

Public Accounts Committee

Oral evidence: Restoration and Renewal, HC 49

Wednesday 11 May 2022

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Members present: Dame Meg Hillier (Chair); Shaun Bailey; Sir Geoffrey CliftonBrown; Kate Green; Peter Grant; Antony Higginbotham; Angela Richardson; James Wild.

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

Questions 1-96

Witnesses

I: Dr John Benger, Clerk of the House of Commons, Simon Burton, Clerk of the Parliaments, House of Lords, Sarah Johnson, Chief Executive, Restoration and Renewal Sponsor Body, and David Goldstone, Chief Executive, Restoration and Renewal Delivery Authority.

Report by the Comptroller and Auditor General

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

Examination of witnesses

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

Chair: Welcome to the Public Accounts Committee on Wednesday 11 May 2022. We are looking at two topics today—restoration and renewal of the Palace of Westminster, followed by a session with the Department for Education.

First, on restoration and renewal, I welcome our witnesses. In the room, we have Dr John Benger, Clerk of the House of Commons. Welcome back, Dr Benger. Simon Burton, welcome back to you, the Clerk of Parliaments at the House of Lords. Also in the room, we have David Goldstone, who is chief executive of the Restoration and Renewal Delivery Body, which is the body that does the work, and Sarah Johnson, who is currently the chief executive, for a little while longer, of the Restoration and Renewal Sponsor Body, which commissions the work and oversees all the activities relevant to restoration

Dr Benger: It was noted in November—that is quite right, Chair, yes.



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and renewal, for the time being. That is a major part of our inquiry today. I call on Angela Richardson to kick off.

- Q1 **Angela Richardson:** Thank you to the witnesses for coming along this afternoon. I am new to the Committee, but I have familiarised myself with the evidence session of 14 March 2022. My first question is, in this calendar year, 2022, have there been any asbestos-related incidents?

Dr Bengier: All asbestos-related incidents are in the memorandum I sent you, the most recent one being last November in the Speaker's accommodation.

- Q2 **Angela Richardson:** Thank you. Following that incident last year, do you have any update on how you would handle a similar incident going forward?

Dr Bengier: To some extent, we are in the hands of the Health and Safety Executive, and they have an ongoing line of inquiry. We will certainly want to respond to their recommendations, but one thing we would definitely do differently is the escalation process. Simon and I have commissioned revised escalation procedures to make sure that the right people know at the right time and, in addition, that our IHSE colleagues have stood down all the works across however many—38 or 40—projects across the estate, checked the asbestos policy and its interpretation with all our many contractors, and assured themselves that they are appropriate and in place.

That is probably as far as I can go. We are currently in the process of revising again our asbestos policy. We keep it under review regularly, and after a RIDDOR event we are pretty well obliged to review it. It is in review at the moment. That review is at a final stage and it will be shared with the unions shortly.

- Q3 **Chair:** To check, Dr Bengier, before going back to Ms Richardson, you just said that it was November. We are talking about the October incident that was notified—

Chair: I wanted to make sure that there had not been another one that we did not—

Dr Bengier: No, no.



Q4 **Angela Richardson:** Regarding the surveying of asbestos, in the previous session we discussed intrusive surveys, but before you can do an intrusive survey you have to have a full survey. Whereabouts are we with that? When will you have completed the asbestos survey?

David Goldstone: We have a programme of intrusive surveys planned, which we discussed in March and which we are in the process of letting all the contracts for. We have all those plans in place, and all the planning is on track for those works to go forward—a lot through the summer recess and some that carry on through the rest of the year.

We have already carried out a lot of the investigations into where asbestos may be. We carried out a lot of that work—some of it last December before the Christmas recess, and some further during February. That has been updated. The asbestos investigation to see where it may affect our intrusive survey programme has largely been done before we go on site for the intrusive surveys that we are planning this summer.

That has already been planned in as part of the work to get here. We have got the surveying capacity under contract, because we might well find, as the work goes, that we need to do more of that sort of investigation, but we have all that planned into our plans for the intrusive surveys through the rest of this year.

Q5 **Angela Richardson:** Dr Bengner, what support will be given to those who are on a 40-year health watch for asbestosis, please?

Dr Bengner: I hope my note clarified that. There was a bit of confusion about the 40-year health watch. The 40-year health watch regulations apply to those people doing the specific licensable activity—that is to say, the people removing ceilings and so forth—and they are not House service employees. They are not my legal responsibility; they are the responsibility of the relevant contractor. We have suggested that that question will have to be put to them, because it is their legal responsibility. We have, however, a duty of care to our staff, and we are very anxious that any of our staff who might have been exposed inadvertently to asbestos are given the appropriate advice, counselling and support. That has been offered to them, in line with HSE guidance. We are following HSE guidance.

Q6 **Chair:** I was a bit puzzled, in your letter to us, Dr Bengner, that you suggested that we write to the principal contractor to seek further information, because you are the accounting officer of the House. Have you sought information from the principal contractor about their responsibilities to their staff working on this site?

Dr Bengner: I think it would be more in my role as corporate officer than as accounting officer. I do not think that there is any immediate accounting officer responsibility.

These are legal duties and legal requirements on the contractor. When we sign a contract with a contractor, which we do for an awful lot of money, that is part of the deal. That is one of the things that they are doing—taking



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appropriate legal responsibility to their employees. They are not my employees.

I think we have to keep it clear. I take legal advice on these things. We have to keep a clear legal separation. I do not even know which of their employees were on site. That is their job. They keep a log of the people on the site. I do not have access to that information.

Q7 **Chair:** Do you know how many of the people affected—

Dr Bengier: We have given you those figures. I think it was a little under 100 of their employees.

Q8 **Chair:** You talked about the support for other staff and, in your letter to us, you talk about accessing a GP and certain services, but what if a member of staff has concerns 10, 20 or even 40 years down the line? How far does that duty of care reach?

Dr Bengier: I think what we are looking at here is the difference between legal and moral responsibility, I suppose. I would certainly consider us to be morally responsible for the welfare of our staff. In legal terms, it is important that we keep an appropriate record of which of our staff say they were in that area, and we will maintain that record.

The HSE guidance is fairly clear that the risk for that sort of exposure, in terms of the amount of asbestos in that area, is extremely slight. They say that specifically under their FAQ for how we handle asbestos. So we will keep a record of who they are and if, ultimately, there is a legal risk and a legal responsibility on that, then we will meet that when we come to it.

All of you will know that, unfortunately, because of the way exposure to asbestos manifests itself in disease in later life, there can be a really long time period, so we will need to maintain those records for that period, and I will certainly undertake that we will do that.

Q9 **Chair:** I was going to ask about record keeping. Are you confident that your record keeping will be in place and that any member of staff affected will be able to access those records, should they need them?

Dr Bengier: Yes, that's right. That will be part of their legal claim.

Q10 **Chair:** Presumably, you don't keep every member of staff's personnel record for that period of time. Do you have a clear process in place specifically for this?

Dr Bengier: Absolutely, this would be specifically for this process, given the possible legal risk. That is correct.

Q11 **Chair:** We are going to move on to wider issues, but just to be clear at the beginning, Dr Bengier, do you consider that we are a properly constituted body to be asking questions about this matter?

Dr Bengier: Of course, yes. I clerked this Committee for four years. I have the highest respect for the Committee of Public Accounts.

Chair: Okay, if that is the way we are going to proceed, then that reassures me.

Dr Bengier: I can go further, Chair, if that is helpful. To my mind, it would be good, whatever the governance arrangements are going forward, if the NAO and PAC maintained an ongoing role. To me, it would be a disadvantage if any change in governance arrangements led to a diminution in scrutiny of public expenditure.

Chair: That is reassuring to hear because we are, with the NAO, certainly written into the Act, which we will be coming to, to have a role in making sure that this programme spends taxpayers' money wisely. Antony Higginbotham MP, over to you.

Q12 Antony Higginbotham: Good afternoon to our witnesses. I want to talk about the Sponsor Body, to begin with. Dr Bengier, I am pleased about what you have said about the PAC's role in scrutiny of what is going on. Ms Johnson, your departure has been announced on the R&R website, but nothing has been formally communicated to Parliament or to the Public Accounts Committee. Dr Bengier, I will come to you first. Do you think it is appropriate that there is no formal notification to the Public Accounts Committee or to Parliament in general when the chief executive of an organisation set up by Act of Parliament departs?

Dr Bengier: The Sponsor Body is, by statute, an independent entity. It is not within my control, and I think their communications are a matter for them. The requirement of that body to engage with Members is a statutory requirement; that is actually in the Act.

I think an article came on the intranet fairly quickly. I don't know whether Sarah can say if that was jointly agreed or not, but this is an essential and vital function. Generally, R&R is not widely enough understood by the parliamentary community; I'm afraid that is a fact and there is not enough effective engagement. It is really difficult to do that effective engagement, so I have a lot of sympathy with the Sponsor Body in that task. To my mind, the level of engagement throughout the process has not yet hit the mark that it needs to, going forward.

