for over ten years, during which many of the working practices currently under investigation by the various post-Sandilands enquiries were presumably put in place. More recently, he was a director of Tramtrack Croydon Ltd and other entities which were responsible for oversight of contracts with Tram Operations Ltd and First Group, which once again might be an area for investigation by the enquiries.

I am not in any way suggesting that Leon is impeding the flow of information to the investigations, or negatively impacting TfL's responses to emerging findings. However, I remain convinced he should not be acting as the spokesperson announcing the findings of those investigations or TfL's responses. In the last SSHR meeting – with a member of the press present – Leon quite brazenly downplayed the importance of historic claims of bad practice at TOL, before these had been properly assessed by the enquiries - which is surely entirely inappropriate. He also reported on TfL's investigation into TOL's rostering policy, stating that it had been given a clean bill of health – without noting that it had apparently been changed significantly since the accident. Was this an omission, or was it spin doctoring? I don't know, and I don't even want to consider the question. There should be no doubt whatsoever that information brought to the SSHR – particularly on such a vital issue – is entirely unclouded by any personal agenda.

As you thought he might, Mike did indicate that the issue was likely to resolve itself in the near future. Meanwhile, however, I requested to Mike that at the very least Leon not be the person who reports on Sandilands and the related enquiries to the SSHR. Mike promised to reflect on this request. I am copying this email to Anne McMeel, who knows of my concerns, in case there are any issues of governance relevant to her role as Chair of the Audit and Assurance Committee.

I do apologise for raising this issue. I promise you I would not have done so had I not reached a considerable and fairly sustained level of discomfort.

Best regards,

Michael

Michael Liebreich

Founder and Chairman of the Advisory Board, Bloomberg New Energy Finance
Board Member, Transport for London
Advisory Board Member, UN Sustainable Energy for All
Visiting Professor, Imperial College Energy Futures Lab
Founder & Chairman, Finance for Resilience
Founder & Chairman, Association Ecovillages
Chairman, St Mark's Hospital Foundation
Co-founder and Chairman, Pearlshare

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