



Public Accounts Committee

Oral evidence: Restoration and renewal of Parliament, HC 1100

Monday 14 March 2022

Ordered by the House of Commons to be published on 14 March 2022.

[Watch the meeting](#)

Members present: Dame Meg Hillier (Chair); Sir Geoffrey Clifton-Brown; Kate Green; Craig Mackinlay; James Wild.

Gareth Davies, Comptroller and Auditor General, National Audit Office, Adrian Jenner, Director of Parliamentary Relations, National Audit Office, and David Fairbrother, Treasury Officer of Accounts, HM Treasury, were in attendance.

Report by the Comptroller and Auditor General

Restoration and Renewal of the Palace of Westminster: Progress update (HC 1016)

Questions 1 - 163

Witnesses

[I:](#) Sarah Johnson, Chief Executive, Palace of Westminster Restoration and Renewal Sponsor Body; David Goldstone, Chief Executive, Palace of Westminster Restoration and Renewal Delivery Body; Dr John Benger, Clerk of the House of Commons, House of Commons; Simon Burton, Clerk of Parliaments, House of Lords.

Written evidence from witnesses:

– [Add names of witnesses and hyperlink to submissions]



Examination of witnesses

Witnesses: Sarah Johnson, David Goldstone, Dr John Benger and Simon Burton.

Q1 Chair: Welcome to the Public Accounts Committee on Monday 14 March 2022. Today we are looking at the progress made on the restoration and renewal of Parliament—an issue that the Committee has looked at before and that the National Audit Office regularly reviews. We last looked at this in 2020, where we highlighted that it was then costing the taxpayer £2 million a week to maintain the Palace of Westminster, which is the UNESCO World Heritage Site that we are in today.

Originally, plans were drawn up for MPs and staff to fully move out while building works took place, but there have been suggestions recently that MPs would instead be expected to stay in the House, along with the staff who support us, while the work is done around us. That could take up to 76 years and cost, at current estimates, around £22 billion. A number of us did a tour of the basement and the rest of the building last week, and one of the challenges of this redevelopment is that we might need to dig down another two storeys below ground in order to include the plant work that would be needed for a building with modern facilities, even though it is an old building.

I am really pleased that we have in front of us today senior officials from the House of Commons and those responsible for the work that is happening. Sarah Johnson is the chief executive of the sponsor body and is appearing online; welcome to you, Ms Johnson. David Goldstone is the chief executive officer of the delivery authority, the body responsible for doing the work, whenever that is finally defined. Dr John Benger is the Clerk of the House of Commons and, importantly, the accounting officer for the House of Commons. Simon Burton is the Clerk of the Parliaments, which is the equivalent in the Lords, and also the accounting officer of the House of Lords.

Before we get into the main session, I wanted to ask you, Dr Benger, about a release of asbestos that took place in the Palace at the end of last year. Is it right that some asbestos was released in October or November of 2021?

Dr Benger: Yes, that is right.

Q2 Chair: What date did that happen?

Dr Benger: The date of the incident was between 23 October and 27 October.

Q3 Chair: So a prolonged period of time. Where did that happen?

Dr Benger: It happened in the Speaker's residential accommodation, which is the bedrooms that are used by the Speaker ordinarily. They are currently vacated and have been vacated for some time. Very helpfully, from my point of view as corporate officer, the Speaker agreed to move



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out of those premises so that essential fire safety and other works could take place.

Q4 **Chair:** This is the Speaker's flat, as we might understand it. It is the private part of the Speaker's residence.

Dr Bengler: Yes, that is correct.

Q5 **Chair:** Who was informed about this asbestos leak?

Dr Bengler: That is a very good question. It is important to say that, although the release took place at that date, it was not noticed until 19 November, so there is a longer gap than those four days. The four-day period is when it was caused, as I understand it, and I should stress that there is an ongoing Health and Safety Executive inquiry into that, which does, to some extent, limit what I can say now, given that it is investigating. The facts, as I understand them, are that it was observed on 19 November.

Q6 **Chair:** Who was informed about that?

Dr Bengler: At that stage, my understanding is that the site was immediately closed and the staff directly working on the site were informed, but the number of potential staff who may have come into contact with it were not informed until February.

Q7 **Chair:** You say that you are hampered by the Health and Safety Executive report, but you are the accounting officer.

Dr Bengler: It is more my corporate officer responsibility than the accounting officer responsibility.

Q8 **Chair:** But you are the responsible person.

Dr Bengler: Absolutely, yes.

Q9 **Chair:** It was not until February that some people were told about this. What was the problem with reaching people between 19 November and February?

Dr Bengler: I completely agree that they should have been told far more quickly than they were. In terms of trying to unentangle why it took such a long time and why it was not formally reported to the Health and Safety Executive until 10 February, there is dispute at almost every stage as to, for example, whether the incident crossed the threshold at which any notification is required. By the time it was noticed on 19 November, the air sampling suggested that it was below the relevant threshold at which notification needed to occur. It has been argued that, because it was such a long time before it was spotted, it is potentially the case that the air levels may have been at a notifiable level in that intervening period, but that has been disputed.

A second area that has made it more problematic is that there is a principal contractor, a subcontractor and our own strategic estates team



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from the IHSE involved. Essentially, who had a duty to report and to inform has been contested, which is one of the things that HSE will be attempting to unravel.

Q10 **Chair:** When did you know about it?

Dr Bengier: The first indication that I got was on 10 December, in a general safety report covering all of the estate. Just to give you a flavour of it, that indicated that three staff were potentially affected, whereas our current belief is that potentially 117 staff were in the area.

I should say that we have not infrequent asbestos incidents. This is not the first time we have ever had an asbestos incident. The question is about when it transgresses a dangerous level and we need to notify HSE and so on. At that level, three staff were involved and all notified, on a site controlled by the contractors, who it is at least arguable had a duty to report it to HSE. The level of seriousness did not look as great as it does now when the majority of staff were told. Our lawyers, Speaker's Counsel, were not notified until February.

Q11 **Chair:** So you knew on 10 December that three staff were affected. What did you do then?

Dr Bengier: I checked that investigations and reports were underway, and they were. Those initial investigations—and this is normal practice—were conducted by the contractor. There was then a series of interactions between the contractor, the subcontractor and IHSE, where successive reports were deemed to be inadequate. Ultimately, our own parliamentary safety team—this was put to me for advice—decided, quite rightly, that we were going to report it to HSE, irrespective of the contractor's views.

Q12 **Chair:** You did not do that until 10 February.

Dr Bengier: That is because a succession of reports were being undertaken and people were attempting to decide whether this safe level had or had not been breached and whose responsibility it was.

Q13 **Chair:** It seems like lots of people were dancing on pinheads about who was responsible.

Dr Bengier: I agree with that.

Q14 **Chair:** The bottom line is that that asbestos was released.

Dr Bengier: There are definitely lessons to be learnt. We have already started learning lessons in terms of immediate safety. We stood down all works on the parliamentary estate on 9 February, which is a huge number of projects.

Q15 **Chair:** That is two months after you knew about it.



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Dr Bengler: Indeed, absolutely. I am not for a minute saying that this is a defensible position, because it is not a defensible position. It should not have happened as it happened.

Q16 **Chair:** When did you tell the House of Commons Commission about this, or have you told them?

Dr Bengler: The Commission is having an update at its meeting next time round, but individual commissioners have been briefed on it.

Q17 **Chair:** There have been meetings of the Commission since 10 December, even as recently as a couple of weeks ago, and yet they have not been properly informed about this asbestos situation.

Dr Bengler: That is assuming that we would automatically tell the Commission about any safety incidents.

Q18 **Chair:** We are going to go on in this session to discuss the management of the restoration and renewal of this listed building. We all know of the asbestos issues in this building, so it is a significant issue. A couple of weeks ago, the Commission took a decision to make major changes to the governance of that project. At that point, was it aware of this asbestos?

Dr Bengler: Individual members of the Commission and the Speaker, in whose area it was, would have been aware. I do not think other members of the Commission would have been notified.

Q19 **Chair:** Were you at that Commission meeting?

Dr Bengler: I am at every Commission meeting.

Q20 **Chair:** Did you not think it might be wise to tell people this when they were making a major decision about the management of the works to this building?

Dr Bengler: In retrospect, yes, I suppose that is right. What I would say is that it is no surprise to me that we were working around asbestos all the time in this building. It is not a shock discovery that we have asbestos in this building. David can talk more eloquently than I am, but my understanding is that the first intrusive survey on R&R, which was an asbestos survey, found asbestos in something like 2,500 places on the estate. It is safe to say that all members of the Commission are all too aware that this building is full of asbestos. There is no doubt about that.

Q21 **Chair:** But you did not think it was right to tell the Commission at a point where they were making a major decision about passing the management of Mr Goldstone's organisation—the delivery authority—over to the same House that was responsible for not handling this asbestos.

Dr Bengler: No.

Q22 **Chair:** It did not occur to you once to do that.



Dr Bengler: To be completely honest, it did not occur to me, no. The Commission was looking at more general principles about the role of the sponsor body—the client function—and some issues around decant. As I say, we have asbestos incidents about once a year. This is not the first time we have had an asbestos incident. The question is the scale of it, and the scale is really only the number of people in the area, not the scale of the leak, as it were.

Q23 **Chair:** One hundred and seventeen people were potentially exposed to levels of asbestos above the threshold.

Dr Bengler: It will be for the HSE to determine whether they were exposed; “potentially exposed” is a better way of putting it.

Q24 **Chair:** “Potentially exposed” is still a worry for those 117 people.

Dr Bengler: Yes, absolutely.

Q25 **Sir Geoffrey Clifton-Brown:** Do we not owe a duty of care to those employees of the House of Commons?

Dr Bengler: It is a legal duty that falls on me in terms of their safety. The majority of the individuals in this incident were contractor staff, not House staff. The breakdown is 81 contractor staff and 36 House staff, but yes, Simon and I absolutely have a legal duty to keep people safe on the estate.

Q26 **Sir Geoffrey Clifton-Brown:** This incident took place between 23 October and 19 November but was not notified to anybody until 10 February. That is too long, is it not? What are we going to do to make sure that it does not happen—

Dr Bengler: In terms of the risk—

Sir Geoffrey Clifton-Brown: No, this is an important point. Surely somebody has a legal duty of care to anybody who is potentially exposed to asbestos, whether they are contractors or House of Commons staff, and to notify them as soon as possible that they might have been exposed to a level which could do them harm. Whether or not they were would be subsequently for the HSE to discover, but surely they should have been notified at the earliest possible opportunity.

Dr Bengler: I completely agree with you. In terms of the risk to the individuals, the closure of the site is the single clear action to limit the risk. In terms of the health risk, you will know better than I—and many members will be very familiar with these issues—that that is a very long-term thing. Exposure would reveal itself in any short time period; you are talking about many years. You are absolutely right that they should have been informed. The earliest safety information that I had was that three people were involved and had been informed. These much higher figures emerged to me only very recently. By the way, that should not have happened.



Q27 **Sir Geoffrey Clifton-Brown:** It begs the question of whether the protocols on the contractors are sufficient. Are you reviewing that as a matter of urgency?

Dr Bengier: That is a really fair observation and is one reason why we did the stand-down across the estate. Standing down all works projects across the estate is not something that we undertake lightly. One of the things they were checking in that stand-down, which can be a 24-hour stand-down in some cases, is whether the protocols are correct and have been correctly transmitted to the relevant staff and whether the safety rules in place are well understood. It gave a reasonably good but not absolutely brilliant picture. I can offer you a note on what that stand-down found, but it probably gives a better and more comprehensive picture of the overall safety picture in the House.

Q28 **Sir Geoffrey Clifton-Brown:** I know it was on the intranet but I cannot quite find the date when it was on the intranet. The *Huffington Post* then carried an article about it, but not until 2 March. It gives an impression that there was an element of cover-up going on. Surely these things should be put in the public domain as soon as they happen, so that everybody else can be aware of what has happened.

Dr Bengier: It was reported through the RIDDOR route to HSE on 10 February, and the affected staff were notified on 17 February, which is in itself a gap. It is a very small factor in the great scheme of things, but one of the things that was desired was that staff would be informed in person and not via an impersonal email.

Chair: Those most affected, yes.

Sir Geoffrey Clifton-Brown: I understand that.