Q13 Antony Higginbotham: Okay. Ms Johnson, perhaps I can come to you? I don't know how involved you were in the notification about your own departure, but do you think it was optimal that the Public Accounts Committee and Parliament were not formally notified? I take the point about something going on the intranet, but to the point about fostering good engagement with Members of Parliament and peers, I am not sure that is an appropriate mechanism. What are your views?

Sarah Johnson: In fact, about five or 10 minutes after I had formally communicated the news to members of my team, and indeed shared it with all members of the R&R programme, we did actually send notification of the announcement to the Chair of the Public Accounts Committee, to make sure there was awareness of that decision, not least because of this session.

Q14 Antony Higginbotham: But no communication was sent more broadly to Members of Parliament and peers, beyond posting it on the intranet.

Sarah Johnson: That is correct.

Q15 Chair: Dr Bengier, you just said that the Sponsor Body is an independent body. The Sponsor Body's position is where it is because of a decision by the House of Commons Commission, and then the Joint Commission of both Houses. The Commission has made a decision to get rid of the Sponsor Body. When the head of the Sponsor Body then resigned, you did not think there was anything in your remit in terms of advising the House that the decision made by the body that you attend and advise was followed through.

Dr Bengier: The legal position is exactly as it was before the Commissions met. At the moment, the resolutions are both in force and the Act is fully enforced without any change. We communicated through notification of commissioners in the Commons, and I am sure in the Lords, too. We placed information, I believe, on the intranet—I would need to check that, but I think that it is the case. Sarah might be able to confirm that. Going beyond that, I am not sure what else we could do. There is no Minister for R&R. It is hard to know how it could be announced in the Chamber. I suppose there could be questions to the Member representing the Parliamentary Works Sponsor Body. I do not think there is much more we could have done. There is no Minister for R&R. It is hard to know how it could be announced in the Chamber. I suppose there could be questions at Question Time. I do not think there is much more we could have done.

Q16 Chair: We have other ways. Members are communicated with in lots of ways and on lots of issues. We have had round robin letters from the Speaker on many issues recently. It almost felt like it was swept under the carpet.

Dr Bengier: I am just checking the article was on the intranet.

Q17 Chair: With respect, Dr Bengier, you have worked with Members, and I am sure we all have respect for MPs in this place, but the idea that we are all browsing the intranet every day to see if there might, be buried in the corner of it, some news about something as significant as Ms Johnson's departure is really for the birds. There are other issues where we get direct emails. The point is that this was a decision of the Commission, and the consequence of that decision has been Ms Johnson's resignation. This was a direct decision by the House, in effect, that led to that.

Dr Bengier: I cannot speculate on the basis of Sarah's decision to leave the Sponsor Body.

Q18 Chair: In that case, let's ask Ms Johnson. Ms Johnson, would you like to inform the Committee of your reasons for your resignation?

Sarah Johnson: I am more than happy to. As you alluded to, the decisions of the House Commissions have placed the Sponsor Body in a period of uncertainty. It will be debated in both Houses, and ultimately, potentially, a statutory instrument will be used to abolish the Sponsor Body. It seems likely that that will happen. While it has been an incredibly difficult decision

for me to take, because I cared deeply about this programme and about my staff, fundamentally, the position as I sit here today is not the job that I came here to do, and that is basically why I have decided it is the right time for me to move on.

Dr Bengier: That is helpful, but I want to put on record about the potential abolition of the Sponsor Body under the Act that that section of the Act requires TUPE-style arrangements to be put in place, allowing for or requiring the transfer of staff to any successor body. I absolutely respect Sarah's decision and I understand that a different client function will potentially be a very different beast, and that is not what she signed up to.

But given there will be colleagues in the Sponsor Body listening to this, whether in real time or later on—I do not know—I would like to offer them what reassurance Simon and I can give that we see the client function and the very considerable expertise within the Sponsor Body as vital to the success of any significant restoration and renewal of the Palace. Much of that expertise will be required; ideally, it will not all go away. I also accept what Sarah says about a period of uncertainty being very difficult, and I completely agree with that. There has been far too much uncertainty over this project over the years—we all know that. I do think that uncertainty is highly corrosive and damaging, and the sooner that clear decisions are taken, the better as far as I am concerned.

If I may, Chair, I want to pay tribute to Sarah's contribution to this project. Sarah and I have worked well—I hope you would agree, Sarah—over this difficult period. I wanted the governance review to take place, but it was meant to enhance relationships and I think it largely succeeded. I have the greatest respect for the work that Sarah did, but I also respect her decision to move away from it.

Q19 Antony Higginbotham: Ms Johnson, it sounds like you felt almost under pressure to resign because the job you were brought in to do was no longer going to exist, despite that not coming back to Parliament and your organisation being set up by an Act of Parliament. Is that a fair characterisation?

Sarah Johnson: No. I have felt under no pressure whatsoever. This has been completely a personal decision. Nobody has applied any pressure on me to stay or to go for that matter. This is purely a personal decision in my own best interests given the current circumstances.

Q20 Antony Higginbotham: How many other members of the Sponsor Body have offered their resignation since the Commission made its announcement?

Sarah Johnson: Two more junior members of staff have resigned and since left, and we also have our communications director and our business case director leaving relatively shortly. The chief of staff is also moving on shortly, although that person is under different contractual arrangements and had always intended to leave relatively shortly.

Q21 Antony Higginbotham: That sounds like quite a few members of the senior team: the communications director, who is responsible for presumably engagement with Members of Parliament; the chief of staff; yourself; and the business case director, who is responsible for building the programme. Dr Benger, you just referenced the importance of carrying over some of the expertise. Presumably that is the expertise you wanted to keep and bring over. Do you think the way the Commission made its announcement helped or hindered carrying over that expertise?

Dr Benger: I just repeat what I said: a period of uncertainty is damaging. Of course, I do not know the individual reasons why individuals left the organisation. Individuals do leave organisations from time to time. I do not know the extent to which the resignations that Sarah mentioned were directly or indirectly related to the Commission's decision, but I think your general point is quite valid, Antony. I know one or two of these people. They are really good people; they are excellent people, and we would have liked to retain that expertise.

Simon and I were in a difficult position as heads of service because although the TUPE rules apply, they do not give definitive certainty of continuity of employment—as you will know very well as Members. We cannot give a cast-iron guarantee that people will be doing exactly the same job on the same terms x months from now. That said, any messaging I can do to say, “The way it looks to us from here is that we need that expertise” is important, so I will use this forum to do that. Simon and I are committed to coming over to the Delivery Authority and the Sponsor Body town halls to give the same message, but it is, of course, with those caveats until the political uncertainty is resolved, which is I hope very soon, or fairly soon, anyway. I have very little control over that process—equally Simon.

Q22 Antony Higginbotham: That is fair, and we are all agreed that uncertainty is damaging. It is damaging to staff morale and it is damaging to maintaining that expertise. I am just trying to understand whether you think, in hindsight, the way things were announced and the way that the Sponsor Body is being dismantled and replaced is helpful or hindering to that effort.

Dr Benger: It is quite a nuanced question, isn't it? I suppose the counterargument is around this being deemed not to be working or not to be working well enough by the bodies charged with funding it, which have a clear duty in terms of management and oversight of public funds. Any delay from their point of view is potentially costly and hinders the work we need to do to move forward.

One thing I would say—and I really am confident about this—is that every Member I speak to, and every official working in this area, in either House, is absolutely clear that major work needs to be undertaken on this astonishing Palace—this component of a UNESCO world heritage site, that is urgent. The risk is real and to some extent growing—in some areas growing, anyway—and we need this to be fixed. Political complexities have

dogged both the current project in this century and the plans to rebuild the Palace in the 19th century in strikingly similar ways. The sooner those things can be resolved and the sooner there is a plan and a structure that everyone believes in and that has longevity and sustainability, the better. Because delay is expensive, morale diminishes, and ultimately, the Palace is not being fixed at the rate at which it needs to be fixed.

Q23 Antony Higginbotham: Ms Johnson, who is currently legally responsible for commissioning work? Who is signing agreements with contractors for work?

Sarah Johnson: My organisation, the Sponsor Body, is accountable for instructing the Delivery Authority, but actually the vast majority of our supply chain is contracted directly to David's organisation, not the Sponsor Body.

Q24 Antony Higginbotham: So, Mr Goldstone, when it comes to commissioning work in future, you are legally responsible for signing the contract, but you take advice from the Sponsor Body. Who are you going to be taking advice from next week, given that quite a lot of senior members of staff from the Sponsor Body are leaving?

David Goldstone: Maybe the important point I would make in this respect is that when those senior members of the Sponsor Body team made the decisions to depart, as Sarah described, clear succession arrangements were in place. So, as the recipient, if you like, of instructions from the Sponsor Body, we know who is taking over the roles of those who are departing. One role is being filled by the House services. That has been planned. We don't know the individual yet, but we understand they will be there soon. All the other roles are being filled on an interim basis.

