

General Synod of the Church of England

THE CATHEDRALS FABRIC COMMISSION FOR ENGLAND

**THE ROLE AND DUTIES OF
THE CATHEDRAL ARCHITECT OR
SURVEYOR OF THE FABRIC**

**Prepared in collaboration with the Cathedral Architects Association
and in consultation with the Association of English Cathedrals**

Issued by the Commission

April 2008



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Cathedrals Fabric Commission for England

THE ROLE AND DUTIES OF THE CATHEDRAL ARCHITECT OR SURVEYOR OF THE FABRIC

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**Prepared in collaboration with the Cathedral Architects Association
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1. INTRODUCTION

This Guidance Note sets out the role and duties of the Cathedral Architect or Surveyor of the Fabric as prescribed in legislation. It further takes into account experience of good practice and gives guidance to Cathedral Architects and Surveyors of the Fabric, Deans, Chapters and cathedral employees. It provides a framework within which all cathedrals are encouraged to work, whilst recognising that detailed arrangements vary across the country. It has been issued by the Cathedrals Fabric Commission for England (“the Commission”) under section 3 (2A) of *the Care of Cathedrals Measure 1990* (“*the 1990 Measure*”), as amended, following consultation with, among others, the Association of English Cathedrals, Cathedral Chapters and Fabric Advisory Committees (“FACs”). It has been prepared in collaboration with the Cathedral Architects’ Association (“the CAA”), and the Commission wishes to acknowledge the CAA’s vital contribution to the document and to place on record the Commission’s thanks for the work on the CCA’s part which this has involved. The Commission hopes that the CAA will agree to be similarly involved in any future revisions of the guidance, and it intends that similar consultation will be carried out in relation to any such revisions.

This document itself is a substantial revision of an earlier guidance note on this topic, first prepared by the CAA in 1976. It takes into account changes in the legislation, experience and the development of good practice in the years since then.

2. FORMS OF TITLE

The Cathedrals Measure 1999 (“*the 1999 Measure*”), as originally enacted, required every Church of England cathedral in England¹ to appoint a person to the office of Cathedral Architect. *The Care of Cathedrals (Amendment) Measure 2005* (“*the 2005 Measure*”) opened the role to Chartered Building Surveyors and changed the title of the office in the legislation to “Architect or Surveyor of the Fabric for the Cathedral”. Thus the title “Cathedral Architect or Surveyor of the Fabric”, which is the term used in the 1999 Measure, as amended,² is used throughout this document. However, the statutes of an individual cathedral may still specify a different title for use in that

¹ Except Christ Church, Oxford – see note 4 below.

² See section 20 (1) of the 1990 Measure. The 1999 Measure was also amended by the 2005 Measure.

cathedral³, and in some cathedrals the Cathedral Architect or Surveyor of the Fabric is known by a traditional title such as the *Surveyor to* or the *Surveyor of the Fabric*. The terms of this document apply equally to them irrespective of title.

All Cathedrals covered by the 1990 and 1999 Measures⁴ are governed by *Chapters*, and this term is used through this document to describe a cathedral's governing body.

3. LEGAL FRAMEWORK

The Cathedral Architect or Surveyor of the Fabric is appointed and carries out duties within a specific legal framework. The legislation controlling the governance of the Church of England's cathedrals and their care and conservation is set out in a series of Measures passed by the General Synod and accepted by both Houses of Parliament, which have the same legal force as Acts of Parliament.

These Measures have recently been revised and updated, and one object of this Guidance Note has been to take account of these revisions.

The details of the relevant Measures are set out in Section 10 of this document and some of the relevant provisions are reproduced in Appendix 1. Unless specifically indicated otherwise, references in the rest of this document to "the 1990 Measure" are to the Care of Cathedrals Measure 1990 as amended to 1st January 2008, taking account of the amendments made, in particular, by the 2005 Measure. Similarly, unless specifically indicated otherwise, references to "the 1999 Measure" are to the Cathedrals Measure 1999 as amended to 1st January 2008.

Please note that, throughout this document, use of the word "shall" or "must" denotes a specific legal requirement; the word "should" indicates good practice, but not a specific legal requirement.

4. ROLE

The Cathedral Architect or Surveyor of the Fabric has a key professional and statutory role, which relates to all matters relating to the fabric of the cathedral.⁵ He or she has an overview of all matters which affect its structure, contents, furnishings and setting. That role also extends to any buildings formally designated as "ancillary buildings".⁶ He or she will not necessarily have professional expertise to advise in detail on every aspect, but will understand when and how to involve expert advice when necessary.

The Cathedral Architect or Surveyor of the Fabric will normally be responsible for overseeing all repair and conservation works to the cathedral or ancillary buildings,

³ Section 11 (a) of the 1999 Measure.

⁴ They apply to all Church of England cathedrals except Christ Church, Oxford.

⁵ Any object or structure which is permanently situated in or affixed to the cathedral is treated under section 20 (2) of the 1990 Measure as part of the cathedral and part of the fabric of the cathedral. The same principle applies in relation to ancillary buildings (see footnote 6 below) and other buildings within the Precinct (see footnote 7 below).

⁶ Under section 14 (6) of the 1990 Measure, "ancillary building" means a building which is formally designated by the Chapter as such. The building must be one which is attached to or adjacent to the cathedral and used for purposes ancillary to those of the cathedral; a building wholly or mainly used for residential purposes cannot be designated as an ancillary building.

and for any maintenance work which would materially affect or permanently alter the fabric.

The Cathedral Architect or Surveyor of the Fabric should have overall responsibility for advising on all aspects of the fabric, including aesthetic issues. Thus the role requires many qualities in addition to technical expertise.

In cases when major new buildings are under consideration, the Commission recommends an open selection process to appoint the architect most suited to that particular project (see Section 6 f below). The Cathedral Architect or Surveyor of the Fabric should however be fully involved in prior discussion on the Brief for such projects and all dealings with any other architects or designers should be made after full prior consultation with him or her. During such a project the Cathedral Architect or Surveyor of the Fabric, in his or her capacity as such, should remain closely involved as the guardian and “friend” of the fabric of the cathedral.

The Cathedral Architect or Surveyor of the Fabric will normally be the lead consultant for any project of repair or conservation, although other consultants of different disciplines will normally be appointed. (All cathedrals are required to appoint a Cathedral Archaeologist, unless the Commission agrees that this is not necessary. In addition, the Chapter must ensure that an architect or surveyor makes quinquennial inspections and reports on all property, other than the cathedral church and any ancillary buildings, which the Chapter is liable to repair and maintain, including any such properties which lie outside the Precinct as defined by the 1990 Measure.⁷ This person may be the Cathedral Architect or Surveyor of the Fabric, but it may be another architect or surveyor. He or she is referred to below as “the close architect or surveyor”.) Consequently the Cathedral Architect or Surveyor of the Fabric should expect to play a central role in the cathedral’s team of professional advisers.

The Cathedral Architect or Surveyor of the Fabric must attend all meetings of the FAC unless the Chairman of that committee permits or directs otherwise.

He or she also needs to be familiar with any special provisions in the cathedral’s statutes regarding the role of the Cathedral Architect or Surveyor of the Fabric for the particular cathedral.

