SAVE THE WEST FIELDS

A428 CAMBOURNE TO CAMBRIDGE PROJECT, AND UNIVERSITY OF CAMBRIDGE MEMBERSHIP OF THE CITY DEAL BOARD

STATEMENT ON CONFLICT OF INTEREST

OPEN LETTER TO THE EXECUTIVE BOARD OF THE CITY DEAL

2 NOVEMBER 2016

Dear Sirs,

As a campaign we reserve our position until we have taken further advice.

This is an initial draft response to the resignation of Professor Nigel Slater, University of Cambridge, from the Board of the Cambridge City Deal (“The City Deal”).

We have not yet had a response to many of our questions from the City Deal Board therefore we are not yet able to finalise our position. However, we do request you read this carefully and send us considered responses to our detailed points.

1. We are writing this letter to formally object to the governance of the City Deal and to raise serious concerns about the ongoing lack of a suitable response to numerous public questions by many different individuals and organisations, both at the City Deal Board meetings and in correspondence, about the conflict of interest over the University of Cambridge’s Membership of the City Deal Board and its wider commercial/land activities. There is an impression of conflict of interest among many local people and whilst we have not yet conclusively proved it we have also not been given answers on many key points.

2. We would stress that just because Cambridge University have now chosen to leave their seat empty on the Board, it does not follow that they are now exempt from their obligations and duties as ongoing members of the City Deal Board. In fact, their stated search for a replacement to Nigel Slater is an admission that they intend to retain this position for the long run and retain its benefits. We would note that on two separate occasions in recent times, a University of Cambridge City Deal Board member has resigned, which raises serious questions. We consider that the failure to be fully transparent about the reasons for resigning undermines the democratic credentials of the City Deal and undermines public trust in its operation. We are also very concerned about the City Deal Board allowing individual members the choice of when and whether they participate in the City Deal, as this raises the possibility of tactical withdrawal when it is not convenient to be represented. We also object to Board members having an open ended free option on when they choose to re-engage with the process which undermines the governance basis and accountability of the City Deal. This type of behaviour actually significantly worsens proper oversight that commercial interests are not taking precedence over the right choices for local communities.

3. We do not accept the premise that on no occasion has Cambridge University used its membership of the Board to influence decisions on the A428 Cambourne to Cambridge...
project. The original City Deal constitution signed by the key stakeholders states that “in the Executive Board, decision-making would be by consensus underpinned by a memorandum of understanding. The Local Authority representatives would be able to vote, with a commitment to consider advice from the Local Enterprise Partnership and the University of Cambridge”. Decision by consensus means the Board could probably not ignore or even maybe go against the clear recommendations made by the University in their consultation response published on 23 November 2015. To suggest that this response would be treated like all other responses (such as a little old lady for example writing about wanting to Save the West Fields) is inconsistent with the constitution of the City Deal which contains a commitment to consider advice from Cambridge University.

There is no commitment from the City Deal however to consider the advice of local residents - as proven by the fact they chose a Southern route for the A428 busway that was overwhelmingly opposed by local people during the consultation. In practice, the City Deal Board has made choices which are clearly consistent with the University’s recommendations, both for the bus route and for the choice of the Park and Ride site. We also believe that the City Deal Board and its Chairman Lewis Herbert may have not sufficiently managed or disclosed the conflict of interest represented by the University’s land interests.

