

Salisbury DAC Constitution – revised September 2020 to take account of The Church of England (Miscellaneous Provisions) Measure 2020 – section 11

Name

1. The committee is known as the Salisbury Diocesan Advisory Committee.

Membership: appointment

2. The committee consists of a chair and vice chair, the archdeacon of each archdeaconry in the diocese, and at least 12 other members.
3. The chair is appointed by the bishop of the diocese after consultation with the bishop's council, the chancellor of the diocese, and the Church Buildings Council.
4. The other members are;
 - 4.1. two persons appointed by the bishop's council of the diocese from among the elected members of the diocesan synod,
 - 4.2. at least ten other persons appointed by the bishop's council of the diocese of whom one is appointed after consultation with the Historic England, one is appointed after consultation with the relevant association of local authorities, and one is appointed after consultation with the national amenity societies, and
 - 4.3. such other persons as may be co-opted under paragraph 20.
5. In making an appointment under paragraph 4.1 and 4.2, the bishop's council must ensure that the persons so appointed have between them —
 - 5.1. knowledge of the history, development and use of church buildings,
 - 5.2. knowledge of Church of England's mission, liturgy and worship,
 - 5.3. knowledge of architecture, archaeology, art and history,
 - 5.4. experience of the care of historic buildings and their contents, and
 - 5.5. knowledge of civil planning policy, guidance and legislation.

6. The first appointments of the chair and of other members under paragraph 4.1 and 4.2 shall take place as soon as a vacancy arises.
7. The DAC committee shall nominate for the Bishop of the diocese's approval a member of the DAC appointed under paragraph 4.1 & 4.2 above to the role of vice chair. The responsibilities of the vice chair shall be to act as chair should the appointed chair be unable to do so or should the position of chair be vacant.
8. Subsequent new appointments of the chair or of a member under paragraph 4.1 and 4.2 must be made within the period of one year following the formation of the second new diocesan synod.
9. The quorum of the committee shall consist of one-third of all members, including any consultants appointed under paragraph 23.

Membership: term of office

10. The term of office of the chair or other members and consultants of the DAC appointed under paragraph 4.1 and 4.2 begins with the appointment and ends with the making of a new appointment under paragraph 8.
11. A member of the committee who ceases to hold a qualification by virtue of which he or she became a member ceases to be a member on ceasing to hold the qualification.
12. A member of the committee who ceases to hold office otherwise than by virtue of section 10 above is eligible for reappointment.
13. A person who has served as the chair or as a member under paragraph 4.1 and 4.2 or as either for two successive terms of office (i.e. 12 years), or such greater number as has been authorised under paragraph 14 below, may not be reappointed or co-opted until the next occasion after the end of that period of office on which new appointments are to be made under paragraph 8.
14. In the case of a person who is serving the second of two successive terms of office as the chair or as a member under paragraph 4.1 and 4.2 or as either, the diocesan synod may authorise the person, on the expiry of the second term, to hold office (either as the chair or as a member under paragraph 4.1 or 4.2) for one or more further successive terms.
15. The diocesan synod may not give an authorisation under paragraph 14 unless –
 - 15.1. the person who has the function under paragraph 3 of making appointments to the office to which the authorisation would apply has obtained the advice of the Church Buildings Council on the authorisation, and
 - 15.2. the diocesan synod has been provided with that advice.
16. Paragraphs 12 to 14 do not apply in a case where the first of the successive terms of office was held by virtue of an appointment to fill a casual vacancy.
17. Subsection 13 does not apply to a term of office which began before the commencement of this section.

Membership: casual vacancies

18. Where a casual vacancy occurs among the chair and other members appointed under paragraph 4.1 and 4.2, the bishop must appoint a person to fill the vacancy.

19. If the person whose place is to be filled was a member of the committee by virtue of being a member of the diocesan synod, the person appointed under paragraph 18 must also be a member of that diocesan synod.
20. If the person whose place is to be filled was appointed under paragraph 4.2, the bishop must, before appointing a person to fill the vacancy, undertake the consultation required.
21. A person appointed to fill a casual vacancy holds office only for the unexpired portion of the term of office of the person whose place is being filled.

Membership: co-opting

22. The committee may, with the consent of the bishop, from time to time co-opt such persons as it thinks fit to be additional members of the committee.
23. The number of persons appointed under this paragraph must not exceed one-third of the total number of the other members.
24. A person co-opted ceases to be a member of the committee on the making of new appointments of members under paragraph 6.

Consultants

25. The bishop may appoint suitably qualified persons to act as consultants to the committee if the committee requests the bishop to do so.

