

MIDDLESBROUGH DEANERY DAY – presentation

Looking after your church

Intro: 4 - the importance of Quinquennial Inspections, how to navigate the Faculty system, the faculty rules relating to Net Zero Carbon, and where you can go for further help and guidance.

But first, where do all of these rules and regulations relating to church buildings actually come from and why we all need to take heed of them.

The C of E is an established church, so everything we do is governed by statute, by law. The principal legislation which governs how we take care of our church buildings is the EJCCM 2018, and the secondary legislation is the FJR 2015. Whether we like it or not, this is the law by which we have to abide. But, just because so much of what we do is bound up with rules and regulations please don't think that the DAC is not interested in mission – it is! In fact, the duty to have regard to a church's purpose is built in to the legislation:

“A person carrying out functions of care and conservation under this Measure ... must have due regard to the role of a church as a local centre of worship and mission” [Section 35 of the Measure]. So that covers all of us – the Chancellor, the Registrar, the DAC, PCCs, everyone.

THE LEGISLATION

- Ecclesiastical Jurisdiction and Care of Churches Measure 2018
[General Synod]
- Faculty Jurisdiction Rules 2015
[Rule Committee]

What has this got to do with mission?

Duty to have regard to church's purpose

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The importance of Quinquennial Inspections

The EJCC Measure 2018 requires that each Diocese has a scheme for the inspection of every church by a suitably qualified and experienced professional adviser at least once every five years.

1. QUINQUENNIAL INSPECTIONS

The EJCC Measure 2018 requires that each Diocese has

- a scheme for the inspection of every church
- by a suitably qualified and experienced professional adviser
- at least once every five years

Repairs

- 1 - Urgent, requiring immediate attention
- 2 - Requires attention within 12 months
- 3 - Requires attention within the next 18 - 24 months
- 4 - Requires attention before the next QI
- 5 - A desirable improvement, no timescale

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DATE: 15/09/2023
BY: J. FERREY & M. MENNIM

John Ferrey
Director

The fee for the inspection is set each year by the DAC and is the same for every church no matter its size, age or significance (with the exception of a few designated 'Major Churches'). The current fee is £800 plus VAT. It is paid direct to the Inspector by the PCC and so it is wise to plan ahead by putting aside money each year to cover it. Setting aside £200 each year is much easier than finding nearly a thousand pounds in one go.

The survey carried out by your Inspector will include:

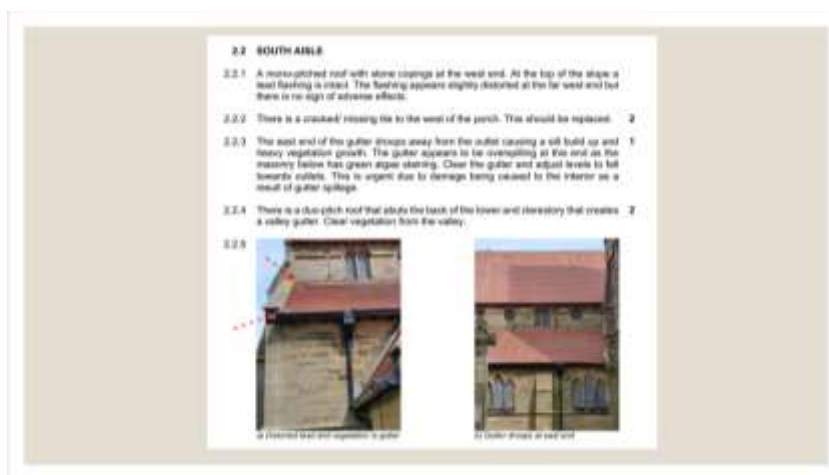
- the condition of the building fabric
- any maintenance or repairs which are needed
- the safety of the structure
- any access issues.

The Report which your inspector provides after the survey is one of the key documents which will assist you and your PCC in the care and repair of your church building so it is really important for you to read it and understand its recommendations.