Dr Bengier: I am not aware of any cover-up. I think it is the case that there is a great disagreement between the different parties, as the Chair said, as to whose fault it was and whose duty it was to notify. In the end, the Parliamentary Safety Assurance Board and the Parliament safety team became tired and frustrated by the failure to do this. This would normally be done by the principal contractor, as I understand it, so we did it, but you are absolutely right that that should have happened earlier and staff should have been notified earlier. I am in no doubt about that. Whatever HSE finds, I am very clear about that.

Q29 **Sir Geoffrey Clifton-Brown:** That is very helpful and very frank. We are going to have a fairly frank discussion today about other things relating to the sponsor body, you and the Commission. Again, I am on the Finance Committee. I am also deputy Chairman of this Committee. I learnt things from this NAO Report that I did not know before. There seems to be a culture in this House of doing things in secret. Can we have a renewed culture? There is no reason to cover up what is happening with R&R. It should be fully in the public domain. Can we have a commitment from you, as the Clerk of this House, that the House will always be told when there is a significant development with the R&R



programme?

Dr Bengier: Yes, absolutely. Just to touch on your first point about learning things from the report, you will know, in your Finance Committee role, that the Commission is about to agree that all projects over a certain threshold, which is a much lower threshold than was originally envisaged, will go at business case stage, which is much earlier—

Sir Geoffrey Clifton-Brown: I have been pushing for this for 10 years on the Committee and it has only now happened.

Chair: We can have a private discussion about Finance Committee business.

Dr Bengier: It is in that spirit. I am wholly in favour of and supportive of that.

Q30 **Chair:** We are still at the point where it was not until 17 February that most staff were informed, and most of us found out about it through the *Huffington Post*. Not to decry the hard-working staff who keep the intranet up to date, but most of us are not browsing to see just in case there was an asbestos leak. Did you not think that that might have been an all-House email, like we do when we have issues around security?

Dr Bengier: The staff affected were told first, once the numbers were known. The problem is this gap from the initial report, which is a very limited number of people. As I said, asbestos incidents happen. Fire incidents happen. The safety report has quite a lot in it every single month between what looks like a worrying but small-scale event in terms of the number of people and what we eventually learnt—

Q31 **Chair:** The point is that, when you did know that it was up to 117 people, whether contractors or House staff, that is a lot of people. In terms of people's confidence working in this building, do you not now reflect and think that we should have been told in a clearer way?

Dr Bengier: Once those numbers were known by me, that information was out fairly quickly. You make a very fair point about the Commission, and I take that. As I say, individual members of the Commission knew, but not the Commission as a whole, and we are putting that right next time round. I accept that you will say that that is too late for these purposes. We got that information out as soon as the individuals had been notified. There was not a great gap there.

Q32 **Chair:** My point, Dr Bengier, is that putting something on the intranet relies on somebody looking at the intranet regularly and finding that article. Even if we look at the daily brief with the top three stories of the day, it is possible that you will miss that one day, and not everyone is looking at it all the time. Did you tell the trade unions and staff representatives in the House of Commons?

Dr Bengier: Trade unions were notified.

Q33 **Chair:** Were the parliamentary staff representatives?



Dr Bengler: I would have to go back and get you a note on if and when MAPSA and Unite and so on were notified. In terms of whether it should be an email or an intranet story, we rely on our comms professionals for that. There are different considerations. You are absolutely right that Members' staff in particular do not tend to read the intranet in a great way, but in terms of putting out an email to 3,000 staff and 18,000 passholders, we have to be quite thoughtful about why we would be doing that. The people in the area who might have been affected have been notified, and the intranet story shows that we are not looking to cover it up. I am constantly being told that both Members and my staff are inundated with emails and, "Can we please limit the number of things we put in an email?" For a message that is going to the whole parliamentary community, quite often the intranet is the preferred way forward.

Q34 **Chair:** Under the up-to-date guidance, which dates from 2006, it says that you would need to inform the employees concerned and their representatives, so that would be the trade union representatives.

Dr Bengler: Yes. For our employees, the trade union representative was informed. For the contractors' employees, that would be under their legal obligations.

Chair: So we have different responsibilities.

Dr Bengler: This is part of the problem.

Q35 **Chair:** We are going to touch on this later. Can I also ask about another very important issue? Under the guidance and the law, for each employee who is exposed to asbestos, employers have to keep a health record for at least 40 years. Do you have plans in place to do that?

Dr Bengler: I need to get back to you on that. My understanding is that that has been done properly, but I want to check that all those things are in place. We would certainly undertake to do that.

Chair: And medical examinations and so on.

Dr Bengler: Yes, they have been briefed on their rights in that respect.

Q36 **Chair:** Ultimately, just to be clear for the record, it would be your successor as Clerk of the House who would be the responsible person if someone needs to sue for mesothelioma or any other asbestos-related illnesses.

Dr Bengler: That depends on, first, what the HSE finds and, secondly, any ensuing court case. The legal responsibility is not necessarily with the accounting officer. It may be with the contractor or the subcontractor. Ultimately, that would be for a court to determine.

Q37 **Chair:** That is not much comfort to someone who gets—

Dr Bengler: No, absolutely, but I am giving you what I think is a factual answer.



Chair: I hear what you are saying. You can hear our concerns on this matter. Thousands of people work in this building and people often talk about Members as though we are the only people who work in this building. We need to remember the thousands of others, including those who are not direct employees of this place, including visitors.

I will pause on that for now and hand over to Sir Geoffrey Clifton-Brown on the wider issue that we are here to discuss, which is the restoration and renewal plans for the House.

Q38 **Sir Geoffrey Clifton-Brown:** Chair, I wonder if you would permit me to go back to the previous discussion. I was not going to raise this, Dr Bengier, but I take you to paragraph 2.16 on page 27 in the NAO Report. In terms of this culture of secrecy in this place, I do not think that the Finance Committee has discussed R&R for at least three months. The final wording of that paragraph says, "To work quickly, Parliament and the sponsor body agreed for the domestic committees"—i.e. the accommodation and works and finance committee—"to not scrutinise and endorse material going to House commissions at this stage".

That is not on, is it? As the domestic Committees, we were prevented from at least having a report on what was going on in this very important change with the Commission, the sponsor body and the delivery authority. That is, effectively, cutting us out of the loop, is it not?

Dr Bengier: Sarah may want to come in on this first, because that was probably more immediately before you, Sarah, than me.

Chair: Is it not for the House?

Sir Geoffrey Clifton-Brown: I would have thought it was for you, Dr Bengier.

Dr Bengier: Can you just refer me to the paragraph again?

Q39 **Sir Geoffrey Clifton-Brown:** Page 27, paragraph 2.16, and I will quote you the wording again at the end of that paragraph: "To work quickly, Parliament"—which I assume means the Commission—"and the sponsor body agreed for the domestic committees to not scrutinise and endorse material going to House commissions at this stage".

Dr Bengier: I have certainly never said, "Whatever you do, cut the domestic committees out of it". That would not be a natural thought for me.

Sir Geoffrey Clifton-Brown: That is what that sentence says, is it not?

Chair: This is an agreed Report. Let us be clear, for people who might not appreciate how it works, that the NAO has agreed the factual elements of this Report with the two Clerks.

Q40 **Sir Geoffrey Clifton-Brown:** Is it true or is it not true?

Dr Bengier: I do not remember taking any decision to exclude the domestic Committees.



Q41 **Sir Geoffrey Clifton-Brown:** If it is an agreed Report, why does it say that?

Dr Bengler: I am confident that it is an agreed Report, but Sarah may know more than I do about the timeline. Was this time-sensitive or something, Sarah? Was it to do with cost limits or something like that?

Sarah Johnson: The specific reference there in the National Audit Office Report is around the work that was submitted to both House Commissions on our initial assessment of cost and schedule, and the work that the delivery authority had done on assessing the impacts of a continued presence. The reference there in the National Audit Office report is that we were having an initial discussion with both House Commissions regarding views on that work, and this was all part of our original plan. We were then subsequently going to socialise that material with domestic committees in both Houses.

Clearly, events that I am sure we will come on to talk about have overtaken us, and we have not therefore had those conversations with the domestic Committees at this stage. It was a specific reference to the initial assessment of cost and schedule and continued presence, rather than seeking to exclude domestic Committees entirely.

Q42 **Sir Geoffrey Clifton-Brown:** Dr Bengler, can we have an absolute assurance from you that we will have more openness in this House? The domestic Committees should be informed at every stage of the R&R and about every other aspect that commits finance to this House. It took me 10 years to get agreement through the Chair that we would scrutinise purchases of commercial property of several hundred million pounds each, which never came before the Committee. It has taken 10 years to achieve that. This is yet another example of domestic Committees being cut out. Under Standing Orders, we have a role in this House. It is wrong that the domestic Committees should be cut out in this way.

Dr Bengler: I am very happy to accept that the domestic Committees should be involved, and I have a very high regard for them. I have two points to make, though. The Chairs of those Committees are represented on the House of Commons Commission. Perhaps more pertinently, the role of the Commission is explicitly mandated by statute in a way that the role of the domestic Committees is not, so it is for the Commission, under the terms of the Act, to set the relevant limits. That may be why what was deemed to be an initial discussion was not thought to be at stage yet, as Sarah was saying, to socialise with the domestic Committees, whereas it should have been later on.

It is a fair argument. One of the general problems with R&R is that so many people feel out of the loop and in the loop. It is really difficult to herd those particular kittens. We had a similar problem at Audit Committee level. Whose audit is it? Is it the House of Commons audit committee, the joint audit committee or the Lords Audit Committee, or, as the Act says, are the audit arrangements explicitly done in a different



way? It is not untypical of the sorts of conflicts that we have in a very complex stakeholder landscape.

Q43 **Chair:** Sir Geoffrey, I just want to come back on asbestos, because I have been notified that the trade unions were not informed about the asbestos leak until 15 February. Dr Bengler, you tell us that the formal report to the HSE was on 10 February. Why is that the trade union representatives of the staff concerned were not—

Dr Bengler: My understanding is that they had been informed, but all I can do is undertake to write to you.

Q44 **Chair:** Would you agree that they should have been informed simultaneously with the HSE?

Dr Bengler: Yes, absolutely. I would agree. I have just had a helpful note given to me. The discussion that we are talking about—the one with the domestic Committees—was around that continued presence. It was intended that it would go to the domestic Committees after that preliminary discussion, so it was just a sequencing thing rather than an exclusion thing.

Q45 **Sir Geoffrey Clifton-Brown:** It may come to us tomorrow, after I have pressed for it. I do not know. It is not on the agenda at the moment. Let us move on.

There is an awful lot of accusation and counter-accusation in all of this. From the three perspectives—the sponsor body, the delivery authority and the Commission—I would like to ask all three of you, very simply, whether you could accurately sum up where we are at this precise moment. We have had a lot of changes. It seems to me that people are not happy with how other bits of the chain are performing.

Starting with you, Sarah Johnson, you seem to be in a particularly difficult position. Your budget at the beginning of the financial year commencing in April does not yet seem to have been agreed. You seem to have a different remit now from the one that you had. Please can you explain to the Committee where you are at the moment?

Sarah Johnson: I am happy to explain the situation as I currently see it, but I have to say that, as we sit here today, there are quite a lot of uncertainties and, unfortunately, I have not been involved in all of the conversations that have led us to this point.

Broadly, as I see it, the two Commissions considered our initial assessment of cost and schedule, which is halfway through our business case process, in January, alongside the work that we had done to assess the implications of a continued presence for the House of Commons through the duration of the R&R works. We had an initial discussion with both House Commissions about that information, on 17 January with the House of Lords Commission and 24 January with the House of Commons Commission.



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David and I left the House of Commons Commission partway through that conversation and we are aware, as I believe you are, with the minutes that have been published following subsequent meetings, that there is a view from the House Commissions that, potentially, the sponsor body is to be dissolved and potentially re-established as a team that is, effectively, in-house within the House administrations, and that there are a range of views about specifically what the scope should be for restoration and renewal, when it is being delivered and, in particular, the extent to which any scheme includes a full or partial decant.

Those are decisions that the House Commissions have made, although they are not formal decisions, as you will know, of both Houses. Nothing has been put to Members as yet. There is a follow-up meeting of the two Commissions jointly on Thursday of this week, where we hope that there is some more clarity about what happens next. Fundamentally, from my perspective, we are at a bit of a crossroads. That is probably the right way of describing it. There is a lot of uncertainty. Our people are affected by these events, which is clearly one of our top priorities, but I am not sure what happens now, if I am being honest.

