

PARLIAMENTARY DEBATES

HOUSE OF COMMONS
OFFICIAL REPORT

Fourth Delegated Legislation Committee

DRAFT ARCHITECTS ACT 1997 (AMENDMENT)
REGULATIONS 2022

Wednesday 7 December 2022

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The Committee consisted of the following Members:

Chair: MR LAURENCE ROBERTSON

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| † Bacon, Gareth (<i>Orpington</i>) (Con) | † Owen, Sarah (<i>Luton North</i>) (Lab) |
| † Baron, Mr John (<i>Basildon and Billericay</i>) (Con) | † Randall, Tom (<i>Gedling</i>) (Con) |
| † Britcliffe, Sara (<i>Hyndburn</i>) (Con) | † Rowley, Lee (<i>Parliamentary Under-Secretary of State for Levelling Up, Housing and Communities</i>) |
| † Cox, Sir Geoffrey (<i>Torridge and West Devon</i>) (Con) | † Smith, Cat (<i>Lancaster and Fleetwood</i>) (Lab) |
| † Fletcher, Colleen (<i>Coventry North East</i>) (Lab) | † Trickett, Jon (<i>Hemsworth</i>) (Lab) |
| † Foy, Mary Kelly (<i>City of Durham</i>) (Lab) | † Young, Jacob (<i>Redcar</i>) (Con) |
| † Fysh, Mr Marcus (<i>Yeovil</i>) (Con) | |
| † Gibson, Patricia (<i>North Ayrshire and Arran</i>) (SNP) | Stella-Maria Gabriel, <i>Committee Clerk</i> |
| † Howell, John (<i>Henley</i>) (Con) | |
| † Hunt, Jane (<i>Loughborough</i>) (Con) | † attended the Committee |
| † Long Bailey, Rebecca (<i>Salford and Eccles</i>) (Lab) | |

Fourth Delegated Legislation Committee

Wednesday 7 December 2022

[MR LAURENCE ROBERTSON *in the Chair*]

Draft Architects Act 1997 (Amendment) Regulations 2022

9.25 am

The Parliamentary Under-Secretary of State for Levelling Up, Housing and Communities (Lee Rowley): I beg to move,

That the Committee has considered the draft Architects Act 1997 (Amendment) Regulations 2022.

It is a pleasure to serve under your chairmanship, Mr Robertson. The draft regulations were laid before both Houses of Parliament on 14 November this year. They are part of the new framework for the recognition of internationally qualified architects in the United Kingdom using powers under sections 4, 6 and 13 of the Professional Qualifications Act 2022.

I will provide a little context for the draft regulations. To provide businesses with confidence on the availability of international talent following the UK's exit from the European Union, the Government chose to continue the recognition of EU architectural qualifications at the time, in the same way as we had been bound by the EU's mutual recognition of professional qualifications directive. That allowed the architecture sector to continue to recruit EU-qualified architects, while the Government and the regulator, the Architects Registration Board, prepared for the recruitment of talent from elsewhere in the world.

In April 2022, the Professional Qualifications Act came into force. It introduced a new framework for the recognition of internationally qualified professionals in the UK, including supporting a new framework for this sector in the recognition of international architects. We are therefore ending the remaining alignment with EU law and allowing the Architects Registration Board to use its expertise to decide which qualifications it wishes to recognise.

The draft regulations can be considered in two parts. First, the regulations end the remaining alignment with EU law, as I indicated, under the Architects Act 1997. That means the law will no longer require the Architects Registration Board to recognise EU architectural qualifications automatically; instead, the regulator will be able to assess qualifications and decide whether it deems the recognition of those qualifications to be appropriate. The unilateral recognition of EU qualifications by the UK is intended to be replaced by a reciprocal agreement under the UK-EU trade and co-operation agreement. The Architects Registration Board and the Architects' Council of Europe have submitted a joint recommendation to the Partnership Council to receive such agreement.

Secondly, the draft regulations will enable the Architects Registration Board to enter into regulator-led recognition agreements with its counterparts in other countries. The Government recognise that the required expertise for recognition agreements at this level sits with the regulators.