In addition, the Cathedral Architect or Surveyor of the Fabric should be willing and enabled to participate in cathedral activities of all kinds: many will be relevant to his or her responsibilities.

5. DUTIES

In carrying out his or her principal duty of advising the Chapter on the care and maintenance of the cathedral and any ancillary buildings, the Cathedral Architect or Surveyor of the Fabric will need to fulfil the duties set out below. Items (a)-(c) are statutory requirements, and reference should be made to the text of the legislation set

⁷ In the 1990 Measure “the Precinct” has a technical meaning, and refers to an area of land owned by the corporate body of the cathedral and surrounding the cathedral church, which has been formally designated by the Commission on the basis of criteria in the legislation (sections 13 (4) and 20 (1) of the Measure).

out in Appendix I to this Guidance Note. Items (d) onwards are established good practice.

a) Quinquennial Inspections and Reports, including a new Cathedral Architect or Surveyor of the Fabric's first Inspection of the fabric and first report

The 1990 Measure⁸ requires the Chapter to arrange for the Cathedral Architect or Surveyor of the Fabric to report in writing to the Chapter every five years on any works which he or she considers will need to be carried out in relation to the cathedral or any ancillary building, and the urgency with which he or she considers they should be executed. The report must be made in consultation with the Cathedral Archaeologist (if any – see Section 4 above) and must be based on such inspection of the fabric of the cathedral and any ancillary buildings as the Cathedral Architect or Surveyor of the Fabric considers necessary.⁹ The Chapter must ensure that a copy of the report is sent to the Commission.

Where a Cathedral Architect or Surveyor of the Fabric is appointed after 1st January 2008, his or her first report under these provisions must be made within two years of appointment, and must be based on a “full and detailed inspection” of the cathedral and any ancillary buildings.¹⁰ The Cathedral Architect or Surveyor of the Fabric needs to get to know the building in detail as soon as practicable in order to be able to advise on its care and enhancement. The initial report is an essential reference both for the planning of an initial programme of work and for subsequent quinquennial inspections. The five-yearly cycle for inspections and reports then runs from the date of this first report.¹¹ The provisions set out above regarding the contents of the report, the consultation required in preparing it and the requirement to supply a copy to the Commission all apply equally to the first inspection and report.

It should be understood that the initial inspection and report, and the regular quinquennial inspections and the reports which follow them, are significant pieces of professional work, particularly for a large and complex building. The Chapter should make specific arrangements with the Cathedral Architect or Surveyor of the Fabric about how they are to be funded. In addition to the professional time involved, arrangements may be needed for access, measurements and records by photographs or other recording methods, and the commissioning of related specialist reports. The Chapter should of course make available all relevant material in its archives. Specialist advice may be required to complete these reports or may already be available.

The initial report and subsequent quinquennial inspections are separate from and additional to the annual report required by the legislation and the regular reports which the Cathedral Architect or Surveyor of the Fabric is required to make on progress or for budgeting purposes (see below).

⁸ See section 14 (1) of the 1990 Measure.

⁹ See section 14 (2) of the 1990 Measure.

¹⁰ See section 14 (3) of the 1990 Measure.

¹¹ See section 14 (4) of the 1990 Measure.

b) Annual Reports

Under the 1990 Measure¹² the Cathedral Architect or Surveyor of the Fabric is required each year to make a report to the Chapter (in consultation with the close architect or surveyor, if a different person, and with the Cathedral Archaeologist) containing:

- i) a summary of any works to the cathedral and any ancillary building carried out during the previous year
- ii) advice on those works under i) of which the Cathedral Architect or Surveyor of the Fabric considers a permanent record should be maintained¹³
- iii) an account of progress made in implementing the recommendations in the quinquennial reports; and
- iv) any other matters which the Cathedral Architect or Surveyor of the Fabric considers relevant to the care and conservation of the cathedral.

c) Attendance at meetings of Fabric Advisory Committee

Attendance at meetings of the FAC is obligatory for both the Cathedral Architect or Surveyor of the Fabric and the Cathedral Archaeologist, unless the Chairman permits or directs otherwise.¹⁴

d) Fire Audit, Disaster Planning and Health and Safety Matters

All Chapters should carry out regular and methodical reviews of contingency planning for fire or other disaster. A review of the total disaster readiness of the cathedral and those involved may conveniently be made at the same time as the quinquennial report. Whoever is charged with preparing the disaster plan, the Cathedral Architect or Surveyor of the Fabric is likely to have a significant input. Other contributors should include the cathedral administrator, services and structural engineers, the cathedral health and safety officer, fire officer, salvage officer or head verger (as appropriate), security adviser, insurer, fire service, police service and Cathedral Archaeologist.

A review of arrangements for safe access for the public and staff of the cathedral and for those involved in maintenance and repair should already exist. Reference to this and any relevant comment should be incorporated in the first inspection report.

e) Planning Repairs

The Cathedral Architect or Surveyor of the Fabric should, on completion of the initial inspection and any subsequent quinquennial inspection, set out a forward plan for maintenance, repairs and improvements to the cathedral. These should

¹² See section 14 (5) of the 1990 Measure.

¹³ See section 14B of the 1990 Measure.

¹⁴ See Schedule 2 to the 1990 Measure, paragraph 4.

usually be costed over a minimum of a five year period. (English Heritage is likely to require similar information for the purposes of any grant application.)

It is useful to maintain an up-to-date list of works which are considered desirable or necessary, and the Cathedral Architect or Surveyor of the Fabric should advise upon their relative priorities and re-assess this list annually. It is desirable for the FAC to be fully informed of and in agreement with this list.

Before each budget is approved, the Chapter should consult the Cathedral Architect or Surveyor of the Fabric regarding items which concern him or her, and after approval should confirm the sums allocated to the agreed headings. The Cathedral Architect or Surveyor should also give a professional opinion as to whether sufficient funds are being allocated to the fabric to keep pace with average annual deterioration.

The Chapter should then instruct the Cathedral Architect or Surveyor of the Fabric to proceed with any project or programme of work.

On receiving instructions to proceed the Cathedral Architect or Surveyor of the Fabric will draw up proposals and should draw attention to any works which will require approval under the 1990 Measure. He or she will normally prepare any material for the consideration of the FAC or the Commission (although formal submission of any application for approval is the responsibility of the Chapter).

f) Development Work

In cases where the Chapter is considering other developments or projects affecting the cathedral it should ensure that the Cathedral Architect or Surveyor of the Fabric is consulted at an early stage. He or she should then draw the attention of the Chapter to any works which appear to fall within the scope of the 1990 Measure 1990. He or she will normally prepare the necessary material for the consideration of the FAC or the Commission (although formal submission of any application for approval is the responsibility of the Chapter).

g) Specialist Advice

The Cathedral Architect or Surveyor of the Fabric should have the right to obtain a second opinion if he or she is faced with a complex and important problem. Likewise the Chapter should also be able to call for a second opinion if it so desires, but in such a case the Chapter should discuss its intention to do so with the Cathedral Architect or Surveyor of the Fabric and should take into account his or her comments on the terms of its letter to the consultant. Access to specialist expertise can be obtained through the FAC or the Commission.

6. CARRYING OUT WORKS

All repairs and all structural alterations to the Cathedral and to its ancillary buildings (which need to be formally specified by the Chapter – see footnote 6 above) should be under the overall professional direction of the Cathedral Architect or Surveyor of the Fabric.

