

Delegation process for faculty applications

The Leeds DAC currently operates a system of delegation for certain faculty applications. From 1 November 2019 until further notice, the DAC has agreed to delegate consideration of some categories of faculty applications to the DAC Secretary, rather than requiring all applications to be considered by the full Committee before a formal Notification of Advice can be given.

Delegation was made possible under legislation that came into effect in 2019 and is intended as part of an overall drive for simplification of the faculty system. It will enable quicker turnaround time for matters that are relatively simple but still require a full faculty. This will be to the benefit of PCCs, as they will be able to proceed with uncontroversial and straightforward works more quickly. It will also allow DAC meetings to focus on more complex applications, which will 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 requires 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. 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.

PCCs should be aware that, 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 may choose to instead 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 or adviser 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 DAC meeting agenda, so as not to cause undue delay.

PCCs should also be aware that, on rare occasion, the Chair of the DAC or the Chancellor may instruct that the full Committee consider an application after the DAC Secretary has already issued a Notification of Advice for the application. However, the process of consultation with the Archdeacon and other relevant members of the DAC as part of the process in assessing eligibility for delegation is specifically designed to ensure this kind of recall of an application will only happen in exceptional cases.

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;

In addition, if an application is a response to specific instructions (otherwise known as Directions) from the Chancellor, it will not be possible to deal with it by delegation.

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 accessed here: [[download](#)]

December 2020