

**Chair of the Public Accounts Committee
Dame Meg Hillier
House of Commons**

29 March 2022

Dear Dame Meg,

Further information following the oral evidence session: Restoration and Renewal, held on Monday 14 March 2022.

Thank you for inviting me to the Committee of Public Accounts on 14 March 2022. I am writing to give you further information on several points I undertook to write to you about during the session, and to provide additional clarity and context to some of the issues discussed during the session.

Asbestos related incident in October 2021

At Q43 you queried why the Health & Safety Executive (HSE) were informed on 10 February but not house staff trade unions until 15 February. I have requested a note on escalation and notification processes to understand this delay further and I will commit to sharing that note with the Committee once it has been received.

In relation to Q33-34, I undertook to find out whether any MPs' staff or contractor trade unions were notified regarding the asbestos related incident last year and at Q43 I undertook to write to the Committee regarding when house staff trade unions were notified. I have clarified the situation for all trade union representatives. MPs' staff unions were not notified by the House Authorities. The reason for this was that the specific incident neither impacted on Member's staff health and safety, nor had the potential to do so, given it occurred on an access-controlled construction site.

Questions relating to whether the third-party contractors notified any trade union representatives that their affected employees may be affiliated to is a matter for the contractor. The Committee may wish to write to the Principal Contractor to seek this information.

At Q35, the Committee asked whether we had plans in place to keep a health record for at least 40 years for each employee exposed to asbestos. I undertook to revert to the Committee regarding the retention of health records for individuals potentially exposed.

The requirement to undertake health surveillance, encompassing a scheme of health checks and the retention of health records for 40 years, relates to those individuals who carry out licensable and notifiable non-licensable asbestos work. Given the House of Commons was the Client under the Construction, Design and Management Regulations 2015 on this project, and those House staff to which we owe a duty of care (who may have inadvertently been exposed to asbestos) were not undertaking licensable or notifiable non-licensable asbestos work, this requirement is not applicable.

However, the House recognised that those who may have been affected may be concerned about the possible health implications and provided information and support, via their line managers. This included the offer of an appointment with the House of Commons GP and/or an occupational health referral through the Health and Wellbeing Service, in which a spirometry test and an X-Ray at St Thomas' hospital could be undertaken. Occupational Health also provided the opportunity to be referred to the Employee Assistance Programme for additional counselling and support, if required. This is in line with the recommended course of action advised by the Health & Safety Executive in relation to inadvertent exposures to asbestos.¹

Questions relating to the steps taken by the third-party contractor to support their employees is a matter for the contractor. The Committee may wish to write to the Principal Contractor to seek this information.

I acknowledge and share the concerns of the Committee regarding this incident. For completeness and to help the Committee understand the type and frequency of asbestos-related incidents, I have included a list of incidents for the last five years at Appendix 1.

Elizabeth Tower

At Q 153, I offered the Committee a note on the reasons for the increased budget of the Elizabeth Tower refurbishment project between 2016 and 2020. The outline business case (OBC) was approved in 2016 with a value of £29 million. This was an estimate based on an initial assessment of the likely works before any engagement with suppliers [and without undertaking an exercise to allow for risk and optimism bias in the estimate].

Work to develop the full business case (FBC), including engagement with the market and collation of more detailed information about the nature and scope of the works, led to the new estimated budget of £61.1 million. This figure included provision for risk and optimism bias.

Between 2017 and 2020 work continued on the project. It became clear that the scale of the work required was more complex than could have been anticipated – understanding the full extent of the damage to the Tower that need repairing was not possible until the scaffolding was up. For instance, the volume of stonework that needed conserving or replacing was much higher than had been estimated, due in part to the discovery of previously unrecorded WWII bomb damage. For example, some 700 stone repairs have been required, compared to the 400 initially estimated.

Other factors included the need to engage additional specialist resource for the works to the Great Clock, and the need for additional scaffolding adaptation works. I should like to make clear that these adaptations were not related to a failure to undertake ground surveys, as incorrectly suggested in the

¹ I may have been inadvertently exposed to asbestos. What should I do? [Asbestos frequently asked questions \(hse.gov.uk\)](https://www.hse.gov.uk/asbestos/faq/)

course of the meeting (Q148). The main contractor undertook ground penetrating radar surveys, in addition to digging trial pits, prior to erection of the scaffold.

