Lichfield DAC delegated authority policy

DAC delegated authority under the Church of England (Miscellaneous Provisions) Measure 2018 (came into effect nationally on 1st March 2019)

A recent change in ecclesiastical legislation, granting delegated authority from DACs, came into effect on 1st March 2019, which 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.

The Church of England (Miscellaneous Provisions) Measure 2018, Section 12 para. 1, provides new powers for a DAC to delegate matters to its officers (i.e. DAC Secretariat). The new provision states that: 'The committee may delegate the exercise of any of its functions to an officer of the committee'. Officers of the Church Buildings Council (CBC) have also been granted delegated authority, from the CBC, under the 2018 Measure, Section 12 para. 2.

At the 15th May 2019 DAC meeting, the Lichfield DAC confirmed that delegated authority shall be used in the Diocese of Lichfield in the case of ‘minor’ faculties (i.e. those that do not affect character) that are currently dealt with by the full DAC. Where the DAC officer is content with the proposal for a minor faculty, they will issue the DAC’s Notification of Advice between meetings, without the need to consult members or advisers of the Committee. Where the review of the application requires additional technical expertise, the DAC officer will obtain the advice of the DAC member or adviser that they deem most applicable, through consultation.

Examples of minor faculties include the felling of a living, healthy tree, the installation of a small memorial plaque, and the ‘laying up’ of a flag. Cases which are dealt with by delegated authority will be noted in the agenda of the next DAC meeting. The agreed criteria for a ‘major’ faculty case, which must be considered by the full Committee, and to which delegated authority is not applicable, are:

1. Extensive repairs and alterations (structural or liturgical) which affect the character of the building, whether it is listed or not;
2. Works involving extensive restoration, conservation, relocation, introduction or disposal of significant fittings, fixtures, bells, clocks, organs, paintings or treasures;
3. Works which require consultation with the Church Buildings Council under rule 9.6 of the Faculty Jurisdiction Rules 2015, i.e. when proposals will have a significant impact (resulting in a lasting change to a church building, its interior or setting) on a listed church.

The Lichfield DAC has accordingly granted delegated authority for minor faculties to the DAC officers, with the following provisos:

1. The DAC officers are to act within their professional capabilities and ensure that the advice of an expert member or adviser is obtained where required;
2. A note of all Notifications of Advice issued under delegated authority is to be reported in the agenda of the next DAC meeting for information.