

DIOCESAN BOARD OF FINANCE

Miscellaneous Provision Measure 2018 Policy for the Delegation of Powers

Introduction:

1. The Church of England (Miscellaneous Provision) Measure 2018 provides powers for Diocesan Advisory Committees to delegate matters to its officers.
2. The wording of the provision is:
“The committee may delegate the exercise of any of its functions to an officer of the committee.”
3. The functions that can be delegated include issuing a Notification of Advice subject to compliance with Rule 4.9 of the Faculty Jurisdiction Rules (‘FJR’s’).

Delegated functions:

4. The Diocesan Advisory Committee may delegate the following matters to its officers:
 - Confirmation of specific details after proposals have been agreed in principle by the DAC.
 - Specific types of work that require a Faculty, but which are not likely to result in harm to its character as a listed building of special architectural or historic interest or its setting (minor applications, see below).
 - Technical matters that do not have an impact on the historic character of the church or its furnishings provided that the relevant officer or DAC adviser advises on appropriate provisos to protect the parish.

Types of work for delegated powers:

5. All applications compliant with FJR’s 4.2- 4.6 will be assessed to determine which should be reviewed by the full committee, and which can be determined using delegated powers.
6. The framework for assessment includes two categories: ‘major’ and ‘minor’. Criteria for ‘major’ and ‘minor’ applications will be reviewed periodically by the DAC, as required.
7. All major applications will be submitted to the DAC for determination at the appropriate meeting. Criteria for determining major applications are categorised in 4.6 of the FJR: Consultation with the Church Buildings Council.

8. All other applications can be considered minor and can be determined using delegated powers. The delegated powers shall be exercised within the competence of the individual DAC officer, to protect the reputation of the DAC and the wider Ecclesiastical Exemption in accordance with Annex A: Code of Practice [issued by DCMS as *Guidance for the Operation of the Ecclesiastical Exemption and related planning matters for places of worship in England 2010*].

Consultation:

9. The officer will obtain the advice of the DAC officer or DAC adviser that they deem most applicable, through consultation or targeted sub-committee. This may include the CBC and/or other appropriate statutory consultees.
10. If, during the validation process, it is felt that an application should be reviewed by the full committee, it will be added to the next agenda.
11. All applications determined using delegated powers shall be noted on the next DAC agenda for the information of the full committee.
12. The Notification of Advice ('NOA') for each delegated application should have a note about which DAC advisers were consulted, so that Chancellor can see what's happened through the delegated process.
13. The Chancellor shall receive a copy of all consultation responses received.
14. Only the DAC Secretary shall issue delegated NOAs to applicants to ensure due process has been followed. In the absence of the DAC Secretary, another DAC officer may be nominated to perform this function.
15. Where the review of the application requires more technical expertise, the DAC Officer will continue to obtain the advice of the relevant DAC member/s or adviser/s, through consultation or a targeted sub-committee. This may include the relevant statutory consultees and amenity societies.
16. The DAC Secretary will review all cases where delegated authority has been utilised, prior to issuing the NOA.
17. Should an applicant not be content to accept the advice of the DAC Officer, or the DAC Secretary, then the scheme shall be referred to the full committee.
18. DAC Officers will undertake Continuing Professional Development ('CPD'), to keep up to date with changing legislation, conservation theory, and practice.
19. DAC Officers will be covered by professional indemnity insurance by the Diocesan Board of Finance ('DBF').

Approve and Review

Policy applicable to:	The Diocesan Advisory Committee (DAC) and Church Buildings Team
Approved by:	The Diocesan Advisory Committee (DAC)
Approved date:	
Policy owner (Director title):	Diocesan Advisory Committee
Policy author (Name and job title):	Sarah Baines, DAC Secretary
Next review date:	17.05.2022
Previous review date:	17.05.2021

Revision History

Version No.	Revision Date	Previous Revision Date	Summary of Changes
1	19.07.2020	N/A	N/A
2	17.05.2021	19.07.2020	Word change of PCC to Applicant to reflect the type of applicant on the OFS