These factors meant that the project's approved risk and optimism bias provisions were consumed and additional funding was sought. An addendum to the Full Business Case (FBC) was approved in February 2020 for an additional £18.7 million, taking the total approved budget from the original £61.1 million to £79.7 million.

The Committee may wish to know that project has been affected by the impacts of covid-19, along with other projects on the Parliamentary estate. This was addressed as part of a portfolio-wide review by IHSE. The organisation's approach to the commercial management of covid impacts was commended by an external review.

I'd like to clarify my comments at the meeting about the initial governance of the project (QQ 149-50). At the time the OBC was approved, the Elizabeth Tower refurbishment work was only one element in the overall portfolio of capital works, led by a project sponsor, rather than a senior responsible owner (SRO). Following a review of the governance of capital projects, it was agreed that all major projects would be set up with their own dedicated governance arrangements, including a Senior Responsible Owner chairing a project board and being accountable for the delivery of the agreed project benefits. The project board first met in April 2017 and the SRO appointed for the Elizabeth Tower project has remained in post throughout the project.

A number of lessons have been learned from the experience of the Elizabeth Tower project, as noted by the NAO in its report on Restoration and Renewal in April 2020. [Footnote: HC 315, Session 2019–202, paras 1.10-1.11 and appendix 2] These include the value of more extensive surveys at an earlier stage (as I mentioned to the Committee, the Victoria Tower project had surveyed 60% of the Tower by OBC stage), increased commercial and contract management capability within the In-House Services and Estates team (IHSE) and more robust methodologies for calculation of risk and control of change. Lessons from the Elizabeth Tower project have been shared with other projects and programmes, including Restoration and Renewal. In addition, as I mentioned at the meeting, business cases for major projects such as the Elizabeth Tower will now be submitted at an early stage to the Finance Committee (this decision was formally approved by the House of Commons Commission on 21 March).

Number of fires in the last year

In relation to Q161, I undertook to write to the Committee to clarify the number of fires in the last financial year. In the last complete financial year, 2021-22, there have been three fires within the curtilage of the Palace and five fires when outbuildings are included.

Whilst the Committee's area of inquiry is into the Palace of Westminster, I thought the Committee would find it useful to have information from the last five years to give a more comprehensive picture and to see information about all fires across the Parliamentary Estate, covering all House of Commons and House of Lords buildings, for completeness. I have provided this information at Appendix 2.

Number of stone masonry falls in the last financial year (and this financial year so far)

I undertook to write to the Committee in response to Q 162 and the number of masonry falls in the last financial year.

Two incidents of masonry falls were reported in the last complete financial year, 2020-21, with an additional unsafe piece of masonry removed as a preventative measure following concerns regarding its structural integrity. Both incidents occurred within the environs of the Palace.

Four incidents of masonry falls have been reported in this financial year to date. Three of the four incidents occurred within the environs of the Palace.

The above incidents within the Palace are a result of historic under-investment in fabric maintenance and the subsequent degradation of the exterior.

The key strategic mitigation to manage the risks of falling masonry on the estate is the Mechanical, Electrical, Public Health and Fabric Safety (MEPFS) Programme. As part of the programme, a comprehensive survey of the stonework across various locations of the Palace was conducted in 2020. This has informed a programme of work to ensure fabric safety that commenced in late 2021. Meanwhile further surveys, investigation and monitoring will take place until Spring 2022 to ensure the safety of areas.

The Victoria Tower project, which will repair the stonework on the exterior of the tower to minimise the risk of stone fall, is also scheduled to start in 2023 and be complete in the late 2020s.

In addition to the above workstreams, IHSE's Strategic Asset Management Team undertake a schedule of surveys and monitoring activities across the estate to ensure risks are being appropriately managed. This has led to the implementation of emergency works; protective scaffolding and decking being installed where required.

To assist the Committee further, I have included a list of all stone masonry falls across the Parliamentary Estate in the last five years at Appendix 3.

