



Subject Adjustments to ARB's General Rules – Board Decisions and Voting
Purpose For Decision
From Head of Qualifications & Governance

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1. Summary

To consider proposed changes to the General Rules in respect of the Board's approach to voting when making decisions at its meetings. To agree to publish a revised draft of the General Rules on ARB's website for a period of six weeks to allow any interested parties the opportunity of providing any representations they wish to in relation to the changes. To note that the details of any representations will be brought back to the Board for consideration at its meeting of 19 July 2019, when the Board will be asked to finalise a revised version of its Rules.

2. Recommendations

It is recommended that the Board:

- i. Agrees the proposed changes which should be made to the General Rules in connection with the Board's approach to voting at its meetings as set out in Annexes A and B;
- ii. Agrees to publish a revised draft of the General Rules, detailing the proposed changes, on ARB's website for a period of six weeks to allow any interested parties the opportunity of providing any representations they wish to make in relation to the changes; and
- iii. Notes that the details of any representations will be brought back to the Board for consideration at its meeting of 19 July 2019, when the Board will be asked to finalise a revised version of its Rules.

3. Open Session

4. Contribution to the Board's Purpose and Objectives

The updating of the General Rules will expedite the work of the Board and will enable ARB to continue the delivery of its strategic aims and fulfil its requirements under the Act.

5. Key Points

- i. Under Section 23(1) of the Architects Act 1997, the Board may make rules in order to carry out or facilitate the purposes of the Act. The Board has established a set of

General Rules for this purpose.

The Architects Act 1997 has previously been interpreted such that the Board makes its decisions, particularly those which have legal significance, by voting.

Schedule 1, Section 8 of the Act states that:

‘8. In the event of a tie in any vote of the Board the chair shall have an additional casting vote.’

Schedule 1, Section 10 of the Act goes on to state that:

‘10. The Board may make rules governing its meetings and procedure.’

It should also be noted that this interpretation established in the context of a partially elected Board.

Noting the above, the Board’s General Rules therefore include the rules by which the Board will vote at its meetings. The Board also has guidance which supports the rules, identifying which decisions are legally significant and which do not require a decision in any formal or legal sense.

The current rules provide for a ‘parliamentary’ style procedure which includes the formal proposing and seconding of ‘motions’. The newly constituted, and wholly appointed, Board has indicated that it would prefer to make decisions by consensus, where possible, in order to expedite its business. The Board’s General Rules therefore require some adjustments to be made to them to facilitate this, particularly in relation to the sections of the Rules which relate to the Board’s decision making processes.

Annex A sets out a tracked changes version of the proposed amendments to achieve this if it is Board’s preferred approach to voting. **Annex B** is a clean copy of the proposed changes.

- ii. The Board is asked to note that when it is establishing or updating its Rules, the Architects Act 1997 requires that a revised draft of the General Rules is published to provide the opportunity for representations to be made. The Act does not specify the method of publication nor the length of time any proposed updates should remain available when published. The Board may therefore determine this in line with its [Code of Practice for Consultations](#).

It is recommended that the Board agrees to make the draft of the revised General Rules available on its website for a period of six weeks. The details of any representations received will then be brought back to the Board for consideration at its meeting of 19 July 2019. Subject to the Board’s agreement, the revised Rules would then become effective on the date of approval.

If the Board does decide to adjust its Rules, relevant adjustments will then also be

made to the Board's voting guidance, i.e., re-clarifying which decisions are legally significant.

6. Resource implications

The changes will incur very few additional costs. Adjustments to the website version of the General Rules will need to be made. We no longer print hard copies of the General Rules and therefore no printed versions require adjustment.

7. Risk Implications

Rules made under a statutory power are a form of delegated legislation and have to be followed by the Board until the Board changes them by the required processes. It is therefore important that the changes to the General Rules continue to reflect the requirements of the Act but also facilitate the Board's ability to undertake its business effectively and expeditiously. We have sought advice regarding the interrelationship between the Act and the Board's Rules relating to making decisions and voting. The proposed approach to decision making and voting set out within the Annexes to this paper will ensure that the correct alignment between the Act and the Rules is maintained. Making the proposed changes to the Rules, in the appropriate way, i.e., publishing and consulting upon the proposed adjustments to the Rules before making changes to them, will enable the Board to do this and assist in mitigating any risks in this area.

8. Communication

The Board is making some minor adjustments to its General Rules in relation to the way in which it votes on the decisions it makes. The Board will issue a draft of the revised General Rules for a period of six weeks to allow any interested parties to provide any representations they wish to make. Any representations will be taken into consideration by the Board at its meeting of 19 July 2019 before it makes any adjustments to the rules.

9. Equality and Diversity Implications

We have looked at whether the changes have any equality and diversity implications and have not identified any.

10. Further Actions

If the Board agrees the recommendations set out in section 2 of this paper, a consultation will be undertaken and the details published on the ARB website for a period of six weeks, with any representations being brought back to the Board at its meeting on 19 July 2019 so that it can then make its final decision. If the Board approves the changes to the General Rules, any relevant adjustments will also then be made to the Board's voting guidance by the Executive.