Q46 Sir Geoffrey Clifton-Brown: That is a pretty dire statement. You were set up by Act of Parliament. You can be dissolved only by a statutory instrument of both Houses. Are you anticipating that that statutory instrument will be laid? If so, when?

Sarah Johnson: I am aware that it is under discussion that a statutory instrument could be laid—and the Act allows for it—to dissolve the sponsor body. No timeframe has been put on that yet with any level of certainty. I know that there has been some speculation, but there is no timeframe for that at the moment. Therefore, as I say, there is continuing uncertainty for us.

Q47 Sir Geoffrey Clifton-Brown: In that apocalyptic situation, have you yet had time to do any studies as to the cost of dissolving your body, or will your staff all be TUPE-ed over? Are there other costs involved? Before making a decision, has anybody sat down and done a costing of what this will involve?

Sarah Johnson: To my knowledge, no. I have not done one yet, because whilst I am aware that there are suggestions—and, indeed, the Act allows for—that there could be transfer schemes, so that staff of the sponsor body could be transferred to an in-house team, the extent to which there are going to be costs associated with that will really depend on the course of action that is taken. At the moment, I would be speculating as to what the costs involved might be, and I am not aware that anyone else has done that work either.

Q48 Sir Geoffrey Clifton-Brown: So you have not been asked to do an impact cost assessment yet.

Sarah Johnson: No, I have not.



Q49 **Sir Geoffrey Clifton-Brown:** Coming to you, Mr Goldstone, what is the effect of all this on your delivery authority?

David Goldstone: The impact on the delivery authority is that, as Sarah has described, we have had to pause or stop a lot of the work we were embarking on in preparing the business case that was due to come to the Commissions and then the Floor of the House next year. We have stopped a lot of that work, or paused whilst the conversations and discussions to get more clarity on the way forward are taken forward.

First of all, I would say that the organisation has responded very positively to what is clearly a very uncertain environment. We know only what Sarah has described and what we see in the Commission minutes, but there is an opportunity, if that direction is followed, to explore in a new way what the works for the programme should be and how they should be delivered, taking into account the messages heard from the Commission. We are pausing the work that we were doing on the business case, because the implication from the Commission minutes is that that is not going to be required, and starting to think about how we would respond to the new direction that the Commission suggests, if that was confirmed and became clear.

There is clearly a significant level of risk in all that as well, and I am very concerned. We have had to redo our budget very quickly to get into the process to settle funding for the future year. Because we are stopping a lot of activity, there is a significant risk that we lose a lot of the expertise, capability and skills that have been built up through the team we have recruited over the last 18 months or so since we came into substantive being, and through the contractors who have worked on this programme for an extended period and built up a lot of expertise in design and engineering on this pretty unique challenge for the Palace.

I am really concerned that a protracted delay would create that significant risk of loss of expertise, but at the moment we are trying to respond in a positive mindset to what we are hearing is the political direction that it is likely to go in.

Q50 **Sir Geoffrey Clifton-Brown:** As the delivery authority, you are stopping the delivery of the business case until you are more certain of what you are supposed to be delivering, but are you continuing your other work on surveys and so on? Whatever it is that you are going to deliver, you will require a detailed knowledge of the state and condition of this Palace.

David Goldstone: Yes, absolutely. We have agreed with Sarah's team at the sponsor body what we call a task brief, which is the agreement between us about what work we should do on any part of this programme. We have agreed a new one for the coming period. We are continuing with our programme of surveys and there is no change to that at all. We are then reshaping everything else we were doing to respond to the new circumstances, and either pausing things that we may not need, so we do not waste any public money, or looking at whether there



are opportunities to reshape in order to respond to the political direction that we understand is likely to emerge but is uncertain at the moment.

Q51 **Chair:** You talked about pausing so as not to waste further public money, but surely there is a cost to the public purse, in certain circumstances, to pausing things, just to keep things safe.

David Goldstone: There is a cost. We have significant engagements with contractors who were doing a lot of the design work on the engineering side. We are involved in those conversations now, because this has all come to light relatively recently, but we are looking to reshape the work that they do to the current circumstances and to manage our obligations under public money as appropriately as possible. I cannot say to you today that there will not be some cost, but it partly depends on how we resolve the work that we should do and how long the current uncertainty prevails for.

Q52 **Sir Geoffrey Clifton-Brown:** In his article to the House on 21 February 2022, Sir Edward Leigh said, "The delivery authority reported to us"—I presume that is the Commission—"in December. Its recommendation was for a decant lasting up to 15 years, at a cost of somewhere in the region of £14 billion". Work would not start until 2031. Do you recognise those figures?

David Goldstone: Not precisely. The report that we put to the Commission was published, so there is no doubt around the information that was made available. It was published early in February, but what we published was a range of costs and schedules. As Sarah said, this was a very initial estimate halfway through the period of when we were delivering the business case work, and we provided a range of estimates of both time and cost at that initial point, a large part of which was allowances for risk and potentially contingency, given the very early stage of the work. They were very initial estimates. As you know, it is an enormously complex task and we had to make allowances for the early stage and the uncertainty at that point. The numbers that we presented to the Commissions are as have been published subsequently in the public domain.

Q53 **Sir Geoffrey Clifton-Brown:** Just sticking with you for a second, was it these figures that spooked the Commission into taking the action that it did to end the sponsorship body's remit? Were these figures merely holding a finger in the air, or what were they based on?

David Goldstone: I can answer the second part. The first part is probably not for me to answer in terms of what spooked the Commission.

Q54 **Sir Geoffrey Clifton-Brown:** Were they just finger-waving in the air? How much professional expertise went into preparing them?

David Goldstone: They were definitely not finger in the air. They were based on a lot of detailed work, but partway through a two-year plan to produce a business case with full designs, cost, schedule, estimates and



assessments of risk. We were halfway through the period from March 2021, when we agreed to do that, through to March 2023, when we anticipated providing the business case to the Houses. It was halfway through, but with very detailed work on design and on the schedule by which the works have been delivered. We did a lot of work on the schedule to look at the sequencing of the work, the trades, the resources that would be required, the phasing of work within the Palace, and the sequencing of all the different elements of work that would need to be delivered. What we provided and have now published is the initial estimate at that early stage of the product of that work, but I would not at all accept that it was a finger in the air.

Q55 Sir Geoffrey Clifton-Brown: I was just asking as a matter of inquiry. Had the whole thing gone according to plan and you had produced a business plan in 2023, we would have seen a continuum of what you have just said into the full business case that was produced for Parliament to approve or not in 2023.

David Goldstone: You would have seen a much more developed version, with a lot more work on it.

Sir Geoffrey Clifton-Brown: The figures would have been largely based on these figures.

David Goldstone: The figures would have been a year's further development on that work.

Q56 Sir Geoffrey Clifton-Brown: But we would have been able to relate one to the other through a justification of inflation.

David Goldstone: And more detailed work on design and surveys in the meantime. We have all the programme of intrusive surveys this summer, as we mentioned a few moments ago.

Q57 Sir Geoffrey Clifton-Brown: Dr Bengier, paragraph 9 on page 6 says, "The sponsor body assesses as 'high' risk that it may not meet its current plan to present a robust business case to Parliament in early 2023". Is that what led to you indicating that you would end its remit?

Dr Bengier: Just before we come on to that, can I just say for the record that the Commission decision that came up with these findings around and the role and responsibilities was on 1 February? In terms of informing them of the scale of the asbestos incident, I was not aware of it at that point, so I would not have been able to inform them.

Before I answer your question, Sir Geoffrey, it is true that I am a member of the House of Commons Commission, but I cannot act as a spokesman for it or divulge private deliberations of the Commission. What you will get me from now is based on the published decisions, but, fortunately, they get us most of the way there. What they say is that these decisions took account of the discussion on 24 January, which



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expressed concern about the cost and schedule. In answer to the point that David made, that is right. They explicitly link it to these new figures.

In terms of the figures, I do not recognise quite the figures in the form that Sir Edward Leigh said. By the way, he was speaking as a member of the sponsor board; he is not a member of the House of Commons Commission, so that is when he will have seen a version of these figures. For me, the simplest way to look at the figures and the timescales is on a P80 basis—that is to say, an 80% probability basis. That is how we would look at them in the House, where we know that projects are very complicated. On those figures, you have a cost of £13 billion and a decant time of 20 years at P80. It was with those sorts of figures, which you can imagine were at the high end of expectations—and I hope I am not breaching any confidences by saying that—that informed, as it says here, the subsequent decisions of the Commission.

In terms of the position of where we are now and where we were, where we are now legally is in exactly the same position as we were before the Commission met. That is to say that the provisions of the Parliamentary Buildings (Restoration and Renewal) Act 2019 still apply. It is also the case that the resolutions passed by both Houses requiring a decant and talking about asbestos and about accessibility are still there and in force. It will be for the House—and this is a really vital point—to change anything.

There are some distinctions between the two Commissions. As you have heard, there is a joint Commission meeting coming up, but it will ultimately be for the Houses to determine this. The Commission cannot determine it. It cannot go behind the back of the House and just impose it. It can express an opinion. When the House eventually gets to do that, assuming that it does, it will be informed by a report from the Commission, so there will be the evidence that the Commission sees before it, which will inform the House's decision. It will be a decision for the House, just as the original resolutions were.

Q58 Sir Geoffrey Clifton-Brown: When is the House going to be able to make a decision on all of this?

Dr Bengler: That is a question you will need to ask the Leader, because it would be for the Leader to bring the motion in.

Chair: Just to be clear for those watching, that is the Leader of the House.

Dr Bengler: That is right.

Q59 Sir Geoffrey Clifton-Brown: But time is marching going on. Parliament, under the Act, should make a decision on a basic business case in 2023, and, as the NAO Report makes clear, the less work that Mr Goldstone does, the more contingencies have to be put into that business case and the less certain it is. Are we not just in the business of now floating along without any proper, clear sense of direction? Are we going to get a



continued presence in the House? Have resources been diverted away from producing the business case? As it says in paragraph 6, the strategic review in March said that works should be phased. What on earth does that mean? It seems to me that we are floating along without any clear sense of direction of where we are going.

Dr Bengier: I do not disagree with your analysis that this is a period of considerable and unwelcome uncertainty. It is uncertain for everyone—for Sarah, David, me and Simon. We all think that the sooner this can be resolved, the better.

Q60 **Sir Geoffrey Clifton-Brown:** Can I stop you there, because that is really important? Thank you for your candour on the asbestos and on this. How does it get resolved now? We are where we are. We now all understand where we are, but how does it get resolved? I am going to come to you in a minute, Simon, because I want to hear the House of Lords' position on it, but I am very keen to hear from you, Dr Bengier, how it gets resolved.

Dr Bengier: The decision path would be that the two Commissions, who are meeting on Thursday—and I think that is the first joint Commission meeting for about three years, which gives some sense of the seriousness of it—would have to, ideally, agree a common position. They will have to produce a report. The Government's business managers will need to find time to table a motion. If the two Commissions wish to move the client model into a different form and away from the sponsor body set up by the Act, they will need to table the draft affirmative instruments, which will need to be passed by both Houses. In terms of the timing, that is not in my hands at all.

Q61 **Sir Geoffrey Clifton-Brown:** I am going to come back to you, Ms Johnson, in a minute. Whereas the sponsor body can be dissolved by a statutory instrument, if the remit of the delivery authority is to be changed, it will need to be changed by Act of Parliament, will it not?

Dr Bengier: No, I do not think that is the case. There are two separate things going on. There are those resolutions, which we talked about, and they may well need to be changed because they speak unequivocally of full decant.

Sir Geoffrey Clifton-Brown: There will need to be a resolution of both Houses.

Dr Bengier: That is right. There will need to be a motion in both Houses to undo that.

Sir Geoffrey Clifton-Brown: It may not be a change to the Act but it is a resolution of both Houses.

Dr Bengier: Can I just mention one other thing that is really helpful? There are really two key decision points. There is the one we have just been talking about, where you might deal with the statutory instruments and the resolutions, and change those or not, because that would be for



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the House, and any motion will be an amendable motion. The original resolutions were passed in an amended form, if you remember. There is a second decision point mandated under the Act, which is around the business case, which you have been talking about. Again, the Act, shrewdly and prudently, predicted that, when there were worked plans for what needs to be done, the Houses will need to agree those. That second decision point was always in the statute.