Domestic Committee engagement

With regards to the Committee's questions relating to why domestic committees were not engaged prior to the Commission's consideration of R&R matters in January 2022, at Q39, I would like to clarify the statutory position on this matter.

Section 2(3) of the Parliamentary Buildings (Restoration and Renewal) Act 2019 imposes a statutory responsibility on the Sponsor Body to consult members of each House of Parliament, in accordance with its consultation strategy prepared under s.5 of the Act. It is ultimately the decision of the Sponsor Body as to the engagement approach on R&R matters including which member bodies to consult.

Independent advice and assurance

At Q70, in response to who would undertake the independent assurance regarding the viability of any proposals to change the existing governance arrangements. I informed the Committee that "the initial proposal will be for the Infrastructure and Projects Authority (IPA) —the Government's experts on major projects—to advise, using their gateway framework adopt their process as best as they can."

To clarify, the IPA will not be conducting the independent advice and assurance activity. Restoration and Renewal is not a Government Major Projects Portfolio project and therefore does not rest within the IPA's remit. We have, however, already engaged the IPA to advise us so as to ensure that our

developing approach is aligned to government best practice and will continue to engage them to ensure this remains the case. We are, as ever, grateful to the IPA for their support and expertise.

We are seeking to convene a panel (which will be approved by the two Commissions) to provide the independent expert advice and assurance on both the governance structure and the new approach to the works. We anticipate the work to be iterative, and to fall into distinct phases:

- Independent advice on governance for the programme and assurance on the new approach to the works, to inform a joint report by the two Commissions and ultimately the debates in both Houses expected before Summer Recess; and
- Assurance on governance and further assurance on the new approach to the works to ensure readiness for adoption of any new approaches decided by the two Houses.

Please do not hesitate to contact me if there is anything further I can assist with.

I am copying this letter to Simon Burton, Clerk of the Parliaments, who was sighted on this in draft.

Yours sincerely,

A handwritten signature in dark ink, appearing to read 'John Benger', with a stylized flourish at the end.

Dr Benger
Clerk of the House

Dr John Benger
Clerk of the House of Commons

Palace of Westminster
SW1A 0AA

Appendix 1 – Asbestos related incidents since 2016

Incidents recorded between Aug 2017 - April 2021 triggered prompt restriction of access and subsequent air monitoring to ascertain whether airborne fibres could be at a level sufficient to cause damage to the health of any person. As no elevated levels were detected, wider immediate communications on the incidents were not required as there was no potential for harm. The information was subsequently cascaded in the usual way i.e., through safety coordinators, published on the intranet and presented at the Health and Safety Committee meetings.

Date	Location	Incident	Action
August 2017	Palace of Westminster (Basement)	Disturbance – ACM plaster fell away from wall. No exposure in accordance with RIDDOR Regs.	- Area restricted immediately; - Air monitoring (no elevated levels detected) undertaken; - Environmental clean.
March 2019	Palace of Westminster (Elizabeth Tower)	Disturbance - ACM disturbed during intrusive works. Despite controls for hazardous substances being in place, Principal Contractor submitted a notification of dangerous occurrence to the HSE with respects to this incident as a precautionary measure. No HSE investigation.	- Work stopped and area restricted immediately; - Air monitoring (no elevated levels detected); - Environmental clean and removal of ACM under controlled conditions.
August 2020	Palace of Westminster (Office accommodation)	Disturbance – plastic sheeting separating some asbestos related work damaged. No exposure in accordance with RIDDOR Regs.	- Area restricted immediately; - Air monitoring (no elevated levels detected); - Environmental clean.
August 2020	Palace of Westminster (Committee Corridor)	Disturbance - ACM disturbed during intrusive works. No exposure in accordance with RIDDOR Regs.	- Area restricted immediately; - Air monitoring (no elevated levels detected); - Environmental clean; - ACM encapsulation.
April 2021	Palace of Westminster (Basement)	Minor tear identified in asbestos enclosure. No exposure in accordance with RIDDOR Regs.	- Work stopped - Air monitoring (no elevated levels detected) outside of enclosure; - Repair to enclosure.