The Cathedral Architect or Surveyor of the Fabric should liaise with the Cathedral Archaeologist about any matter of common interest so that joint recommendations can be made to the Chapter or the FAC.¹⁵

a) Maintenance

Conscientious maintenance should lie at the heart of the care of all buildings. The term maintenance may be used to describe work ranging from, for example, from the clearing of gutters to the pointing of stonework. Approval will sometimes be required under the Measure; this may be from the FAC (where maintenance or repairs have a material effect on the fabric), but where maintenance or repair works would permanently alter the fabric then approval is required from the Commission.

Maintenance regimes, such as the materials with which floors or ancient fittings are cleaned, or the tools with which lead gutters are cleared of leaves, are also matters which it is good practice for the relevant member of the Chapter staff to agree with the Cathedral Architect or Surveyor of the Fabric.

b) Conservation

Matters such as the care of monuments, stained glass, ancient floors, furniture and fittings are amongst those on which the Cathedral Architect or Surveyor of the Fabric's advice, in consultation with a qualified conservator in appropriate cases, is relevant.

c) Repair Work Including Structural Repairs

The amount of detailed supervision needed by the Cathedral Architect or Surveyor of the Fabric to make control effective will vary with differing circumstances, depending particularly upon whether or not the Chapter employs skilled building staff under a suitably qualified Clerk of Works. When a Clerk of Works is employed, the standards of quality in all trades should be agreed by the Cathedral Architect or Surveyor of the Fabric in advance of the work being executed. The Clerk of Works should refer back to the Cathedral Architect or Surveyor of the Fabric if anything unusual is encountered.

d) Specialist Consultants

The Cathedral Architect or Surveyor of the Fabric should be consulted on all proposals affecting the building including ventilation, lighting, heating, security, fire precautions, public address systems, organs, bells, and other installations. The extent of supervision can vary according to circumstances, but should include all associated structural work. He or she should advise upon and approve the appointment of independent consultants on the technical subjects mentioned above and on specialist matters such as the measurement of structural movements, on environmental monitoring and on anything involving excavations or recording. He or she should be responsible for co-ordination and integration of their activities. The Cathedral Architect or Surveyor of the Fabric should be consulted

¹⁵ See section 14A (1) of the 1990 Measure.

and involved in discussions between the Chapter and insurers, but should not be responsible for the conduct of such discussions.

e) New fittings, works of art, etc.

The Cathedral Architect or Surveyor of the Fabric has a contribution to make on every proposal for signage and interpretation, embellishment, furnishing, memorials, stained glass, liturgical re-arrangements or alterations thereto, and should be brought into discussions from the outset before a proposal is formally made to the FAC. He or she may be commissioned to design such items or should take part in the selection and briefing of specialist designers and craftsmen, and should have the right to comment officially to the FAC upon their designs, and these comments may be conveyed to the Commission when advice from, or formal approval by, that body is sought. It will usually be appropriate to ensure that the implementation of such works is carried out in close liaison with the Cathedral Architect or Surveyor of the Fabric. On the other hand, subject to any conditions of an approval under the 1990 Measure, the final choice of designers for such works should rest wholly within the discretion of the Chapter, having regard to advice from the FAC, and the Cathedral Architect or Surveyor of the Fabric should not expect to design all such works.

The Chapter should not commit itself to accept the offer of any gifts which affect the fabric or furnishings until the Cathedral Architect or Surveyor of the Fabric has been consulted and, where appropriate, the FAC has agreed or advised the Commission of its views. Any proposal for the permanent addition to the cathedral of an object which would materially affect its architectural, archaeological, artistic or historic character requires approval under the 1990 Measure.¹⁶

f) New Work

It is good practice for the Chapter always to consider very carefully how best to deal with proposals for new work or new facilities, whether within the cathedral or in its Precinct, and particularly to consider whether the needs of the project are best met by the Cathedral Architect or Surveyor of the Fabric or by an outside appointment specifically for the project in question. The Cathedral Architect or Surveyor of the Fabric can be expected to have the necessary design skills to both repair and extend ancient fabric, especially if these skills are identified as being required at the time of his or her appointment. However, there are occasions when further external appointments for a specific project can be beneficial. It should also be borne in mind that certain external funders (principally Lottery Distributors) can require all professional appointments for major new projects to be made after a competitive process. This is particularly relevant at the outset of a new Cathedral Architect or Surveyor of the Fabric appointment, if major new works are then in prospect, so that the skills required can be considered during that appointment process. In all such cases, an honest dialogue between the Chapter and the Cathedral Architect or Surveyor of the Fabric at the outset is vital. Advice on the Brief and the concept should also be sought at an early stage from the FAC, and from the Commission if it is likely to need to approve the project. Once the

¹⁶ See section 2 (1) (c) of the 1990 Measure.

Brief is clear, Chapters will wish to consider how to proceed in terms of the project and will wish to satisfy themselves that the decision on selection has been made in a transparent and accountable way.

7. RELATIONSHIPS

In order properly to perform the role defined in Section 4 of this Guidance Note good relationships and good communications are essential.

Within the Cathedral organisation clear management structures should be established and the principal roles should be defined, both between Cathedral Architect or Surveyor of the Fabric and Chapter, and between Cathedral Architect or Surveyor of the Fabric, Cathedral Archaeologist, Administrator, member of Chapter with special responsibility for the fabric, and Clerk of the Works (where appointed).

Clear managerial lines will be particularly important where the cathedral employs a Clerk of Works, especially if it has its own Works Department. The precise arrangements will vary according to the cathedral and its needs. Close working relationships between the Cathedral Architect or Surveyor of the Fabric and the Clerk of Works will always be essential. It should be recognised that the Cathedral Architect or Surveyor of the Fabric will have the wider overview, but the Clerk of Works is likely to have the more detailed involvement in oversight of work on a daily basis. The Cathedral Architect or Surveyor of the Fabric should normally be enabled to delegate such daily oversight of work to the Clerk of Works (where one exists) provided that he or she does not delegate his or her statutory duties.

The Cathedral Architect or Surveyor of the Fabric should:

- have regular meetings with the Cathedral Administrator and the Chapter member responsible for the fabric. These meetings should be attended if possible by such other officials of the cathedral as may be required to ensure full co-ordination of the works programme
- report formally to the Chapter at least on an annual basis; be able to request access to Chapter when required; and attend Chapter meetings as and when requested by Chapter
- have a continuing liaison with the Chairman and Secretary of the FAC, while also acting directly for, and responsible to, the Chapter on all works on which the FAC has made a determination
- be considered as a key part of the cathedral team; and
- work closely with a number of other consultants and be the leader of a team which will normally include some or all of the following: the Cathedral Archaeologist, structural engineer, quantity surveyor, Clerk of Works, mechanical and electrical engineers and planning supervisor.

