

WORKS OF A MINOR OR MAINTENANCE NATURE AND EMERGENCY WORKS

A GUIDANCE NOTE FOR PARISHES

Introduction

The purpose of the Faculty Rules is to control physical alterations and repairs to church buildings, their contents and churchyards. An alteration to a church might have theological, artistic, architectural or archaeological implications or raise matters of law or safety or insurance.

For these reasons the Church must ensure that these factors are considered carefully before alterations are made. In addition, Cadw, on behalf of the Welsh Government, lists many church buildings as being of special architectural or historic interest and it requires that changes to those church buildings are properly assessed and controlled.

The Rules require all such works to have approval from the Diocesan Registrar or Chancellor unless they fall within a list of items known as a “List A”. These items were previously known as “minor matters”.

List A faculty applications were introduced in January 2018, along with List B applications, as part of a revised and more streamlined faculty process utilising an online system. Previously there was only one type of faculty application (full) for all types of work which was submitted on a paper form.

List A and B applications can be thought of as a reduced form of Faculty which covers routine maintenance, minor like-for-like repairs and straightforward works that have little or no impact on the historic fabric of the church or churchyard. Full applications remain as before for any proposed work that will change or affect the character of a church or its archaeological importance or any archaeological remains within its curtilage.

This guidance note aims to assist all those involved in the faculty process by indicating the most effective way of dealing with simple tasks of a minor or maintenance nature or in cases where work is required to be undertaken very urgently. It describes what constitutes typical and common works of a minor or maintenance nature, such as might not require Registrar or Chancellor approval (like List B and full faculty applications), and what constitutes emergency works, immediately necessary to secure the building or site and/or ensure the safety of its users.

For further information about the Faculty process and how to submit an application, please contact your DAC Secretary or the Property Department of the Church in Wales for a copy of a separate Faculty guidance note on property@churchinwales.org.uk or 02920 348200.

I. List A or Minor Works

Faculty approval is required only where a material physical change is made that will affect the fabric or fittings of the church or the land associated with it. This is easy to determine when works involve significant new alterations or new work, but is less so when minor works are involved. What may appear as minor changes in component or product can have significant visual or physical immediate or long term consequences for the overall fabric of the building.

Minor works operations may also involve a mixture of simple inconsequential like-for-like replacements and equally simple, but more consequential minor changes. Minor works may be exempt from faculty approval where the works involve simple operations, particularly of a cyclical maintenance nature, or where repairs are involved when replacement materials are used and workmanship is employed on a like-for-like basis.

Maintenance is the routine work necessary to keep building fabric in good condition. Undertaking maintenance tasks on a routine basis helps to protect the fabric of historic buildings by staving off decay, assuring their survival for future generations to use and enjoy. Maintenance is the most practical and economic form of building preservation and by undertaking it on a regular basis, the expense and disruption of major repairs can usually be avoided or at least postponed. Lack of adequate and appropriate maintenance is one of the key reasons why old buildings deteriorate to the extent that major repair work is necessary and significant expense incurred.

All quinquennial survey reports should include a section describing in detail the manner, form and time-cycle of a regular maintenance regime for the building. If your Quinquennial Report does not include such a section speak to your Architect and the Secretary of the Diocesan Churches and Pastoral Committee. This regime should only include works that fall within List A and should be adhered to by each Parochial Church Council (PCC¹).

Where there is an identified need, whether in the quinquennial report or otherwise for minor works, the items set out in Appendix I (List A) may be carried out without Registrar or Chancellor approval. However, it is strongly recommended that parishes log the work as a List A item on the Online Faculty System. This then becomes a permanent record of the works which will greatly assist parishes when planning and carrying out a scheduled maintenance programme or tracking minor repairs. Always seek the advice of your DAC Secretary if the work you are proposing is not a List A item.

