Churchwardens’ Training

Faculties, finials and fridges
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THE FACULTY SYSTEM IN CONTEXT

‘The faculty jurisdiction is the Church of England’s regulation of works to church buildings, their contents and churchyards. It ensures that churches are properly cared for, and that whatever is done to them is properly considered beforehand and carried out in the most appropriate way. The system recognises that churches are living buildings, many of which are of great historic significance but all of which exist for the worship of God and the mission of the Church. A faculty is a licence to carry out work. Any work carried out in the absence of a faculty is illegal.’

Any person or body carrying out functions of care and conservation under this measure or under any other enactment or rule of law relating to churches shall have due regard to the role of a church as a local centre of worship and mission.
(Care of Churches and Ecclesiastical Jurisdiction Measure 1991 – General Principle)
A Brief History of the Faculty Jurisdiction
1913 Ancient Monuments Act widened the definition of what could be scheduled as an ancient monument
Church took this to mean that churches might be scheduled, so set up a commission to inquire into the regularisation of advice to consistory courts. Recommended the setting up of DACs and the Central Council for the Care of Churches as a source of research and advice.
The current law is the Care of Churches and Ecclesiastical Jurisdiction Measure 1991 under which all works, alterations and additions to parish churches, their churchyards and contents require faculty approval. The most recent Faculty Jurisdiction Rules which set out how the Measure works is practice is that just published in 2015 which will come into use in January 2016. DAC set up in 1921, Lord Northbourne first Chairman.

Secular planning controls
1947 Town and Country Planning Act introduced listing of historic buildings in use, including churches, but these were exempted from the provisions
Controls were regularised in various stages, most recently in the Planning (Listed Buildings and Conservation Areas) Act 1990
Government policy on the approach to be taken to the historic environment in general, and heritage assets in particular, is given in the National Planning Policy Framework and the guidance to the NPPF in the Planning Practice Guidance

The Ecclesiastical Exemption (from planning and listed building controls)
A result of the 1913 Ancient Monuments Act
Exemption currently offered only from the need to apply for listed building consent or scheduled monument consent for works to ecclesiastical buildings in ecclesiastical use and also buildings and other structures within their curtilage (in this case the churchyard, such as monuments, walls, crosses, charnel houses, etc.)
Churches are not exempt from the need to apply for planning permission – needed for works of development to buildings, but mostly works to the exterior of buildings
Exemption available to all denominations with a system of control to works to listed buildings which is equivalent to secular controls
Current definitions in the Ecclesiastical Exemption order and guidance, published by the Department of Culture, Media and Sport in 2010.

Consulting the DAC and the Statutory Consultees
The Exemption is based on an appropriate and equivalent system for dealing with historic building cases
The system is based around a Diocesan Advisory Committee giving advice on petitions for faculty (applications for consent) to the Commissary General (in other dioceses called the Chancellor) who is a judge, making the decision officially in a court
Don’t be worried – the DAC is here to help
The system asks DACs and the Commissary to consult various statutory consultees, including Historic England, the local planning authority and the national amenity societies (SPAB, AMS, Georgian Group, VicSoc and the C20 Soc) not all of whom would be consulted on specific cases
If the works are for development or engineering and are external, i.e. to the external envelope of the church, or to buildings in the curtilage of the church, planning permission will need to be sought from the local planning authority

Churches as listed buildings
Three grades – I, II* and II
Covers the interior as well as the exterior, including fixtures and fittings
Faculty required for more types of work than just those which affect significance (unlike the secular system) though there is now an attempt to align the secular and ecclesiastical systems more closely
Matters of little importance – de minimis – are set out in lists, which will change in January
Role
- Advises the Commissary General about petitions for faculty (applications for consent/permission)
- Advises parishes less formally, usually at the pre-application stage, on proposals
- Advises the diocese on historic building issues

Membership
- Nearly all voluntary
- Breadth of churchmanship
- Smaller membership than most DACs
- Chair/Deputy Chairman/3 Archdeacons/2 parish clergy/2 lay members from parishes, one of whom must be on Diocesan Synod/3 conservation architects/1 rep each from Historic England, an East Kent local planning authority and the national amenity societies/Diocesan Archaeological Consultant – Director of Communities and Partnership Framework and Diocesan Surveyor both attend meetings

Consultants
- Wide range of voluntary assistance from consultants who give their expertise free
- Most commonly used are the heating and lighting consultants, the tree consultant and the structural engineer but we cover such rarified matters as hagiography and books, as well. The Deputy Chairman advises on all matters relating to monuments and memorials, including the conservation of brasses and ledgers
General approach
- Main aim is to keep churches in use while retaining significance
- Pragmatic
- Flexible
- Proportionate
- Artistic
- We carry out a lot of site visits, usually of a couple of members with the DAC Secretary
Appointing an Inspecting Architect/Surveyor
• The official list of approved architects/surveyors
• Arranging interviews
• Letter of appointment

Developing a positive working relationship
• Architect/Surveyor to meet with PCC at outset
• Architect/Surveyor to meet PCC to discuss inspection report
• Invite to parish events

The Quinquennial Inspection
• PCC to arrange date
• What to expect
• What will it cost