It will therefore be for the Architects Registration Board to seek out suitable counterparts in individual countries, and to negotiate and conclude recognition agreements with them. The ARB has done a significant amount of work in that regard and has negotiated two such reciprocal agreements: one with the National Council of Architectural Registration Boards in the United States; and a trilateral agreement with the Architects Accreditation Council of Australia and the New Zealand Registered Architects Board.

The provisions made by the draft regulations will enable the regulator to maintain a supply of international talent, while scrutinising individual qualifications. That will provide the public with the reassurance that only those who are suitably competent are allowed to practise in the United Kingdom. The regulations are key to ensuring that the UK maintains its reputation as a leader in the field of architecture, that it is able to continue to attract talent to the UK, and that it is easier for UK architects to export their services to other countries. I hope that hon. Members will join me in supporting the draft regulations, which I commend to the Committee.

9.29 am

Sarah Owen (Luton North) (Lab): It is a pleasure to see you in the Chair, Mr Robertson.

I welcome the opportunity to speak on this specific but important change for mutual recognition agreements with counterpart regulators in other countries, while removing any remaining provisions that continued temporary alignment with the EU's mutual recognition of professional qualifications directive, and which were laid as transitional measures following the EU referendum result. All these years later—indeed, three Prime Ministers later—and it seems that Brexit is not quite done yet. On the face of it, these changes are needed and we are not planning to oppose these measures, but the Opposition wonder whether there are some missed opportunities and contradictions with this change and other Government policies on this sector.

As the economy shrinks, and given that the Secretary of State for Levelling Up, Housing and Communities and the Prime Minister have reportedly ditched mandatory housing targets, our concern is that the sector is, at best, getting mixed messages and, at worst, has little to no confidence. The Royal Institute of British Architects, or RIBA, reports that a third of architectural practices are expecting their workload to drop. The institute's future trends survey shows that architects' confidence continues to fall in all regions. The most pessimistic outlook is in the capital, where practices expect their schedule of work to slow down and 40% expect their workload to shrink. RIBA's head of economic research and analysis, Adrian Malleon, explained that there is no expectation of job losses. He said:

“So far practices are, overall, seeking to keep staff.”

That is good news, but he added:

“In our post-Brexit environment, qualified, talented architectural staff are hard to recruit and retain.”

It is reassuring that RIBA has been working with the Architects Registration Board and the Department for Levelling Up, Housing and Communities to ensure that these changes work for the sector. I am sure that workforce supply and development would be key to that, but I would be grateful if, in the absence of any impact assessment, the Minister provided an estimate of the

numbers of architects that are covered by existing EU law and the transitional regulations. Are those numbers likely to be matched or bettered by future mutual recognition agreements with other countries? If so, does the Department have any projected figures?

Mr John Baron (Basildon and Billericay) (Con): The hon. Member is painting a very bleak picture and refers to Brexit. Does she not recognise that there is a global slowing of economies? People can bandy about figures relating to expectations but, when we compare our unemployment rate with those of our nearest European neighbours, we are well below their levels. In fact, we are about half the EU average. That is not as bad a picture as the hon. Lady paints.

Sarah Owen: I thank the hon. Member for his intervention, but I am speaking about the specifics of architects and the numbers of architects. I will come on to the international picture for architects. Perhaps that will clarify why the picture is not necessarily a gloomy one, but one where we need to be prepared for the impacts and fallout of any changes we make.

The ARB has said that any new agreement will maintain high standards and safety, which is welcome. New applicants coming to the register via these mutual recognition agreements will have to undertake a test to measure their understanding of the UK-specific context of practising architecture. Considering Grenfell and the constant striving to do better, will the Government use the international MRA negotiations or future tests to build on our existing high standards, rather than just maintain them? We understand and welcome the fact that the ARB is in the early stages of negotiations with Australia and New Zealand, the US and the EU, but negotiations can often take longer than is expected or hoped. Can the Minister tell us the likely timeframe for the completion of the negotiations?