It should be noted that occasionally materials or products may have been used previously that are not best suited to the building and its special character, especially if the building is listed. Mismatches of this type, such as the use of plastic rainwater goods, will often be highlighted in the quinquennial inspection. In such situations undertaking minor repairs on a like-for-like

¹ The term "Parochial Church Council" is used within this document to describe the local church trustee body responsible for the management of the church, hall and churchyard. These bodies may also be known as the Ministry Area Council, the Local Ministry Area Council, Rectorial Benefice Council, Mission Area Conference, or any other term designated by diocesan policies.

basis may not be appropriate and your quinquennial architect, surveyor or DAC Secretary should be consulted about replacing with a more appropriate product.

A simple flow chart setting out the steps necessary to determine whether or not this procedure is applicable is set out at Appendix II.

For information on how to register with the Online Faculty System (OFS) and complete an online application (whether List A, List B or full Faculty), click on the following link which will take you to the user guides for applicants/petitioners:

www.churchheritagecymru.org.uk/user-guides

2. Emergency Works

The justification for emergency works exists when an unforeseen incident has occurred and any, some, or all of the following situations apply:

- a) Where there is a serious threat to the building's security and contents (eg. following forced entry, vandalism or weather damage, etc)
- b) Where there is a serious risk to the health and/or safety of the public or persons (eg. due to structural instability resulting from accidental impact, weather damage, fire, flood, etc
- c) Where there is a serious risk to the integrity of the building fabric (eg. resulting from examples such as those given in (b) above and theft of critical materials, such as lead)
- d) Where the cancellation or severe disruption of an important and imminent planned event (eg. wedding, concert, etc) is unavoidable as a result of the failure of building services (eg. failure or malfunction of electrical or water supply, heating plant or associated fuel supply, lighting or drainage system)
- e) Where it is necessary to comply with measures necessary to fulfil obligations of building insurance where associated with any of the above situations

It should be noted that because emergency works follow from unforeseen occurrences they cannot include works which have been identified as urgent or otherwise in a quinquennial survey produced by the church's architect or building surveyor. It is expected that anything identified as an 'emergency situation' at the time of the quinquennial inspection would be dealt with immediately at that time (and in accordance with these guidelines).

Thus, works classed as 'urgent' in a quinquennial survey (ie. requiring action as soon as practically possible or certainly within 12 months of the date of the report) would therefore not include 'emergency work', but may include the undertaking of proper repairs following temporary works to deal with a previous emergency situation. Such works should be submitted for faculty approval in the normal way unless they constitute 'minor' works (see Section I above).

The action permitted in advance of faculty approval as a result of one or other of the situations described above (ie. (a) to (e)) is limited to the following:

- (i) Works necessary to make the building or site safe and/or secure as soon as practically possible on a temporary basis until more detailed repairs or reinstatement can be put in place after seeking professional advice and faculty approval. This ensures that materials and methods are appropriate, particularly if the works are likely to be significant and/or involve changes in materials or specification
- (ii) Minor works to replace materials lost, damaged or stolen on a like-for-like basis (ie. as items (a) to (d) set out under Minor Works above) **provided**

The Archdeacon is informed and the DAC Secretary is provided with evidence of the damage, preferably photographic, together with a concise statement setting out the nature of the emergency incident and the measures proposed to rectify the situation.

Emergency works allowed in advance of faculty approval will not involve improvement or alteration works except for temporary operations necessary to make the building safe and secure.

A simple flow diagram setting out the steps necessary to determine whether or not this procedure is applicable is set out at Appendix II.

Examples of typical emergency situations and acceptable measures of dealing with them are included in Appendix IV.

Alex Glanville
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The Church in Wales
Updated 4th September 2019 (TA)

APPENDIX I

LIST A or MINOR MATTERS

This table describes matters which may be undertaken without a faculty subject to any specified conditions.