8. RECORDS OF WORKS

Each annual report made by the Cathedral Architect or Surveyor of the Fabric¹⁷ must include advice (produced in consultation with the close architect or surveyor if that is a different person) as to any works carried out in the previous year of which a permanent record should be kept.¹⁸ The annual report as a whole must be made in consultation with the Cathedral Archaeologist, and it is good practice for the Cathedral Architect or Surveyor of the Fabric to liaise with the Cathedral Archaeologist specifically over the preparation of this aspect of the report, given that the Cathedral Archaeologist has a duty to produce a similar report. The Chapter must have regard to that advice and make and maintain appropriate permanent records of the works in question. In addition, the Chapter must report to the FAC every five years on the records it has made on that basis and the arrangements for maintaining them, and a copy of the report must be sent to the Commission.¹⁹

The Chapter will wish to ensure that its archives are maintained efficiently, but each Cathedral Architect or Surveyor of the Fabric should also appreciate his or her obligations to posterity and make such suitable arrangements as are possible, in consultation with the Chapter and the Cathedral Archivist, to allow his or her successors to obtain either the originals or copies of as many drawings and documents as are needed for the future care of the cathedral.

As digital data cannot be guaranteed stable for long periods the Cathedral Architect or Surveyor of the Fabric should consult with the cathedral archivist and ensure that hard copies of material are deposited as agreed to be appropriate.

The Cathedral Architect or Surveyor of the Fabric will recognise that the transfer of this data is necessary to prevent the Chapter from having to reinvest in the preparation of drawings or photographs.

It is recommended that when this is done on the retirement or resignation of a Cathedral Architect or Surveyor of the Fabric the Chapter should arrange to indemnify him or her against claims at a later date after he or she has handed over the relevant material. The former Cathedral Architect or Surveyor of the Fabric should be permitted access to the material in future for any scholarly or other purpose.

¹⁷ See Section 5 (b) above.

¹⁸ See section 14B of the 1990 Measure.

¹⁹ See section 14B (b) of the 1990 Measure.

9. THE PRECINCT AND THE WIDER SETTING

In some cathedrals the Cathedral Architect or Surveyor of the Fabric will be appointed to care both for the cathedral and any ancillary buildings and for the remainder of the property for which the Chapter is responsible. In other places, a separate appointment may be made. But in all cases the Cathedral Architect or Surveyor of the Fabric will develop knowledge of the history and development of the precinct²⁰ and should have an overview of all repair and development within it and will advise the Chapter accordingly.

The 1999 Measure requires the Chapter to arrange for an architect or surveyor to inspect every five years and report on all property, other than the cathedral church and any ancillary buildings, which the Chapter is liable to repair and maintain. Where the Cathedral Architect or Surveyor of the Fabric does not personally prepare these reports he or she should be given the opportunity to comment on them to the Chapter and to the FAC.

The 1990 Measure also refers to the immediate setting of the cathedral church.²¹ The Cathedral Architect or Surveyor of the Fabric should be consulted about any planning proposals affecting the spatial setting of the cathedral whether the proposals are on behalf of the Chapter or any other party. Large developments, even if not adjacent to the cathedral, can affect its setting and continuous liaison between the Cathedral Architect or Surveyor of the Fabric and the Local Planning Authority is desirable.

10. DEVELOPMENT OF THE LEGAL FRAMEWORK

The legal framework has developed as follows.

a) The Cathedrals Measure 1963

Under this Measure:

- i) each cathedral was required to appoint a Cathedral Architect;²² and
- ii) the governing body of the cathedral was required to draw up a plan for an architect or surveyor to carry out periodic inspections of cathedral buildings (other than the cathedral church and its ancillary buildings), and for the maintenance of those buildings.²³

These provisions have now been superseded – see below.

b) The Care of Cathedrals Measure 1990 provided for the establishment of the Cathedrals Fabric Commission for England and a local Fabric Advisory Committee for each cathedral.²⁴

²⁰ In this section “precinct” includes not only the formally designated Precinct (see footnote 7 above) but also any wider area of land around the cathedral church and owned by the cathedral such as the cathedral close.

²¹ See sections 2 (1) (a) (ii) and 11A (b) of the 1990 Measure.

²² See section 10 (1) (k) of the 1963 Measure.

²³ See section 27 of the 1963 Measure.

²⁴ See sections 3 and 4 of the 1990 Measure.

The Measure required the governing body of each cathedral (now the Chapter - see below) to seek approval for carrying out works which would materially affect:

- i) the architectural, archaeological, artistic or historic character of the cathedral church or any building within the Precinct of the cathedral church which is for the time being used for ecclesiastical purposes, or
- ii) the immediate setting of the cathedral church, or
- iii) any archaeological remains with the Precinct of the cathedral church.²⁵

Together with the Care of Cathedrals Rules 1990 (now revoked and replaced by the Care of Cathedral Rules 2006), it also laid down procedures for seeking such approval.²⁶

In addition, the 1990 Measure introduced the requirements on the governing body of the cathedral (now the Chapter):

- i) to consult the Commission before appointing a Cathedral Architect²⁷
- ii) to appoint an Archaeological Consultant²⁸ and
- iii) to arrange for the Cathedral Architect, in consultation with the Archaeological Consultant, to inspect to the cathedral church and report every five years on the works needed.²⁹

c) The Care of Cathedrals (Supplementary Provisions) Measure 1994 laid down procedures for enforcing the need for approval under the 1990 Measure.

d) The Cathedrals Measure 1999 largely replaced the 1963 Measure.

It dealt primarily with the governance of cathedrals but also contained provisions on other matters.

- i) This Measure made the Chapter the governing body of the cathedral.³⁰
- ii) It required the Chapter to ensure that necessary repairs and maintenance were carried out in respect of the cathedral and its contents and other buildings and monuments.³¹
- iii) It required the constitution of each cathedral to provide for the appointment of an architect for the cathedral.³²

²⁵ See section 2 (1) of the 1990 Measure.

²⁶ Sections 7 and 8 of the 1990 Measure.

²⁷ See section 12 (1) of the 1990 Measure.

²⁸ See section 12 (2) of the 1990 Measure.

²⁹ See section 14 (1) of the 1990 Measure.

³⁰ See sections 2 and 4 of the 1999 Measure.

³¹ See section 4 (8) (g) of the 1999 Measure.

³² See section 9 (1) (f) of the 1999 Measure.

- iv) It also required the Chapter to arrange for an architect or surveyor to inspect and report quinquennially on all property (other than the cathedral church) which the Chapter is liable to repair and maintain.³³ It also provided for the report to be compiled in consultation with the Archaeological Consultant of the cathedral, and placed a duty on the Chapter to send copies of the report to the FAC and the Commission.
- iv) It provided definitions of both “Architect” and “Surveyor.”³⁴
- e) **The Care of Cathedrals (Amendment) Measure 2005** made substantial amendments to the 1990 Measure, and also amended some of the provisions of the 1999 Measure referred to above.

Among other changes, it provided the option of appointing a chartered building surveyor rather than an architect for the cathedral church, and gave the office the new title of “Architect or Surveyor of the Fabric for the Cathedral”.³⁵ As regards the qualifications and appointment of the Cathedral Architect and Surveyor of the Fabric, see Section 11 of this Guidance Note (below).