Architects are predicting a slowdown in their workload and there is also a shortage of architects, with even more indicating that, sadly, they want to leave the profession altogether. In a survey conducted by Bespoke Careers last year, nearly 1,000 architects were interviewed from the UK, the US and Australia. Bespoke Careers found that 47% of British architects surveyed planned to leave their job. That is up from 36% before the pandemic. The dissatisfaction was most pronounced in the US, where 61% planned to quit. Reasons cited included pay cuts, mental health and not being able to take all available annual leave. Concerns about job satisfaction and the retention of architects are not just a problem in the UK; they are also an issue in at least two of the countries with which we are seeking MRAs. Is the Minister or his Department working with international counterparts and international professional bodies on retention, as well as attracting future architects to the profession? With the new negotiations taking place, I hope that we seize every opportunity to do better and, crucially, to attract the best and brightest to this important profession. I thank Committee members for their time and I look forward to answers to the questions we have put to the Minister.

9.35 am

Patricia Gibson (North Ayrshire and Arran) (SNP): Mr Robertson, do you remember the good old days, when the UK was in the EU? We agreed mutual recognition

of professional qualifications, so there was automatic recognition of European architectural qualifications—UK-trained architects could work freely in the EU, and vice versa. Today we see an end to that; instead, we have some unpersuasive and unconvincing comments about a couple of architects in Australia. We are not satisfied by that.

Brexit is increasingly closing doors, including to UK architects working in Europe, and vice versa. We have seen that as well with fishermen, artists and the creative industries. No longer do those professional people have the right to work seamlessly in the UK under the reciprocal arrangements that we had.

The UK has been a global hub for international architectural services and exports. That is increasingly threatened, as in so many other areas. We want to see more information and detail, if the Minister can give that to us. With which countries is the UK continuing to engage in dialogue on bilateral, reciprocal arrangements? What reassurances can the UK Government give that they are already in discussion with EU and European economic area countries, and indeed Switzerland, as a bare minimum?

We wish to see the same terms agreed as when we were a member of the EU. We do not want architectural business and investment in Scotland to fall through the cracks if there is any gap between the regulations coming into force and the reciprocal agreements being signed. Perhaps the Minister will set that out for us. We do not want to see global companies choosing Amsterdam and Paris as cities for their European offices, instead of Edinburgh and London, because the UK is no longer aligned with the EU on qualifications and is therefore less appealing as a European base.

This process can of course do nothing, despite our best efforts. As long as we are facing the Brexit we face, the whole process can only have a negative, adverse impact on the architectural industry. We have already seen that in the creative sector in general and across business, given the uncertainty that has been created. We need reciprocal arrangements with the European Union to be signed, because what was once a simple administrative application is now a much more complex process, with more paperwork and proofs of compliance required, which is burdensome.

The hon. Member for Basildon and Billericay talked about downturns across the whole European economy, but I gently say to the Minister that it is worth noting that Ireland is a small, independent country in Europe, and its economy is expected to grow next year by 5.4%, while the UK's economy is expected to shrink by 0.8%. We are talking about the impact on the business sector. Those using the UK as any kind of hub for any sector must bear such things in mind, and the real consequences of Brexit for our economy.

9.38 am

Jon Trickett (Hemsworth) (Lab): It is a pleasure to serve under your chairpersonship, Mr Robertson. I want to make a couple of points. First, I am perhaps the only Member of Parliament who worked as a manual worker for quite a number of years in the building industry. I therefore came to know architects and the architectural profession well. I will try to keep private my prejudices given those experiences, rather than sharing

[Jon Trickett]

them with the Committee, but I have strong views about the nature of the building industry, construction, the role of architects and so on.

We have discussed the impact of the Brexit vote on a number of matters, and today it is on the architectural profession. I do not entirely share the views of the hon. Member for North Ayrshire and Arran, who said that the good old days were before the Brexit vote, but the way in which the Government embarked on Brexit has proven a disaster.

I do not want to say that the regulations are shoddy, because that would be disrespectful to a Minister who probably was not in post when they were drafted, but they are not a brilliant piece of work. The preliminary note on the regulations says that the Secretary of State consulted the Architects Registration Board, which is the regulator for the architectural profession, and the explanatory memorandum says that the Government have not carried out an impact assessment because there is no impact from the regulations. Those two things are mistaken.