We will therefore carry on working with the Sponsor Body team in much the same way as we have. It will be business as usual in that respect, in the sense that an organisation is still there. The Sponsor Body board is still there and still meeting. So we can carry on functioning. Sarah and the team ensured that there were succession arrangements in place before the announcements last week. Clearly, we are doing all that in the context that we know change is coming. We are working together on the transitional arrangements more broadly with the House teams as well. Directly between sponsor and ourselves and commissioning and the contracts we are entering into, we are doing that as we have.

We have a task brief in place, which is the formal place where those instructions are documented. We agreed that with the Sponsor Body during March. It is the basis of the budget we have taken through the formal budgeting process, and we are working to that task brief. We have clarity for the next few months, but that will need replacing in time.

Q25 Antony Higginbotham: But we have just heard that, during those few months, roles such as the business case director—a really important part of making sure we are getting value for money and doing the right work— will be gone. The instruction you are taking from the Sponsor Body will not have that

expertise sitting behind it. You are relying on that advice, but that advice will be hollower than it is today. How do we get assurance that you're commissioning the right work and that it represents value for money?

David Goldstone: The wider part of the conversation may be the work we are all doing on the transitional arrangements for both the succession arrangements for the sponsor function and the future of the works. In effect, the four organisations—the two Houses, the Sponsor Body and ourselves—are all working together to plan and take forward those transitional arrangements. We know that there is really good collaborative working, with eight different workstreams, and we are working together. We know that the work we're commissioning, or directly contracting for, is in line with the expectations of the House authorities and the Sponsor Body. As I say, there are interim people holding all those roles that are going to be vacated by the people who are leaving, so we have got people to interface with and make sure we're in line.

Q26 Antony Higginbotham: I will move on, because I am very conscious of time. Dr Bengier, in your evidence in March, you said one of the weaknesses—one of the challenges—of the programme is having multiple clients: the Commissions and individual Members. That is not going to change. You are still going to have multiple views. So how confident are you that the two Houses will find a way forward that will allow this project to be delivered, or are we going to be sat here, having the same conversation with a different governance structure, in 12 months' time?

Dr Bengier: That is the—I was going to say "million-dollar" question, but we're well out of millions for this project. I think you are absolutely right. That is the key question: how can we get a presiding board or group that enjoys the confidence of Members, that has the clear authority to lead on key design decisions, which cannot then be unpicked by, for example, a change of Government and a change in the composition of the House? That will be one of the things that the assurance panel that the Commissions have asked to review this, I think, will be looking at.

David has experience of a different governance model, from the London Olympics, where he sat in the equivalent of the sponsor function, which was closer to the—the home body was really an extension of the Government Department, and David sat within that. So I think it is at least arguable that having the client function within, let's say, the House service, which is one of the possible places it will end up, or a joint department between the Houses, which might well be preferable—that that client function might be able to engage better with Members by virtue of huge historical experience of engagement with Members. But over and above that client function, I do believe there has to be some kind of central board or programme board that has political buy-in. I think, unfortunately, you might want to keep the politicians out of it but the politicians have to be there.

I also think that it's vital that there is an individual, ideally, but someone who can be seen to be driving the programme forward. My belief is that

most major infrastructure projects—and this is a huge infrastructure project: to get a sense of scale, it is somewhere between the London Olympics and Crossrail. On the cost figures we have at the moment, it is somewhere between the London Olympics and Crossrail, for one building— that is how it will appear to your constituents. We need someone who has sufficient authority to carry that through.

I do think, and I am pretty sure Sarah would agree with me, that getting agreement on long-term design decisions, with implications going forward over decades, is incredibly difficult, so designing that will be really important if we are going to get there. But what will be overseeing that client function? At the moment, the Sponsor Board oversees the client function. I am not sure that very many Members know there is a Sponsor Board, if I'm being honest. I think they might know about a sponsor function, the Sponsor Body; I'm not sure they know much about the Sponsor Board. That might be where the political oversight eventually sits.

Q27 Antony Higginbotham: Can I come back to the Commission decision? When the Commission decided to abolish the Sponsor Body, using the statutory instrument process, did you discuss what happens if Parliament refuses to do so—if Parliament votes down the SI?

Dr Bengier: I cannot divulge Commission deliberations, and there were two Commissions. Actually, if Simon divulged his Commission's, he would literally be in contempt of his House, so— **Chair:** That's not the question. Rephrase it—

Dr Bengier: To answer your question, "What would happen?", the current legal situation would prevail. Those are draft affirmative instruments, which have to be approved by both Houses to have legal effect. So you would be back to the situation where the 2019 Act remained in force in its entirety.

Q28 Antony Higginbotham: So at that point, we would have a Sponsor Body, legally constituted and legally with all the powers, but without a management team, chief executive, etc. Has thought gone into what happens in that situation? To be fair to Ms Johnson, she has been really clear that she didn't come into this job to manage a decline.

Dr Bengier: I think I can help a little bit. I think it will be a two-stage process. In the first instance, the Houses will be asked to approve, as happened in 2018. In January 2018, you had the resolutions in the House on the proposition set out of full decant, increased accessibility and so on and so forth. Then the statute that gave effect to those resolutions, essentially, didn't come into being until the following year, 2019, with the Parliamentary Buildings (Restoration and Renewal) Act.

My understanding is that, the Commissions having asked for this review work to be done—this assurance work to be done—they will reconvene with another joint meeting in the middle of next month. They will produce a report for both Houses to see, setting out their reasoning so that Members have access to what their thinking is. There will then be indicative

resolutions, probably in July. The ambition is to have that done this side of the summer recess. The actual statutory instruments, I guess, wouldn't be brought before the House before the autumn. There is a normal period that the Government require for vetting and scrutiny of draft statutory instruments; we have no control over that.

My understanding is that there will be two bites of the cherry. If the House doesn't like the motion that the Government table, or amends it into a different form—it will be an amendable motion—that will become clearer at an earlier stage.

Q29 Antony Higginbotham: I want to come on to some of the parameters that were defined after the March meeting, when the two Commissions issued a joint statement and set parameters for a new approach. One of those was looking at a shorter project that had some infrastructure work going on for a longer period of time. Can you confirm that the original planning assumption was to do everything all at once? Or was there a consideration that we can stagger work over a period of time? That seemed quite obvious to me.

David Goldstone: I think that's probably one for me. You are right in your assumption, but both aspects are true. The resolutions that sat behind the Act and the setting up of the Sponsor Body and the Delivery Authority were on the basis of previous decisions around fully decanting—fully vacating—the Palace, and the Houses moving out so that there could be an intensive programme of work to the Palace without either House sitting.

When we did a strategic review when the two new statutory organisations came into being in 2020, one of the things we said we should do in taking forward the programme was to try to phase the work, so we would do as much as possible before the Palace was vacated. There was a lot of enabling work—setting up sites; works on the river, for example—and works off-site that we could do while the Palace was still occupied but would be part of the works, and there would be work that we could do at the back end, when some areas had been reoccupied and other areas were being finished, but the work up until the end of January was all planned on the basis of there being a number of years when there would be a fully vacated Palace when we could get on and do the vast bulk of the work.

Q30 Antony Higginbotham: One of the other parameters was more integration between restoration and renewal and other critical works. Does that mean there wasn't a detailed integration plan of how those two things fitted together before?

David Goldstone: We work closely together, and we discuss plans, but I think it is fair to say that the works that the in-house teams take forward on the Palace are on the assumption of a future restoration and renewal programme—reasonably enough, seeing as that is now in legislation. Those works tended to be focused on things that were an immediate need, things that could be fixed and things that were needed for health and safety

reasons and were needed, but they tended to be scoped to anticipate a future restoration and renewal.

Q31 Antony Higginbotham: Does that mean that lots has just been thrown into Restoration and Renewal?

Simon Burton: Shall I come in here because there is a bicameral point, and perhaps I can save John's breath?

I agree with what David has said. For a while now our internal works have been subject to a R&R test; as accounting officer, I don't want to sign off a business case for something that, I would have assumed under the old plans for R&R, would have become nugatory within a few years—if R&R had gone as originally planned. Ongoing works within Parliament have been subject to an R&R test, which has included the question, "Should we leave this to R&R?" The answer has sometimes been yes and sometimes no, if there is an immediate need, whether that is about safety or if the balance of public expenditure is such that it wouldn't be nugatory to invest, even if there was the possibility that in the future R&R might do something differently. There has been a lot of co-ordination up to now; what David is saying, which I very much agree with, is that we have to do even more of that. One of the workstreams that we have set up after the Joint Commission meeting is called "A New Approach to the Works", and it will look at all those questions.

Q32 Antony Higginbotham: Did you have someone from the R&R programme sitting in on all the decision making for other critical works?

Simon Burton: They were involved in a lot of the decisions—not necessarily every single one.

Q33 Antony Higginbotham: Formally or informally?

David Goldstone: The exercise of the R&R test that Simon described was done jointly. It was something we did as joint teams. As we look forward to a new approach to the works, we are asking ourselves more fundamental questions. We are looking at this completely afresh in recognition of the parameters. It is clear that we are expected to come up with a wide range of options, to look at scope and how works are delivered in a different way, and to bring options to political decision makers. As John said, it is going to be key that we have new arrangements for engaging and getting decisions on the direction for those new options. In doing that, we are absolutely thinking about how we can much more closely integrate the planning of the work that R&R may do with the plans over the next few years for in-house teams' work, so that we can get even better co-ordination. If, as is also implied in the parameters, R&R is done on a different basis with potentially a longer time period, it makes more sense to dovetail plans more closely. We are doing that work in a joint group.