Q62 **Sir Geoffrey Clifton-Brown:** Do you think that, after the Thursday meeting, we are going to get clarity?

Dr Bengler: I certainly hope so. We have all said, and we all think, that it is undesirable to be in an uncertain position. Simon and I, with our Commissions' permission, wrote a letter to Sarah, giving her our honest view about the sort of work that could be undertaken in this difficult period. To be honest, that sort of letter is only of limited use to Sarah and David. It is the best we could do to help but, until it is resolved, we are operating in uncertainty, and uncertainty carries cost.

Q63 **Chair:** Before we move on, I just want to pick up on a couple of points with Dr Bengler. You gave what you might call a clerkish explanation of your role and the role of the Commission. Can you confirm that you advise the Commission?

Dr Bengler: I sit on the Commission. I do not have voting rights but, following the Straw report, both the director general and the Clerk sit on the House of Commons Commission. It is not the same in the Lords.

Q64 **Chair:** You are sitting on the Commission; you are not a passive bystander, however, are you?

Dr Bengler: I can speak in the Commission. I am not a passive bystander.

Q65 **Chair:** Exactly, and you are the responsible officer for money and operations in this House—the accounting officer and the operating officer of this House—so you have certain legal responsibilities and professional skills.

Dr Bengler: All true.

Q66 **Chair:** Presumably you will have a role in advising the Commission of the benefits and disbenefits of any decisions that it makes.

Dr Bengler: Yes.

Q67 **Chair:** Did you advise the Commission in this case about the risks and the costs of the decision made?

Dr Bengler: There was a candid and open discussion involving numerous people. My views are known to the Commission on all of these matters, but I cannot disclose them to this Committee. They are a private deliberation, just as you would not disclose your Clerks' views on a private deliberation of PAC, I imagine.



Q68 **Chair:** However, as the accounting officer of this House responsible to this Committee as accounting officer, you have a responsibility, surely, to share with us any concerns you may have about any risks to the taxpayers' money that you are guardian of in this respect.

Dr Bengier: We need to be a bit careful there, because I am not currently, under the terms of the Act agreed by the House, the accounting officer for R&R; that is Sarah.

Q69 **Chair:** The proposal is that R&R comes under the Commissions, so as accounting officer in that respect, you would have responsibility, so did you advise the Commission about any concerns or issues you may have had about taking on responsibility for managing that amount of taxpayers' money? You will be the accounting officer for R&R and you have been for the Northern Estate.

Dr Bengier: On the latter point, yes. You will notice that, in the Commission's minutes, it says, "The commission noted the risks in changing the governance structure and a new approach to the works and agreed to seek independent assurance of the viability in principle of these proposals". In the view of the Commission, before we even get there, this is an early indication of the direction of travel. The Lords Commission is in exactly the same place. There is a process of independent assurance, which will cover all these sorts of matters.

Q70 **Chair:** Who is going to do that independent assurance?

Dr Bengier: This is subject to the approval of the joint Commissions on Thursday, but the initial proposal will be for the Infrastructure and Projects Authority—the Government's experts on major projects—to advise, using their gateway framework. That will be the proposition that comes to the Commissions.

Q71 **Chair:** Is it that you think or that it will, just to be clear?

Dr Bengier: They have been approached and we have sounded them out, but it is for the Commissions to determine and they make take a different route. I cannot predict what the Commissions will decide.

Q72 **Chair:** Can the Infrastructure and Projects Authority refuse to do that? It is unlikely that they would refuse, I would hope, but it is a resource issue. I am just asking.

Dr Bengier: All I can say is that our initial approaches and soundings to them have met with a very positive response.

Q73 **Chair:** I am just aware that the previous Leader of the House asked for advice informally from an employee of the Infrastructure and Projects Authority, which was sometimes presented as official work of the Infrastructure and Projects Authority, but it had not gone through the appropriate processes.

Dr Bengier: That was not work commissioned by anyone on this table.



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Q74 **Chair:** You would be envisaging a full, proper bit of work by the Infrastructure and Projects Authority.

Dr Bengler: It is vitally important, and the Lords Commission has said that even more explicitly than the Commons Commission.

Q75 **Chair:** Is the Commission going to take any account of the National Audit Office's work on this, which was written into the Act to make sure that the work was overseen by our independent national audit body?

Dr Bengler: The ongoing role of the NAO is foreseen in the Act, and nothing that the Commission has said—indeed, to the contrary—would go away from that. In fact, the Commons said specifically that expenditure should be subject to an annual external review reporting to the PWEC. What they are envisaging there is that the audit and accountability framework remains the same.

Q76 **Chair:** That was not my question. It was whether the Commission has been looking at the Reports done to date by the National Audit Office.

Dr Bengler: The Commissions are aware of the Report.

Q77 **Chair:** You are the responsible officer and you might be taking over responsibility for this. Are you making sure that they have access to that Report as part of their papers?

Dr Bengler: Yes, we can do that.

Q78 **Chair:** "We can do that"—it is in statute that the National Audit Office looks at this. It is a pretty significant piece of work that it does. It does not just rock up one day and draw up a document. It has gone into depth on the numbers.

Dr Bengler: I am more than happy to represent your view that the NAO should be a consultee in any assurance around governance arrangements.

Q79 **Chair:** You are putting it as though it was a novel suggestion by me, but I am saying that you will potentially be the accounting officer, if this changes, for this large amount of taxpayers' money to be spent. Surely you are advising the Commission.

Dr Bengler: I would advise the Commission to retain the National Audit Office's services.

Q80 **Chair:** Are you giving them all the information that the National Audit Office has put forward, as well as whatever you may commission from the Infrastructure and Projects Authority?

Dr Bengler: The process of how we get to the independent assurance is for discussion at the joint Commission meeting on Thursday.

Q81 **Chair:** But you will be putting forward your views, no doubt, as you would no doubt have put forward your views about this separate department serving both Houses, with its head formally accountable to



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the clerks of both Houses.

Dr Bengler: I will indeed, yes.

Q82 **Chair:** Did you give them that before they made their decision on 1 February as to what a new structure could look like?

Dr Bengler: Again, you are trying to tempt me into saying what was discussed in private deliberations, but the Commons Commission was well aware of the different accounting officer responsibility and the different models. This depends slightly on where you end up. You might end up with a joint department. You might end up with—

Q83 **Chair:** You are a professional. You are the accounting officer. Surely you gave them a very clear idea of what your recommendation would be before they could make a decision to abolish a body that existed. At the moment, we are just not clear, as Sir Geoffrey will come on to, what exactly is going to replace it. You must have given them proper professional advice about this decision.

Dr Bengler: If the House decides to remove the statutory sponsor body and replace it with an in-house client function, a couple of things will happen.

Q84 **Chair:** With respect, Dr Bengler, that is not my question. You are the professional advising the Commission. You keep saying, "The House decides", but all of us here rely a lot on professional expertise and advice. As the professional responsible and as the accounting officer and operating officer, did you give them advice about what body could be set up to replace the sponsor body?

Dr Bengler: Yes.

Q85 **Chair:** Have you drawn up plans for that?

Dr Bengler: Yes. We have a number of work streams in place for all of the possible transitions.

Q86 **Chair:** When did you set up those work streams?

Dr Bengler: Immediately following the—

Q87 **Chair:** Following the meeting, so not beforehand. You did not have a plan to present to the Commission about what could replace the sponsor body before it made the decision.

Dr Bengler: That is not strictly fair. A more tentative version of how things might look and what they might be was before the Commission, in paper form, at that Commission meeting.

Chair: A tentative version, okay. On that point, I will pass back to Sir Geoffrey.

Q88 **Sir Geoffrey Clifton-Brown:** Goodness; cans of worms are opening up all over the place. We had better hear first from you, Mr Burton. You



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have a different role on the Commission. I am not sure that you are entirely in agreement with what has happened on the Commission. I would be grateful to have the candour from you in terms of what the House of Lords body that you represent really thinks about this whole matter.

Simon Burton: Just to clarify, I am not a member of our Commission, but I attend its meetings and I give advice as required. Our Commission was informed of the decision of the House of Commons Commission and asked for its views, and our Commission agreed with the overall direction that the sponsor body should be replaced, subject to the approval mechanism, and I will come back in a minute to what that means for the Lords. Our Commission was very clear that there should be further consideration, and particularly an agreement on what might replace it before it was to be abolished. That is the first thing.

Secondly, to the point that John has already made, our Commission was extremely keen on independent advice and assurance as part of that process. We do not have an immediate plan for how that should be done, but our Commission is very clear that whatever happens next needs to be independently assured, and that is one of the things we will be discussing on Thursday.

As John said, John and I wrote to Sarah on 23 February, giving a steer as to what the sponsor body might ask the delivery authority to do in the immediate short term to make best use of its existing resources while avoiding nugatory expenditure, focusing on essential works, and particularly the intrusive surveys that we have already talked about. Our Commission is also very clear, and has said so in public, that there needs to be clear strategic direction from both Commissions going forward.

In terms of the legal processes, as John has said, any decision to abolish the sponsor body requires an affirmative instrument to be laid before both Houses. It would be laid by the Leader of the House of Commons. The Act requires the consent of the Leader of the House of Lords to be given before such an instrument is laid. It also requires certain parties, including both of us and both Commissions, to be informed of the laying of said instrument.

As you know, an affirmative instrument requires to be debated in both Houses; in the Lords, that is either in the Grand Committee, which is our Chamber off the floor, a bit like your Westminster Hall, or on the Floor of the House itself. The Lords can reject an affirmative instrument. It is very rare—I think we have done it only four times since the 1940s—but the Lords has the power to reject affirmative instruments. Like the Commons, the Lords has no power to amend such an instrument but, were an instrument to be rejected, the Parliament Act would not apply, because that applies only to primary legislation. That is the process.

Like John, I am hoping that the joint Commission meeting on Thursday, which is the first one for several years and was arranged at great pace,



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will allow us to move forward on the basis of a commonly agreed approach, and, indeed, that both Houses can be informed of the deliberations of that meeting would be our intention, so that the Houses can move forward.

As John has said, the instrument about the sponsor body is only one part of the picture. Indeed, the Lords has a similar resolution to the Commons that would need to be altered or varied in some way. Indeed, any business case that comes forward would need to go to the Lords as well as to the Commons, so there are parallel processes in the two Houses.

Finally, I should say that, at its meeting on 8 February, our Commission restated its commitment to the works to protect the future of the Palace, which is a really important statement. That commitment to protect the future of the Palace is absolutely at the heart of what our Commission is doing. As accounting officer, I carry the same risks that John does. I carry them in the Lords, and so it is a very pleasing statement to see that commitment there to protect the future of the Palace.

Q89 Sir Geoffrey Clifton-Brown: Thank you very much, Mr Burton, for that very full answer. You will have heard my exchange with Dr Bengier earlier on about the need for openness and transparency. Under that dictum, can we see that letter of 23 February?

Simon Burton: Yes, you can.

Q90 Sir Geoffrey Clifton-Brown: Thank you very much; that is very helpful. Can I explore with you what I was going to explore first with Dr Bengier, which is what replaces the sponsor body? Can I have your thoughts on that matter, please?

Simon Burton: At this stage, I do not have any thoughts, I am afraid, because there needs to be quite a lot of discussion around what that might look like, and it is very much early days. Our meeting on Thursday is just the first step in deciding what we do.

Q91 Sir Geoffrey Clifton-Brown: Can I prompt you and Dr Bengier? One thing that everybody was agreed on before that Act of Parliament was passed is that we do not want a committee of peers and Members of Parliament overseeing a project of this size, on which they have no expertise, because it would get into even more uncertainty. That is why the Act of Parliament set up the sponsor body. The two Commissions, apparently, want to get rid of the sponsor body. I am going to press on this. You must have a view, before you go to that meeting on Thursday, about what sort of an organisation you expect to deliver probably at least a £10 billion project. That is a huge amount of taxpayers' money, which needs to be delivered properly and professionally. You must have a view on what is to replace the sponsor body.

Simon Burton: This is only a personal view, but the first thing to say is that any successor involving Parliament needs to be bicameral. There are already Members of both Houses on the current sponsor body, and it is



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very important that the two Houses work together, first, on whatever comes next and, secondly, on how that is delivered. Both Houses have to have a role. That is very important.