Agreeing a programme of Maintenance/Repairs
• Discuss with the architect/surveyor
• Prioritise
• Seek advice from DAC

Seeking the necessary permissions
• Minor Matters
• Faculties
Planning Permission
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\textbf{INSURANCE}\\

- Your legal responsibilities to insure the building
- Different levels of cover
- Compliance with conditions

\text{Â There is more than one church insurance provider. Ecclesiastical is the main company but there are others. Your insurance is only as good as the cover they provide and their ability to meet claims. Don’t be tempted by lower costs or short term deals. Read the small print! If in doubt stick with Ecclesiastical!}\\
\text{Â You are able to insure for less than 100% replacement value of your church buildings. You should always check with you archdeacon before doing so. Every case is different}\\
\text{Â Make sure you have an insurance revaluation every 5 years}\\
\text{Â Insurance companies should be able to let you pay by instalments with no additional financial penalty for doing so}\\
\text{Â Trustee Indemnity Insurance is a relatively new policy which does give trustee’s piece of mind - however there has never yet been a claim against a PCC under such a policy and it is difficult to understand when such an instance would arise}\\
\text{Â Remember that if a PCC acts negligently or criminally it is not insurable and the PCC may in these circumstances liable and not covered by insurance. Always read good governance and trusteeship guides released by the Charity Commission}\\

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CHURCH DEVELOPMENT

• Getting the most out of your Church Building
• Reordering for Better Worship
• Adaptation for Wider Community Use

Getting the most out of your Church Building
Â Churches in use are more likely to be conserved than those passing out of use, so there’s a community of interest between the church and conservationists
Â Make them more useful for today
Â Worship and wider use are both important
Â Up to you what the mix is – persuade us

Reordering for Better Worship
Â Most churches have C19 furnishings, often incomplete
Â Is it appropriate for you?
Â Would a re-ordered church work for you? Remember that there are advantages and disadvantages to re-ordering, re-seating, etc
Â So be aware that a re-ordered church may not work for you
Â And be aware that the DAC/Commissary General will want a really compelling reason to remove/change highly significant furnishings (medieval benches, C17/18 box pews, very good C19 interiors, etc.) because they are very rare

Adaptation for Wider Community Use
Â DAC’s view is that (almost) all churches should have (some kind of) kitchen facility and a lavatory
Â Where you put them, and how much of them, are the questions
Â Church rooms and halls are more difficult, but by no means impossible
Â Extensions tend to work better that sub-divisions
• Pods also work better than sub-division
• Separate buildings may work better than very large extensions, particularly in rural locations
• Remember that you need a compelling case and make it in the Statement of Need
Why Produce a Statement of Need?
- Because impacts on the significance of a listed building need to be balanced by benefit and the impacts minimised
- Make the case in the Statement of Need
- Various useful Statements of Need are being provided to you as exemplars

Taking Advice from the Diocese
- First point of contact is the DAC Secretary, Ian Dodd, assisted by Liz Shearman
- I D likely to visit and may send out members of the DAC
- Canon Pinchbeck can advise on putting together the Statement of Need and I D on the Statement of Significance

Local Consultations
- Remember that a realistic local consultation is very important
- Don’t try to dodge or pack it
- Local opposition is very easy to stir up and hard to damp down. I D can advise on local consultations

Why Produce a Statement of Significance?
- Balancing gain with harm
- What is important in terms of history/architecture/archaeology/setting
- How to produce this statement
- When to use your architect
Support from the Diocese
Â Church Buildings Officer will write first draft
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DE MINIMIS/MINOR MATTERS

• Authorising Minor Works to Churchyards, Church Buildings and their Contents
• The Minor Matters A List – PCC Authority
• The Minor Matters B List – the Archdeacon’s Authority
• Consulting the DAC

Authorising Minor Works to Churchyards, Church Buildings and their Contents
Â A uniform national system
Â Gives PCC and Archdeacon control over routine repairs and maintenance
Â When a faculty might still be required

The Minor Matters A List – PCC Authority
Â What is included
Â Who to consult

The Minor Matters B List – the Archdeacon’s Authority
Â What is included
Â Who to consult

Consulting the DAC
Â For the B list refer initial enquiry to Church Buildings Officer
Â For the A list, if in doubt, consult your architect or the Church Buildings Officer
HELPFUL HINTS

- DAC decides at monthly meetings
- Site visits largely fact finding
- DAC is not a substitute for your own architect, advisor, etc
- The local community is a useful source of finance
- If the DAC Sec doesn’t know the answer to a question, he will know who does!
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SOURCES OF ADVICE

• Ian Dodd – DAC Secretary/Church Buildings Officer – first point of contact on all work relating to church buildings
• Canon Caroline Pinchbeck – Communities and Partnership Executive Officer and Rural Life Adviser – building partnerships to widen use of church buildings
• Charlotte McCaulay – Assistant Diocesan Stewardship and Funding Adviser – advice on all aspects of fundraising for church building projects
We thank you, O God, for the skills of architects, artists and crafts people and for every means by which our life and worship are enriched. Help us to be good stewards of your gifts, conserving what is good in the past and reaching out boldly to the future. We pray that the Holy Spirit may guide us as we take counsel together, that we may think calmly, decide wisely and that all may be done in accordance with your will.

Gloucester DAC prayer