Q34 Antony Higginbotham: What I am trying to understand is where the level of co-ordination is. You can put something into a parameter and say, "We need to do this better," but your answer is almost, "Well, we are doing it

and we are doing it really well.” The parameter makes clear that actually it is not happening as well as it could. I am trying to understand why it wasn’t happening and what is going to change between that test?

David Goldstone: The basis on which we are planning a future R&R programme has changed as a result of the Commissions decisions and these parameters.

Q35 **Antony Higginbotham:** Are there parts of these works that you had assumed had gone into R&R but you are now relooking at, thinking, “Actually, we need to look at whether we do that now—next year—because we can’t leave it to R&R”?

Simon Burton: That question is certainly live. Our domestic committees are asking these kinds of questions because these issues are live. We will certainly have to look at all our projects and programmes with that spirit.

Q36 **Antony Higginbotham:** I am raising it because the concern is that as R&R drags on—it is fair to say that it has dragged on—some of the things you looked at two years ago and thought R&R would have covered, R&R still has not covered two years on. Now, instead of it being an issue for safety in five years’ time, it is an issue for safety right now.

Dr Bengier: Safety is the key concern because the Act specifically prohibits restoration work being carried out other than by the Delivery Authority. On a reasonable legal reading of what restoration is, that cannot preclude us doing essential safety works. A very topical example is stonework, which is much in our minds at the moment. I cannot just say, “That is going to fall, but they’re going to have to wait until the late 2020s for us to fix it.” We have to do that now; I have a responsibility to do that now.

To give a bit of detail and colour, I don’t think the House Service was sufficiently ready for the arrival on the scene of the Sponsor Body or the Delivery Authority. At least in the early stages—I think Sarah and David would confirm this—we were not responsive enough. We were not set up and our structures did not fit well enough with the arrival of the new external team. For example, in terms of requests for detailed information about the building that we held and that David and Sarah needed, there was a real drag in getting that information to them. I am pleased to say that is much improved.

To give another area where friction has got in the way, there were various legal constraints on our in-house expertise which is available to the Delivery Authority to use. For example, in some of the survey work, David would have loved to have been able to use teams that we have on site with detailed knowledge and expertise of the building, but legally that would not have been possible. That would have been a legal risk to us under the arrangement. You can see that having a more seamless service potentially will reduce friction, but I don’t want to say that things have not improved a lot, because they have.

I also don't want to say that it is always clear-cut. It is not always black and white. We sometimes have to make judgment calls about whether this can wait for R&R. That is what we have had to do, regardless of whether we spend money now—potentially money that will have no long-term value—or push ahead and do a full-scale restoration.

Q37 Antony Higginbotham: This is my final question. During this transitional phase, as we move away from the Sponsor Body, is there any work that you have had to pause while waiting for the new governance structure to be in place?

David Goldstone: We have paused all the work we were doing that was directly to the business case we were producing for the previous approach. We were developing two schemes, and we were going to bring in a programme business case that was planned for early 2023. There was also work on designs for the QEII centre as the location for the House of Lords to move to during the period that the Palace was vacated. There is a number of areas in the task brief that we have released that sets out all the areas we have paused.

Yes, we have paused a lot of planning work to deliver the approach under the previous requirements of the previous mandate. We are now taking forward work to replace that with developing new options that respond to the parameters that the Commissions have agreed, and we will be bringing forward options that explore different levels of scope, different types of arrangements for moves and the Palace being vacated, and different ways of delivering the works to respond to those parameters. So yes, we have stopped a lot of work, and we have dramatically reduced our budget and changed all our contracts, so we have had to completely recut what we are doing.

Q38 Antony Higginbotham: Have you got a time for that? Is it going to restart post autumn, when the Sponsor Body has gone via SI?

David Goldstone: We are doing work to bring forward those options, looking at the scope, the delivery approach and how different options could be brought forward. The mandate effectively requires us to bring forward a wide range of options. As John said, we will need new arrangements by which we engage with the House administrations and the political leadership, to get agreement on which options to take forward and to narrow down—to down-select—the large number that we will bring forward initially to a narrower list that we take forward; then it will need to be narrowed again. That will be what we are going to do over the coming period, but having the different workstreams come together is how we will get clarity on what forum and when that can happen.

Q39 Peter Grant: Dr Benger, when you were answering questions earlier about the recent asbestos incidents, you referred to the fact that most of the

people working in those areas are not employees of either House. Who is the client for that work for the purposes of the construction, design and management regulations?

Dr Bengier: It is work that we have commissioned. It is work that the House wanted to do.

Q40 **Peter Grant:** So this has all been approved by the House of Commons Commission.

Dr Bengier: Yes. I sign the contracts, or Simon signs the contracts. We sign the contracts as corporate officers.

Q41 **Peter Grant:** That means that, regardless of the employment status of the people doing the work, you as the client have a legal duty under the construction, design and management regulations to make sure the work is carried out safely. That is correct, isn't it?

Dr Bengier: I think that is right, yes. The point that you were making was specifically about the medical records and whose responsibility it was to maintain the medical records over that period of time.

Q42 **Peter Grant:** That is going into the future, but as the client, you have a responsibility to make sure that any potential risks are identified now, even if they do not affect your employees.

Dr Bengier: Yes.

Q43 **Peter Grant:** Thank you for that.

We had some questions from Mr Higginbotham about senior management changes at the Sponsor Body, some of which were maybe expected and some which quite clearly were not. I appreciate that you cannot go into details of individual cases, but looking at the totality of the proposal to abolish the Sponsor Body, have you made any provision for contingent liabilities for staffing costs arising out of that?

Dr Bengier: For the transfers to take place under section 10 of the Act, the statutory instrument under section 10 requires the transfer to be to a specific body. It cannot just be abolished and left to hang. The contracts would move over to the person to whom the functions were transferred, which would presumably be the corporate officers, so they would be our liabilities.

Q44 **Peter Grant:** My question was specifically about when we come to look at your accounts for the year ending March 2022—or possibly the current financial year. Should we expect to see any disclosure of contingent liabilities specifically relating to staffing costs arising from the abolition?

Simon Burton: We might need to take advice on that.

Dr Bengier: I think we would need to follow up with a note on that. I'd want to take advice on that. It would partly depend on when the formal legal

processes take place within the financial year and things like that, but I promise you a note on that to clarify.

Q45 Shaun Bailey: Dr Bengier and Mr Burton, in terms of advice on the works, when setting parameters for works that need to be undertaken, are you allowing the contractors themselves to set those, or are you taking separate, independent advice prior to agreeing works with contractors? How does that operate?

Dr Bengier: At the moment, the Sponsor Body is the client. I don't have a direct input, but in terms of the design priorities, Simon and I have written to the Sponsor Body to say, "In this period, our advice would be essentially that you do options-neutral work, pending decisions by the Houses." I think it is well understood by Sarah and David what that means. We are not saying, "Make sure that we have a Chamber that accommodates 500 people," or, "Make sure you remove the entirety of this." We are not doing any sort of detail like that. That would be completely inappropriate, I think. There is a longer term question about how those decisions are taken, which I think is really challenging, actually.

Q46 Shaun Bailey: What work are you doing around that? Clearly, a lot of longterm questions have come out of today. Are you starting the process on that, either of you?

Dr Bengier: That overall governance review will get us to a place where those decisions can be taken more effectively. I know that is a slightly highlevel answer, but it is what I believe.

Simon Burton: Let me add to that. The new approach to the works workstream includes in its scope the critical scope of the works, the approach to any decant and the scope and delivery cost trade-offs. Those kinds of issues will be explored. How we approach those questions in the new world will be explored through that workstream as part of the transition.

Q47 Shaun Bailey: More broadly then, in terms of value for money and benchmarking, one of the aims of this programme is to reduce the incremental, reactive works that you have to do. To give an example, recently £8 million was spent on new sewerage works and £20 million on mitigating fire risks. As part of that broader workstream, how are you benchmarking success as part of the R&R project? Clearly, this is something you are going to want to mitigate in the long term. I am curious to understand what work has been done around that.

David Goldstone: One of the things we are doing in relation to the detailed work to develop this new approach is addressing the areas of different levels of scope and options to deliver the works, as well as working out how we bring those together in a wide range of options, with different decant scenarios and so on. Defining what is critical, as Simon just referred to, is an essential first stage we are going through at the moment. We are looking at different areas, such as the building fabric, mechanical and electrical

systems, and the fire risk. We are looking at what the critical works within each of those areas are.

Part of what we are doing is benchmarking against other major heritage projects. We are talking a lot with Buckingham Palace, we have been visiting other sites, and we have a close relationship with the Canadian Parliament. We are benchmarking other heritage projects to see what scope they have taken forward from their equivalent to our restoration and renewal project. We can assess what is appropriate in reviewing this new approach against other benchmarks.