4. Cambridge University has a huge commercial and financial interest in the A428 busway scheme going ahead, even if South Cambridgeshire MP Heidi Allen has described it as a “white elephant”, “vanity project” and “a gross waste of public money”. As well as offering better transport for Cambourne residents, the initial A428 corridor scheme and associated orbital route are about making the West Cambridge Site “a well connected site”. With the number of workers at the West Cambridge Site due to increase from 3,000 to 15,000 and a tripling of the density, the designers of the West Cambridge Site were looking for “a step change in public transport”. Whilst they may claim that they do not rely on the City Deal projects to deliver a transport plan, this ignores the fact the City Deal was deliberately set up to assist Cambridge University and other similar interests in promoting growth around Cambridge. Therefore even if the word “influence” is excluded because of its specific legal definition, getting a new transport corridor which takes in the West Cambridge site, at a cost of £142m to £267m is unarguably in the commercial interests of Cambridge University. There are many statements by the University (including in its Annual Review) about the desirability of wider transport connections to the site and also new bus roads have been included in wider proposals to develop the West Fields South of the West Cambridge Site, by a co-ordinated group which includes the University, as part of a challenge to the current democratic Local Plan. It is precisely the constant claim by Lewis Herbert and fellow Board members that Cambridge University is treated like any other landowner (or indeed consultation participant) that has prompted us to issue this statement as we find it very concerning.

5. We also dispute the claim that, other than Professor Slater’ statement, read out by Lewis Herbert at the last Board meeting, the only document or communication of the University view on the project proposal is the University’s published response on 23 November 2015. Whilst the University of Cambridge made its position clear in that letter (eg by referring to its landholdings near Madingley Mulch), it then chose to give officers (and stakeholders) an even clearer public view at the Local Liaison Forum on June 14 2016. Heather Topel at that meeting said in a publicly recorded presentation that her views provide “more information than we submitted in our representation”. Heather Topel made very clear that the University wanted the bus to go through the West Cambridge Site rather than down Madingley Road, thereby making Option 1C, the people’s choice, not possible. She then made it very clear than once a busway crossed the West Cambridge
Site, the University would prefer if it did not to go back onto Madingley Road. She stated that the University would like buses to either exit down the Coton Footpath or onto St John’s land as she was against rerouting it down Madingley Road. She said it would be “a huge shame to miss the West Cambridge Site” and a “shame to take a route fully on the Madingley Road or a route that misses the site altogether”.

6. Heather Topel is an agent of the University and therefore local people consider she is as much speaking for the University in connection with the project as Nigel Slater, whatever disclaimers she may have given. The LLF meeting also confirmed that Cambridge University carried out detailed discussions with Ashley Heller (CCC), from the City Deal, for several months over how to enable the City Deal transport corridor to develop the West Cambridge Site. Ashley Heller said at the LLF meeting on 14 June: “We are working with Heather and her team on this…In principle what we would like to achieve is a good level bus priority through the development of West Cambridge and that is really where a lot of discussions with Heather will revolve around the extent to which buses can share with other road users in that development. What we are looking for is an end to end solution”. However, Ashley Heller did not then respond in any detail to the LLF request for a more detailed written response regarding ongoing discussions between the University and the City Deal on a proposed route.

7. Lewis Herbert was aware of these detailed discussions, even before they were formally endorsed by the City Deal Board in March where hybrid options were considered. On February 8 2016, the Newnham Labour Party issued a leaflet which stated: “Labour welcomes recent discussions between City Deal officers and the University about the possibility of taking a bus route through the West Cambridge Site. If this proves viable it would avoid crossing the West Fields and reduce the impact on Madingley Road, addressing many concerns expressed during the consultation. There is much work still to do, particularly regarding the best route for buses as they approach the city centre, but progress is clearly being made”. In practice, this leaflet ignored the evidence that if the Coton footpath was rejected the proposed route would probably be taken down Clerk Maxwell Road and then South onto the West Fields with significant associated environmental damage. This alternative was already being clearly shown on West Cambridge Site presentations at that time where various new routes over the West Fields were being indicated.

