

Oxford Diocesan Advisory Committee (DAC) constitution to Diocesan Synod – background paper

Following discussion at the Diocesan Advisory Committee (DAC) meeting on 8th January 2018, the constitution has been slightly amended to follow the new template as produced by the Church Buildings Council. The revised constitution also makes provision for the appointment of a vice chair of the DAC who can chair the meetings in the event of absence of the chairman. In addition, the use of sub committees has been elaborated on further as this is now how a large proportion of the DAC's work is dealt with. Electronic meetings have also been specifically mentioned to outline how work will be addressed should a meeting have to be cancelled due to unforeseen circumstances (such as the adverse weather in December 2017).

This Synod is asked to approve the revised constitution of the Diocesan Advisory Committee as set out in paper ODS 18.03

Liz Kitch
Diocesan Advisory Committee, Secretary

The Revd Canon Adrian Daffern, Chair of the Diocesan Advisory Committee to move
“That this Synod approve the revised constitution of the Diocesan Advisory Committee set out in paper ODS 18.03”

Introduction

1. Under the Care of Churches and Ecclesiastical Jurisdiction Measure 1991 as amended by the Care of Churches and Ecclesiastical Jurisdiction (Amendment) Measure 2015, every diocese is required to have a Diocesan Advisory Committee for the Care of Churches (DAC). The DAC must have a written Constitution provided by the Diocesan Synod containing, at least, the provisions set out in Schedule 1 of the 1991 Measure. The Diocesan Synod of **DATE** resolved that this Constitution would come into effect on **DATE**

Name

2. The Committee shall be known as the Oxford Diocesan Advisory Committee for the Care of Churches (DAC).

Membership

3. The DAC shall consist of a Chair, the Archdeacons of the diocese and not fewer than twelve other members.
4. The Chair shall be appointed by the Bishop of the diocese after consultation with the Bishop's Council, the Chancellor of the diocese and the Church Buildings Council of the Cathedral and Church Buildings Division of the Archbishops' Council.
5. The other members shall be:
 - a) two persons appointed by the Bishop's Council from among the elected members of the Diocesan Synod;
 - b) not fewer than ten other persons appointed by the Bishop's Council, of whom one shall be appointed after consultation with Historic England, one shall be appointed after consultation with the relevant Local Government Associations and one shall be appointed after consultation with the National Amenity Societies; and
 - c) any such other persons as may be co-opted under paragraph 12, below.
6. In making appointments under paragraph 5(b) above, the Bishop's Council shall ensure that the persons appointed have, between them:
 - a) knowledge of the history, development and use of church buildings;

- b) knowledge of the Church of England's mission, liturgy and worship;
 - c) knowledge of architecture, archaeology, art and history;
 - d) knowledge of civil planning policy, guidance and legislation; and
 - e) experience of the care of historic buildings and their contents.
7. The DAC shall nominate for the Bishop of the diocese's approval a member of the DAC appointed under paragraph 5(a) or (b) 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. A member of the DAC who ceases to hold a qualification by virtue of which he or she became a member shall thereupon cease to be a member.
 9. A member of the DAC who ceases to hold office otherwise than by virtue of paragraph 8 above shall be eligible for re-appointment.
 10. Where a casual vacancy occurs among the Chair and other members of the DAC appointed under paragraph 5(a) or (b) above, the Bishop of the diocese shall appoint a person to fill the vacancy, and if the person whose place is to be filled was a member of the DAC by virtue of his or her membership of the Diocesan Synod, the person so appointed must also be a member of the Diocesan Synod.
 11. Any person appointed to fill a casual vacancy shall hold office only for the unexpired portion of the term of office of the person in whose place he or she is appointed.
 12. With the consent of the Bishop of the diocese, the DAC may from time to time co-opt such persons (of a number not exceeding one-third of the total number of the other members) as it thinks fit to be additional members of the DAC, but any person so coopted shall cease to be a member of the DAC on the making of new appointments of members in accordance with paragraph 16, below.
 13. The Bishop of the diocese may appoint suitably qualified persons to act as advisers to the DAC if the DAC request him or her to do so.
 14. The Secretary to the DAC shall be appointed by the Bishop of the diocese after consultation with the Chair and the Diocesan Secretary.
 15. To be considered quorate, a meeting of the DAC must be attended by: a) either the Chair or the Vice-Chair; b) one Archdeacon; and c) one third of the total number of the other members of the DAC appointed under paragraph 5(a) or (b) above, at least one of whom must be a qualified architect or surveyor.

Duration

16. The appointment of the Chair and other members of the DAC under paragraph 5(a) and (b) above shall take place as soon as practicable and within the period of one year following the formation of every second new Diocesan Synod (i.e., every six years).
17. The term of office of the Chair and other members of the DAC appointed under paragraph 5(a) or (b) above shall be the period from the time of appointment to the making of new appointments in accordance with paragraph 16, above.