Q48 Shaun Bailey: Having done that work, you must have some sort of indication of what success would look like for you? Clearly, this R&R project is ultimately to lead to a longer term success that mitigates the need to do it. Ultimately, what is success? Why are we doing all of this?

David Goldstone: We had a clear definition of success that we were working to in the previous plan. We had legislation, and we carried out a strategic review. The Commissions agreed the outcome of that and set objectives for the programme. We had a plan for the first phase of developing the business case. We would have brought it to the Houses. That has all been, in effect, changed and moved away from by the Commission's decisions and the Joint Commission's statement in March. We are looking afresh, so I cannot give you critical success factors today. I can tell you what we are trying to achieve in the immediate work to help the political decision makers make those decisions for how we go forward, and that is about bringing a wide range of options that respond in both scope and delivery to the parameters that the Commissions have agreed.

Dr Bengier: May I come back on your first point? I would like to put this on the record, because I think it is helpful. You mentioned the growing cost of maintenance, and that is well known. It is sometimes argued that an alternative to Restoration and Renewal is a rolling programme of reactive maintenance. I want to say very clearly now that to me, that is entirely inappropriate to the scale of works needed to reservice this Palace. I just want to put that on the record. To me, it is nowhere near matching the scale of the challenge.

Q49 Shaun Bailey: One final question from me, Chair, which is more of an operational one. My understanding from reading the National Audit Office Report is that to undertake some of its work, the Delivery Body makes inquiries to Parliament. Apparently, according to the NAO, 45% of those inquiries are still requiring information. Is there any update on where we are in providing that information so that surveys can be undertaken, what is being done, and—if we are looking at lessons learned—how we are speeding up those processes to ensure that information is provided much more expediently?

David Goldstone: I think what you are alluding to is the request for information process that John referred to earlier. The work behind the

National Audit Office Report was completed at the back end of last calendar year, I think I can say, and since that time, we have jointly agreed to put more resources into this area. It was recognised by all of us that something needed fixing. We have put some resource from the Delivery Authority into the House communication teams to help address the backlog.

Dr Bengier: And that was really helpful.

David Goldstone: It is working much better.

Dr Bengier: For the record, around 75% have now been responded to. That is around 3,000 documents, and I think we can agree that is far better progress than we had before.

Q50 **Shaun Bailey:** Moving forward into the longer term, is that going to feed into it?

Dr Bengier: I hope so. We have the momentum behind it. It has been really helpful having staff seconded over from the Delivery Authority in that process. It is an example of what I was mentioning earlier to the Committee: we did not hit the ground running, but that is from within the House Service as much as anything else. We have learned as we have gone along, and I think we are in a much better place now from that point of view.

Q51 **Sir Geoffrey Clifton-Brown:** May I come to you first, Ms Johnson, in the other invidious position that you find yourself in? When the Commission made the decision to abolish you, they did not ask you for a financial appraisal. Have they now asked you for a financial appraisal—as in, what it would cost to abolish you?

Sarah Johnson: No, they have not.

Q52 **Sir Geoffrey Clifton-Brown:** Do you know what costs have been incurred to date? Dr Bengier, can you tell us—can either of you tell us; can anybody tell us—what costs have been incurred? We understand redundancies have recently been agreed. There must have been a figure on those. Can you tell us what costs have been incurred to date in abolishing the Sponsor Body, please?

Sarah Johnson: I am happy to answer that. I just want to be absolutely clear that at this stage, we have not made any redundancies. We have individual agreements with people, but we have not made anybody formally redundant.

Sir Geoffrey Clifton-Brown: You have agreements, though.

Sarah Johnson: I just want to be very clear on that. Until we know the point at which the Sponsor Body will be abolished—and I agree with John; I hope the vast majority of the staff are able to be transferred into the new structures—and until we have more detail about the transfer arrangements, it would be very difficult to do any sort of financial appraisal, because it would probably be based on assumptions that would turn out to be wrong.

Q53 Sir Geoffrey Clifton-Brown: Does it largely depend on how many people are made redundant and how many people are TUPE'd in your organisation? Is that the real differential?

Sarah Johnson: That is correct. For the Sponsor Body, the vast majority of our expenditure is on people's salaries, and as I think you know, the vast majority of the budget for R&R overall is spent by the Delivery Authority. Our proportion of it, in terms of running the organisation, is largely just salaries.

Q54 Sir Geoffrey Clifton-Brown: I apologise in advance for this question, because it is a bit long, but it is important to get this on the record. In April 2021, the Speaker wrote to your body formally setting out the continuing presence requirements, and the House of Lords Commission expressed concerns at that time about minimising unnecessary additional work. The Sponsor Body carried out an initial analysis of a continued presence in January 2022, gave this to the Commissions and informed them that they were not conducting any further work on a continued presence, and that to do so they would require an additional budget—which you haven't been given. So you are in an almost impossible position. Was it this difference of opinion about a continued presence that has led to proposals to abolish it?

Sarah Johnson: I do not believe so, actually. I think the decisions that were made earlier this year by both House Commissions were based on the work that we presented to them in January, which included the continued presence assessment, but it also included, as I think we discussed last time, our initial preliminary assessment of cost and time for our essential scheme. I think it was that information that prompted the course of action, rather than necessarily the continued presence assessment specifically—but that is my personal opinion and just what I think.

Q55 Sir Geoffrey Clifton-Brown: Okay, thank you.

Can I come to you, Mr Goldstone? At question 116 in the transcript of our session on 14 March, which is publicly available, you said about decant, and I want to know whether you still stick by this: "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"—in your words—"extraordinary risks in relation to health and safety and fire safety, as [we]"—I think there was a typo there—"were referring to. The risk of disruption is very significant as well." How can you continue to work on a project where you are being urged to work on a project that involves continuing presence when you have said those words?

David Goldstone: Those words were specifically in relation to the question about what the continued presence assessment found. As you just said, and as Sarah confirmed, in January we said we had done that assessment. We provided it to the Commissions, as we had been asked to do, and we said

we were not doing any more on it until or unless we were, if you like, further commissioned to do more, and we haven't been.

So in that particular piece of work about the implications of continued presence, we provided that. The report has been published. You quoted my paraphrase, and I do not demur at all: that is, I think, a summary of what the continued presence assessment said, which has been public, and we aren't doing any more work on it because we haven't been asked to do any more work on it.

The work we are doing now is, as I said earlier, looking at a new approach, with a different scope—because, importantly, the continued presence assessment assumed the same scope of outputs that we were looking for from the essential scheme and reflected the resolutions and the Act and all the previous objectives. We are now looking completely afresh at the scope and the delivery approach, so we are not continuing to work on that same assessment.

Q56 Sir Geoffrey Clifton-Brown: You and I are professionals; I am a chartered surveyor. How can you work on a project that envisages some continual presence when you have said that in terms as strong as you have?

David Goldstone: I said that in relation to the particular question we were asked, which was about if the House of Commons stayed inside the Palace for the duration of the whole of the R&R works—to, if you like, the scope and objectives that had previously been agreed. That is what the continued presence report summarised. I absolutely stand by those findings, and we have made them public.

Subsequent to that, I think we have been asked to answer a completely different question. That was a response to a question we were being asked at the time; what we are being asked now is to come up with a completely new approach, to recognise that the scope may be different—and for the delivery approach to be looked at completely differently—and to come up with new options.

I have no problem with being asked to look at a question that the political leadership wanted to explore; that is perfectly appropriate. We were asked to look at it, we agreed the brief we would do for that, and we answered the question. I think that subsequently the Commissions have agreed a new task and new parameters, and we have agreed a task brief to respond to the new question, which is completely different.

Q57 Sir Geoffrey Clifton-Brown: Just so that we are all completely clear, the end of my question 116 was: "In your professional view, is it possible to do this project with a continued presence?", and you answered in the way that you did.

David Goldstone: Yes.

Q58 Sir Geoffrey Clifton-Brown: Okay. Let us go on to the cost and the timescale of this whole project. I don't know whether any of you will recognise these figures, but I will quote from Dr Alexandra Meakin, a lecturer in politics, in the evidence that was submitted to us for the last hearing, which is in paragraph 7, in relation to "Decant". She says, in relation to your report: "This report found that a continued presence could increase the timescale of the work by as much as 48 years & increase the cost by 180% to £22 billion. Whereas full decant would cost between £7 and 13 billion and take up to 28 years, no decant will cost between £11-22 billion and take up to 76 years." Does anybody recognise those figures? Are they roughly right?

David Goldstone: Those reports are taken from the papers that I think formally went in from the Sponsor Body but were the product of the joint work that we had prepared and produced for the Commissions in January, and that were published in February, I think—Sarah will probably remember more precisely.

Sarah Johnson: Yes.

Q59 Sir Geoffrey Clifton-Brown: So, Dr Bengier, is it still on the cards that we would do this work on a continual basis without decanting at all?