8. Lewis Herbert has stated at the 13 October City Deal Board meeting that he has ensured that the conflict of interest and potential conflicts are addressed in advance of relevant decisions. For example, he has said that before the summer break, he made it clear to officers and Professor Slater as University representative that the October decision making meeting and all further and future decisions on this issue would not include the University’s representative, given the University’s “pecuniary” interest on the project’s proposals. We believe that this approach may not start to manage the conflict if in practice City Deal planning officers, who are making the recommendations to the Board, are working closely with Cambridge University designers to achieve a route that meets the University’s goals with respect to the West Cambridge Site (and may then benefit other goals). In practice, the City Deal Board has merely ratified schemes prepared by the Transport Officers. Therefore the University, it could be argued, has continued and continues now to have representation through engagement with Ashley Heller and influence where it counts - in shaping the proposals advanced by the Officers at the time when they are being developed. This also allows the University to potentially work towards a route that might benefit wider property development goals.
9. Lewis Herbert has also said that as soon as he received specific representations on the issue of the University’s “pecuniary interest”, he made it clear to officers and Professor Slater that the University representative could not be included in the decision making process. We can however confirm that at the June 2015 Board meeting, Save the West Fields asked a very detailed question on conflicts of interest, including sending to democratic services full details of the co-ordinated development Cambridge University has agreed to work on with St John’s, NBRLOG and SBRLOG over 500 acres of the West Fields North and South of Barton Road. Despite this clear knowledge sent in advance of the meeting, Lewis Herbert did not ask Cambridge University at the time to remove itself from the decision making process. Also instead of taking the issue of conflict seriously, we as a campaign were accused of making allegations and comments were made that the University had land all throughout Cambridge. Likewise, the same question was repeatedly sent by many different organisations and individuals during the consultation and Cambridge University was still allowed to participate in Board decisions in March, including taking forward hybrid options. Therefore we are concerned and cannot see at this stage why Lewis Herbert did not act sooner on managing the conflict.

10. As well as managing any conflict, Lewis Herbert as Chair has a duty to ensure that there is a full financial and factual declaration by Cambridge University of the scale of any conflict of interest and that precise public disclosure is given of all aspects including financial/property interests. Proper disclosure is required because it is in the public interest and is necessary in order for conflicts to be managed properly. At the June 18 2015 Board meeting, we made all members of the Board aware that there was an agreement between Cambridge University, St John’s College, NBRLOG and SBRLOG to persuade the Local Inspector to allow a co-ordinated development of the land North and South of Barton Road over an area of some 500 acres. Currently land has been sold with consent in the centre of Cambridge for more than 5 million pounds per acre so the sums involved could run to billions of pounds, something we made clear in the meeting. A document (Matter 6A) even says: “There is agreement between the landowners that a co-ordinated development could be delivered with appropriate transport connections...The three potential development sites are controlled by like minded parties that are heavily invested in the success of Cambridge continuing and take a long term view of development opportunities, who historically have retained an interest in the ownership and management of sites, and who have delivered high quality and award winning projects. In addition, the University and Colleges have a good track record of working together to deliver projects. The University of Cambridge is also a signatory of the City Deal” (from Matter 6A, NBRLOG, January 2015). This clause and the maps shown in the document clearly demonstrate the agreement and intent of the University and Colleges to work together to produce a large scale multi billion pound urban extension. The statement even refers to the City Deal which links it to achieving this goal. This agreement has legal significance and is a statement of intent- it represents a joint venture. We understand that the University and colleges will be challenging the exclusion of the land North and South of Barton Road at the Local Plan hearings in February 2017 which may overlap with their non appointment of a City Deal Board representative. We consider that because of the joint, co-ordinated nature of their effort, the University and Colleges represent one legal entity when it comes to the land North and South of Barton Road with a firm agreement on a development plan.