The 2005 Measure also replaced the existing provisions in the 1999 Measure regarding reports etc by the Cathedral Architect with a new set of provisions, under which:

- i) the cathedral church and any ancillary buildings are to be inspected quinquennially by the Cathedral Architect or Surveyor of the Fabric, who is to report to the Chapter (in consultation with the close architect or surveyor if that is a different person and the Cathedral Archaeologist³⁶) on work which should be carried out and on its urgency; this report must be copied to the Commission³⁷
- ii) a first quinquennial report is to be made within two years of the appointment of a new Cathedral Architect or Surveyor of the Fabric, based on a full and detailed inspection of the cathedral church and any ancillary buildings³⁸
- iii) the Cathedral Architect or Surveyor of the Fabric, in consultation with the close architect or surveyor if a different person and the Cathedral Archaeologist, is to make an annual report to the Chapter containing a summary of any works carried out in the preceding year, an account of progress in implementing the recommendations in the quinquennial reports and any other matters thought relevant to the care and conservation of the cathedral³⁹
- (iv) the Cathedral Archaeologist is to assess the matters of archaeological interest relating to the cathedral church and Precinct, and to report to the Chapter, in

³³ See section 20 (1)-(4) of the 1999 Measure.

³⁴ See section 35 (1) of the 1999 Measure.

³⁵ See the 1999 Measure, as amended, sections 9 (1) (f) and 9 (1A).

³⁶ The 2005 Measure substituted this title for “Archaeological Consultant”.

³⁷ See sections 14 (1) and (2) of the 1990 Measure.

³⁸ See section 14 (3) of the 1990 Measure.

³⁹ See section 14 (5) of the 1990 Measure.

consultation with the Cathedral Architect or Surveyor of the Fabric and the close architect or surveyor if a different person, with recommendations on how those matters should be managed and on the compilation and maintenance of records⁴⁰; and

- v) the Cathedral Architect or Surveyor of the Fabric and the Cathedral Archaeologist are to include advice in their annual reports on what permanent records ought to be kept of the works undertaken during the previous year.⁴¹

11. SELECTION

The constitution of each cathedral must provide for the appointment of an “Architect or Surveyor of the Fabric of the Cathedral”⁴². The Chapter must consult the Commission before making the appointment,⁴³ and the person appointed must be either:

- i) a registered architect; or
- ii) a member of the Royal Institution of Chartered Surveyors who is qualified as a chartered building surveyor⁴⁴

possessing such qualifications and expertise in matters relating to the conservation of historic buildings and other matters as the Chapter, after consultation with the Commission and others, considers appropriate to enable the role and duties of the office to be carried out.⁴⁵

The person selected as Cathedral Architect or Surveyor of the Fabric should be an experienced and knowledgeable professional. Appointments are usually made after advertising, short-listing and interview, with the advice of the FAC and the Commission. In addition to the requirement in the legislation to consult the Commission before an appointment is made, it is helpful to consult the Commission on the process when the vacancy is known.

Candidates should be experienced in the conservation of historic buildings and will normally have extensive experience of church repairs and re-orderings and an understanding of the functioning of the liturgy and its impact on the cathedral fabric. Proven design skills will be necessary. Candidates will have a particular knowledge of the history of architecture and may have a post-graduate qualification in conservation. They may be accredited as conservation professionals by the RIBA/AABC or RICS (which is a requirement of some external funding bodies). The Chapter will have specific requirements according to the nature of the cathedral and Precinct and plans for future repairs or development and should consider carefully what the main demands upon the new Cathedral Architect or Surveyor of the Fabric

⁴⁰ See section 14A of the 1990 Measure.

⁴¹ See section 14B of the 1990 Measure

⁴² See 1999 Measure section 9 (1) (f). There are transitional provisions to cover cases where the cathedral has not yet amended its constitution to comply with these requirements of the 2005 Measure.

⁴³ See section 12 (1) of the 1990 Measure.

⁴⁴ See 1999 Measure section 35 (1).

⁴⁵ See 1999 Measure section 9 (1A).

are likely to be over the next 10-15 years: for example, is the Chapter likely to embark on a major repair programme, or a significant new development?

In all cases however it is likely that the Chapter will need to be satisfied that the potential Cathedral Architect or Surveyor of the Fabric can present well both in the written and spoken word and by drawings and will be able to liaise with the FAC and other bodies such as the Local Planning Authority, the Commission, English Heritage and National Amenity Societies. He or she should be able to demonstrate good aesthetic judgment and the ability to analyse problems and make complex philosophical and design decisions. He or she should be an efficient and thoughtful manager of projects and of people and should display an interest in working with the entire cathedral family.

12. CONDITIONS OF ENGAGEMENT AND REMUNERATION

The Cathedral Architect or Surveyor of the Fabric should be appointed and paid generally in accordance with the principles of the Architects Appointment and similar advisory documents published by the Royal Institute of British Architects (copies of which may be obtained from the RIBA Bookshop, 66 Portland Place, London, W1B 1AD, tel 020 7256 7222 or via the website: <http://www.ribabookshops.com/site/shops/>).

The terms of the appointment should make clear the basis upon which fees will be paid, the period of appointment and the conditions under which the appointment may be terminated.

As regards remuneration:

- a) It is normally considered appropriate to include an annual retaining fee for knowledge and ready availability to the Chapter, including such matters as an annual report, attendance at Chapter, FAC and other meetings, and brief advice on intended gifts and other incidental questions. Although the circumstances will vary from cathedral to cathedral, the Cathedral Architect or Surveyor of the Fabric's advice may save the Chapter from undertaking expensive or inappropriate works and may also enable a tactful excuse for not accepting unwelcome gifts.
- b) Fees will be payable for the inspections and reports referred to in Section 5 of this guidance note and for other specially commissioned reports.
- c) Agreement should be reached between the Chapter and the Cathedral Architect or Surveyor of the Fabric as to whether fees for the initiation and supervision of structural works should be charged on a time basis or by percentage on actual or estimated cost. Both methods present advantages and difficulties. In connection with executed works the percentage basis is the easier to understand, facilitates financial forecasting and avoids the need for frequent re-negotiation in the event of extra work being found necessary or to allow for the effects of inflation. It fails however to allow for variations in the extent of preparatory work needed before a project can get under way, and may lead to misunderstandings on fees chargeable for abortive work.

- d) Fees connected with fittings, furnishings and their designs are chargeable at higher rates than those on structural works, except when a time basis has been adopted. A time basis is appropriate for work in connection with special installations designed by others such as organs or stained glass windows.

Suggested headings for the matters which it is desirable to include in the formal agreement between the corporate body of the cathedral and the Cathedral Architect or Surveyor of the Fabric are attached at Appendix 2. Each Chapter will however wish to consider carefully what is appropriate in its own situation, and will need to consult its own legal advisers in relation to the drawing up the formal agreement.

Cathedrals Fabric Commission for England

April 2008

Endorsed

Cathedral Architects Association March 13th, 2008

Association of English Cathedrals March 11th, 2008

APPENDIX 1

EXTRACTS FROM THE CARE OF CATHEDRALS MEASURE 1990 AND THE CATHEDRALS MEASURE 1999

(Both as amended to 1st January 2008 and including amendments made, in particular, by the Care of Cathedrals (Amendment) Measure 2005)

A. CARE OF CATHEDRALS MEASURE 1990

GENERAL PRINCIPLE

1 Duty to have regard to cathedral's purpose

Any body on which functions of care and conservation are conferred by this Measure shall in exercising those functions have due regard to the fact that the cathedral church is the seat of the bishop and a centre of worship and mission.