Dr Bengier: I don't think it is on the cards that you can do it without decanting at all, not least because you have two Chambers. To my mind, it is entirely impractical to think that you can restore and renew the services around the Chambers themselves without decanting the occupants of the Chambers for a period of time. I think there is a sort of ill-informed assumption that that period of time might be only a matter of a few weeks. I don't think there is any reality to that assumption; I think it would be a very significant period of time. So I don't think it is realistic to assume that there will be no decant.

Q60 Sir Geoffrey Clifton-Brown: Given that candid answer, why have you got rid of the Sponsor Body that gave you the information on this matter?

Dr Bengier: I have not got rid of anything, and nor has anyone because—

Q61 Sir Geoffrey Clifton-Brown: You are Clerk to the Commission; you are both Clerks to your respective Commissions.

Dr Bengier: I am not actually Clerk to the Commission, and nor am I Secretary to the Commission; I am a non-voting member of the Commission. But I am not trying to avoid your question—

Q62 Sir Geoffrey Clifton-Brown: All right, let us be absolutely clear. The two Commissioners have agreed that they will recommend to the House—

Dr Bengier: Both the Commissions have indicated that. As I think I set out to you last time—I am happy to repeat—their jointly agreed statement indicates the aims and ambitions for the programme going forward, which are different, as David has said; they give different emphases. They were

indeed informed by those extraordinarily—to them, anyway—large costs and extremely large period of decant from the building.

So, on a PH assumption, which is the sort of assumption that we would use here, just to be clear, on the essentials scheme a 20-year closure of the Palace was envisaged. I don't want to go into deliberations in the Commission, but for the Palace of Westminster to close in its entirety for 20 years is a very challenging proposition—you can tell better than I can whether that would get votes in the Chamber. I think that it is a significantly different proposition from the proposition that Members thought they were voting for in 2018. The two Commissions have said that they want to revisit those assumptions, and the assumption is that they will issue a report setting out their reasoning for that.

Ultimately, Sir Geoffrey, as you know, it will be for the Houses to determine whether they agree with that analysis and whether they amend any motion. It was amended last time, remember; it wasn't the proposition that went to the Floor of the House. Ultimately, it will be for them to decide. I can't speak in that debate; you can. I can't vote in that debate; you can.

David Goldstone: Can I just add a point that I think is really important to this discussion? The work that we did up to January was on a scope that had been defined in legislation, in resolutions and in objectives that the Commissions had agreed, and all the analysis that we are talking about was on the basis of that scope. And scope is really, really key to this, because it was quite ambitious and we are not in that place any more—

Q63 **Sir Geoffrey Clifton-Brown:** With great respect, I am going to stop you there, because you gave the Commission your honest opinion— **David Goldstone:** I did.

Q64 **Sir Geoffrey Clifton-Brown:** So you were the messengers; they didn't like the message. So, Dr Benger, why didn't the Commission simply say, "We don't like what is being proposed here. Go away and have a different remit, and come back to us. Do some work on it. Give them a budget"— which you didn't do—"go away, do some work on it and come back to us with different proposals", instead of unpicking an Act of Parliament, which is what you are now doing? We have had three years of delay on this whole thing and it seems to me that we have got virtually nowhere. Why didn't you do that, rather than taking the radical step of abolishing the Sponsor Body, with all the cost, delay, heartache and everything else that that has involved?

Dr Benger: I want to take issue with some of that—there was quite a lot packed into that question. First, David and Sarah would agree that we have not got nowhere in three years. I think that would be a pretty brutal assessment of a huge amount of incredibly valuable and useful work, which will definitely inform the restoration and renewal of the Palace of Westminster. It is important to set that on the record.

I have said this on several occasions and can only repeat it: I cannot go back and open up deliberations and discussions of the Commission. However, the reasoning will be set out in a report that will be before the Houses before they get to debate and vote on an alternative proposition. They have also asked both Commissions for an assurance process to take place before then, which will also inform that report with some very eminent—

Q65 Chair: You have said several times, Dr Bengier, and you said it at the last hearing, that you could not reveal the discussions of the Commission, but we pushed you then and I push you again now. As the chief professional officer in this place, as the man responsible—with Mr Burton, but from the Commons perspective—if we were to ask you as individual Members or as a Committee for your professional advice, you would be honour bound to provide that to us.

Dr Bengier: If the Commission asks me for my advice, I will give them my advice.

Chair: Not the Commission—you serve the whole House. Would you agree with that?

Dr Bengier: I am slightly lost here. If you asked Simon to talk about what happened in the Commission, he would literally be committing a contempt—

Chair: That is not my point. Do you serve the whole House and all Members of this House?

Dr Bengier: Absolutely. I serve the whole House, yes.

Chair: So if a Member came to you with a question such as the ones we have been asking, you would be honour bound to provide them with your best professional opinion and advice?

Dr Bengier: On the technical issue, of course, yes. If you are asking, “Am I honour bound to tell you how the decision was made?”, I am not going to do that.

Q66 Chair: No, I am asking about your professional advice. So, to pursue the point that Sir Geoffrey made, in your professional opinion, why would you have got rid of the Sponsor Body if you had no commission to do that, and to put in the delays and costs that Sir Geoffrey talked about?

Dr Bengier: Let us take the first part of the question: would I have abolished the Sponsor Body? My only observation would be that it is incredibly challenging to have multiple clients, and that has put Sarah and her team in a really difficult position. It has been very difficult for her. That was acknowledged, I think, at our PAC session—not the last one, but the one the year before that. We have acknowledged—Sarah acknowledged, and I agree—that engagement with political leadership, Members of Parliament and so on has proved enormously difficult.



I have a lot of sympathy with that. How do you engage with 650 Members? Do you use formal structures? Do you use the relevant domestic Committees? Do you use the Commissions? The Commissions have had a role—a funding role—but that has been very difficult. So, in my professional view, having the delivery authority as an external large-scale extra group is absolutely vital, because I am completely confident that the House service does not have sufficient technical resource to deliver the scale of renovation and renewal required of this project. In terms of the client function, I think there is an arguable case for taking the client function in-house.

Q67 Sir Geoffrey Clifton-Brown: Right. I think you might have just dug yourself a big problem with that answer, but anyway, let us try, Dr Bengier, please.

On that same evidence to the House from Dr Alexandra Meakin—this is the million-dollar question that Antony Higginbottom asked, or the multibilliondollar question, I would say it is—under “The proposed abolition of a Parliamentary Work Sponsor Body”, she said: “The Institution of Civil Engineers...said it was ‘vital’ that there should be a strong Sponsor Body for the Programme. The Chartered Institution of Building Services Engineers...noted that the successful completion in recent decades of three large and complex projects—the Olympic Park, the Channel Tunnel Rail Link and Heathrow Terminal 5—all involved a client body with ‘a clear vision, excellent leadership and world class project managers.’” So why did you abolish the Sponsor Body?

The two of you are now going to lead this project. You have just said that you do not have the technical expertise. You would not want to be in charge of any of those projects. Your expertise, if I may say so, with great respect, is in the law, advising on House procedures and so on; it is not in highly technical large building projects. You were at great pains, Dr Bengier, to say at the beginning of his session that this project lies in value somewhere between Crossrail and the Olympics. Given that the Act of Parliament set up the Sponsor Body deliberately to take it away from the House authorities, why did you unpick all of that from the Act of Parliament?

Dr Bengier: I do not think it is as black and white as you are describing it. David, who is sitting next to me, was literally on the Olympic function doing that. It might be helpful to hear from David, because that was not like our Sponsor Body. The Olympics were not delivered with the equivalent of our Sponsor Body. Do you want to explain, David?

David Goldstone: To your question, Sir Geoffrey, the sponsor team, who did all those roles you are describing in relation to the works for the 2012 games, sat inside the Government Department that was responsible for the funding and for where the political accountability sat. I was head of a sponsor team. It was a specialist team recruited in—we brought in specialist expertise, including from some of the previous projects you have referenced. We set up a specialist unit within the Government Department, sitting within the established political structures that prevailed. There was a specialist team for sponsoring the 2012 Olympic Park works and the works on the

venues and infrastructure in east London. It was a discrete team with specialist expertise.

From the perspective of a delivery authority and as a previous sponsor, I would say that you are absolutely right to stress that a specialist expert team is needed in these roles. It is really important. We need a strong and effective sponsor. We have had a very close and good working relationship with Sarah and her team over the last two years, but that expertise is needed.

Q68 Sir Geoffrey Clifton-Brown: With respect, Mr Goldstone, you are dancing on the head of a pin. I think that the Act of Parliament intended to do exactly that—to mirror the Olympic project and set up the Sponsor Body. Dr Bengier is shaking his head. I will let you come in in a minute, Dr Bengier. If it did not have sufficient expertise, why didn't you give it the budget and remit to go out and buy the specific expertise, rather than abolish it? It seems to me that we have thrown out the baby with the bathwater now.