11. It is a matter of the utmost seriousness that when this conflict was raised with Lewis Herbert at the June 18 2015 Board meeting in precise detail he appears to have chosen to take no immediate action right until the summer 2016, by which time it is absolutely clear from the June 14 Local Liaison Forum that City Deal Officers and the University had (1)
effectively decided to take the route through the University West Cambridge Site rather than along Madingley Road (2) that the City Deal Officers fully understood that the likely exit would not be back onto Madingley Road but South either along the Coton footpath or onto the West Fields through St John’s land. By the time of the LLF as at 14 June 2016, plans were already revealed by Ashley Heller than a future consultation would likely include a swathe of land South. Heather Topel was at pains to explain at the LLF that it would be up to CCC to determine the final destination once it left the West Cambridge Site (restated in the recent statement by University on Oct 13). However in our view Heather Topel clearly guided the officers firmly away from taking the bus road back onto Madingley Road by saying it would be a shame and a missed opportunity. Therefore, she was well aware, as she indicated at the LLF meeting on June 14, that this would only leave either the Coton footpath or crossing the West Fields as exits. We are concerned that her close working relationship with the City Deal transport team and the shared goals for the West Cambridge Site may have strongly influenced a choice which goes against the community’s consultation wish to avoid the Southern route

12. We require answers and are very concerned that when residents asked a formal question on conflict of interest (submitted in advance) on October 13 2015 at the City Deal Board meeting, Francis Burkitt as Vice Chair of the City Deal made a factually incorrect statement that Cambridge University did not own land on the West Fields but only three Colleges. This astonishing, wrong answer, not challenged at the time by Lewis Herbert who had been notified of this ownership at the June 2015 Board meeting, is a very serious breach of the duty of care by the Board of the City Deal to manage and disclose conflicts. It is a matter of fact that many residents and organisations had previously spoken to Francis Burkitt about the University's land interests in the West Fields. We are confused why he made this misleading statement on such a serious matter as conflict of interest and we deserve a full explanation. Lewis Herbert must explain why this occurred and give a full explanation.

13. We are also very concerned that the draft minutes of the 13 October City Deal Board meeting actually misreport what Francis Burkitt said at the time on the University land holdings and retroactively report the meeting differently from how it occurred (based on the study of the taped meeting). The City Deal Board needs to explain why its minutes do not reflect what actually happened as the integrity of the minutes must be something residents can rely upon.

14. We have reviewed the statement by Cambridge University on the 13 October 2016 regarding its decision to abstain from the Board meeting. We believe that this statement fails to make full disclosure of its promotion of land development in areas where the busway may pass. Instead it refers to “where there is actual or perceived risk of conflict of interest” which specifically includes the possibility there might be no conflict. In view of the agreement set out in clause 10 we consider this unacceptable and Lewis Herbert should insist on full disclosure of all specific land/ financial interests which may result in a conflict. Instead his public statements seem supportive of the University’s current stance, both before and after the recent resignation by Nigel Slater.

15. Other organisations have contacted us to say that Francis Burkitt’s own disclosure of personal interests (as declared at the Board meeting on 13 October) should have included information that during his time as a Managing Director of Rothschilds his firm has acted for a syndicate of 18 constituent Cambridge colleges borrowing £150m. This included institutions like Queen’s College who are members of the broad agreement with Cambridge University to pursue a development of the Land North and South of Barton
Road. Francis Burkitt referred at the 13 Oct Board meeting to his unpaid work on the Finance Board of Trinity College but did not refer to bond issuance for syndicates of colleges by his employer Rothschilds, the investment bank advising the Colleges. We are not making an allegation here as we have limited facts- we would just like more information on this relationship and greater disclosure in order to reply to enquiries we have received from other organisations. Francis Burkitt has made statements on behalf of Rothschilds at the time when issuance occurs and his firm has clearly long established links with Cambridge University and its constituent colleges. We need to know if Cambridge University and/ or some of the colleges have been clients of Francis Burkitt’s and whether he has acted as a financial adviser for the University/ colleges during his time at Rothschilds Investment Bank. And if so we need to know why this was not disclosed.

We would like Lewis Herbert, Francis Burkitt and Ian Bates to respond in full to our questions on conflict of interest given the community’s strong perception that there may be a conflict which could have influenced the choice of Option 3a. We would like a written response and not just a commitment to discuss this in a future meeting.

We also would like an independent organisation to now review the governance of the Cambridge City Deal given the large number of recent resignations without adequate explanation. Local communities are entitled to independent confirmation that the governance is being conducted in an acceptable way.

Regards,

Save the West Fields