APPROVAL REQUIRED FOR ALTERATIONS TO CATHEDRALS

2 Approval required for alterations to cathedrals

- (1) Subject to subsection (2) below and to sections 5 and 6 of this Measure, the Chapter of a cathedral shall not implement or consent to the implementation of any proposal —
- (a) for the carrying out of works, including works of repair or maintenance, on, above or below land the fee simple in which is vested in the corporate body, being works which would materially affect —
 - (i) the architectural, archaeological, artistic or historic character of the cathedral church or any building within the precinct of the cathedral church which is for the time being used for ecclesiastical purposes, or
 - (ii) the immediate setting of the cathedral church, or
 - (iii) any archaeological remains within the precinct of the cathedral church, or
 - (b) for the sale, loan or other disposal of any object the property in which is vested in the corporate body or which is in the possession or custody of the corporate body or to whose possession or custody the corporate body is entitled, being an object of architectural, archaeological, artistic or historic interest, including any object to which section 6A below applies, or
 - (bb) for the carrying out of any work to any such object as is referred to in paragraph (b) above which would materially affect the architectural, archaeological, artistic or historic character of the object, or
 - (c) for the permanent addition to the cathedral church of any object which would materially affect the architectural, archaeological, artistic or historic character of the cathedral church,

unless the proposal has been approved under this Measure.

MISCELLANEOUS AND GENERAL

12 Provisions as to cathedral architects or surveyors of the fabric and cathedral archaeologists

- (1) It shall be the duty of the Chapter of a cathedral to consult the Commission before appointing a cathedral architect or surveyor of the fabric.
- (2) It shall be the duty of the Chapter of a cathedral after consulting the Commission to appoint a cathedral archaeologist, except in any case in which the Commission notifies the Chapter that in the view of the Commission the archaeological significance of that cathedral church does not justify such an appointment.

14 Reports and inspections by cathedral architects or surveyors of the fabric

- (1) Subject to subsection (3) below, it shall be the duty of the Chapter of a cathedral to arrange during the period of five years beginning with the date on which this section comes into force¹ and during every subsequent period of five years, for the cathedral architect or surveyor of the fabric, in consultation with the cathedral archaeologist (if any), to make a report in writing to the Chapter on any works which the architect or surveyor of the fabric considers will need to be carried out in relation to the cathedral church and any ancillary building and on the urgency with which the architect or surveyor of the fabric considers that they should be carried out; and a copy of that report shall be sent to the Commission.
- (2) Subject to subsection (3) below, the reports referred to in subsection (1) above shall be based upon such inspection or inspections of the fabric of the cathedral church and any ancillary building as the cathedral architect or surveyor of the fabric considers necessary to enable the architect or surveyor of the fabric to fulfil the requirements of subsection (1) above.
- (3) The first report referred to subsection (1) above made by a cathedral architect or surveyor of the fabric appointed after the date of the coming into force of section 14 of the Care of Cathedrals (Amendment) Measure 2005² shall be based on a full and detailed inspection of the cathedral church and any ancillary building and shall be made within the period of two years beginning with the date of the appointment.
- (4) In its application to a cathedral architect or surveyor of the fabric appointed after the first date referred to in subsection (3) above, subsection (1) above shall have effect so that the second and subsequent reports of the architect or surveyor of the fabric shall be made during the period of five years beginning with the date of the first report and every subsequent period of five years.
- (5) The cathedral architect or surveyor of the fabric shall, within the period of twelve months beginning with the date of the coming into force of section 14 of the Care of Cathedrals (Amendment) Measure 2005 and annually thereafter make, in consultation with the architect or surveyor appointed under section 20 of the Cathedrals Measure 1999 (if a different person) and the cathedral archaeologist (if any), a report in writing to the Chapter containing a summary of any works to the cathedral church and any ancillary building carried out during the preceding year, an account of progress made in giving effect to the recommendations made in the reports referred to in subsection

¹ i.e. 1st January 2008.

² i.e. 1st January 2008.

- (1) above and any other matters which the cathedral architect or surveyor of the fabric considers to be relevant to the care and conservation of the cathedral church.
- (6) In this section "ancillary building" means any building which the Chapter may from time to time specify, being a building attached to or adjacent to the cathedral church and used for purposes ancillary to the use of the cathedral church, but excluding any building used wholly or mainly for residential purposes.

14A Reports by cathedral archaeologists

- (1) It shall be the duty of the Chapter of a cathedral which has appointed a cathedral archaeologist to arrange, within the period of two years beginning with the date of the coming into force of section 15 of the Care of Cathedrals (Amendment) Measure 2005³ for the cathedral archaeologist to assess those matters of archaeological interest which relate to the cathedral church and its precinct, including buildings and remains within the precinct and, in consultation with the cathedral architect or surveyor of the fabric and the architect or surveyor appointed under section 20 of the Cathedrals Measure 1999 (if a different person), to make a report in writing to the Chapter containing recommendations on how those matters should be managed, and on the compilation and maintenance of archaeological records relating thereto; and a copy of the report shall be sent to the Commission.
- (2) The cathedral archaeologist shall, within the period of twelve months beginning with the date of the coming into force of section 15 of the Care of Cathedrals (Amendment) Measure 2005 and annually thereafter, make in consultation with the persons referred to in subsection (1) above a report to the Chapter containing an account of progress made in fulfilling the recommendations of the report (if made) referred to in subsection (1) above and any other matters which the archaeologist considers to be relevant to the archaeological interest of the cathedral church and its precinct.

14B Maintenance of records

The cathedral architect or surveyor of the fabric and the cathedral archaeologist (if any) shall each, in consultation with the architect or surveyor appointed under section 20 of the Cathedrals Measure 1999 (if a person other than the cathedral architect or surveyor of the fabric) include in the annual report required to be made to the Chapter under section 14(5) or 14A(2) above advice as to those works carried out in the previous year of which a permanent record should in the opinion of the cathedral architect or surveyor of the fabric or cathedral archaeologist be maintained and it shall be the duty of the Chapter —

- (a) to have regard to that advice and, pursuant thereto, to make and maintain appropriate permanent records of any such works; and
- (b) during the period of five years beginning with the date of the coming into force of section 15 of the Care of Cathedrals (Amendment) Measure 2005 and during every subsequent period of five years, to make a report in writing to the fabric advisory committee of the records made under paragraph (a) above and on the arrangements for maintaining those records and to send a copy of the report to the Commission.

³ i.e. 1st January 2008.

20 Interpretation

- (1) In this Measure, unless the context otherwise requires —
"cathedral architect or surveyor of the fabric" means any architect or surveyor appointed by virtue of section 9(1)(f) of the Cathedrals Measure 1999, by whatever name called;

B. CATHEDRALS MEASURE 1999

4 The Chapter

- (8) It shall be the duty of the Chapter to direct and oversee the administration of the affairs of the cathedral and in particular, without prejudice to the generality of the foregoing, to —
.....
(g) manage all property vested in the cathedral and the income accruing from it and, in particular, ensure that necessary repairs and maintenance in respect of the cathedral and its contents and other buildings and monuments are carried out,

9 Further provisions required to be included in constitution⁴

- (1) The constitution of each cathedral shall —
.....
(f) provide for the appointment of an architect or surveyor of the fabric for the cathedral,
- (1A) The constitution of each cathedral shall provide that the architect or surveyor of the fabric appointed by virtue of subsection (1)(f) above shall be an architect or surveyor having such qualifications and expertise in matters relating to the conservation of historic buildings and other matters as the Chapter, after consultation with the Cathedrals Fabric Commission and such other persons or bodies as it thinks fit, considers appropriate to enable the role and duties of the post of architect or surveyor of the fabric to be discharged.

