

Appointing a New Inspecting Architect

All parish churches in the Diocese, all other consecrated churches and chapels and buildings licensed for public worship which under the Measure are required to be inspected, shall be inspected under the Diocesan Scheme at least once in any five-year period (“the Quinquennial Inspection”). This must be carried out by an architect or a surveyor who has appropriate qualifications and experience and who has agreed to act in accordance with the Leeds Diocesan Scheme (adopted 18 March 2017). The DAC (Diocesan Advisory Committee) secretariat can offer guidance on what experience and qualifications to look for. To save repetition, in this paper the word “architect” should be taken to include “chartered building surveyor”.

The Inspecting Architect appointed to carry out the quinquennial survey will normally be asked to prepare specifications, oversee major repairs and to advise generally on matters affecting the church building and its surroundings.

You may be looking for an architect because the previous one has retired or because the PCC is not happy with the service it has been getting. If the latter you should give notice to your existing architect and a letter is all that is needed. At this point it may be that you will receive a fee account for any recent work your architect has undertaken which has not previously been charged for.

WHO CAN YOU CHOOSE?

The architect needs to have agreed to adhere to the Leeds Diocesan Scheme (18 March 2017) but you are free to choose any architect who can demonstrate they have the appropriate qualifications and experience. The DAC holds a list of architects who have been appointed at other churches in the diocese, which may be a useful starting point, but the architect does not need to be taken from this list. The individual choice does not have to be approved by the DAC.

You can obtain a copy of the list from the DAC Secretary. The DAC does not recommend individual names: the choice is the decision of the PCC. However, the DAC Secretary can identify other parishes which have experience of the people concerned who may be able to provide a reference. The following is a procedure which has worked well.

- a) Appoint a small group of people who are able to meet with the architects and come back to the PCC with a recommendation.
- b) The group should select a shortlist of names from the approved list. This shortlist should be sufficient to ensure that at least three responses are received.
- c) Architects can then be contacted and asked if they would be happy to be considered.

- d) Assuming that they are, the group could then either:
- meet the architects at the church for a discussion; or
 - ask if the group can meet at their office.

If you go to the office you can get a feel of how big or small the architect's practice is, the general style, and the resources available. You will also learn about the sort of work done by the practice and how your requirements might fit in. If you do visit an architect's office, take along some photos and a ground plan of the church as these will help explain what the building is like and what your concerns are. It may also be helpful to take a copy of the statement of significance if you have one.

If you meet at the church you can gauge their understanding of the building by asking their advice on which particular aspects of the building that they believe are important for the ongoing care and development of the church.

WHAT TO LOOK FOR AND ASK

a) Geographical location

It may seem sensible to choose the architect who lives nearest to your church, but this should not influence your choice unduly. Most architects travel widely and will not always need to make a special trip to your church. You should be clear on how and when the architect will charge for travelling expenses.

b) Conservation skills experience

The main requirement for looking after a traditional building is a sympathetic understanding of materials and construction methods. It is very important that the architect has plenty of experience with older buildings, but these need not necessarily be churches.

c) Eligibility for Heritage Lottery Funded grant work

If your PCC is considering an application to the HLF for a grant towards major repairs then you will need to consider employing an appropriately accredited practitioner. Please refer to the current guidance as per this link: <https://historicengland.org.uk/services-skills/training-skills/heritageskills-cpd/conservationcreditation/>

It should also be noted that if funding is obtained from HLF, their procurement guidelines may require architects' services to be tendered; it cannot be automatically assumed that the Inspecting Architect can assume the role of Project Architect. Factors that affect this are a) the total value of project fees and, b) how and when the inspecting architect was appointed - e.g. by open tender within the previous five years. Please see the Churchcare website for guidance on "Procurement".

N.B. the specific HLF funding stream "Grants for places of worship" will cease at the end of 2017. Churches will still be able to apply for other HLF grants and the above advice may need to be amended.

d) Fees

This is an important area. The fees for quinquennial surveys are set by the individual practice. An increasing number of architects are charging for extras on top of the standard fees. These extras can include travelling expenses, photography, copying, etc.

More significant is the architect's policy on charging for other work. Architects will charge for substantial work, for example specifying and overseeing a re-roofing project. You should ask about the fee structure for this kind of work and also ask about the architect's policy on "casual" advice, as you may want to consult on a number of other matters, including possible adaptation projects that never get off the ground.

e) Church experience

What experience does the architect have of parish life? If the architect is actively involved in their own church this may be helpful, however it is not essential. What is important is that the person is in sympathy with the requirements of the parish and is prepared to work with the voluntary structures of the PCC and/or fabric committee.

Ask if the architect has experience of church repair projects, church re-ordering projects or church extensions. Ask if they can advise on the selection of suitable contractors with known experience of church projects.

f) Access

The architect, or their appropriate delegated representative, should be able and willing to access all areas of the building inside and out, using either existing access ladders on site (if deemed safe to use) or access equipment that they provide, possibly at additional cost. If parts of the building are physically inaccessible or the cost of getting access is disproportionate then it may be acceptable to use remote means of inspection (e.g. drone cameras)

g) Professional Indemnity Insurance

Check that the architect is covered to a value of £250,000 for each and every claim. It may also be helpful to look for a history of any claims.