| <i>Matter</i> | <i>Specified conditions</i> |
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| A1. Church building etc. | |
| (1) Works of routine maintenance not affecting the building fabric or any historic material | The parochial church council's insurers are notified if external scaffolding is to be erected. |
| (2) Repairs and replacement of fittings in existing kitchens, lavatories and office accommodation | |
| (3) Like for like repairs to modern window glass | The works do not include repairs to broken or cracked quarries in stained glass or historic clear glazed windows |
| (4) The repair or like for like replacement of wire mesh window guards | Only non-corroding fixings are used and, where practicable, are fixed in mortar joints. The introduction of window guards where they have not been in place previously is specifically excluded. |
| (5) Works of repair and routine maintenance to existing: (a) heating systems (b) gas, water or other services (c) electrical installations and other electrical equipment | The works do not involve making additions to any such installation (unless necessary for safety or regulatory compliance). Any work to a gas fitting is carried out by a person who is registered on the Gas Safe Register (or is a member of another class of persons approved by the Health and Safety Executive for the purposes of Regulation 3(3) of the Gas Safety (Installation and Use) Regulations 1998). Any work to an electrical installation or electrical equipment is carried out by a person whose work is subject to an accredited certification scheme. |

| <i>Matter</i> | <i>Specified conditions</i> |
|---|---|
| (6) The application of forensic marking on roof lead or other material covering a roof or to rain water goods or flashings | |
| (7) Work to an existing lightning conductor | The parochial church council's insurers are notified of the proposed work and the work is carried out by a specialist contractor approved by them. |
| (8) The repair, maintenance, removal, disposal or replacement of a flagpole | Only non-corroding fixings are used where a flagpole is repaired or replaced. Any replacement should be on a like-for-like basis. |
| (9) The introduction, removal or disposal of furniture, furnishings, office equipment and minor fixtures (other than safes) in vestries and similar rooms | The existing use of the vestry is not changed. No article of historic or artistic interest is removed or disposed of. |
| (10) The introduction, removal or disposal of fire extinguishers | Any instructions from the supplier or the parochial church council's insurer in relation to their type or location are complied with. Such equipment should not be fixed to the building fabric or affect any historic features. |
| (11) The making of additions to an existing name board | The board is not a war memorial or roll of honour. The addition is in the same style (including colour and materials) as existing names on the board. |