After all, we meet in the shadow of not only Brexit, but Grenfell, and many Members will probably have in their constituencies architect-designed estates that are not fit for purpose, although people have to live on them. That has been a disaster. System build construction from the '70s, '60s and before was all designed by architects, so any decisions on how the architectural profession is regulated and monitored and how people are admitted to the profession of architect have a public impact.

The regulations provide a new framework to allow people to access the profession. Some architects are local, but many are international and operate internationally, so let me reflect on the consequences of Brexit for architects who either trained abroad but work in our country, or trained in the UK but provide services in America or elsewhere. There is a significant implication, so it is right that the Government introduce legislation, and the regulations are based on the Professional Qualifications Act 2022.

The preamble to the note we have says that the Government consulted only the ARB, which is the regulator, but I have done some research and sought advice from the Library. There was a consultation by the Government, dated 8 June 2021, and the consultation says that the Government consulted a wide range of bodies, including UK-based architects, internationally qualified architects, schools and students. I will not read out the whole list. Why do the regulations say that the Government have spoken only to the regulator, when the consultation was much wider? I do not understand why the regulations would make such a statement.

What is not referred to is the Royal Institute of British Architects, which my hon. Friend the Member for Luton North mentioned in passing. RIBA is established by royal charter, and it plays a role, alongside the ARB, in accrediting architectural schools in the UK. It therefore helps people to gain admission to the architects register. Why has RIBA not been consulted, as apparently it has not, according to the note?

RIBA is a distinguished body that was set up by the Crown. A consultation was held by the ARB, and I note that RIBA said that it was concerned that what was being discussed by the ARB would result in

“a highly prescriptive, inflexible and expensive system, parallel to the RIBA’s internationally recognised validation programme.”

How do the Government intend to tackle the problem of there being two separate institutional frameworks that decide how people become architects and gain admission to the profession of architect? That seems to me quite an important matter.

Let me reflect on RIBA and the ARB. They are overwhelmingly white. I think I found only one person on the board who is a person of colour. There are nine members of the board of the ARB, and six of them are either architects or connected directly to the construction industry. That is the body that the regulations will empower to make decisions with respect to other jurisdictions.

A lot of theoretical work is being done on regulatory captures. Regulators tend to be captured by the institutions that they are meant to regulate. In this case, it is clear that ARB is dominated by architects. I have looked at the work it has done over the last couple of days, and ARB is focused on developing the profession, rather than regulating it. That will inevitably be the case if members of the board are architects or people who work closely with architects. Is ARB, in its present form, an appropriate body to regulate the profession, given the mistakes that the architectural profession has made over the years? Has the Minister considered that, given that the regulations effectively empower ARB to control admission to the profession? Regulatory capture is a major problem, as almost all our regulators have been captured by the professions that they are meant to regulate.

As I say, the consultation of 8 June led to the order. In that consultation, the Government proposed two options, neither of which has been adopted in the statutory instrument before us. Was there a further round of consultation? If so, it does not seem to have been conducted publicly. If there was, will the Minister draw our attention to it and say why nobody else was consulted, other than ARB, which seems to be a flawed institution?

9.46 am

Lee Rowley: I am grateful to all hon. Members who contributed to the debate, and I will address the points raised. I am grateful to the hon. Member for Luton North for her confirmation that she will join us in supporting this initiative and will not seek to divide the Committee. I welcome the constructive spirit of her speech, and I am grateful to the Opposition for their acknowledgement that the regulations are a necessary and reasonable step forward.

The hon. Lady outlined broader points about Brexit and the economic circumstances we are in. My hon. Friend the Member for Basildon and Billericay made important points about the context for those circumstances. With the Committee’s forgiveness, I will not engage in a long debate about macroeconomic or global financial policy here, as many colleagues debate those issues regularly on the Floor of the House. Instead, I will focus on the relatively narrow decision that we have to make today.

The hon. Member for Luton North asked about the numbers and the impact of the regulations. As the Architects Registration Board has indicated, the position

with regards to EU access to the United Kingdom remains the same from a regulatory perspective, in that ARB will continue to acknowledge EU qualifications, and hopes that the application made to the European Union will be successful as soon as possible. The regulations extend opportunities for others to come and provide support for the United Kingdom's economy in the future, which I hope will be welcomed.