It is also very important that whatever comes next has expert opinion and advice, because this is the most complicated thing that I have seen in my 33 years in Parliament. It is probably the most complicated thing that Parliament is going to do in any of our lifetimes. That need for expert input into decision-making and oversight in the future is incredibly important.

Q92 **Sir Geoffrey Clifton-Brown:** Can I just stop you there? Was the sponsor body not supposed to be all about that expert opinion?

Simon Burton: The sponsor body was deliberately constructed to contain a balance of Members of both Houses and experts brought in from outside. That was the way in which it was constructed.

Q93 **Sir Geoffrey Clifton-Brown:** Both Houses had an input into who was on the board of the sponsor body—which Members of Parliament and which peers were on it. If you are now condemning it, what was the point in going through all of that?

Simon Burton: I had no involvement in the appointment of the peers to the sponsor body. That was a matter for the Members of the House.

Sir Geoffrey Clifton-Brown: But both Houses did.

Simon Burton: Both Houses passed the Act that set up the sponsor body.

Q94 **Sir Geoffrey Clifton-Brown:** Both Houses had an input into who was on the sponsor body and who its directors were, so what has gone wrong?

Simon Burton: It is for the two Houses to decide what happens next. It is very important that, in this process and in this time of change and uncertainty, we do not lose sight of the fact that this work needs to be done, to be done properly and to be done on the basis of professional and expert advice and support. That is where my focus is at the moment. I carry the risk every day of the House of Lords part of the estate, and I want everything to be done that delivers safety for everybody who comes on to the House of Lords estate, whether they are Members, colleagues or visitors. It is incredibly important that that is where the focus is going forward, and it is really important that we all keep that at the front of our minds as we deliberate on these next steps.

Q95 **Sir Geoffrey Clifton-Brown:** The real truth in all of this is that Commissions have not been able to advise Parliament on a clear way forward and, therefore, Parliament does not have a clear view on this matter. Until Parliament is advised and comes to a proper view as to what exactly it wants, it is almost impossible for either a sponsor body or a delivery body to deliver anything, let alone a business case by 2023.



Simon Burton: It is really important that, in the next few months, a mechanism is established to ensure that that strategic direction is conveyed. Without that, things could go awry, and we do not want that to happen. We have to focus on delivery here.

Q96 **Sir Geoffrey Clifton-Brown:** Dr Bengier, what is to replace the sponsor body?

Dr Bengier: Can I just begin by echoing what Simon said? If you were to have a queue of people who want this building to be fixed, the two people at the head of that queue are sitting here, because we are corporate officers and, ultimately, if there is a catastrophic failure and if life is jeopardised, it is our legal responsibility. It is no one else's. It is not the Commissions', the Leaders', the PAC's or the Government's. It is ours, so we are at the head of that queue; I can promise you that. Quite apart from anything else, these are my colleagues and my friends, and it is a vitally important national institution.

It is probably worth just unpicking the different components of the Commission decision. Both Commissions have implicitly agreed that the delivery authority—the people doing the works—remains in place. Numerically, that is far and away a much bigger chunk of the external effort. I can tell you now, quite confidently, that that is the right decision. I am absolutely clear in my own mind that the technical capacity and the scale of what is needed is well beyond anything within our in-house resource. That has been misreported in some quarters, but there is no move away from that.

What is in question is the independent sponsor body to sit alongside the independent delivery authority. That is a model that you will have seen in the Olympics, which, of course, had a big advantage in having a fixed timescale that concentrated minds. We do not have that.

If you are asking me what is to replace it—and I completely endorse what Simon said: what replaces it is up to the House—we will need a client function. I am in no doubt that we will need a professional client function. I would also say, in a similar vein, that we do not have that expertise in our IHSE as constructed at the moment. That is not there. We do not have people who could seamlessly take over from the people in the current sponsor body. I also want to record for the record that I have a great deal of respect and admiration for Sarah and her colleagues on the sponsor body, so I acknowledge their expertise.

It is worth going back a bit in time to when these things were in shadow form. I have been working here and on this for long enough to at least dimly remember it. Whether we would have an independent client function as well as an independent delivery function was very heavily contested. There are quite finely balanced arguments for and against the independence of the client function, for all sorts of reasons.

Q97 **Sir Geoffrey Clifton-Brown:** As a chartered surveyor, I understand that



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client function only too well, and it worries me hugely that we are going to get a successor made up of Members of Parliament and peers who do not have the expertise and who are not going to allow the delivery authority the freedom to deliver this vast project, so I ask you again—and I have asked you two or three times—what in your mind replaces the sponsor body.

Dr Bengier: I do not think it will be Members or peers at all. We are talking about exactly the same sort of mix of professional skills that Sarah's team has. Sarah's team already includes people seconded from the House service. We are familiar with that team. That is an official-level team. It does not involve Members or peers. That would not be my understanding at all, and I do not think that either Commission thought it would. In terms of the oversight function, that is a bit different.

Q98 **Sir Geoffrey Clifton-Brown:** If that is the case, what is wrong with the sponsor body?

Dr Bengier: You will have to wait for the Commission's report, when it sets out its reasoning.

Q99 **Sir Geoffrey Clifton-Brown:** You are here in front of us today. In your personal view, what is wrong with the sponsor body?

Dr Bengier: The challenge, which Sarah may be able to speak to—

Sir Geoffrey Clifton-Brown: I am going to bring her in. She has been very patient.

Dr Bengier: The challenge has been having multiple clients. You have one client, which is the external sponsor body. The House of Commons Commission has had a role. There is the challenge of engaging with Members. There has been some feeling that having a multiple client is problematic. We see it in terms of dependences with other estate projects, where there have been some areas of friction and disagreement in the past. On a personal and relationship level, those are vastly improved.

Q100 **Sir Geoffrey Clifton-Brown:** You had an agreement in October to iron those differences out.

Dr Bengier: Yes, exactly, but if you are asking me what the possible problems are, they are in that area of not having a single voice, which is really difficult in Parliament, as you will very well know.

Q101 **Sir Geoffrey Clifton-Brown:** Can I put to you another problem? Whatever you put in place of the sponsor body, there is going to be pressure on every new Parliament, every five years or whenever it is elected. That was the whole purpose of setting up the sponsor body, so that it could be given a remit and get on with delivering this huge project. If we are going to have a body that is altered every five years, how on earth is Mr Goldstone supposed to get on and deliver this project, if he is given a different remit every five years?



Dr Bengler: One begins to see how difficult it has been to get R&R off the ground. It is worth remembering if we look at the timescales for this, when the independent options appraisal was commissioned in 2014 and 2020.

Sir Geoffrey Clifton-Brown: We know all about that.

Chair: We know the history.

Dr Bengler: And now 2023, 2025, 2027 and 2030.

Chair: Dr Bengler, we know all that.

Dr Bengler: It has been very difficult.

Q102 **Sir Geoffrey Clifton-Brown:** What assurance do we have that your joint meeting on Thursday is going to produce any greater clarity than we have at the moment?

Dr Bengler: You will have to see what comes out of that meeting and the publications from the meeting. There will be a report from the Commissions, which will be before the House. I cannot pre-empt the joint Commission.

Sir Geoffrey Clifton-Brown: I get that, and I will certainly suggest to the Chair that, if we do not get clarity after Thursday, we will have you all back again and ask you all about it.

Q103 **Chair:** I do appreciate, Dr Bengler and Mr Burton, that, in your role as officers, you have an accountability to the Commission. However, you are the professional leaders of these places. As Dr Bengler has laid out very clearly, the buck stops with you if something goes wrong. You are responsible for the safety of this place. Can I just urge you to tell us what your preference would be? If I had the privilege of serving on the Commission, which I do not, I would be asking you very firmly what your opinion was and would want to know that before making a decision. We may seek other outside expertise too, but I would welcome that. Other Members and staff of the House who serve under you as accounting officers would want to know that too. Is there any reason you cannot share?

Simon Burton: No trouble at all. It is my duty to share with the Commission when I have concerns about risk. For me, there is a big risk management issue here. The R&R programme was set up in order to mitigate, in the long term, risks that we are dealing with on a daily basis. Those risks have not gone away and will still need to be managed. That is one of the things that my Commission would expect me to say, and I will do so.

Q104 **Chair:** Do you have any view about whether it is best managed if some of us are still in the building—staff and Members—when it is happening or if we were all out?



Simon Burton: The resolutions of the House were for full decant of both Houses.

Q105 **Chair:** What is your personal view of that?

Simon Burton: That is the strategic direction to which I have been operating so far. If that is to change, the risk profile would need to be considered very carefully.

Q106 **Chair:** If I may say, that is a very clerkish answer. In your personal view—and remember that you are in front of the Public Accounts Committee here—what do you assess as the level of risk? Is it an increased level of risk that you would be happy to be managing as accounting officer?

Simon Burton: I would want to assess that level of risk very carefully when I saw what the options for managing it were. I would not just accept that one option was better than another. The risk of the different options would need to be assessed properly. My audit committee would be taking the same view.

Q107 **Chair:** How firmly would you want to push your point of view? My worry is that sometimes both of you may feel a bit hampered in putting your professional view across, because of the complex governance structures of this mother of Parliaments.

Simon Burton: I have been clear with Members of my House what my statutory duties are. These are statutory duties that I have as Clerk of the Parliaments. They do not reside anywhere else. They do not reside with the Commission, the Lord Speaker or the Leader. They reside with me and I have said that very clearly in a number of fora and a number of contexts, and will continue to do so.

Q108 **Chair:** There would be a point where you would just not be able to carry on if you felt it was too risky.

Simon Burton: I would hope that that position would never be reached.

Chair: As we would all.

Dr Bengier: That is exactly right. If we reach a level of unacceptable risk, we cannot sign off. As corporate officers, we have to be satisfied. We do not know what the plans are. We do not know how this could be done differently. David might be able to give you a flavour of that, but whatever it is, we have to mitigate that risk to individuals, absolutely. If you are asking me whether, in general terms and in principle, building work is safer or less safe when premises are occupied, I think you know the answer to that question.

Q109 **Chair:** Do you want to put it on the record, just so we all know what your thoughts are on it?



Dr Bengler: I would go as far as saying that whatever plan is reached, we have to make sure that the activity is performed in a safe manner, otherwise I cannot endorse it.

Q110 **Sir Geoffrey Clifton-Brown:** Can we see if we can get one point of agreement out of this Committee? The longer we go on without a firm plan for R&R, the greater the risk that a bit of masonry drops off and kills somebody or that we have a more serious asbestos incident. Therefore, it is surely in everybody's interest to come to an agreement on how we are going to deliver this project. We get a business case, Parliament approves it and we get on with it. Surely that is in everybody's interest. We have spent three years since the Act of Parliament arguing about it. Surely that is very unsatisfactory and very uncomfortable. Given what you have both answered to the Chair, that must be a very uncomfortable position for both of you to be in as Clerks with legal responsibility for the health and safety of this place.

Simon Burton: For John and I, there is a two-step process of thinking going on here. If there is an R&R plan, which there still is—it is still in existence and the Commissions have asked for it to be reconsidered—that means that, at some point in the future, R&R, whatever it looks like, will come along and solve a lot of the problems. That does not mean that, in the short term, we are still not facing risks. We are facing risks and we are managing those—risks to fire safety, life safety or masonry. That is one reason why, for example, I recently signed off a business case to repair the outside of the Victoria Tower.

Sir Geoffrey Clifton-Brown: Congratulations on that, because that is one bit of the old project that is proceeding.

Simon Burton: Thank you. Given that that is going to cost a lot of money, consideration was given to whether we should therefore wait for R&R to come along and to do it as part of that. We have something called the R&R test, whereby our current significant projects and programmes are considered against, "R&R is coming. Can we wait?" In this case, my decision was that we could not wait. We had to get on and repair the Victoria Tower, so that business case has been signed off.

Even if R&R were to be happening, as we all thought it might be, last year on the basis of a business case coming forward next year, that does not mean that, in the short term, we are not continuing to think about risks. We are balancing our management of those risks against avoiding nugatory expenditure.

Q111 **Sir Geoffrey Clifton-Brown:** You did not quite answer my question in terms of the way to reduce the risks. Obviously you will manage them; in any project, there is risk that has to be managed. When you get a comprehensive solution relating to R&R, it will be considerably easier to manage, because Mr Goldstone will have done his comprehensive intrusive surveys, he will know precisely the condition of every metre of this place and that will help inform everybody of what the risks are, but



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we are in this limbo at the moment where you do not really know what the risks are.

