

Committees: Barbican Residential Consultation Committee Barbican Residential Committee	Dated: 28 April 2025 12 May 2025
Subject: Appointment of Forensic Architect (Expert Witness)	Public
This proposal:	To approach Forensic Architect (expert witness) for expressions of interest relating to a review of work on BJH
If so, how much?	N/A
Has this Funding Source been agreed with the Chamberlain's Department?	N/A
Report of: The Executive Director of Community & Children's Services	For Information
Report author: Daniel Sanders – Assistant Director – Barbican Estate	

Summary

It has been agreed that an Expert Witness will be appointed by the CoLC to determine liability and magnitude of costs related to the rectification of the problems with the fabric of Ben Jonson House. If appropriate, the findings will be extrapolated across the Barbican Estate, although it is recognised that some additional work might be needed to reflect the specific circumstances of the other block and, in particular, the towers, mews and houses.

Care will be taken to ensure that the architectural expert witness is as independent as possible and that the findings will be reported to both the CoLC and the leaseholders.

At this point in time, we are going out to seek expressions of interest from reputable architectural/surveying firms that can also act as expert witnesses if required, this paper seeks no formal decision, that will come when the finalised scope and agreed ToR are prepared. The following is an outline of the brief for the expert witness.

Main Report

The CoLC seeks to gather expressions of interest from forensic architects (expert witness) carry out the following:

- Investigate and determine liability for costs, and
- Identify the associated costs for rectification of all issues caused by poorly informed works, or negligence of maintenance with the fabric of BJH.

The Expert Witness should consider the special nature of the materials used, the Grade II designation of the building and how poorly informed works diminish the longevity of the primary building fabric.

Scope

The appointed Expert Witness will investigate all areas of the fabric of the building which the freeholder (CoLC) oversees the repair and maintenance on behalf of the leaseholders: this would include the external envelope, all systems and services linked with the building such as water shedding, and any other element for which the freeholder has responsibility.

Key Questions

Technical Design (RIBA Stage 4):

- Were the architectural services provided in the technical design of the roof, waterproofing to balconies on the 6th and 7th floor, drainage strategy, and windows on the 6th, 7th and 8th floors negligent?
- Did they fail to meet best practice / industry standards?
- Was there a breach of legal or lease requirements?
- Did the City of London have a qualified person signing off the technical design on behalf of themselves, as client?

Supervision of Construction/Installation (RIBA Stage 5+):

- Was the supervision of the construction / installation phase of the roof, waterproofing to balconies on the 6th and 7th floor, drainage strategy, and windows on the 6th, 7th and 8th floors negligent?
- Did it fail to meet best practice / industry standards?

Post-Construction Maintenance & Repairs:

- Have the CoLC and its agents been negligent in the provision and supervision of maintenance and repairs to the fabric of the whole building, for example the roof coverings, waterproofing to balconies or other areas, the drainage strategy, and windows or any other part of the building?
- Did the CoLC fail to meet best practice with commissioning or instructing works, did they meet industry standards?
- Was there any breach of listed building guidelines, legal or lease requirements?

Management of Warranties:

- Have the CoLC and/or its agents been negligent in the supervision and management of the warranties purchased for BJH post- construction?
- Did the CoLC fail to meet best practice or industry standards?
- Was there any breach of legal or lease requirements?

Review Process

The review will include:

- **Site Inspections:** Visual and intrusive inspections of the building: external envelope, common parts, and all associated. This could be a RIBA Stage 2 condition survey with defects recorded by element with measurable quantities.
- **Documentation Review:** Review of leaseholder and Corporation-held documentation (approximately [250] documents, containing approximately [700] pages).
- **Interviews:** Interviews with approximately 15 leaseholder representatives and COLC employees.
- **Lease Review:** Examination of lease agreements, and the COLC's responsibility to maintain the listed building.

Proposal and Fee -The CoLC requests a high-level proposal and associated fee for this work. A more detailed scope will be provided as part of the tendering process.

Key Considerations

- **Specificity and Accuracy:** The brief emphasises the need for specific and accurate language in setting out the findings.
- **Expertise:** The appointed Expert Witness is not expected to have a background in landlord / leaseholder requirements. This aspect will be addressed separately. They should have conservation accreditation, an excellent knowledge of C20 building materials and forensic examination techniques. They should understand listed buildings and how works can both reinforce as well as negate the statutory designation.
- **Transparency and Communication:** Clear communication and transparency are essential throughout the investigation process to ensure all stakeholders are informed and involved.

Conclusion

The appointment of an Expert Witness to investigate and determine liability for the condition of the fabric of BJH is a critical step in addressing the restitution process. The investigation will provide clarity on the responsibilities for costs and will provide a foundation for the ensuing rectification work.

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