11 Statutes

The statutes of each cathedral shall make provision (being a provision which is consistent with the constitution) for the good government of the cathedral and may in particular, without prejudice to the generality of the foregoing —

- (a) provide for ... the title by which any dignity or office is to be known;

20 Inspection of cathedral property

- (1) It shall be the duty of the Chapter of each cathedral to arrange, during the period of five years beginning with the relevant date⁵ and during each subsequent period of five years,

⁴ Under paragraph 8 (2) of Schedule 3 to the Care of Cathedrals (Amendment) Measure 2005, until the constitution of a cathedral has made the provision required by the amendments made by the 2005 Measure to section 9 (1) (f) and 9 (1A) of the 1999 Measure, the Chapter is to proceed as if the constitution of the cathedral had made such provision.

⁵ "relevant date" in relation to a particular cathedral means the date appointed by the Archbishops of Canterbury and York on which the majority of the provisions of the 1999 Measure, and the constitution

for an architect or surveyor to carry out an inspection of all property (other than the cathedral and any ancillary building within the meaning of section 14(6) of the Care of Cathedrals Measure 1990) which the Chapter is liable to repair and maintain, and to make a report in writing to the Chapter on any works which the architect or surveyor considers will need to be carried out in relation to that property and of the urgency with which the architect or surveyor considers that they should be carried out.

- (2) In the case of property within the precinct of the cathedral the report required by subsection (1) above shall be compiled in consultation with the cathedral archaeologist (if any) appointed under section 12(2) of the Care of Cathedrals Measure 1990, and the Chapter shall send a copy of the report to the fabric advisory committee of the cathedral and to the Cathedrals Fabric Commission for England.

35 Interpretation

- (1) In this Measure, except where the context otherwise requires —

“architect” means a person registered under the Architects Act 1997;

“precinct”, in relation to a cathedral, means the precinct for the time being indicated on the plan required for that cathedral by section 13(3) and (4) of the Care of Cathedrals Measure 1990;

“surveyor” means a member of the Royal Institution of Chartered Surveyors qualified as a chartered building surveyor.

APPENDIX 2

SUGGESTED MATTERS FOR INCLUSION IN AN AGREEMENT
between
THE BODY CORPORATE OF A CATHEDRAL
and
A CATHEDRAL ARCHITECT OR SURVEYOR OF THE FABRIC
appointed after 1st January 2008

Text in italics indicates either general comment or points for consideration according to the individual circumstances

Introductory and general

Parties

- (1) [Name], of [practice] [professional qualification], [address] (“the Architect/Surveyor” [or insert title of office-holder as provided for in the Cathedral statutes])
- (2) The corporate body of the Cathedral Church of [Name] acting by the Chapter.

Appointment

The Architect/Surveyor is appointed as cathedral architect or surveyor of the fabric for the cathedral church, with effect from [date]. The Agreement will be reviewed every [insert number] years.

General

It will be helpful for all Agreements to include a general statement covering the following points:

The provisions of the Agreement to be interpreted having regard to section 14 of the Care of Cathedrals Measure 1990 (as amended) *and Cathedral Statute[s]* xx [*insert details if applicable*]

The Architect/Surveyor of the Fabric to be the professional adviser to the Chapter on the fabric of the Cathedral church *and the following ancillary buildings* (“*the ancillary buildings*”):

[specify any ancillary buildings to be covered by the Agreement]

His/her responsibilities to extend to all matters relating to the fabric of the cathedral church and the ancillary buildings.

He/She to be accorded professional status among the other lay officers and to be recognised by according to him/her his/her proper place among members of the

Cathedral family [*and as a member of the Cathedral's Foundation or other appropriate body*].

Responsibilities

His/her principal responsibilities to be as follows:

The following two points relate to the statutory duties set down in the Care of Cathedrals Measure 1990 (as amended); it would be appropriate for all agreements to include such a section, to ensure that the requirements are clearly understood by all concerned

- Quinquennial inspections and reports in accordance with section 14 (1)-(4) of the Care of Cathedrals Measure 1990 (as amended).

The first such report to be made within two years of the Architect/Surveyor's appointment and to be based on a full and detailed inspection of the cathedral church [and ancillary buildings].

The second and subsequent quinquennial reports to be made during the period of five years beginning with the date of the first report and every subsequent period of five years and to be based on such inspections of the fabric of the cathedral church [and any ancillary buildings] as the Architect/Surveyor considers necessary to enable him/her to address the matters required to be contained in the report.

All quinquennial reports to indicate all works which the Architect/Surveyor considers will need to be carried out in relation to the cathedral church [and any ancillary buildings] and the urgency with which the Architect/Surveyor considers that they should be carried out. Quinquennial reports to be made in consultation with the Cathedral Archaeologist (where such a person is in post) and to be made in writing addressed to the Chapter.

- Annual reports in accordance with section 14 (5) of the Care of Cathedrals Measure 1990 (as amended)

To be made in writing to the Chapter within the period of 12 months beginning on 1st January 2008 and annually thereafter. All such reports to be made in consultation with the "close architect/surveyor" (if a different person) and the Cathedral Archaeologist). Annual reports to contain a summary of any works to the cathedral church [and any ancillary buildings] carried out during the preceding year, an account of progress made in giving effect to the recommendations made in the most recent quinquennial report, and any other matters that the Architect/Surveyor considers relevant to the care and conservation of the cathedral church. [*Add any further provisions e.g. the annual report be submitted in time for the budget meeting of the Chapter.*]

The points below represent good practice, as set out in the Commission's Guidance Note on the Roles and Duties of the Cathedral Architect or Surveyor to the Fabric; it would be helpful to ensure that the necessary issues are covered in any Agreement.

- Provision for regular and methodical reviews of contingency planning for health & safety, fire and other potential emergencies. Details of the office-holder (e.g. the Cathedral Administrator or Chapter member with responsibility for the Fabric) to be responsible for co-ordinating appropriate contingency arrangements in liaison with the Architect/Surveyor.
- Provision for:
 - all structural repair work and all structural alterations to the cathedral to be under the Architect/Surveyor's overall professional direction [*in liaison with Clerk of Works as appropriate*];
 - day-to-day maintenance routines to be agreed with the Architect/Surveyor
 - his/her advice to be sought on the cleaning and wear of monuments, glass, wall paintings and other works of art and craftsmanship, in consultation, as appropriate, with a qualified conservator.
- Provision for:
 - the Architect/Surveyor to be consulted on all proposals regarding ventilation, electric lighting, heating, security, fire precautions, public address systems, organ, bells and other installations as well as such facilities as lavatories, shops and restaurants;
 - the extent of her/his supervision to depend upon the nature of the issue, but will include all associated building work.
 - The Architect/Surveyor to will advise upon the appointment of independent consultants on the technical subjects above and on other specialist matters and he/she will be responsible for co-ordination and integration of their activities. The decision on the final choice of specialist designers and craftsmen to rest wholly within the Chapter, subject to advice from the Fabric Advisory Committee –the Architect/Surveyor should not assume he/she will be commissioned to design all such works themselves.
- Provision for the Architect/Surveyor to be responsible for agreeing with the Chapter the extent of appropriate supervision in matters of routine repair and maintenance of the Cathedral.