October 2021	Palace of Westminster (Speaker's Residence)	Disturbance and potential exposure – ACM disturbed during intrusive works three weeks before the date of report. Reported to HSE by House (CDM Client) retrospectively.	- Work stopped upon discovery of ACM; - Air monitoring undertaken retrospectively (no elevated levels detected); - Environmental clean and removal of ACM under controlled conditions.
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Appendix 2 – Fire incidents since 2016

Please note that these figures only include actual fires and do not include all calls attended to by the Fire Safety Team, such as false alarms.

Date	Location	Incident	Action
January 2016	Palace of Westminster	residue oil in frying pan had ignited	Chefs reminded not to leave pans unattended
February 2016	Palace of Westminster	Smouldering smoking bin	Arrangement made for bins to be checked and emptied more regularly
June 2016	Palace of Westminster	plantroom roof – fire damage to flat roof and scaffold boards	Small fire to flat roof caused by contractor's halogen light falling over face down on asphalt roof. Use of halogen lights subsequently banned from use on parliamentary estate. Extinguished by the fire section
August 2016	Palace of Westminster	smouldering smoking bin	Burnt tissues in the smoking bin found to be the cause.
August 2016	Palace of Westminster	Smoking bin burnt	Arrangements made to have additional smoking receptacles provide and to be emptied more frequently
August 2016	Palace of Westminster	tea point – Burnt foodstuff	Signage placed in tea rooms to remind staff not to leave microwave unattended
November 2016	Palace of Westminster	Overheating phone charger	Electrical engineers informed to investigate
November 2016	Palace of Westminster	Overheated plug into a trailing lead	Electrical engineers informed to investigate
November 2016	Palace of Westminster	Overheated convector heater	Electrical engineers informed to investigate
December 2016	Palace of Westminster	Smouldering smoking bin	Arrangement made for bins to be checked and emptied more regularly
February 2017	7 Millbank	Burnt toast	Signage placed in tea rooms to remind staff not to leave toaster unattended
February 2017	Palace of Westminster	Burnt toast	Signage placed in tea rooms to remind staff not

			to leave toaster unattended
March 2017	Palace of Westminster	Burnt toast	Signage placed in tea rooms to remind staff not to leave toaster unattended
April 2017	1 Derby Gate	Crimpled cable	Electrical engineers informed who inspected all floor boxes to prevent future incidents
April 2017	Portcullis House	Fire in dirty oven	Head chef informed of problem to ensure ovens are cleaned before use
September 2017	Palace of Westminster	Burnt out plug and socket	Electrical engineers called to investigate
September 2017	1 Derby Gate	Burnt out uplighter	Electrical engineers called to investigate and to inspect similar light fittings within the building
November 2017	Palace of Westminster	Plastic tray left in warming oven	Head chef advised to cease the practice of leaving crockery trays in warming oven.
March 2018	Portcullis House	Fire in bin below cooker	Plastic bin bag had touched hot underside of oven. Advised to remove bin liner or re-site the bin.
March 2018	Norman Shaw North	Burnt out PC monitor	Electrical engineers called to investigate
July 2018	Palace of Westminster	Plant pot containing peat	Unauthorised smoking caused fire in plant pot containing peat. CCTV used to identify culprits
September 2018	Palace of Westminster	Burnt out cable reel	Contractors reminded to fully unwind any cable reel before use.
October 2018	1 Derby Gate	Burnt toast	Signage placed in tea rooms to remind staff not to leave toaster unattended
October 2018	Palace of Westminster	Burnt out E cigarette charger	Occupants advised to have all electrical equipment PAT tested when using on the estate
November 2018	14 Tothill Street	Burnt out motor on roof AC unit	Electrical engineers called to investigate
December 2018	Richmond House	Faulty brake mechanism on lift car	Lift engineers called to investigate
December 2018	Palace of Westminster	Burnt out switch on oil filled radiator	Electrical engineers called to investigate