Simon Burton: We know the risks to the best of our knowledge, on the basis of the information what we have.

Sir Geoffrey Clifton-Brown: You cannot until he has done his work.

Simon Burton: The intrusive surveys that David is continuing to do are something our Commission was very clear should continue immediately. There has been no reduction in that effort, and the letter of 23 February makes that clear.

Q112 **Sir Geoffrey Clifton-Brown:** Sorry to stop you, Mr Burton, but there have been delays to those surveys, have there not? They are not starting until April, they are not going to start in earnest until October and they are likely to go on for many years, so they have been delayed. It says in the report that only 47% of the information that Mr Goldstone has requested has been supplied. There has been a delay. Mr Goldstone, would you like to come in? You are looking a bit quizzical. Can you just clarify this point, please? We want to know precisely whether the intrusive surveys have been delayed and whether the information on the condition of this place has been given to you.

David Goldstone: There are two different things in the conversation. In relation to surveys, when we set our plans, we had a plan for around 100 surveys to be done by the time the business case was prepared next year. We have completed about 50 of them. In terms of the intrusive surveys, we have procured all the contractors and eight frameworks of all the skills and competences we would need to deliver those frameworks. We have been working really collaboratively with all the House administration teams who need to work with us to enable what is, in itself, quite a complex task to carry out intrusive surveys within the Palace. We need access to all the services that deal with furniture, clocks and the artwork, as well as our contractors and the health and safety expertise. We are really well on with that.

As you alluded to, we had a delay in the early part of last year, in the early stage of our procurement. It was the first significant procurement we had done as a new organisation. We wrote to the Chair of the PAC in relation to this last autumn, and we did have a delay at that time. We said what our new timetable was and are completely on track with that. It would have produced the information we needed in time for the business case we were working on, which is the important information you wanted to get to.

You mentioned October. We will be ready to carry out intrusive surveys in great detail and number in the summer recess. If access was easier, we could probably start a bit earlier, but we are planning to do that through the summer. We will carry out up to about 20 detailed intrusive surveys. Some of those individual surveys are visiting very large numbers of spaces. In the building intrusive survey, we are looking at 90-odd rooms,



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and for the ground conditions we are investigating 20 boreholes in different parts of the estate, so they are pretty intensive. That will happen through the summer, and a lot of those will carry on running and providing us information longer term beyond that initial exercise.

That is all on the plan that we settled in the middle of last year. We do have to work collaboratively with the House teams on the services that we rely on and on access, working around when it would be inappropriate, in terms of the Houses' business, for us to be doing intrusive work. That has all worked pretty well and very closely in what is challenging.

The other information you were referring to was a reference to what we call requests for information, as opposed to surveys, when we are asking the House teams for particular pieces of information about condition or roles or requirements in relation to the Palace, which is where the report referred to the level of those that have been communicated, it has been challenging.

Q113 Sir Geoffrey Clifton-Brown: Why has it been challenging? If Dr Bengler's teams in the estates department have the information, why can they not let you have it?

David Goldstone: It is familiar to me from other programmes. As a new programme and a big organisation, we are hungry for information. People want a lot of information and, with respect to the two House administration teams, they are doing all their normal business as well. Business as usual has not stopped and, in the meantime, we are asking for lots of information. There is no lack of willingness. It is information that is sometimes difficult to access. It may be old or difficult to find. One of the things that we have done is put some of our resource into the House teams to help improve that. That has genuinely made a difference and there has been a big step-up, so we are working through these things together. It is challenging and these are all microcosmic examples of the challenge of doing such a complex project on a site like the Palace.

Q114 Sir Geoffrey Clifton-Brown: Just to knock intrusive surveys on the head, I do not want to cause massive panic, so I am not going to specify, but this Committee went on a visit earlier in the week. We know that there is extensive asbestos all over the Palace. I am not going to say where, because it will cause panic. How much will your intrusive surveys deal with the extent of that asbestos?

David Goldstone: As part of our plans, before we can do intrusive surveys into the building condition, we need to have surveyed the presence or otherwise of asbestos in advance. That is absolutely part of our programme. As Dr Bengler referred to earlier, we have estimates from the work we have done already of the potential scale of the challenge, and I would say that it is unique in the UK. There has never been such an extensive challenge. We have done quite a lot of research into looking for comparable projects. We think that there are around 2,500 locations, as



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Dr Benger said, and that it will take about 300 people two and a half to three years to do the asbestos work in R&R. That is not just replacing everything, but treating, where it can be, or dealing with it in the most appropriate way.

Q115 **Chair:** Is that assuming decant or continuing presence?

David Goldstone: All our work up until now was assuming a decant. The continued presence report just makes clear that everything takes longer if we were working around the Houses sitting.

The asbestos is a really extensive challenge. The largest other project that we could find had about 90 people for 18 or 20 months, so we are quantum leaps—

Q116 **Sir Geoffrey Clifton-Brown:** The Chair has slightly pre-empted my next question. Did you give any information or advice to the Commission before it abolished the sponsor body? Some of the chaos has been caused in the remit is because the Commission wanted to have this continued presence. In your professional view, is it possible to do this project with a continued presence?

David Goldstone: As Sarah said earlier, Sarah and I were in the Commission meeting on 24 January, but left before that Commission meeting reached its conclusion. In that, we were sharing the reports that have been subsequently published on the cost and schedule and on the implications of continued presence. The continued presence report that has been published is something that we produced, so I absolutely stand by that.

The conclusion it came to is that, in effect, it is technically possible to do it but, consistent with all previous work on this subject, it would take an enormously longer time, would cost an awful lot more and would create extraordinary risks in relation to health and safety and fire safety, as were referring to. The risk of disruption is very significant as well. Our report drew all that out, but it did say that it can be done, on the level of initial work that we have done so far. If the Houses wanted to take that forward, we would, in the spirit of the business case, have done a whole lot more work before that decision could be reached.

Q117 **Sir Geoffrey Clifton-Brown:** As we all have and as I did, walking round as a surveyor, you have got a rough estimate of the quantum of the problem but you have not done the intrusive surveys, so how can you come up with a statement that says that it can be done with an acceptable level of risk? After all, you and I know, as professionals, that the way you do it is with negative air pressure, but there is still a risk that, when you are getting the asbestos out of this place, it will leak into the areas that are being used.

David Goldstone: What we said in our report is that there is an extraordinary level of risk created. We said we would need to work with the Houses to agree, before it could go forward, how those risks were



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going to be managed, and that, at the moment, it was not clear how all those risks could be satisfactorily addressed. That is different to saying that, if the appetite was there, we could not, in time, have reached such a point. At the time, our report was really clear about the extent of the risks and that they would need to be satisfactorily addressed, and that that is not the case today. The continued presence work described in a lot of detail the risks that were created and the time and cost consequences of doing so. It is not something that we are advocating but something that we were asked to do a technical appraisal of, which we produced.

Q118 Sir Geoffrey Clifton-Brown: Ms Johnson, did you give the Commission any advice about the continued presence and the risk in extracting the asbestos?

Sarah Johnson: Broadly speaking, what David has just talked about is the position that both he and I, as the programme bodies, communicated to both House Commissions. David and his team undertook the work, the sponsor body reviewed that work and that is the work that we shared with both House Commissions and that we have subsequently published.

Q119 Sir Geoffrey Clifton-Brown: What is it that you have done so wrong that they want to abolish you?

Sarah Johnson: That is a very good question, Sir Geoffrey. I do not know. Broadly speaking, we produced some work that, as David has said, was halfway through a process en route to completing a business case that included some very significant cost and time figures—the first time that any credible, robust assessment of cost and time for R&R has been produced, albeit not a formal estimate, halfway through a process. Those are cost and time figures that I stand by as appropriate products for the stage of development that they are at. We could have chosen to massage those figures but we chose not to.

Q120 Sir Geoffrey Clifton-Brown: Is it a case of shooting the messenger because they did not want to hear the bad news?

Sarah Johnson: It can feel like that a little, yes.

Q121 Sir Geoffrey Clifton-Brown: Thank you for the honesty.

Dr Bengier, can I just you a quick technical question? If you are going to bring in the IPA to give you advice on this project, can we take it that you will accept its advice? It is the Government's established body and is very used to managing, as we know on this Committee only too well, very big projects on behalf of the Government. Can we have your undertaking that you will accept its advice if you bring it in?

Dr Bengier: It is a matter for the Commissions, not for me. All I can say is that the advice will be made available to the Commissions, and it will be for the Commissions to determine on that advice. It is not coming to me; it is coming to the Commissions.

Q122 Chair: We are knocking off bodies at a rate here. We have had the



delivery authority and the sponsor body. We have quite trenchant evidence from the Hansard Society and Dr Meakin, who has studied this in depth, among others. Let us take the official reports. There is the sponsor body and the delivery authority. You have the National Audit Office reports in front of, and now you are going to the IPA. As accounting officer, how long is it credible for you to say, "We will do whatever the Commission wants", if every other body is saying what the least risky option is?

Dr Bengier: The IPA is advising specifically on governance and assurance matters. Until we have this advice, there would not be a lot of point in my speculating about it.

Q123 **Chair:** Just to reiterate, that advice did not go to the Commission when it made this decision on governance and assurance issues.

Dr Bengier: In its decision, the Commission said it was seeking that advice. The decision of the Commission—and the Lords Commission is in exactly the same place—said that this is subject to further assurance.

Chair: So it pre-empted the advice, but we have gone over that already.

Dr Bengier: On those RFIs, it is helpful to amplify what David has said. It gives a flavour of how the working relationships have steadily improved over time. We have now reduced the gap between requests for information and information given down to 35%. Of the 225 closed cases, 111 have been closed in this calendar year, so there is a rapidly improving picture on that.

If I may, I would like to come back to Sir Geoffrey's point on safety, which is vitally important for me as corporate officer. I do not dispute the general thrust of your remarks that every year we delay the restoration and renewal of the Palace of Westminster—what is fundamentally a mechanical and engineering project—adds elements of risk and cost all the time. Just to echo Simon's point, our corporate officer responsibilities are here and now. They are not that we have a safe Palace in nine years' time but that we have as safe a Palace as possible right now. With that in mind, some areas of risk have decreased in recent years, whilst others have increased. An example of one that has decreased is fire safety, because of a very expensive project to improve fire safety on the estate.

Q124 **Chair:** Remind us of the cost of that.

Dr Bengier: About £140 million. That is a temporary project.

Sir Geoffrey Clifton-Brown: I am coming on to that in terms of nugatory spend.

Dr Bengier: Yes, exactly. Security would be another one. We have spent many millions of pounds, and are spending many millions more, on security projects, which is another threat to safety. Those are two areas where we could at least contend that safety has improved, but that is not to take away from the general thrust of it. In somewhere like stonework,



we are working really hard on things like the Elizabeth Tower and the Victoria Tower, and we are mapping and trying to do our best to work out what the risk right now is, because risk in nine years' time is no good if a large gargoyle falls on someone's head right now. We are managing that very actively, to the best of our ability, and I just wanted to put that on the record.

Q125 Sir Geoffrey Clifton-Brown: Thank you for that; that is very helpful. You have heard Mr Goldstone twice say that it would be possible to have a continued presence, although there would be, in his words—and it is in the report—an extraordinary level of risk. Could Parliament, the Commission or you, with your corporate responsibilities, possibly recommend to Parliament that they go along that path, with those words in mind?

Dr Bengier: We have to look at what “continued presence” meant when David—

Q126 Sir Geoffrey Clifton-Brown: What does it mean, in your view? We have what it says in the report, but what does it mean?

Dr Bengier: Let me say off the top of my head what I think was envisaged and what David was looking at.

David Goldstone: We were asked a very specific question, it is probably worth saying.

Dr Bengier: Do you want to say what that question was, David, and then I can answer as honestly as I can?

David Goldstone: We were asked to achieve the same objectives that we were trying to achieve through the schemes we were designing assuming a full decant—all those objectives in accordance with the Act and the resolutions agreed last year—with the House of Commons sitting in the Palace throughout the period of the works. We looked at two scenarios: staying in the Commons Chamber or moving within the Palace. In either case, we were given an extensive list of requirements—some essential and some desirable—that would need to sit with the Chamber while it was sitting in the Palace. We were coming up with a solution to deliver the same scope and outputs from the project as the one with the full decant, and to accommodate a list of requirements.