It is designed to be a thorough and complete assessment of the condition of your building and so it can be quite a lengthy document depending on the size and complexity of your church. Each part of the building is described in turn and any repairs which are needed are highlighted and should be illustrated with good quality photos so you can see exactly what your inspector is talking about. Any repairs needed are listed according to their priority:

- 1 - Urgent, requiring immediate attention
- 2 - Requires attention within 12 months
- 3 - Requires attention within the next 18 - 24 months
- 4 - Requires attention within the quinquennial period
- 5 - A desirable improvement with no timescale (as agreed with the PCC)

Sample extract from a recent QI report: it indicates which area of the building is being reported on, identifies different components of the building and states their condition. As you can see there are a couple of items which have numbers next to them indicating how urgent the repairs are and the timescale in which they should be carried out. And there are clear photos illustrating the issues; in this case the inspector has highlighted with red arrows exactly which bit of the building he's concerned about.



Your inspector will also indicate whether the works which are needed will fall within List A, List B or need a faculty (and we'll come on to that shortly) and will give broad indicative costs for any repairs he's flagged up so you'll have an idea of the level of funding which is likely to be necessary.

Once you've read it, make sure you keep referring back to it and implementing your inspector's recommendations. Too often an inspection is carried out, the report is handed over and it's shoved in a drawer and forgotten for the next 5 years. It's so much easier and cheaper to carry out repair works early rather than to let them get worse and worse over time. If you do end up having to make a claim on your insurance because the building has incurred damage – for example, roof tiles or a pinnacle falling off in a storm – one of the first things your insurers will want to know is whether your QI is up to date, and whether you had taken any steps to remedy any defects identified by it.

If you want to see what an example of a good clear QI report looks like then there is one on our website page.

How to navigate the Faculty system with confidence



So, perhaps your QI report has identified that you need to carry out some repairs – repointing stonework, mending a stained glass window; or perhaps you want to make some changes to your church building – like removing some pews to make space for children's activities, or putting in kitchen or toilet facilities – you need to work out what level of permission is required, if any.

Under what is known as the 'ECCLESIASTICAL EXEMPTION', works to places of worship are exempt from the need for listed building consent (but not exempt from any need for planning permission, which is a separate matter).

'ECCLESIASTICAL EXEMPTION'	
Works to places of worship are exempt from need for listed building consent but not exempt from any need for planning permission	
SECULAR	ECCLESIASTICAL
LISTED BUILDINGS	LISTED AND UNLISTED BUILDINGS
LOCAL PLANNING AUTHORITY	CONSISTORY COURT OF DIOCESE
	
LISTED BUILDING CONSENT PLANNING OFFICER PLANNING COMMITTEE	FACULTY SYSTEM DAC ARCHDEACON or CHANCELLOR

If you want to carry out work to a secular listed building – such as a house, hotel, country mansion or town hall – you submit an application for LBC to the local planning authority and your application would be reviewed by the planning officer and decided by the planning committee.

But if you want to carry out work to a church building or to anything within its churchyard – so that could include a church hall, an outbuilding, boundary wall, memorial - whether or not the church is listed, you submit an application under the faculty system to the consistory court of the diocese. That application comes through the DAC and it is decided either by the Archdeacon or the Chancellor.

Our faculty system has to be at least as stringent and robust as the secular Listed Building consent system. So why do we need our own system, and more importantly does it help or hinder us? Well the ecclesiastical exemption is very valuable to us because it differs from the secular system in one very important way; you'll remember section 35 of the Measure – the duty to have due regard to the role of a church as a local centre of worship and mission – the secular system doesn't have to do that.

A classic example would be Hull Minster, a cathedral-sized Grade I listed church. In 2010 Hull Holy Trinity as it then was, was losing up to £70,000 a year and major changes were necessary to avoid bankruptcy and keep the church open. A Project Board was set up which, with enormous energy and commitment, put together a scheme to remove most of the pews and replace them with stackable chairs. The plan was to create an open space which would permit income-generating events, encourage greater community use, and allow wider range of worship and church activities.



When a faculty petition was submitted it was opposed by the Victorian Society whose Director said: “The pews are Grade I quality fittings in a Grade I listed building and their loss would rob the building of much of its character.’

The Chancellor of the Diocese of York agreed that the pews were ‘one of the most magnificent and extensive suites of Victorian church seating in the country’, and the Victorian Society was quite right about the significance of the fully pewed interior and the loss from a pure heritage viewpoint, but passing judgment at the Consistory Court, he ruled their removal was the price of ensuring the church’s financial survival.

