

From 1 November 2019, the Leeds DAC will adopt a new system for dealing with faculty applications.

The DAC has agreed to delegate consideration of some categories of faculty applications to the Secretariat, rather than requiring all applications to be considered by the full Committee before a formal Notification of Advice can be given.

This has been made possible by new legislation and is intended as part of an overall aim of simplification of the faculty system. It will enable quicker turnaround time for matters that are relatively simple but still require a full faculty, which will be to the benefit of PCCs, as they will be able to proceed with works more quickly. It will also allow DAC meetings to focus on more complex applications, which should also benefit PCCs as they should feel assured that the advice received from the DAC is the result of full and thorough discussion.

How delegation works

When an application is submitted, it will be reviewed by the DAC office staff to ensure that all the necessary information has been provided. In addition, staff will take a view on whether the application is a major or otherwise significant case (see “the Instrument of Delegation”) below, and therefore merits consideration by the full Committee at a meeting, or whether it can be dealt with by the DAC Secretary between meetings. In taking a decision, the DAC staff will consult with the relevant Archdeacon and may consult with advisers to the DAC at this stage if the application is relating to a specialist matter (e.g. organ works or conservation works).

Once the DAC staff have formed a view, the applicants will be notified of the course of action to be taken.

If the application is to be dealt with under delegation, the DAC staff will refer the application to members or advisers of the DAC as deemed necessary. Further information or clarification may be requested from the applicant. Once the DAC Secretary is content, a formal Notification of Advice (or Form 2) will be issued as soon as possible, with a target of 10 working days. (This is subject to availability of any relevant specialist adviser whose advice is required for the review of the application.) Following the issuing of a Notification of Advice, the application will then proceed through the usual process of public notices before continuing to the Registry for a decision by the Chancellor.

At any point during closer review of the application, the DAC Secretary may choose to withdraw the decision to deal with it by delegation and choose to refer it to the full Committee. This will only be done in cases where it becomes apparent that some aspect of the case is not straightforward – be that as a result of additional information coming to light or due to a member of the DAC raising concerns about the application and its eligibility for delegation. In these instances, the applicant will be notified immediately and the application will be added to the next available agenda, so as to cause no undue delay.

The Instrument of Delegation

In summary, the instrument delegation allows for all faculty applications to be delegated to the DAC Secretary except for the following categories:

- Alterations which significantly affect the character of the building, whether it is listed or not;
- Works involving extensive restoration or conservation or the disposal of church treasures;

- Works where mandatory consultation is prescribed with a National Amenity Society, Historic England, the Local Planning Authority or the Church Buildings Council;
- Matters which have been undertaken without authority and for which a confirmatory faculty will be required.

The categories of “reserved matters” (those requiring the input of the full Committee) may be added to at any time by the DAC. This guidance note will be updated as and when any categories are added.

The full Instrument of Delegation can be downloaded from the DAC section of the Diocesan website.