Chair: Just to be clear, access to the House of Commons Chamber and attendant services around that, such as catering and Doorkeepers.

David Goldstone: Yes.

Q127 Sir Geoffrey Clifton-Brown: This is important in terms of the attendant services such as catering. The report seemed to imply to me that all that continued presence meant was the Chamber and the galleries. I think that that was the wording of the report.



David Goldstone: In what we published, we included the list of requirements. I do not think I have it with me. There was a list of all the functions that would need to be supported in the Chamber. I have to say that I cannot remember whether catering was included.

Chair: Broadcasting and that sort of thing.

David Goldstone: Yes. There was an extensive list of essential and desirable requirements and we came up with a solution that enabled that to happen, effectively using the block around the Commons Chamber to house all those services.

Q128 **Sir Geoffrey Clifton-Brown:** Can we just be clear about what this process will involve? It will involve sealing the Chamber and having negative pressure—in other words, pressure so that any asbestos particles are immediately removed into the outer air. You are going to have to seal it in some way, but in another way so that Members of Parliament and staff get in and out of the Chamber without a risk of a leak. Is this really possible?

David Goldstone: You are talking just about the asbestos.

Sir Geoffrey Clifton-Brown: Yes.

Chair: That is one of the biggest risks.

David Goldstone: It is a very significant risk. I am not at all saying that it is not. What we established in the work that we did, and one of the reasons the duration is so long, is that we would need to install temporary services, probably in the courtyards, before any work happened, to then decommission the current services, which are a particular home of so much of the asbestos, and then to tackle the work in a phased way over the very extended periods we referred to, otherwise working round and isolating work areas so that there is no contamination affecting the working Chamber. We would have exclusion zones and works areas that were very isolated, and buffer areas, compared to where the House would be sitting.

One of the reasons why the work would take so long is not only those additional works but that we would be starting and stopping work, and mobilising and demobilising around access restrictions and the sitting of the Chambers.

Q129 **Sir Geoffrey Clifton-Brown:** Can I just confirm this view, which is evidence given to us by the Hansard Society? I do not know whether you have seen it, but it says, "Common sense also dictates that, although a decant from the building of between 12 and 20 years is deeply unpalatable, it is more acceptable than the notion of our national legislature operating in the middle of a building site for 46 years and possibly as long as three quarters of a century". Do you agree with that or are those figures exaggerated?



David Goldstone: We were asked to answer a technical question, and our remit was to give some technical advice and a technical opinion to respond to the question we were asked by the House of Commons Commission, which is what we did. It is a political question of whether the House wants to go ahead on that basis, and the decisions that the clerks have referred to, and it is not for me to comment on.

Q130 **Sir Geoffrey Clifton-Brown:** But is it technically right? I am not asking you which decision you would make. I am simply asking you whether the figures that have been given to us by the Hansard Society are in accordance with your figures? A little after 20 years versus 46 and possibly as long as three quarters of a century.

Sarah Johnson: Chair, if I may, they are the figures from our work.

David Goldstone: Yes, they are figures from our published reports, with the same caveat of the early stage of development that we made earlier.

Q131 **Sir Geoffrey Clifton-Brown:** I understand. Dr Bengler, we have heard that there is exceptional risk. I do not know whether you apply that, Mr Goldstone, in relation solely to the asbestos or to the whole project.

David Goldstone: It was the totality of risk.

Q132 **Sir Geoffrey Clifton-Brown:** The totality of the project. Dr Bengler, how could you possibly advise the Commission to proceed on the basis of an exceptional risk and having this place as a building site for, even on reasonable evidence, 50 years? Does that make any sense at all?

Dr Bengler: On the version that David was working on, no, it does not. On that version, where you have a Chamber—

Chair: We know. We have had the description of a version of it.

Dr Bengler: You have to think what that would be look like. It is almost like a polytunnel from the Northern Estate, Portcullis House and Norman Shaw North, where all the Members are, to this small, protected area availability with a building site all around it. That would carry an enormous amount of risk, and potentially cost as well. I do not think that the House was signing up, when it passed those resolutions, to being out of the Chamber for 20 years. In my heart of hearts, I do not think that motion would have got through, if Members had been told that they are going to be denied the Chamber until 2050. I do not think that that would have got through the House, nor even necessarily the figure of £13 billion.

Chair: We are asking what your professional opinion is.

Dr Bengler: To answer your question as honestly as I can, the challenge for David—and he can talk about this, because I know he has already been doing some really interesting thinking about that—is whether there is a different way of delivering the re-servicing of the Palace of Westminster that falls short of that model, which I think is really



unsatisfactory, or a full decant over two decades, which I suspect may prove to be politically unacceptable.

There is no “get out of jail free” card, unfortunately, for R&R. Whatever happens, I can pretty well guarantee that you, as Members, will be criticised. You will either be selfishly staying put and incurring extra cost, or moving out. If the costs go through the roof, that will be your fault, so you will not win on that. There will be a period of decant from the Commons Chamber while it is fixed, and that will not be a matter of weeks. That will be a very significant piece of work.

Chair: We are very aware of that, Dr Benger, and we have also done that during Covid, for the most part, although some of us were able to be here.

David Goldstone: Would it help to say how we are trying to think about the question afresh?

Sir Geoffrey Clifton-Brown: Yes, it would.

David Goldstone: In the work we had done until the recent Commission decisions in early February, the Act, the resolutions and the objectives defined a lot of scope that we had to respond to for this unique site. We talk about it like it is a building but it is more like a small town. It is an area of 1,000 homes, give or take, and is incredibly complicated because of its structure, the heritage and security requirements, and the constrained site. We were trying to meet all that scope on this site, and we did all the detailed work halfway through the business case period, with the outcome that you have seen.

What we are trying to say now, having read what we have read in the minutes from the meetings, is that, if we are to start this afresh and ask the question anew, what are the trade-offs and the options around what the scope should be—what level of work and output we should achieve—we should iterate and consider that alongside how it is delivered and the impact on decant periods. We should have a much more in-the-round conversation about the scope of work, how it is delivered in terms of decant and the cost, and try to reach a new direction, exploring those things together, rather than starting with scope and asking, “What is the cost and schedule outcome?” which is how it had been tasked previously.

We can ask ourselves what the critical works are, which the Commission referred to, and look at new strategies.

Q133 **Sir Geoffrey Clifton-Brown:** With respect, Mr Goldstone, the Act of Parliament was passed in 2019. The two accounting officers here have absolute responsibility for getting best value for money for every single taxpayers’ pound. Why have you not been doing this work before now?

David Goldstone: Because we have been responding to, in effect, the approach that the resolutions and the Act stipulated, which defined a lot of the scope. We agreed the approach with the Commissions following the



strategic review about a year ago, but we have now reached a point where, as the conversation has reflected, the outcome of that work was not what the Commissions wanted to see and have, in effect, indicated a desire to look at a different approach. The task brief that the sponsor body and we have agreed is to start looking at an alternative approach that looks more in the round, rather than takes from the resolutions the decision to decant and takes from the Act and resolutions a whole lot of the scope.

Q134 Sir Geoffrey Clifton-Brown: We accept the constraints on space, the asbestos and the complications and everything else, but in return for Parliament giving you a vacant site, surely you ought to be able to do the whole thing, with proper planning as a result of all your intrusive surveys, done at proper, detailed specification, in 10 years.

David Goldstone: I cannot answer that question at the moment. We were halfway through doing the work and you have seen the initial findings. It is impossible to say. If we were to meet a set out of outputs, it will take as long as it takes, because the work that you can do at any time is constrained by the site and the access.

Q135 Sir Geoffrey Clifton-Brown: That is the first question that the Commission is going to ask you on Thursday: how long will it take to do that work?

Chair: Do you mean to finish the surveys?

Sir Geoffrey Clifton-Brown: No, to come to a conclusion as to how long you will need to have a vacant, decanted site for.

David Goldstone: We would need to know what the scope was. At the moment, we do not have a scope to respond to. What I am describing is that the two Houses, the sponsor body and the delivery authority need to have a period of working together, where we work out, mindful of the impact on how the works are delivered, what the scope should be and what the right trade-offs are between decant period and scope.

Q136 Sir Geoffrey Clifton-Brown: It is a little bit like chicken and egg, but we will wait to see what you come up with.

David Goldstone: To decide one without the other gets us where we are at the moment.

Chair: We have people in front of us here being paid to do a job, and yet everyone is saying, "We are waiting to be told what the job is that we have to do", but the job was laid out in the Act of Parliament.

Q137 Sir Geoffrey Clifton-Brown: Surely if you went to the Commission and said, "This is what we could do in 10 years", at least you would have a starting point. You told me that it was not fingers in the air.

David Goldstone: We have not been—

Chair: You have not been tasked with a time limit.



David Goldstone: Is it the time, the money or the scope? One of those things need to be set.

Q138 **Chair:** It is all part of a regeneration programme, so time, though relevant, may not be the most important issue. Sir Geoffrey, I am just going to pick up on the issue around Richmond House. £70 million was spent on Richmond House before the plans were scrapped, and the whole Northern Estate programme has been redrawn. That was really critical to any decant of this building. Are you proud of the fact that £70 million of taxpayers' money was spent and nothing has happened?

Dr Bengier: I would not say that nothing has happened.

Q139 **Chair:** There is no material difference to anyone working on the estate from that £70 million, is there?

Dr Bengier: For accounting purposes, our professional advice was that that money should be written off. Much of that spend related to the planning permission, which was predicated on the demolition of Richmond House and the rebuild. That was the settled intention of the Houses. That is what is in the resolutions: that you are going to decant.

In terms of the Northern Estate programme and how that been split up into separate programmes, that gives us a bit more flexibility and that work needed to be done. The Norman Shaw North work needed to be done, irrespective of R&R.

One thing that is perhaps too little understood is the compromises that Members would have to make if the Richmond House temporary Chamber had come about. I am by no means convinced that Members would have accepted those compromises, which included no library, no banqueting facilities and a significant reduction in the number of staff available for you. In recent Covid times and in terms of papers going to the Administration Committee, I am not sensing a great desire on the part of Members to work with fewer staff amongst them, but that would have been the challenge.

Maybe those compromises might have been acceptable, or might still be—it is up to you to decide, not me—for a relatively short period of time.

Q140 **Chair:** Except that there is going to be a compromise, if we cannot be physically present in this building in the same way. That is inevitable, whether we go to a completely different city or a completely different location in London, or we try to stay on site. The security advice was very strong about staying on this island site. You are giving us every option but, in your professional opinion, much as Members do not always want some things to happen and we all love for everything to carry on, without the Northern Estate being sorted and being a possible place for us and other staff to work from, how can the decant even begin to happen?

Dr Bengier: There are different options, which were set out in your paper, around continued presence. One option is to use the Northern



Estate to construct a temporary Chamber. Another option that was dealt with in your cost analysis was for the Commons—and this would need the Lords' permission—to use the Lords Chamber, wherever it was.

Q141 **Chair:** We have dealt with the issue about safety in this building. You are saying that, if we do not use the Northern Estate, the option is to stay in the Lords Chamber.

Dr Bengier: I am confident that the Commons Chamber will need to be decanted for a significant period of time. I am also confident that Parliament and the House of Commons will need to sit through that period and, indeed, to be able to be recalled during that period, and that some other space will need to be found for that to happen. Whether the best option is a temporary Chamber in Richmond House—

Q142 **Chair:** Dr Bengier, we are going round the houses again on these theoretical arguments. You have been very clear that there are huge risks to staying in this building, so any temporary use of either the Lords or Commons Chambers is very risky. I am talking about the Northern Estate, which was pulled. That has then slowed down the work of the sponsor body and the delivery authority, because they could not plan for functions on this side of the property to move to the Northern Estate.

Dr Bengier: There are a few different things in that question, which I will try to unpick. We needed to do a lot of the work on the Northern Estate preparatory to any R&R, because we now can see what it would have been like if we had waited to refurbish a very decrepit, grade II* listed building in Norman Shaw North and the somewhat less decrepit, so that needed to be done anyway.

In terms of the critical path for R&R and the timings, the Q2 2027 schedule is at what is called P0 risk. In other words, that would need everything to fall in place very precisely for that to be possible. We would not normally assume that a P0 risk would materialise, so as soon as you go to a more realistic level of risk—and you are absolutely right—we get into the early 2030s before this even happens, which is problematic.