Under the revised CDM 2015 Regulations all projects that require more than one trade (eg. an electrician and a decorator) will require formal appointment of a Principal Designer (who assembles information on the risks associated with the design and prepares the Health and Safety File) and a Principal Contractor (who will prepare a health and safety plan for the work and manage health and safety on site). Until such time as the formal appointment is in place the client is deemed to be the Principal Designer or/and Principal Contractor.

APPOINTING SOMEONE THAT YOU KNOW

It may be that you or someone on your PCC would like to appoint an architect who is already known to the parish. This may be possible if the architect can demonstrate the appropriate qualifications and experience.

As a general rule however the DAC does not encourage PCCs to use an architect who has close connections with the parish. Conflicts of interest can sometimes occur which may place the PCC or its architect in a difficult position. Even where there is no direct conflict of interest the relationship may cause difficulty or embarrassment to the PCC if things do not work out satisfactorily.

This is especially so if the architect is doing the work for nothing or for a reduced fee, perhaps as a form of Christian stewardship. A number of parishes have found it difficult in these situations to apply the necessary pressure if things have not progressed as smoothly as they should. For this reason it is usually wiser to maintain a strictly arm's length relationship and to avoid appointing a parishioner or even a close friend of a parishioner, so that the PCC's hands are not tied.

FEES AND ARRANGING BUILDING WORKS OR REPAIRS

- a) Work undertaken by an architect must be commissioned by the parish and is subject to the payment of professional fees which are the sole responsibility of the parish.
- b) The relationship between the parish and its architect is a matter for mutual trust and professional understanding. In selecting an architect it is important that the parish ensures that their chosen architect has not only the requisite experience but also the appropriate personality and personal style to work in conjunction with the parish. Appointments made solely on the cheapest quote can, as in so many other fields, prove unsatisfactory.
- c) The Diocesan Advisory Committee advises that an architect should be retained in respect of all works requiring a faculty with the following exceptions:
 - i) the repair/restoration of an organ where no major alterations are made to its location or to the organ case;
 - ii) simple repairs (following Quinquennial inspections) which the inspecting architect considers may be adequately organised by the parish. It is good practice if the inspecting architect can highlight those repairs recommended in their report that should involve input from the inspecting architect;
 - iii) acquisition of small items such as communion plate, but the DAC may advise a parish to consult their architect about the design of such items;
 - iv) the sale of furniture.
- d) Terms of engagement between the parish and its architect are to be discussed and agreed between the parties at the commencement of any work for which the architect is to be commissioned and before any fees have been incurred. Published forms of agreement and Conditions of Engagement are available from the Royal

Institute of British Architects (RIBA). For major projects it is strongly recommended that two copies of these agreements or RICS equivalent in the case of a surveyor are to be supplied and prepared by the architect / surveyor and signed by both parties, with each party retaining one copy. For smaller projects, a simple agreement via exchange of letters may suffice. Fees may be on the basis of a percentage of the cost of the works, which is usual, or on a time and expenses basis or on a lump sum basis, which is suitable for feasibility studies. Lump sum fees normally require a high level of definition in the scope of work to be carried out. The fees should be fair to both parties and sufficient to ensure that a proper professional service will be provided. For guidance consult the RIBA website at <http://www.architecture.com> or write to them at 66 Portland Place, London, W1B 1AD.

The important issue is that the church is clear about the extent of work being undertaken by their architect and the fee arrangement - i.e. how much overall; when fees become due; whether they are to be paid in instalments; and scenarios where additional fees may be incurred.

Once an architect (*see note on page 6*) has been commissioned or undertaken work on behalf of the parish, fees are payable and if their appointment is terminated abortive fees are likely to be charged, even if no building work has been done.

- e) Parishes should be aware that:
- i) Where other consultants are required their fees are in addition to the architect's fees. These may include a quantity surveyor, structural engineer, Health and Safety co-ordinator, Principal Designer (see above) and landscape architect. Local Authority charges for Planning and Building Regulation submission are normally paid directly by the parish;
 - ii) Allowances should be made for VAT payable at the current rate on fees and on most types of building work. Where the church is listed, VAT can currently be reimbursed through the 'Listed Places of Worship Grant Scheme' on eligible repair work and associated fees. For guidance consult the following website www.lpwscheme.org.uk;
 - iii) A "Fixed Price" contract does not necessarily mean there will be no increases in costs. Variations may occur in relation to unforeseen additional work. Such increases will reflect in the VAT payable and architect's fees;
 - iv) Before any work is undertaken, the church's insurer must formally be advised about the proposed work. This is especially important where scaffolding is to be erected or 'hot works' undertaken. Failure to advise your insurers may result in a loss of insurance cover. In many cases a small additional premium will be payable.

Note: By “Architect” the diocese means one of the following:

- a) a registered architect* or in private practice as a sole principal;
- b) a partnership where at least one of the partners is a registered architect*;
- c) a company where at least one of the directors is a registered architect*.

* or chartered building surveyor

Provided that in each case evidence can be produced that Professional Indemnity Insurance cover is in place for a sum not less than £250,000 for each claim and provided that a named registered architect from the practice or company is nominated as the architect who is directly responsible to the parish as client.

This advice and information within this document is given in good faith and is based on our understanding of the current law. The DAC cannot accept any responsibility whatsoever for any errors or omissions which may result in injury, loss or damage including consequential or further loss. It is the responsibility of the PCC to ensure that it complies with its statutory obligations.

If you have any queries please contact **Lisa McIntyre** – DAC Secretary - on 0113 3530 277 or **lisa.mcintyre@leeds.anglican.org**