February 2019	Palace of Westminster	Burnt food	Occupants advised to watch cooking food at all times
May 2019	Richmond House	Smoking bin	Smoking bins required to be emptied on a more regular basis
May 2019	Palace of Westminster	Burnt food	Occupants advised to check cooking times and not to leave microwave unattended whilst in use
July 2019	Norman Shaw North		Occupants advised to check cooking times and not to leave microwave unattended whilst in use
November 2019	Portcullis House	Coffee Pod – Overheating Plug	Complete overhaul and reconfiguration of floor sockets within Coffee pod area
December 2019	Palace of Westminster	burnt out floor socket	Engineers fixed water leak from above which had affected electrical sockets below
February 2020	Palace of Westminster	smouldering smoking bin	Discarded paper had ignited within designated smoking bin
March 2021	Palace of Westminster	Smouldering defective electrical extension cable	Contractors reminded of correct cable management
June 2021	Portcullis House	Defective underfloor heating motor	Engineers control dealt with situation
August 2021	Palace of Westminster	Flare fired from outside the perimeter boundary	Extinguished by fire section
October 2021	Portcullis House	Underfloor heater unit burnt out.	Engineers control informed to investigate
February 2022	Palace of Westminster	Overheating charging cable to hydraulic platform	Dealt with by contractors
February 2022	Portcullis House	Overheating floor socket box	Investigated by in house electrical engineers

Appendix 3 – Stone masonry falls since 2016

Date	Location	Incident	Action
May 2016	7 Millbank	Masonry fall. No personal injury or property damage	Full scaffold and remedial project – Regents Street disease
October 2017	Norman Shaw North	Masonry fall - 300mm fragment. No personal injury. Property damage – car windscreen	Protective scaffold erected, tactile survey then netting installed
April 2018	Palace of Westminster	Masonry fall - 250mm fragment. No personal injury or property damage	Protective scaffold erected. Tactile survey undertaken and loose stone removed
June 2018	Palace of Westminster	Masonry fall - 100mm x 300mm fragment from narthex screen. No personal injury or property damage	Inspected by Architecture and Heritage
July 2018	Palace of Westminster	Masonry fall - 25mm x 25mm fragment. No personal injury or property damage	Inspected by Architecture and Heritage
August 2018	Palace of Westminster	Masonry fall - 120mm fragment. No personal injury or property damage	Inspected by Architecture and Heritage
Feb 2019	Palace of Westminster	Masonry fall - 140mm fragment. No personal injury or property damage	Inspected by Architecture and Heritage
April 2019	Palace of Westminster	Masonry fall - 80mm fragment. No personal injury or property damage	Found on protective scaffold- In place to mitigate stone fall
Early 2019	Palace of Westminster	Masonry fall - 100mm fragment. No personal injury or property damage	Inspected by Architecture and Heritage
April 2019	Palace of Westminster	Masonry fall - 120mm fragment. No personal injury or property damage	Inspected by Architecture and Heritage
April 2019	Norman Shaw North	Roof Slate fell. No personal injury or property damage	Protective scaffold erected, tactile survey and protective netting installed

May 2019	Norman Shaw North	Roof Slate fell. No personal injury or property damage	Protective scaffold erected, tactile survey and protective netting installed
Oct 2020	14 Tothill Street	Removal of loose sandstone section from keystone c50mmx 250mm. No personal injury or property damage	Noted as part of preventive inspection
Oct 2020	Palace of Westminster	Masonry fall - 70mm Diameter Ball. No personal injury or property damage	Found on protective scaffold in place to mitigate stone fall
Dec 2020	Palace of Westminster	Masonry fall - 90mm diameter moulding. No personal injury or property damage	Inspected by Architecture and Heritage. Minor remedial works undertaken
March 2021	Palace of Westminster	Masonry fall - c.90mm width. No personal injury or property damage	Caused by gutter blockage, remediated/ made safe
September 2021	Palace of Westminster-	Masonry fall - 30mm x30mm x20mm fragment. No personal injury or property damage	Investigation with no additional action required
July 2021	14 Tothill Street	Section of render failed. No personal injury or property damage	Area made safe
Jan 2022	Palace of Westminster	Masonry fall – Two 2cm diameter fragments. No personal injury or property damage	Mobile Elevated Working Platform (Cherry Picker) used for tactile test of masonry in area and made safe