“It is clear to me that ... a team of people ... have come together with a determination to see a church grow and to do mission in the heart of this city. However, if there is to be continued growth and a continuation of that mission, they have to turn round the position from that of haemorrhaging cash into one where there is sufficient income to finance the staff team, and to ensure the continued maintenance of the fabric so that they can give their energy to bringing the gospel to the city of Hull and the East Riding”.

“I am satisfied that if that were to remain in its present form, then the church would have no prospect of becoming financially viable, putting at even greater risk the Victorian heritage asset. If the current team is able to achieve financial viability then for the foreseeable future this church will remain open, active, and a centre for worship and mission...”

Hull Minster now hosts concerts, exhibitions, national televised awards evenings, and many children and youth activities. There are a whole host of church services at the weekend and during the week and the choir and congregation are expanding in number all the time. Community engagement is at an all time high and the church and Trinity square are firmly at the centre of Hull Old Town life. None of that would have been possible without

the benefit of the Ecclesiastical Exemption and the Faculty system. Had the Faculty System not existed the parish would have had to apply for LBC to the local planning authority, and they would have had no obligation to consider the church's purpose as a centre for worship and mission; there is every likelihood that we would now be looking at a closed Hull Holy Trinity rather than a vibrant Hull Minster.

This is why we need to observe the Faculty Jurisdiction Rules because if we don't then we might lose the benefit of the Ecclesiastical Exemption, and that would be a travesty for all our church buildings.

So, if you want to carry out any works in your church or churchyard you need to check what level of faculty permission you need first.

Do we need a faculty?

Three steps ... three levels of permission:

- **List A** notifications - for routine maintenance or minor like for like repairs; no permission is needed, but you should notify DAC (e.g. boiler repairs)
- **List B** applications – for more substantial repair works but which have little impact on historic fabric (e.g. repointing stonework); permission usually granted in 2 – 3 days
- **Faculty** – for works which affect or alter the historic building fabric (e.g. a new stained glass window, WC/kitchen facilities) & any work to memorials; permission usually granted in 2-3 months so **PLAN AHEAD**

The Faculty Jurisdiction Rules describe three levels of permission:

- **List A** - Works which are included in List A generally cover routine maintenance or minor like for like repairs; for example, boiler repairs or fixing a couple of slipped slates. No permission is needed to carry out List A matters but you should notify the DAC by submitting a List A notification so there is some record in the church history.
- **List B** - Works included in List B cover more substantial repair works but which have little impact on the historic fabric of the church; for example, repointing stonework. List B matters need the Archdeacon's written permission, so you would need to submit a List B application giving details of the proposed works and providing supporting information such as photos, architect's specification, contractor's quote etc. The Archdeacon's permission usually only takes a few days to come through; fastest so far is 10 minutes.
- **Faculty** – Anything which is not in List A or List B requires a full faculty. These are generally works which will affect or alter the historic building fabric; for example, repairing a stained glass window, or installing WC/kitchen facilities. And please note that any work to a memorial whether inside the church building or outside in the churchyard will require a faculty because you are essentially dealing with someone else's property.
Faculties take 2_– 3 months to come through because they include a 30 day public notice period, so **PLAN AHEAD!**

So each time you need to do work to your church building or in your churchyard follow this 3-step process. Look at List A first. If the work you want to do matches exactly with an item on List A – happy days, just submit a List A notification and you need go no further. If it doesn't, then move on to look at List B. If the work you want to do matches exactly with an item on List B, then submit a List B application. If what you want to do is not on either of those lists then it needs a full faculty.

All these List A notifications, List B applications and Faculty petitions are submitted via the C of E's online faculty system. There are user manuals in the system which are there to provide very detailed screen by screen guidance.



But if you feel more comfortable with a visual explanation then on our webpage there is now a series of short videos which show you how to register to use the system, and how to submit the various applications. Each video is about 5 mins long and they are designed to be very straightforward and user friendly.



Faculty petitions are considered by the DAC at one of their regular meetings – we have 9 meetings each year. But there are two circumstances in which the process can be speeded up.

Firstly, there is a list of straightforward works – such as setting aside an area for the burial of cremated remains - which can be delegated to the Archdeacon, DAC Officers and any relevant adviser for consideration; they can make a prompt recommendation without the application having to wait to go before the full committee at a scheduled meeting.

Secondly, if the works are urgent because they involve a threat to life and limb or a threat to the building fabric, then you can apply to the Chancellor for an Interim Faculty. An Interim Faculty will give you permission to do the work immediately, but you still have to follow up with a confirmatory faculty petition afterwards.