Precinct buildings

The agreement will need to address the relationship of the Architect/Surveyor to the care of the fabric of the buildings within the Precinct other than the cathedral church and any ancillary buildings. It will need to make clear whether or the Architect/Surveyor is also appointed to act as the "Close Architect/Surveyor" to carry out inspections under section 20 of the Cathedrals Measure 1999 of other buildings which the Chapter is liable to repair and maintain and what responsibilities, if any, the Architect/Surveyor has in respect of those buildings. Depending on the precise arrangements, it may be helpful to include clauses on one or other of the lines below.

- *The Architect/Surveyor to be responsible for regular inspection of the whole fabric of the Precinct and detailed inspections of those properties (listed in Appendix A and possibly subject to change during the period of this agreement).*
- *All structural repair work and structural alterations to the Precinct properties listed in Appendix A to be under the Architect/Surveyor's overall professional direction.*
- *Day to day maintenance of the Precinct properties to be agreed with the Architect/Surveyor.*

Records

The section below represents good practice, as set out in the Commission's Guidance Note on the Roles and Duties of the Cathedral Architect or Surveyor of the Fabric: it would be helpful to include arrangements for handling such records

- Provision for copies of all records, drawings, photographs and other materials produced by the Architect/Surveyor during his/her term of contract to be placed in the cathedral archives.

Other obligations

The following section sets out good practice for the way in which the Architect/Surveyor will fulfil those responsibilities. The agreement should ensure clarity about the mutual expectations on reporting, access to Chapter members, handling of applications, and liaison with other professionals: Note that attendance at meetings of the FAC is a statutory requirement under the Measure, unless the Chairman directs or permits otherwise.

Provision requiring the Architect/Surveyor, in carrying out the above responsibilities, to comply with the following:

- Reporting to Chapter monthly and attend Chapter meetings at least four times a year or more frequently if required by either party [*or set out alternative provision*]
- Attendance at the Cathedral at least once a month or send an appropriate representative as agreed with Chapter [*or set out alternative provision*]
- Meeting monthly with the Cathedral Administrator or Chapter member with responsibility for the Fabric [*or specify appropriate office-holder*].
- Assisting in the preparation of applications for grants to English Heritage and other relevant bodies.
- Assisting in preparation of all necessary Scheduled Monument, Listed Building, Planning and Building Regulations consents on behalf of the Chapter.

- Maintaining regular contact with the Cathedral Archaeologist, currently [insert name].
- Where appropriate, liaison with the Clerk of Works, currently [name].
- Where appropriate, liaising with the Chapter's Structural Engineer, currently [insert name].
- Where appropriate, liaising with the Chapter's cost Consultant, currently [insert name] [*or specify other appropriate person*]
- Attendance at meetings of the Fabric Advisory Committee (normally x times a year) unless the Chairman of the committee directs or permits otherwise.
- Attendance meetings of the Health & Safety Committee when requested by [e.g. chair of committee].
- Organising works in appropriate economical way in agreement with the Chapter whilst maintaining the highest standards.
- Architect/Surveyor to have the right to seek a second opinion if faced with a complex and important problem; the Chapter to have the same right. Where the latter wishes to appoint a consultant the Architect/Surveyor will give advice on the terms of its letter of appointment. [Agreement should provide for how consultant to be chosen and deal with issues as to terms of his/her engagement, e.g. remuneration.]
- Provision for the Architect/Surveyor, in carrying out her/his duties, to have due regard to the views/wishes/decisions of the Chapter, recognising its ultimate responsibility for the buildings, and to the Cathedrals Fabric Commission who represent national concern for the Cathedral.
- Confidentiality provision, prohibiting Architect/Surveyor, except as authorised or required by his/her duties or specifically authorised by the Chapter, to reveal to any person/body any confidential operations, working processes, dealings or confidential information concerning the organisation, business, finances, transactions or affairs of the cathedral.
- Provision requiring the Architect/Surveyor to conform with all relevant clauses in the current Conditions of Engagement published by the Royal Institute of British Architects.

Remuneration

It is important to ensure that the Agreement provides clearly for the basis upon which remuneration will be paid, bearing in mind the RIBA guidance, and covers the points set out below. The Agreement should provide for separate fee agreements to be set up for project work: these may be the Royal Institute of British Architects 'Standard Form of Agreement' or similar.

The Architect/Surveyor to be paid in accordance with the current Conditions of Engagement of the RIBA as published in “Architects Appointment” and similar advisory documents.

The basis for remuneration for work/matters etc within scope of contract to be as follows:

- An annual retaining fee to be agreed for giving the cathedral the benefit of Architect/Surveyor’s continued consideration/ professional knowledge, ready availability to the Chapter, including prompt attendance if contingencies reasonably requiring that arise. To include preparation of annual report, attendance at Chapter meetings, Fabric Advisory Committee meetings and other meetings as above and brief advice on intended gifts and other incidental questions.

The retainer to be £x p.a. [Agreement should specify how it is payable e.g. quarterly in arrears.]

This retainer is to be reviewed at...[period to be agreed by parties].

- Additional fees on a time basis for work in relation to furniture and fittings of any value, including their design if that is carried out by Architect/Surveyor, and work in relation to small works up to [figure to be specified - Agreement to make clear whether that figure relates to e.g. contract value or estimated cost, or is to be calculated on some other basis.]

The Agreement to give details of how fees on time basis to be calculated – e.g. initial fees to be specified in Appendix to Agreement and to be reviewed annually.

- Fees in relation to structural/major work within the scope of the Agreement, where the [basis of calculation of figure as set out above] is in excess of [figure as set out above]. Agreement to provide for basis on which fees to be calculated e.g. an agreed time basis, or a negotiated percentage on contract value/ actual cost/ estimated cost, bearing in mind the RIBA guidance on fees.]
- Provision for fees for first inspection of the fabric under the 1990 Measure and subsequent quinquennial inspections, the reports on them and any specially commissioned reports to be agreed individually and in advance.

[Contact to include any necessary ancillary provisions e.g. time-based fee accounts to be submitted quarterly.]

Termination of Agreement

Provision for agreement to run for [insert number] years, for a review to be carried out and completed [x] months before expiration for that period, and for renewal of Agreement for a further period of [insert number] years, if agreed by both parties by a specified date before termination of present Agreement. *[Agreement to include any*

further necessary provisions as to the review, possible modification of terms if Agreement renewed etc.]

It may be appropriate to consider whether a provision should be included setting out a specific retirement age, subject to the requirements of relevant legislation.

Provision for agreement to be capable of termination by either party if six months' notice is given,

Provision for the corporate body of the Cathedral, acting by the Chapter, to have the right to dismiss without notice in the event of unprofessional conduct, grave misconduct or serious or persistent failure to provide the services set out in the Agreement.

Provision for the Architect/Surveyor, on termination of agreement, to deliver up immediately to the Chapter all records, objects and other materials belonging to the corporate body of the cathedral which are in the Architect/Surveyor's possession.

Other provisions

Provision for resolution of disputes, failure to agree matters to be agreed under terms of Agreement etc.