Dr Bengier: I just want to agree with David's first point. I don't want you to think that Simon and I will come out of the Chamber, take off our white ties and gowns, and put on our hi-vis jackets—absolutely not. All those technical skills—many of them are in Sarah's team. We will need those skills. We don't have those skills. We will need many of the same people. That highly technically skilled client function is absolutely vital—I agree with that. I agree with the need for visible leadership, which is absolutely vital, and I

also believe that we need clear political oversight and authority over the process. Whether or not that is desirable in an ideal world, that is the reality; this will not get done without political buy-in. The Commissions set the budget—that is a statutory responsibility under the Act. Sarah, you can comment on this more than I can, but I don't think that you felt starved of funds to do the work that you were asked to do.

Sarah Johnson: I think the point is that the Parliamentary Works Sponsor Body has its own estimate. Under the Act, the House Commissions had a role in agreeing the phase 1 expenditure limit—effectively, the funding for development of the business case—with the Parliamentary Works Estimates Commission approving our annual estimates. Had we continued as we had planned, both Houses would have been agreeing the full funding for delivering the works. We have some challenging conversations over funding, but one would expect that. With it being public money, we absolutely expect full scrutiny—

Q69 Chair: Sorry, Ms Johnson—Sir Geoffrey can pick this up, because he was very aware of it from his other role on the Finance Committee—you were given very short-term pots of money for a few months at a time. Did that hamper your ability to do your job?

Sarah Johnson: In the first year that we were set up, it had been our expectation that we would agree with both House Commissions the funding

for the full phase 1 period—effectively until the middle of 2023, when we would present the business case to both Houses. When we were set up, we got three months’ funding in the first instance. Since that point, the House Commissions have chosen to review our proposals on an annual basis. We have made it work, but I don’t believe it is what was intended.

Q70 Sir Geoffrey Clifton-Brown: I want to come back to this business about the client function, because it seems to me that this is absolutely critical to the project going forward. I am going to ask both Clerks and both Commissions the same question, and I repeat the final bit of that quote that I made. Those big projects that I named—"The Olympic Park, the Channel Tunnel Rail Link and Heathrow Terminal 5—all involved a client body with a clear vision, excellent leadership and world class project managers." You are going to bring this thing back before the House in July. When do you expect to be able to produce a paper setting out how you are going to achieve that?

Dr Bengier: I think Simon will probably agree with me, but the expectation is the two Commissions will meet around the middle of June. They will review a joint report setting out those proposals. It will then be for the Government business managers to determine when a motion of the sort that we described earlier, which sets out the frame of reference, if you like— the equivalent of the 2018 resolutions—comes before the House. But it has been indicated to both Commissions that there is an expectation that that would be in July, before the summer recess, so that report would have to be out before the July date. In other words, before the House came to its decisions, it would have to have that report before it—both Houses.

Q71 Sir Geoffrey Clifton-Brown: If it is to come before the Commission in June, it must be well advanced in its preparation by now. Is it?

Dr Bengier: Work is ongoing, yes.

Sir Geoffrey Clifton-Brown: My question was whether it is well advanced in its preparation.

Simon Burton: One of the workstreams is looking at new governance arrangements, and that workstream is already thinking through what the options might look like.

Sir Geoffrey Clifton-Brown: That is not the answer to my question. I really want an answer from both of you. Is it well advanced in its preparation? I have asked a very simple question; please just give me a—

Dr Bengier: The short answer is yes. An important component of it is the independent assurance panel, which has been taking evidence. I think you, Chair, have been asked to give your views.

Chair: I think there is a bit of a constitutional issue there, but let’s not go into that now.

Dr Bengier: Okay; that is one to look forward to. But that is also part of the process, because they are looking specifically at two things—governance arrangements and new ways of working. That is an important piece of the jigsaw that isn't yet ready.

Q72 Chair: Sorry; when were they appointed? We have only just had their names come through. Were they appointed when the Commission made its decision?

Simon Burton: When the Commission made the joint decision, it asked us to set in train a process of appointing these people.

Q73 Chair: And when were they appointed?

Simon Burton: We will just check that exact date for you. It was quite recently.

Sir Geoffrey Clifton-Brown: I think it was in March.

Chair: So very recently.

Q74 Sir Geoffrey Clifton-Brown: Is it envisaged that these five people I have on this piece of paper who make up this panel are just going to give you a short-term piece of advice on governance and how to move forward, or will they have an enduring role going forward, and will they fulfil part of that client function "with a clear vision...and world class project managers"?

Simon Burton: They are there to advise the Commissions on how things might go forward.

Q75 Chair: How much is it costing? How much are you paying them as a group? I am not asking for individual payments.

Dr Bengier: The overall totality of the sum is between £20,000 and £30,000.

Chair: So you have a Sponsor Body with expertise, but you have gone out to four other people for £20,000, just for the record. Okay.

Q76 Sir Geoffrey Clifton-Brown: Is that £20,000 each, or £20,000 for the five?

Dr Bengier: No, the totality. It is actually four, Sir Geoffrey, not five—the totality of the four. I do not want to go into individual contract terms, but I hope that figure is broad enough to give you a flavour of it.

Q77 Sir Geoffrey Clifton-Brown: So in answer to my question, are they there just to give you short-term advice as to how to proceed, or are they going to have an enduring role?

Dr Bengier: I think it is in between the two. They are giving us short-term advice. They are then—

Sir Geoffrey Clifton-Brown: It cannot be in between the two. Either they are there for the short term—

Dr Bengier: They are not going to be the equivalent of the Sponsor Board, but they will potentially have an enduring role in terms of gateway assurance going forward. In other words, this is a particular piece of work that the Commissions have asked them to do. There may be a further piece of assurance needed—for example, when the statutory instruments are prepared to come before the House—but none of these people has signed up for a long-term commitment to be part of this expert sponsor function that we have talked about. That said, we will need people, as you have absolutely rightly said, of the highest calibre, as we already have in many cases in the Sponsor Body. We will need people of the highest calibre to deliver that client function in just the way that you have described. That is vitally important.

Q78 Sir Geoffrey Clifton-Brown: You will be glad to know that I have almost come to the end of my questioning. In this process going forward, I do not know when in June the Commission is going to meet, but the House goes down in the middle of July. I hope the House is not going to be bounced into a report from the Commission without proper consideration before it has to make a decision on the way forward when it has this debate, or vote or whatever it is going to have in July. Can we have an assurance that as soon as the Commission has made the decision, this report will be put in the public domain so that parliamentarians, the public and everybody else has the maximum time and opportunity—because this is an extremely big decision point that we are going to reach—to consider the contents of the report?

Dr Bengier: I think the point is very well made. I can't speak for both Commissions, but I will certainly relay that viewpoint and I think it's a really valid one and a fair one. I know that the Speaker, for example, is of a very similar view and is very keen for maximum transparency and that the Houses should be in full possession of the facts as early as possible, and certainly with time to digest that before any decision. You are better placed than either of us to influence the timing of any motion going before the House.

Q79 Sir Geoffrey Clifton-Brown: Well, the House gets up in the middle of July, so that's a deadline.

Dr Bengier: Yes, we have a hard deadline.

Sir Geoffrey Clifton-Brown: Otherwise we go into the autumn.

Dr Bengier: I completely agree: I think it would be really sub-optimal to go into the autumn.

Q80 Sir Geoffrey Clifton-Brown: This is a very simple technical question. Ms Johnson leaves in July, I believe. You went to great pains at our last hearing to say that she was the accounting officer for the R&R project and not you, so when she leaves, who will become the accounting officer for the R&R project?

Simon Burton: Whoever succeeds Sarah in the interim until longer-term arrangements are in place.

Q81 **Sir Geoffrey Clifton-Brown:** So there will be an interim CEO of the Sponsor Body.

Simon Burton: Yes, there has to be, because it remains in existence at that point.

Sir Geoffrey Clifton-Brown: Even if it's only for a month or two, until the SI is passed.

Simon Burton: Yes, there has to be an accounting officer at that time.

Q82 **Chair:** And then you, Dr Bengier, and you, Mr Burton, will be the accounting officers when or if this function moves into—

Dr Bengier: Potentially. If the statutory instruments transfer the functions under section 10 to one or both of us as accounting officers, that's right.

Q83 **Chair:** Okay, but there's a bit of an "if" there. Surely if it's a part of your—

Dr Bengier: Well, there are at least theoretical alternatives. You could, for example, transfer that function to a Government Department. That is an existing body. All the Act says is that it has to go to an existing body, not a new body. But I think it's a reasonable assumption to say that all the things that we have been talking about, an in-house client function—in that scenario, it would go to these accounting officers.

Chair: Well, we could talk about hypotheticals, but we are talking about the reality.

Q84 **Sir Geoffrey Clifton-Brown:** So you will be the equivalent of the chief financial officers of a £10 billion-plus project, in addition to your day job of advising both Parliaments on vital legal aspects of parliamentary procedure. Is that really a satisfactory way of proceeding? Do you think that you are going to have sufficient time to oversee the finances of this huge project?

Dr Bengier: It is probably worth talking to David about the Delivery Authority accounting—

David Goldstone: I am an accounting officer for the Delivery Authority's spend. At the moment, that is appointed through the Sponsor Body, through Sarah as the overarching accounting officer, but I would have accountability for all our spend and the programme spend, and then I have an accountability, if you like, to wherever the overarching accountability rests.