Questions were raised about standards. There is a relatively narrow discussion to be had about ensuring we have the opportunity to bring people in, so if people want to come to this country, that can happen, and equivalent qualifications will be recognised. The issue of how the Government approach standards in the future is a broader question; as the hon. Lady said, it relates to a number of matters, including Grenfell, which we are considering, but that is not something to opine on in this Committee.

Finally, the hon. Lady asked broader questions about how the architectural sector across the world deals with recruitment and retention. While I understand the point she is making, I gently say that that is a broader matter than the Question in front of us. There is also a genuine question for the Labour party to ask about where it thinks the role and responsibility of the state starts and stops.

Sarah Owen: I can hear that the Minister is getting to the end of his comments. Has he missed my question about the likely timeframe for the completion of negotiations with Australia, New Zealand and the US?

Lee Rowley: I will come to that question. To conclude my point on global recruitment and retention, we obviously want successful sectors, with good pipelines of people coming in and which allow people to build their careers and lives. At the same time, there has to be room for individual agency and individual sector decisions, and some of the hon. Lady's questions should probably be dealt with outside formal legislation, regulation and intervention from Government.

I turn to the question that the hon. Lady reminded me about. Ultimately, the decision in question is one for the Architects Registration Board. The board was set up in statute in 1997 for a purpose, and it will make decisions about who it wants to enter into discussions with, and how long it wants to continue those discussions for, and then it will seek to conclude them and to obtain mutual recognition as a consequence.

The hon. Member for North Ayrshire and Arran, who tempts me to relitigate Brexit, which I will refrain from doing, asked similar questions about the need to sign up to reciprocal arrangements with the European Union, and about ensuring that things move quickly, and I hope my answer to the hon. Member for Luton North has explained my view. I too would like a reciprocal agreement with the European Union signed, so I hope that the EU moves quickly; that would be in its interests.

The hon. Member for Hemsworth asked a series of technical questions about the consultation that was undertaken and its impacts. He asked why the preamble to the regulations states:

“In accordance with section 15 of the 2022 Act, the Secretary of State has consulted the Architects Registration Board”, but does not reference the broader consultation. That is because section 15 of the 2022 Act requires us to consult with the relevant regulator. The preamble confirms that we have done that, so we are responding to the requirement in the 2022 Act, rather than making a broader point about consultation. As he rightly indicates, we have consulted on this matter. The consultation ran from late 2020 until early 2021. I believe that he referred to the consultation response that the Government provided on 8 June 2021. For the record, there were over 400 responses to the consultation, including from RIBA—he had concerns that it may not have been involved in the discussion. The consultation helped us to come to a set of conclusions about how we would bring forward the change and take things forward.

Jon Trickett: Does the Minister not accept that there is a wider public interest beyond the profession in how it is regulated, given his references to Grenfell and my points about architect-led system building, which was a disaster? Why has he failed to consult the wider public, and why did he consult only the architect profession?

Lee Rowley: I am not sure that I accept the premise of the question. The Government ran a consultation between 4 November 2020 and 22 July 2021. Anybody who wanted to respond to it was able to. That consultation was obviously written in a way that made it more likely that architects would respond to it, simply because architects were more likely to be interested in it, but anybody, including his constituents, could have got involved if they wished. If he had wished to do so, he would have been more than welcome.

The hon. Gentleman made a series of points about the ethnic make-up of certain boards in the ARB, which I am not going to debate here. Ultimately, the question in front of us is whether we want to open up the possibility of other countries supporting the bringing of architects to the United Kingdom, and I find some of the points made slightly random. The reason why the ARB had primacy in this discussion is not because we are supporting one group over another; it is simply because the ARB had statutory functions and was seeking to discharge them, so that we could bring forward regulations that adhere to the law and could create legislation and regulation that works in the long term. We welcome the involvement of all architects, trade bodies, membership bodies and individuals who want get involved in those consultations. That is one of the reasons why we got 400 responses back and could bring forward the proposals today. We hope that they have broad agreement; they demonstrate that the United Kingdom will make progress in this area in the coming months and years. I hope the Committee will approve the regulations.

Question put and agreed to.

9.55 am

Committee rose.