But it's urgent!!!

Delegated Authority

Some works can be progressed outside of DAC meetings, by the DAC Officers, with the consent of the Archdeacon, and having consulted relevant DAC Advisers;

But it's really urgent!!!

Interim Faculty

Chancellor can grant emergency permission for work if there is an imminent threat to life and limb or to building fabric; email request to Diocesan Registry



Changes to the Faculty Rules regarding Net Zero Carbon

3. NET ZERO CARBON

General Synod's call for all parts of the Church to be 'net zero carbon' by 2030

- Well maintained
- Buy renewable
- Waste less
- Electric not gas/oil
- Generate more
- Offset the rest



<https://www.churchofengland.org/resources/churchcare/net-zero-carbon-church>

- Keep your buildings well maintained – you can reduce heat loss by keeping on top of basic maintenance and ensuring the building is wind and watertight. Look after the roof and gutters, to prevent water from entering the building and warm air escaping. Fix any broken window panes and make sure opening windows shut tightly.
- Buy renewable energy – it may not reduce the energy you use, but it does mean it comes from a cleaner source and helps to cut your net carbon footprint.
- Waste less
- Electric not gas/oil - Where possible, move to electric heating, using electricity that comes from 100% renewable sources. There are many options such as heat pumps, pew heaters, and infra-red panel heaters and chandeliers.
- Generate more energy - some churches might be able to generate electricity onsite from solar PV panels
- Offset the rest e.g. Churches with grounds can also consider if there is an area where they could let vegetation or a tree grow, as a natural way to capture carbon from the air.

To help churches meet their carbon reduction targets the FJR's were amended from 1st July 2022. It used to be the case that if you wanted to replace your existing gas/oil boiler with another one, it would be a List B matter

and if you wanted to switch to a different type of fuel you'd need a faculty. Now, churches must have due regard to Church Buildings Council's "**net zero guidance**" for those proposals where it applies.

FJR's amended 1st July 2022

To help churches meet carbon reduction targets - must have due regard to Church Buildings Council's "**net zero guidance**" for those proposals where it applies.

Most changes to Lists A and B make it easier for churches to make adaptations.

Lists A and B	Faculty
Insulation & draught-proofing	
Low energy light-fittings	
New non-fossil fuel boilers	New fossil fuel boilers (gas/oil)
Electric pew heaters	Replacement oil tanks
Electric car-charging points	
Solar panels on unlisted buildings not in conservation area	

NOTE: churches are not prevented from having fossil fuel boilers, they simply need to be able to justify their installation in light of net zero guidance


Most of the rule changes are to Lists A and B and they make it easier for churches to make adaptations which will help reduce carbon emissions [go through list]. But the rule changes also make it more difficult to keep using fossil fuels, so now if you want to replace your existing gas/oil boiler with a new gas/oil boiler you will need a faculty. Essentially, the rules have been reversed.

But do note – the rules do NOT say you can't have a fossil fuel boiler; they just say you have to show that you've considered all the options available, you've had regard to the CBC's net zero guidance, and justify why you need to stick with a fossil fuel. This is not a tick box exercise – it must be done in good faith and when submitting their advice to the Chancellor the DAC will be required to comment on whether your consideration has been adequate or not.


Where to go for further help and guidance

The DAC is the "Diocesan Advisory Committee for the Care of Churches" and every diocese has one. The committee's role is to advise the Chancellor on faculty applications and to advise parishes on all matters concerning churches and churchyards. The DAC staff are:

4. FURTHER HELP



Catherine Copp
Secretary to the Diocesan Advisory Committee
catherine.copp@yorkdiocese.org | 01904 899522
 Catherine is the first point of contact for parishes wishing to undertake repairs or improvements to their church buildings and churchyards. She works with colleagues to administer the Care of Churches and Ecclesiastical Jurisdiction Measure and the Faculty jurisdiction Rules and provides advice and support to the Diocesan Advisory Committee (DAC). She can advise PCCs whether the works they plan to carry out will need Faculty permission and will guide them through the application process.



Keith Halliday
Church Buildings Adviser
keith.halliday@yorkdiocese.org | 01904 899523
 Keith joined the Diocese of York in 2018 after working as a Heritage Consultant over the previous couple of years, and has held a number of roles over nine years with the Diocese of Lincoln.

