

Lichfield DAC Delegated Authority Policy

Introduction

- 1 A change in ecclesiastical legislation, granting [delegated authority](#) from DACs, came into effect on 1st March 2019. This has the potential to make a significant contribution to the work of DACs, enabling more effective use of DAC time and a swifter response to parishes (subject to capacity).
- 2 The Church of England (Miscellaneous Provisions) Measure 2018, [section 12\(1\)](#), provides powers for a DAC to delegate matters to its officers (i.e. DAC Secretariat). The provision states that: *'The committee may delegate the exercise of any of its functions to an officer of the committee'*.

Procedure

- 3 Delegated authority shall be used in the Diocese of Lichfield in the case of 'minor' faculties (i.e. those that do not affect the character of a listed church as a building of special architectural or historic interest), which applications would previously have been considered by the full DAC. Cases which are dealt with by delegated authority are noted in the agenda of the subsequent DAC meeting.
- 4 In all delegated authority faculty cases, the DAC officer will obtain the written advice, through consultation, of the DAC [member or adviser](#) that they deem most applicable (equivalent to the procedure for the processing of List B applications under rule 3.3 of the Faculty Jurisdiction (Amendment) Rules 2022, hereafter the ['2022 Rules'](#)).

Current use

The following DAC functions are approved to be undertaken by delegated authority in the Diocese of Lichfield. In all cases, the established procedure of internal DAC consultation will be undertaken by the DAC officers, prior to issuing the resultant advice to the applicants.

Informal advice (pre-consultation)

- 5 The giving of informal DAC advice, where applicable, on minor faculty applications (under rule 4.3 of the 2022 Rules, therein the 'initial advice' of the DAC).

Formal advice (pre-consultation)

- 6 The giving of formal DAC advice on minor faculty applications, where external consultation is not applicable, in the form of the DAC's Notification of Advice (under rule 4.9 of the 2022 Rules).

Formal advice (post-consultation)

- 7 The giving of formal DAC advice following external consultation, in the case of more

significant faculties (i.e. those that do affect character), where no formal objections have been raised by external consultees and where no 'material changes' have been made to the proposal (rules 4.7–4.8 of the 2022 Rules) (as the application and resultant formal DAC advice will not have changed since the informal DAC advice stage).

Formal advice (technical details and provisos)

- 8 The agreement of details after formal faculty proposals (at the pre- or post-consultation stages) have been broadly agreed by the DAC, and the meeting of provisos on the DAC's Notification of Advice, where applicable (in line with the Church Buildings Council's (CBC) guidance note on DAC delegated advice (2018), [item 7](#)).

Interim faculty applications

- 9 The giving of DAC advice on applications for interim faculty, where requested by the Diocesan Chancellor, prior to the grant of faculty, and on applications for full faculty, which are required in every case to formalise the interim permission following the grant of faculty (under the Faculty Jurisdiction Rules 2015 (as amended), [part 15](#)).

Confirmatory (retrospective) faculty and amendment to faculty applications

- 10 The giving of DAC advice on applications for confirmatory (retrospective) faculty and amendment to faculty, where requested by the Chancellor, prior to the grant of faculty or amendment.

Private (non-parochial) faculty applications

- 11 The giving of DAC advice on applications for [private \(non-parochial\) faculty](#), in equivalent terms to 5–8 above. For private petitions for churchyard memorials that fall outside the requirements of the Chancellor's [Churchyard Regulations](#) (2013), see 12 below.

Churchyard matters

- 12 The giving of DAC advice on all churchyard matters – private faculties for non-conforming churchyard memorials, parish churchyard policies, areas for the burial of cremated remains (ABCRs) and memorial gardens, with reference to the Chancellor's [Churchyard Regulations](#) (2013) – by the Archdeacons corporately.

Quinquennial inspector applications

- 13 The giving of DAC advice on the proposed appointment of quinquennial inspectors by PCCs (under the Church of England (Miscellaneous Provisions) Measure 2020, [section 7](#)). The DAC officer will obtain the written advice, through consultation, of a DAC architect member, prior to issuing the resultant advice to the applicants.
- 14 Rather than bespoke DAC advice being given on the proposed appointment of each quinquennial inspector who was on the DAC's previous 'approved list' (in its latest

iteration before the change in legislation, i.e. as per 31st August 2020), such advice can instead be given on any quinquennial inspector not previously on that list. A standard form of words on the suitability of a previously-approved inspector will be issued to the PCC (i.e. not subject to consultation by delegated authority), in connection with the Church Buildings Council's (CBC) [criteria for appointing an inspector](#) (2020, p. 2), thus still constituting DAC advice under the new legislation.

Exemptions

- 15 The agreed criteria for a 'major' faculty case, which must be considered by the full DAC (other than 7–8 above), and to which delegated authority is not applicable, are:
- a) Reorderings and new facilities in relation to a listed or unlisted church building;
 - b) Extensive alterations (structural or liturgical) which affect the character of a listed church building;
 - c) Conservation, alteration or disposal of an article of special historic, architectural, archaeological or artistic interest;
 - d) Landscaping in relation to a listed or unlisted church building.

Provisos

- 16 The Lichfield DAC has accordingly granted delegated authority to the DAC officers for the processing of faculty applications, both informal and formal advice (at the pre- and post-consultation stages), and quinquennial inspector applications, with the following provisos:
- a) The DAC officers are to act within their professional capabilities and ensure that the advice of an expert DAC member or adviser is obtained in all cases;
 - b) The consulted DAC member or adviser can refer the delegated application to the full DAC, with the case added to the agenda of the subsequent DAC meeting;
 - c) A note of all Notifications of Advice issued under delegated authority is to be reported in the agenda of the subsequent DAC meeting for information.