Subcommittees

18. The DAC may use subcommittees to reach a resolution on cases of low impact between meetings of the DAC. Cases of a major impact are discussed by the full committee and the criteria for these major items can be found attached to this constitution subject to any rules which the DAC may reasonably make under paragraph 24. A subcommittee should include any number of members of, or advisors to, the DAC appointed under paragraph 5(a) or (b) above felt to be appropriate, of whom at least one should be a qualified architect or surveyor for relevant cases. The relevant Archdeacon should also be notified of all subcommittee cases within their archdeaconry. The DAC secretary is responsible for ensuring appropriate membership of all subcommittees. The DAC secretary may also elevate any minor item to a major item, therefore requiring consideration by the full committee, for any case.
19. A resolution reached by a sub-committee on a case must have the unanimous agreement of all of its members. A unanimous resolution may be passed by the subcommittee to the Chancellor of the diocese between meetings of the DAC. A subcommittee must always report its deliberations to the next full meeting of the DAC, for its noting. Should a complete consensus not be achieved within the subcommittee, the case must be referred back to the DAC for resolution. Any member of a sub group can request that the case be referred back to the full committee of the DAC if felt necessary, despite the proposal falling into the minor item category.

Electronic meetings

20. (a) Provision is made for meetings to be held by suitable electronic means, including over email, in which each participant can communicate with all the other participants in the event that the usual meeting must be cancelled due to unforeseen circumstances.
(b) Any committee member participating at a meeting in accordance with 20(a) shall qualify as being present at the meeting.

(c) Meetings held by electronic means must comply with the provisions in this Constitution or rules made under it relating to meetings, including chairing and the taking of minutes

21. When fulfilling the requirements of the Care of Churches and Ecclesiastical Jurisdiction Measure 1991 as amended by the Care of Churches and Ecclesiastical Jurisdiction (Amendment) Measure 2015, and of any other enactment or rule of law relating to church buildings, the DAC shall carry out its functions of care and conservation with due regard to the role of a church as a local centre of worship and mission.

22. The function of the DAC, as set out in Schedule 2 of the Care of Churches and Ecclesiastical Jurisdiction Measure 1991 as at the date of this Constitution, shall be:

a) to act 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 23, below, on matters relating to the grant of Faculties; the architecture, archaeology, art and history of places of worship; the use, care, planning, design and redundancy of places of worship; the use and care of the contents of such places; and the use and care of churchyards and burial grounds;

b) 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 burial grounds and the contents of such places;

c) 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 DAC;

d) to issue guidance for the preparation and storage of such records;

e) to make recommendations as to the circumstances when the preparation of such a record should be made a condition of a Faculty;

f) 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;

g) to perform such other functions as may be assigned to the DAC by any enactment, by any Canon of the Church of England, by resolution of the Diocesan Synod or as the DAC may be requested to perform by the Bishop of the diocese or the Chancellor of the diocese.

Subject to such amended or additional functions as may be specified in any amendments to or in legislation replacing the Care of Churches and Ecclesiastical Jurisdiction Measure 1991.

23. The persons referred to in paragraph 22(a) above are:

a) the Bishop of the diocese;

b) the Chancellor of the diocese;

- c) the Archdeacons of the diocese;
- d) the members of the parochial church councils in the diocese;
- e) the intending applicants for Faculties within the diocese;
- f) the Mission and Pastoral Committee of the diocese;
- g) the 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;
- h) any such other persons as the DAC may consider appropriate.

Administrative provisions

- 24. The DAC may from time to time make such reasonable and proper rules as they may deem necessary or expedient for the proper conduct and management of its caseloads, in particular, in relation to the delegation of certain matters or categories of cases to subcommittees in accordance with the provision of this Constitution or otherwise as may prove expedient in particular circumstances, as well as the conduct of meetings and provision for electronic meetings, but such rules must not be inconsistent with any substantive provision of this constitution.
- 25. References to any provisions of legislation or rules in this Constitution shall be construed as references to those provisions as amended, modified, re-enacted or replaced from time to time.
- 26. Any questions as to the interpretation of any provision of this Constitution shall be referred to the Bishop of the diocese, in consultation with the diocesan registrar, whose decision shall be final and binding.

APPENDIX ONE

Criteria for major faculty cases, to be considered by the full DAC Committee:

A 'major' case is that which meets the following criteria:

- Alterations (structural or liturgical) which affect the character of the building, whether it is listed or not.
- Works involving extensive restoration, conservation, relocation, introduction or disposal of significant instruments (including bells), fittings, fixtures, paintings, treasures or monuments.
- Works which require consultation with the Church Buildings Council under rule 9.6 of the FJ Rules 2015 (in both listed or unlisted churches) when proposals will have a significant impact (resulting in a lasting change to a church building, its interior or setting) to a grade I or grade II* listed church.

9.6. This rule applies where proposals contained in a petition for a faculty or in an application for an injunction or a restoration order involve—

the introduction, conservation, alteration or disposal of an article of special historic, architectural, archaeological or artistic interest;

the alteration, extension or re-ordering of a church in a way that is likely significantly to affect the setting of an article of special historic, architectural, archaeological or artistic interest;

or the movement or removal of an article of special historic, architectural, archaeological or artistic interest such that the article might be adversely affected unless special precautions are taken.

Private petitions for memorials in churchyards are reviewed by the Archdeacon via the DAC office. The Archdeacon is to consult with other such members of, or advisors to, the DAC, in addition to the DAC Secretary, as might seem necessary in the particular circumstances.