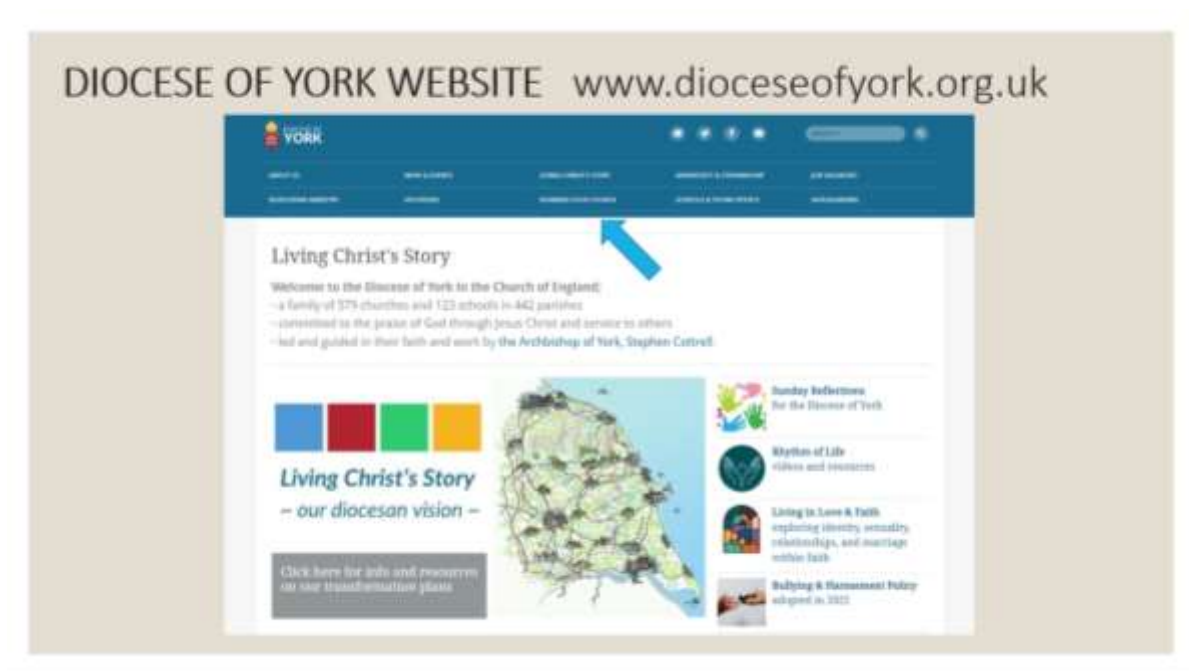
DAC Members and Advisers: In addition to our three Archdeacons, clergy and lay representatives, and various statutory nominees, we have specialist advisers on bells, heating, lighting and electrics, organs, archaeology, stained glass etc.



These advisers are all volunteers, including the architects who advise the Committee and they give their time FOC to the diocese. They are advisers to the DAC, not to the parishes, so if you need specialist advice please ask Catherine to put you in touch with them. She can then ask the relevant adviser to visit your church and prepare an advisory report for the DAC, which would then be shared with you (and at no cost to you). We are very lucky to have experts who are committed to helping the diocese and who give us so much of their valuable time.

The Diocesan website. If you haven't looked at this before, please do. There is a huge amount of information and guidance on the DAC pages and it would save everyone a lot of time if PCCs familiarised themselves with the information which is available on the site. In many cases simple questions can be answered by a quick look at the website.

To find the DAC section of the website click on Running Your Church



and then click on Church Buildings.

Running Your Church

The Diocese of York is made up of 470 parishes with over 600 churches, and these pages have resources to help you with the mission and ministry of your church and parish. See the monthly *Diocesan Prayer Diary* to help you to pray for all of them.

