



HISTORIC ENGLAND ENGAGEMENT WITH ADVISORY BODIES UNDER THE ECCLESIASTICAL EXEMPTION

Purpose

This note is intended to provide those responsible for the management of Advisory Bodies in the Church of England, Roman Catholic, Methodist, United Reformed and Baptist Union Churches with guidance about how Historic England seeks to relate to Diocesan Advisory Committees (DACs), HCCs and equivalent bodies. It is not a comprehensive guide to engagement with casework under the Ecclesiastical Exemption.

Background

The question of how Historic England should engage with DACs and their equivalents for the other denominations operating under the Ecclesiastical Exemption, has been a recurring issue. Historic England has now agreed that leadership teams in local offices should decide whether it is appropriate for staff to be members of DACs in the light of their local strategic engagement priorities in accordance with the protocol set out below.

Historic England's role in proposals to alter listed places of worship

Historic England's engagement with proposals to alter churches often and ideally happens at pre-application stage. Once a specific project or design is formally submitted or a petition for faculty is made there is less opportunity for revision and a formal objection from Historic England or any other statutory consultee may greatly delay the progress of the application or even, in the Anglican context, trigger a consistory court.

Historic England strongly believes that working in concert with DACs and equivalent bodies provides the best opportunity to bring constructive influence to bear on congregations' aspirations. Generally it is advisable to arrange visits to discuss proposals in conjunction with the DAC/Advisory body (as well as with representatives of the planning authority and amenity societies where appropriate). Historic England staff will do their best to attend site visits arranged by DACs/Advisory bodies, providing reasonable notice is given or, ideally, there is consultation about dates and times in advance

Whether Historic England staff are able to attend organised visits, attend separately, or respond on the basis of the information submitted, their advice will be copied to the DAC/Advisory body as well as the correspondent from the congregation. Positive local relationships make this collaborative consultation much easier to achieve.

The Church of England

DACs advise Chancellors on the merits of schemes for which a faculty is sought. DACs are required by the Care of Churches and Ecclesiastical Jurisdiction Measure 1991 (part 1) – as are all those involved in consideration of proposed changes to churches, including Historic England – to conform to the general duty to have regard to the church’s purpose while fulfilling their role¹. As well as advising the Chancellor, the DAC also provides a forum in which to discuss proposed works and, ideally, will play a co-ordinating role in organising consultation and discussion.

The composition of the DACs is determined by Measure². DACs are appointed by the Diocesan Bishop, and one member must be appointed after consultation with Historic England, with the assumption that such a person will have useful heritage knowledge and experience. It is important to note that this person does not act as a representative of Historic England but is appointed in their own right. The presence of such a person on a DAC does not alter the requirement to consult with Historic England as set out in the Measure.³

Historic England staff membership of DACs and Advisory bodies

In the past local Historic England offices have had different responses to the suggestion that staff should be put forward in response to consultations over membership. Historic England has now agreed a protocol to inform such decisions and provide a transparent explanation of its engagement with DACs and Advisory bodies. This approach provides a consistent – but not a uniform – answer to the question.

Protocol for responding to consultations on membership

All consultations about membership should be addressed to the Planning and Conservation Director in the local Historic England office.⁴

1. In the majority of cases Historic England will not put forward a member of staff as an Advisory body member but will nevertheless respond promptly to any consultation, as appropriate, by either:

¹ Care of Churches and Ecclesiastical Jurisdiction Measure 1991, part 1, 1. DACs are established under part 2, 2 of the Measure, and their role is set out in Schedule 2

² “, Schedule 1

³ As set out in the Faculty Jurisdiction Rules 2013 Rule 3.4 and Schedule 1 sections 3.1-4

⁴ National Baptist Union and Methodist committees should consult the Head of Places of Worship Advice in the Government Advice Team who will respond after consultation with appropriate local teams.

a. Commenting on suggestions for membership made by the DAC or Advisory body;

or

b. suggesting a suitable person with heritage sector experience who, in Historic England's view, could make a positive contribution to the discussion of proposals;

or

c. stating that no suitable person is known to Historic England, but that it would be happy to comment on suggestions from the DAC or Advisory body.

2. Historic England local teams will determine whether or not to propose staff for membership of DACs, or of local Roman Catholic or United Reformed Church committees, informed by local strategic engagement priorities. In such cases the member of staff offers personal expertise, not advice on behalf of Historic England.

3. Decisions will be made on the same basis as other for local strategic commitments. Three principal considerations are likely to be relevant:

- the volume and seriousness of the Ecclesiastical Exemption work generated by the Diocese, Province or denomination;
- the level of influence Historic England advice can have on proposals and denominational decisions in securing desired outcomes;
- the availability of Historic England resources in view of other commitments.

4. If a member of staff does join a DAC or Advisory body their membership will be reviewed annually through Historic England's internal Professional Development Review process. Withdrawal will normally only take place at the end of the person's term but if earlier careful consideration will be given to the situation. At the end of the term the question of re-appointment will be actively considered.

NB In some situations Historic England members of staff are appointed to DACs or Advisory bodies in a private capacity, e.g. for particular expertise or on behalf of Amenity Societies or other interest groups. In such cases their membership is a private commitment, entirely independent of Historic England as their employer.