Subcommittees

26. The committee may at any time constitute such sub-committees for such purposes as it sees fit.
27. The DAC may use subcommittees to reach a resolution on cases of low impact, but which require particular specialist expertise, between meetings of the DAC. A definition of low impact cases can be found attached to this constitution in Appendix 1. A subcommittee can include any number of members of, or consultants to, the DAC appointed under paragraphs 4.1, 4.2 and 23, as felt to be appropriate. The DAC Secretary is responsible for ensuring appropriate membership of all subcommittees. The DAC secretary may also defer any low impact case from scrutiny by a particular subcommittee, thereby requiring its consideration by the full committee.
28. A resolution reached by a sub-committee on a case must have the unanimous agreement of all its members and must always be reported to the next full meeting of the DAC, for note. Should a complete consensus not be achieved within the subcommittee, the case must be referred back to the full DAC for resolution.

Voting

29. Where it is necessary for a vote on any matter to be taken, the vote shall be taken by a show of hands of the members present, not including consultants, and the Secretary shall record in the minutes the numbers for and against and abstaining. Any member who has expressed dissent from the opinion of the majority present may request that such dissent be recorded in the minutes. The Chairman will have a casting vote.

Secretary

30. The secretary to the committee is appointed by the bishop after consultation with the chair, and the diocesan secretary.

Delegation

31. The committee may delegate the exercise of any of its functions to an officer of the committee in line with the DAC Delegated Powers Policy July 2020. (appendix 1)
32. Private petitions for memorials in churchyards are delegated to the relevant archdeacon, without reference to the wider committee, its members or consultants, unless the archdeacon considers such consultation necessary in the particular circumstances.

Functions of the DAC

33. The functions of the Salisbury Diocesan Advisory Committee shall be:
- 33.1. to serve the renewal and growth of the local church by acting as an advisory body on matters affecting places of worship in the diocese and, in particular, to give advice when requested by any of the persons specified in paragraph 34 below on matters relating to:
 - 33.1.1. the grant of faculties;
 - 33.1.2. the architecture, archaeology, art and history of places of worship;
 - 33.1.3. the use, care, planning design and redundancy of places of worship;
 - 33.1.4. the use and care of the contents of such places;
 - 33.1.5. the use and care of churchyards and burial grounds;
 - 33.2. to review and assess the degree of risk to materials, or of loss to archaeological or historic remains or records, arising from any proposals relating to the conservation, repair or alteration of places of worship, churchyards and burials grounds and the contents of such places;
 - 33.3. to develop and maintain a repository of records relating to the conservation, repair and alteration of places of worship, churchyards and burial grounds and other material (including inspection reports, inventories, technical information and photographs) relating to the work of the committee;
 - 33.4. to issue guidance for the preparation and storage of such records;
 - 33.5. to make recommendations as to the circumstance when the preparation of such a record should be made a condition of a faculty;

- 33.6 to take action to encourage the care and appreciation of places of worship, churchyards and burial grounds and the contents of such places, and for that purpose to publicise methods of conservation, repair, construction, adaptation and redevelopment;
 - 33.7 to perform such other functions as may be assigned to the committee by any enactment, by any Canon of the Church of England or by resolution of the diocesan synod or as the committee may be requested to perform by the Bishop or Chancellor of the diocese.
 - 33.8 Subject to such amendment or additional functions as may be specified in any amendments to or in legislation replacing the Care of Churches and Ecclesiastical Jurisdiction Measure 2018.
34. The persons referred to in paragraph 32.1 above are:
- 34.1 The Bishop of the diocese
 - 34.2 The Chancellor of the diocese;
 - 34.3 The archdeacons of the diocese;
 - 34.4 Parochial church councils in the diocese;
 - 34.5 Intending applicants for faculties in the diocese
 - 34.6 The pastoral committee of the diocese;
 - 34.7 Persons engaged in the planning, design or building of new places of worship in the diocese, not being places within the jurisdiction of the consistory court;
 - 34.8 Such other persons as the committee may consider appropriate.

Appendix 1: - Delegated Powers Policy Salisbury

Introduction:

1. The Church of England (Miscellaneous Provision) Measure 2018 section 37(9A) 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 015 (‘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 (department of culture, media and sport) *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, DAC adviser or other person that they deem most applicable, through consultation or a targeted sub-committee. This may include the CBC and/or other appropriate statutory consultees.
10. If, during the application 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 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 parishes 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 a parish not be content to accept the advice of the DAC Officer, or the DAC Secretary, then the scheme can be referred to a subcommittee of officers and DAC advisers, or 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 in their capacity as a member of the DAC by professional indemnity insurance by the Diocesan Board of Finance ('DBF').