- Coronavirus COVID-19; the Church responds**
The latest advice, resources and news for local churches as they respond to the current Coronavirus outbreak.
- Environment**
As Christians, we have a duty to cherish God's creation and care for the environment.
- Data Protection GDPR**
The General Data Protection Regulation (GDPR) has now replaced the previous law on data protection (the Data Protection Act 1998) and gives individuals more rights and provides to how their personal data
- Churchwardens**
Annual 'Welcome News' is published for Churchwardens.
- Communications**
Sharing our stories with the world and with each other is the heartbeat of our church family.
- Legal Matters**
Information on legal matters, including help available from the Diocesan Registry, and how the Diocese is governed.
- Leading Your Church into Growth (LYCIG)**
- Church Buildings**
Diocesan Advisory Committee (DAC) ONLINE FACILITY SYSTEM, maintaining church & churchyard, guidance, grants and training.
- Finances**
These pages contain resources to help you manage your church's finances, including sources of grant funding and loans.
- Helping with Church Weddings**
Resources from the Church of England to help prepare and support the ministry of church weddings.

Church Buildings

Diocesan Advisory Committee (DAC): help with maintaining church & churchyard, faculty petitions, guidance and grants.

Welcome to the DAC	About the DAC - who we are	DAC Meeting Dates 2023 Submission deadlines; redacted Minutes.
Church Buildings Team We help you care for churches and churchyards across the Diocese	ONLINE FACULTY SYSTEM Seeking permission for works: List A, List B or Faculty. USING THE OPS - VISUAL GUIDE	Become a DAC member or adviser Expressions of interest sought
TRAINING Church Buildings Team webinars, videos	Livestreaming worship Guidance on how to livestream worship - equipment, tips, best practice	Quinquennial Inspections Church inspections must be undertaken every 5 years by your appointed inspector.
Grants & Fundraising	Chancellor's Judgements Judgements of the Chancellor of the Consistory Court of the Diocese of York	Faculty Public Notices Advertisement of Faculty Public Notices (Faculty Jurisdiction Rules 2015, Rule 9.9).
Metal Theft What to do if roofing lead is stolen	Developing your Church Reordering, Extensions, Pews and Chairs	Churchyards, Memorials, Trees
Repairs and Maintenance	Bells and Clocks	Environment, Biodiversity, Net Zero Carbon, Archaeology
Accessibility, Visitor Experience, Noticeboards and Signs	Church Contents Basic principles of conservation	Heating
Health and Safety; Insurance	Stained Glass and Art	Organs and Music
Lighting, Electrics, Sound, AV, CCTV	Photo Gallery Good examples of completed projects	Telecommunications equipment
Solar Photovoltaic (PV) Panels		



Included in the churchyard section you will find the Churchyard Memorial Rules, guidance on what to do about broken or dangerous gravestones, and a series of DAC guides on churchyard benches, noticeboards, sound amplification, trees, floodlighting and there will be more on the way.

Grants and fundraising. We try to keep this page up to date but it's a fast moving scene and grant schemes are often set up at short notice and are short-lived. But there are some links to the main funding bodies and at the bottom of the webpage one of the most useful documents is the National List of Charitable Grants for Churches (last updated July 2020).

Church Care website: <https://www.churchofengland.org/resources/churchcare>

 A screenshot of the ChurchCare website. At the top left, the text 'ChurchCare website' is displayed. Below this are six main resource categories, each with a representative image and a brief description:

- ADVICE AND GUIDANCE:** Everything from chairs, churchyards, new works to conservation. (Image: Church spire)
- REDUCE YOUR CARBON FOOTPRINT:** Our environmental campaign. (Image: Church at night)
- MAKE CHANGES TO YOUR BUILDING:** A step-by-step guide to project planning. (Image: Church interior)
- APPLY FOR A GRANT:** We give grants for conservation and building repairs. (Image: Church roof)
- SUPPORT OUR BUILDINGS:** Donate to our building funds or leave a gift in your will. (Image: Church window)
- DEVELOP A GROWTH STRATEGY FOR YOUR DIOCESE:** Integrate church buildings with your mission and ministry planning. (Image: Church landscape)

 On the right side of the page, there is a vertical list of specific topics:

- Accessibility
- Alterations & extensions
- Archaeology
- Audio-visual & electrics
- Bells
- Bodiversity
- Books & manuscripts
- Building maintenance
- CCTV
- Church plate
- Clocks
- Connectivity
- Conservation
- Crime prevention & security
- Electrical car charging
- Energy efficiency
- Flags
- Heating
- Human remains
- Insurance, health & safety
- Lighting
- Memorials & brasses
- Metalwork
- Net zero carbon
- Noticeboards
- Organs
- Quinquennial inspections
- Roofs
- Seating
- Stained glass
- Textiles
- Trees