Q85 **Sir Geoffrey Clifton-Brown:** I get that. Nevertheless, the person who is authorising the money for you to spend and the direction of the project is, we are just hearing, likely to be our two Clerks. Now, there is nothing wrong with either of you, but I simply don't think you are going to have the time to do that.

Dr Bengier: We will be in the equivalent position to Sarah in terms of the accounting officer role, but we will need, in terms of these huge sums that you are talking about—one imagines that the arrangements going forward will mirror the arrangements there. In other words, the person with the real expertise and authority will have that, but—

Q86 Chair: Wait a minute. You just glossed over that. No one is doubting Mr Goldstone's expertise and authority, but the point about having a Sponsor Body headed by an expert like Sarah Johnson was that she also has expertise and authority to make sure, I suppose, that Mr Goldstone's organisation is honest and proper and doing what it is supposed to do. You seem to be suggesting that you are passing that responsibility over to Mr Goldstone.

Dr Bengier: I just want to be clear about the different scale of the two entities. The scale of the Sponsor Body and its expenditure, which is what Sarah is responsible for, is small in comparison with the tremendous sums of money that David will retain responsibility for. **Sir Geoffrey Clifton-Brown:** Yes, but it's not the same—

Chair: £87 million in the next year?

Q87 Sir Geoffrey Clifton-Brown: It's not the sums of money, is it? It's the oversight of the entire sums for the entire project that you will be responsible for. Therefore you are going to have to have considerable detail before you can authorise those sums of money. I put it to you again, for the third time: will you have sufficient time to be able to do that in addition to your normal day job as Clerk of the Parliaments?

Simon Burton: This is something I think the report from the Commissions will have to explore in some detail.

Q88 Sir Geoffrey Clifton-Brown: Yes, but you know your own jobs. Let me ask you this, Mr Burton: do you feel you will have sufficient time to oversee a £10 billion to £20 billion project with your existing responsibilities? I am asking you a serious question, and I want a serious answer.

Simon Burton: The answer is that all the responsibilities I am given, I discharge, but I do not do them on my own; I do them on the basis of advice and support from a wide range of people, as all good accounting officers do. As John says, David's responsibilities as accounting officer for the Delivery Authority will remain. That is an extremely important element of that support.

Dr Bengier: It is vital that we say that we will need a highly skilled head of the sponsor function. We won't wave goodbye to Sarah and have someone come in for a short time, saying, "Don't worry, we'll deal with this now." We won't. We will need huge amounts of expertise within that function to advise us, as we have in lots of other areas. I think it is a fair question, Sir Geoffrey. Don't get me wrong; I absolutely understand it, but—

Q89 Sir Geoffrey Clifton-Brown: Let me tackle this in a different way, because I know the Chair wants to move on. I have one really important question. At the last period, you were very confident that the IPA would oversee and give you advice on this matter. They are not able to do that for various reasons.

Dr Bengier: I am sorry about that.

Q90 Sir Geoffrey Clifton-Brown: I am not criticising you in the slightest. I am very concerned now about who is going to fulfil that function in the future. Because if I were overseeing a £10 billion to £20 billion project, as I said at the last hearing, I would certainly want somebody with expertise checking the decisions that I was making.

Dr Bengier: I could not agree with you more. We have talked repeatedly at this session about how we need some equivalence. You mentioned that with a very compelling account of what sort of organisation this needs to be to drive through a hugely challenging project. However it is reconfigured, whatever it is, given the fact that it is a UNESCO world heritage site, given the inordinate degree of scrutiny and the nature of the inhabitants of the building and so on, I think we all know that there is no get-out-of-jail-free card—there is no easy way of doing this—so we will need that expertise.

I think the question you are asking is: how would the oversight panel get that expertise? Currently, the Sponsor Board, which sits above the Sponsor Body—I think it is not that well known to Members—has appropriate expertise on it. Sarah, Simon and I attend that Sponsor Board and see that. I do not think that oversight board can simply be made up of politicians. To my mind, they will need a lot of external expertise in that room, helping them make informed decisions. How that structure is created is one of the challenges that this review team is looking at. Ultimately, in the report from the Commissions, the Houses will have to judge whether they feel that is amply captured in the brief that is set. But I do agree with you that, without that expertise, it really won't work. This is really difficult stuff.

Chair: I'm not sure that we feel reassured on that last point. Dr Bengier, you have just said, however the body is set up, whatever it is, we know the report is still being written, but the Joint Commission has made a decision, yet there is no plan for what is going to replace the Sponsor Body. So it made a decision to do this without a plan in place for how to do it. You said that the Speaker was keen to see transparency. I have to say, Dr Bengier, we are a Public Accounts Committee; we see all the time accounting officers and Governments of different political hues making mistakes, and sometimes issues around transparency. But on the governance and transparency, this is a fail. Nobody understands what is going on, and I am not sure that we are much clearer after today's session. If this were a Government Department, the full wrath of this Committee would be upon it, and this should be no different.

Q91 Sir Geoffrey Clifton-Brown: May I just make one comment, Chair?

Chair: Certainly, Sir Geoffrey.

Sir Geoffrey Clifton-Brown: In answer to my question, Dr Bengier, you said that the report was in an advanced stage of preparation. Here we are in the middle of May, and you are going to put it to the Commission in the middle of June. The previous answer that you gave does not give me any confidence whatsoever that you have thought all this through and that it is in an advanced stage of preparation; otherwise, you would have been able to give us a more definitive answer to the Chair's question.

Dr Bengier: I think that is not fair, Sir Geoffrey. The requirement for the assurance panel to conduct its investigations, carry out its interviews and review the literature was a requirement of the Commissions in their joint statement. We have to let those very eminent people do their work. We don't have that yet; I don't have that yet. That work is carrying on. This week is a particularly important week in that work. That needs to be fed into a final report. But look, we're not talking about very many weeks.

Sir Geoffrey Clifton-Brown: Exactly. That is the point I was making.

Dr Bengier: I am confident that that report will be ready in time for a Joint Commission meeting in the middle of June. I don't know what further assurance I can give you on that. On your more general observation on a lack of transparency, I am sorry if you think that our answers have not been helpful.

Q92 **Sir Geoffrey Clifton-Brown:** I did not say that.

Chair: We were not talking about that, but about the transparency of the decision-making process.

Dr Bengier: I think I have said several times today, and before and repeatedly, that this building—this precious building, where I have worked for over 30 years, where friends and colleagues work and continue to work—

Sir Geoffrey Clifton-Brown: I have been a Member of Parliament for 30 years.

Dr Bengier: Well, yes. It is very important to me, this building, and I take my responsibilities as corporate officer for the safety of those who work here and who visit here very, very seriously. It is complicated. We saw in the 19th century that it was dogged by complexity. It was dogged by rows about governance. It was dogged by—

Q93 **Chair:** Let's not go back to the 19th century; we are trying to talk about now.

Dr Bengier: It is strikingly similar, though.

Chair: Well, maybe lessons could have been learned.

Dr Bengier: And then they had a catastrophic incident, which meant that at least they had to do it. They had no option but to do it. So it is problematic; it is complicated; it is difficult. I hope the Houses will feel, when they have

got the Commission's report in front of them, that they can at least see a potential direction of travel, so that David and his team, who are itching to get going, can start doing long-term, permanent and sustainable renewal and restoration of this building—that they can address the various risks of fire, asbestos, stone fall and flood, that they can improve the really lamentable state of accessibility within the building, and so on and so forth. I know David is eager to get on—

Q94 Chair: Isn't there repeated delay? We had a Joint Commission Committee report in 2016. We are in 2022 now—

Dr Bengier: You had the independent options proposed in 2014.

Q95 Chair: The Commission didn't like what it heard from the Sponsor Body earlier this year and it might not like what it hears from the four experts that have been appointed to, at rapid pace, review, presumably, the work of the Sponsor Body. That's £20,000; let's wait and see what we get from that.

Will you reiterate the commitment that as much information as possible will be available to us, including the advice that the Commission had at the time that it made this decision? That should be part of the paperwork that appears to Parliament. I think Parliament needs to know on what basis the Commission made its original decision. Was it because it didn't like the idea that continued presence was impossible, or that it would take a long time to do the work? We need to understand that.

Dr Bengier: I can certainly reflect those comments back. I think that is what you are asking me and Simon to do. We can certainly undertake to do that.

Q96 Chair: I think there is point where the Commission has a responsibility to make decisions, and those decisions should be transparent. We are just a bit concerned that, for whatever reason, the Commission isn't transparent. We do not know what is going on and the minutes from it are not very informative. I don't see any reason why the decisions of the Commission could not be more fulsome.

Dr Bengier: I will reflect those comments to the commissioners.

Chair: We would be asking that of any Government Department, and those Departments provide us with that information or allow us to see it on a reading room basis, but we would prefer it to be in the public domain, as it is a very big project.

We need to leave it there. We have already overrun, so apologies to our next witnesses. We will take a brief two-minute break, which I think will be long enough for everyone, and we will move on.

Thank you very much to our witnesses. We will produce a report on this. It was delayed after March because we didn't have the decision from the Joint Commission.