We have to go back to the original question. You said that I have said that this carries an extraordinary level of risk and so forth, and that model of an isolated Chamber connected to the Northern Estate by some sort of tunnel that Members could go through is not a feasible outcome. What David was touching on was a different brief, through a series of agile projects, perhaps in defined areas. When you need that decant option and where it will be is still to be determined. I cannot say anymore.

Q143 **Chair:** So there is no plan B for what has gone from the Northern Estate, in simple terms.

Dr Bengier: There is a plan B of the Lords Chamber in some of the documentation.



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Chair: Plan A was a decant out of the Palace to another part of the estate. There is no plan B for out of the Palace to any other place.

Dr Bengler: There is for the Lords but not for the Commons.

Q144 **Chair:** Lords at the QEII Centre. We will not go into that in great detail. I just want to ask about Elizabeth Tower before asking Ms Green to come in. Are you proud of the refurbishment of Elizabeth Tower, Dr Bengler?

Dr Bengler: Implicit in your question is cost forecasts, but I would like to look at it the other way round. I am hugely proud of the work on Elizabeth Tower.

Q145 **Chair:** Let me cut to the chase. We are asking about the cost. You are the accounting officer. This was a massive expansion of taxpayers' money. It increased from £29 million to £80 million. Why?

Dr Bengler: It is an absolutely fair criticism to say that our initial cost forecasting of the Elizabeth Tower in 2016 was woefully deficient. The reasons for that are that we did not do intrusive surveys. There was not an adequate survey basis. We did not have a dedicated team. It was very much a finger-in-the-air guess. It was a completely unrealistic figure.

Q146 **Chair:** These are the two Commissions that will be setting up the body that might replace the sponsor body, so how can we have confidence in you if the Elizabeth Tower went so out of kilter?

Dr Bengler: I think you are being a bit unfair. That massive stonework project on a huge Gothic tower was beyond anything we had ever done before as an organisation, but what I am going to say is that we have learnt a lot of lessons from that project, and you will now see that those lessons are being borne out by the Victoria Tower, where many things have already been done differently. For example, 60% of the intrusive surveys had already been conducted on the Victoria Tower prior to that business case being agreed.

Q147 **Sir Geoffrey Clifton-Brown:** What happened with the Elizabeth Tower was that you did not do the intrusive surveys, as I have been on and on about, and we need to learn lessons from that, because this is exactly the sort of thing that could go wrong. That project is a minnow compared to R&R, and that is why you need professional people running it, do you not? That is why, if you get Parliament constantly interfering with it and changing the remit every five years, this R&R process could be an absolute disaster.

Dr Bengler: I do not disagree with the second thing you are saying, but in terms of the requirement for surveys, absolutely.

Q148 **Sir Geoffrey Clifton-Brown:** In that project, I know that you did not even survey the ground conditions, so you did not know how you were going to scaffold the building, which led to litigation with the scaffolding company over the costs. That was the level of things that went wrong. We need to learn lessons from that, do we not?



Dr Bengler: There are many lessons we can learn from the Elizabeth Tower. First of all, there is the intrusive survey point.

Q149 **Sir Geoffrey Clifton-Brown:** It is not only the intrusive, but scoping it.

Dr Bengler: I completely agree. Secondly, we did not even have a dedicated project team on that tower at the time. The senior responsible owner—the SRO—on that project was very much a part-time role on top of an incredibly busy day job.

Q150 **Chair:** What was the day job of the SRO?

Dr Bengler: The initial SRO was the head of our digital service.

Chair: We can rest our case here.

Dr Bengler: This was a way back.

Q151 **Sir Geoffrey Clifton-Brown:** What is really worrying me is that there are so many unknown unknowns. Here we are on Monday. How is the Commission really going to come up with anything very meaningful on Thursday?

Simon Burton: Given that Thursday is the first joint meeting of the two Commissions for several years and given the significance of the issues that they are being asked to address, I do not think we can expect the Commission to solve everything on Thursday, but we can at least expect proposals, a plan for a plan or possibly a way forward and, particularly, most importantly, agreement on assurance, because we need that assurance to help us formulate the best possible plan.

Q152 **Sir Geoffrey Clifton-Brown:** When are you going to be able to give Mr Goldstone a proper remit, so that he can go away and start telling you the information that you need to know? Dr Bengler said that 20 years is unacceptable, but until you give him a remit, how can he possibly go away and tell you what is a shorter time period in which he might conceivably be able to do this project?

Simon Burton: We have already given him the letter of the 23rd and given some initial instructions to David to carry on, which we hope was welcome.

Q153 **Sir Geoffrey Clifton-Brown:** Sorry, we have votes and I am conscious that Ms Green needs to come in. Can I just go on to the money, Dr Bengler? This is a really important point. The longer this uncertainty goes on, the more nugatory spend we are getting. The Chair has already alluded to the £70 million in Richmond House. We went down into the basement and saw this new high-pressure gas main, and I do not suppose that the whole of that £140 million was spent on that, but I suspect a great deal of it was. It is all going to have to be ripped out in the R&R programme, when R&R comes along. These are hundreds of millions of pounds of taxpayers' money that are being unnecessarily spent every single year we get a delay of this programme. How much more nugatory



spend is going to go on between otherwise and 2030 or whenever you are thinking is the start of this programme? The delay in making a decision is unacceptable, surely.

Dr Bengler: There is a lot of nugatory spend. We have talked about the fire safety work, drains and sewers—putting in some temporary sewerage, which was around £8 million.

By the way, can I come back to you on the Elizabeth Tower? I think I am wrong about the SRO point, and we need to clarify one or two details on that, so I apologise. That was off the top of my head.

It is a lot. One fact should not go unrecorded, which is very relevant to the Commission's thinking and will probably be before the House as well. The world now is not the world of 2018 or 2019. The Covid-19 pandemic has placed enormous strain on public finances, and there are two separate questions. There is the overall value for money question, which the NAO and this Committee will quite rightly probe, but there is a separate issue of affordability as well. There is something about whether Parliament can endorse a project with a bottom-line cost at P80 of in excess of £13 billion, because the £13 billion, I should say, does not include the decant to Richmond House.

Chair: We are aware that these are not finalised figures.

Dr Bengler: There are also things in the cost that are not even in that £13 billion, so a question that you will have to ask yourselves as parliamentarians when you come to vote on it—I do not get to vote on it—is that, as well as costs, there is an affordability argument.

Chair: We are aware of that. There has been an affordability argument for 40 years, which is why it has been kicked into the long grass. We had the banking crisis. There is always a very good reason.

Q154 **Sir Geoffrey Clifton-Brown:** There is a very good presentational case. Whether it is £10 billion or £13 billion, it is over 10 years, which is £1 billion or £1.3 billion every year, which is not an unreasonable amount of money to maintain a UNESCO building, so you do need to make that presentational case.

Can I just have one last try at this? There is nugatory spend of hundreds of millions a year. Parliament is unable to make up its mind about what it wants to do on its project in its own building. There is a reputational risk here, is there not? Surely it is up to the Commission—you, the leaders—to make sensible recommendations to Parliament, so that we can come to a vote as soon as possible and start to make progress on this project. Can we have your absolute assurance that, whatever the Commission does on Thursday, it will, if necessary, convene a series of meetings and joint meetings, given that there is now an urgency to get on with this? Apart from anything else, there is reputational damage and your corporate responsibilities in terms of the risk in this place.



Dr Bengler: I could not agree with you more on that last point, for the very reasons that we have discussed. Simon and I own this risk today.

Q155 **Chair:** Dr Bengler, as you have both said, you own the risks, so will you commit to providing the House, as a whole, with your best professional advice? It almost seems like, as soon as you go to the Commission and once it decides something, that neuters your professional advice. Maybe that is unfair of me. I know that you are in an interesting constitutional position, but you are also, in modern terms, the accounting officer and operating officer of this building, as well as the Clerk.

Dr Bengler: Yes, absolutely, and I do not shun that responsibility at all, so you have my assurance on that, but I do want to make a more general point, which is important. All of us—and I include myself, Simon and the people around this table—should be asking ourselves how on earth we let this get to this position. You can go back, if you like, to 2014 or anything like that—

Chair: We could get back into that but I am trying to look forward.

Dr Bengler: But it is important because, going forward, are you going to create the structures?

Sir Geoffrey Clifton-Brown: We are where we are. We have to go forward.

Chair: We have to go forward. We can write a history book about it later. Plenty of people are trying to do that.

Q156 **Kate Green:** Mine is a very different and much simpler question, I suspect. We have already spent a great deal of money getting to the point where we are. Whatever we decide to do next, we are going to spend a great deal more money. Members are very anxious that the benefit of that spend should be felt all over the country in terms of who we employ, the materials that we use and the manufacturing centres that we give contracts to. How are you approaching that in terms of the planning that the delivery authority is able to do, even in the very constrained circumstances that you are in at the moment, and what has happened up until now that would assure the House that that awareness of the need for the whole country to benefit is very much front and centre of your mind?

David Goldstone: I can absolutely assure that it has been front and centre since the delivery authority was formed. Indeed, our chair has been one of the advocates of getting out and around the country, albeit remotely initially but more latterly in person, to make that case to all parts of the United Kingdom. We absolutely see this as a project for the whole country. It is physically located in London but it is a national asset and a key symbol of our country, so involving the whole country in the opportunity and the benefits has been a real priority for us.

What we can do and have been doing—and we have been partnering with the British and Scottish Chambers of Commerce—is going all over the



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country to talk to local political and business groups about the opportunities and the benefits, discussing where there may be opportunities for their local businesses to get involved in R&R in the future. We have had to pause some of that at the moment because the scope is uncertain, but in terms of the commitment and activity, we have had meetings in most of the regions of the UK already. We are planning the ones that we have not done yet. We were talking about the surveys work earlier. Of the contracts that we have let for the surveys, two-thirds are with small and medium-sized enterprises. There is a good spread of regions represented on that framework.

One thing where we have taken the initiative is working with other heritage bodies that are clients of major programmes of work. One of the challenges that we have, where there are opportunities for benefits around the UK, is in relation to the specialist skills in delivering works to heritage assets. We have been working with the National Trust, the Churches Conservation Trust, Historic England and the Canal and River Trust, as well as ourselves as part of this project in Parliament, to look at how we can create the opportunities for that heritage industry to respond to a big pipeline of work over a number of years in the future and to build capacity around the country. We have been engaging all over the country. We are engaging with heritage bodies. It is a high priority.

Q157 **Chair:** Mr Goldstone, are you losing contractors at this point because of the uncertainty, or are you at risk of losing people to other major engineering and heritage projects?

David Goldstone: We have had to demobilise some of the resource we had planned to commit. We are not losing whole contractors but part of the expertise that had been available. We have also lost a small number, at the moment, of people who we were recruiting or who have chosen not to come.

Q158 **Chair:** That is since 1 February.

David Goldstone: Yes.

Q159 **Chair:** Ms Johnson, if you were to be fully abolished, what is the notice for you and for your staff?

Sarah Johnson: It depends on the grade of staff, but it is anywhere between three and 12 months.

Q160 **Chair:** Have you worked out what the bill would be if you were given notice tomorrow?

Sarah Johnson: I have not done that just yet, because I am very much hoping—and have had some assurances—that there will be a transfer of staff. I hope, to the best of my ability, that the vast majority of my team will have ongoing work.

Q161 **Chair:** Dr Benger, how many fires have there been this last financial year?



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Dr Bengier: From memory, we have about one small fire a month in Parliament.

Q162 **Chair:** Can you write to us with the specific figures and where they are? How many masonry falls were there in the same period? If you cannot tell us, you can write to us.

Dr Bengier: I had better write to you. I think we have had about eight in the last five years.

Sir Geoffrey Clifton-Brown: Can I have an undertaking from you that you will remind the Commissions on Thursday that the Deloitte report said that every year's delay costs between £50 million and £80 million? That was in 2015, so that will figure is bound to be over £100 million a year. That is in addition to the nugatory spend of several hundred million a year. Ten years' delay is well over £1 billion—probably £1.5 billion or £2 billion—of extra cost to this project. Will you please remind the Commissions of that?

Q163 **Chair:** Given that you have the Commissions both meeting together on Thursday, could we ask that you appear in front of us again at some point after that hearing?

Simon Burton: Of course.

Chair: We will be in touch with you about the details of the letter, because we need to go and vote.