| (12) The installation of bat boxes as part of a bat management programme devised by a member of the Chartered Institute of Ecology and Environmental Management | Such boxes should not be fixed with invasive fixings such as nails and screws. |
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| A2. Musical instruments | |
| (1) The introduction or disposal of musical instruments (other than organs and grand pianos) and associated equipment | No article of historic or artistic interest is disposed of. |
| (2) The routine tuning and maintenance of organs and pianos | In the case of organs, any works do not involve tonal alterations, changes to the action or major dismantling of the instrument. |
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| A3. Bells etc. | |
| (1) The inspection and routine maintenance of bells, bell fittings and bell frames | No tonal alterations are made to any bell No bell is lifted from its bearings |
| (2) The repair and maintenance of clappers, crown staples (including re-bushing) and bell wheels | Works do not include the re-soling or re-rimming of a bell wheel No bell is lifted from its bearings |
| (3) The repair or replacement of bell stays, pulleys, bell ropes (including in Ellacombe apparatus), rope bosses, sliders or slider gear | No bell is lifted from its bearings |
| (4) The repainting of metal bell frames and metal bell fittings | No bell is lifted from its bearings |
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| A4. Clocks | |
| (1) The inspection and routine maintenance of clocks and clock faces | Works of maintenance do not include re-painting or re-gilding of clock faces |
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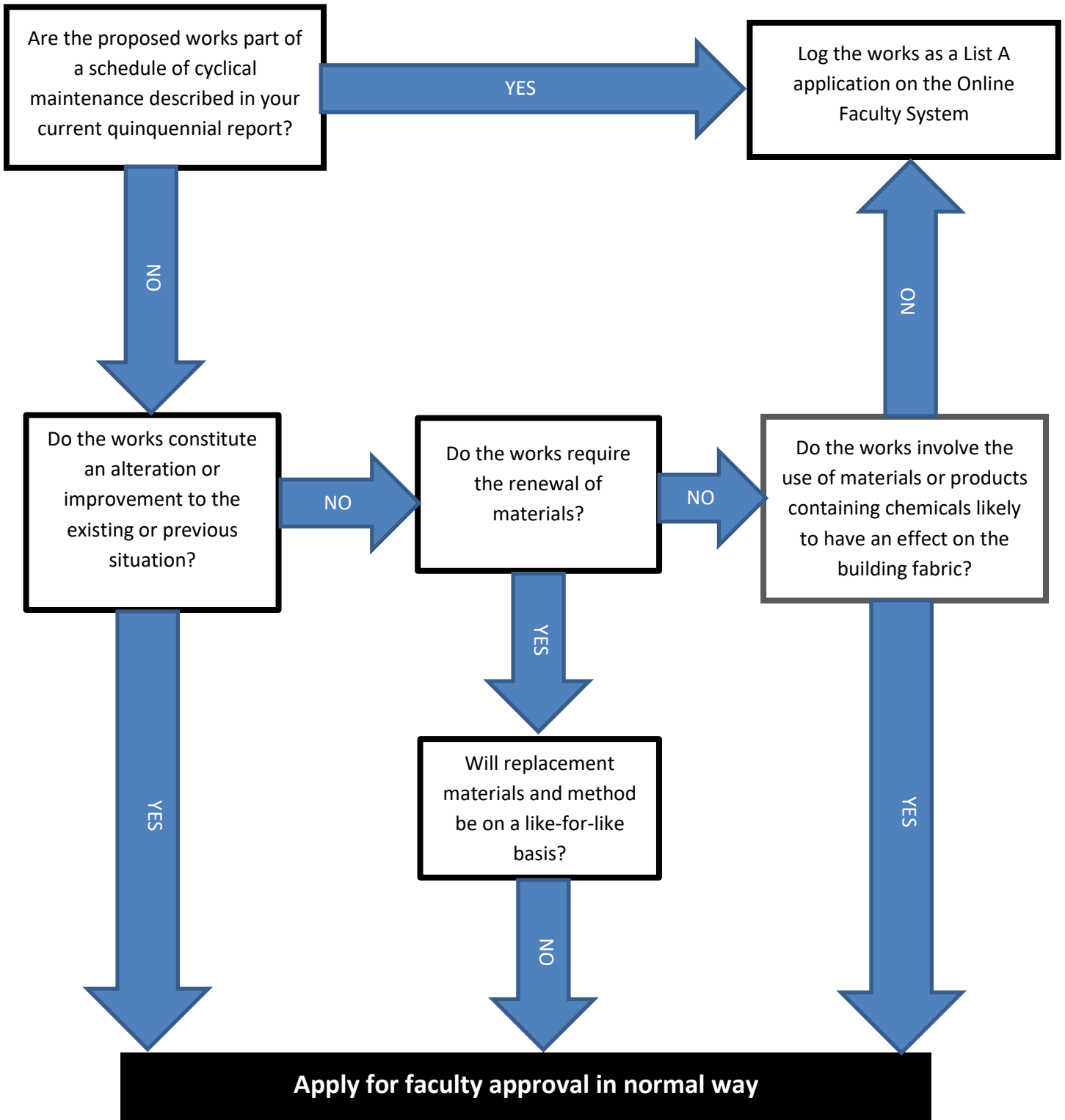
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| A5. Church contents | |
| (1) The repair of woodwork, metalwork and movables | <p>Matching materials are used.</p> <p>The repair does not involve any works to:</p> <ul style="list-style-type: none"> • woodwork or metalwork of historic or artistic interest • Royal coats of arms • hatchments or other heraldic achievements • paintings • textiles of historic or artistic interest • church plate (including candlesticks and crosses) |
| (2) The application to articles of forensic marking | No article of historic or artistic interest is marked |
| (3) The introduction, removal or disposal of kneelers, hassocks, pew runners and cushions | <p>The introduction, removal or disposal of the articles does not result in a change to the overall appearance of the church.</p> <p>No article of historic or artistic interest is removed or disposed of.</p> |
| <p>(4) The introduction, removal or disposal of:</p> <p>(a) movable bookcases</p> <p>(b) books</p> <p>(c) free-standing noticeboards</p> <p>(d) movable display stands</p> <p>(e) cruets</p> <p>(f) vases and flower stands</p> <p>(g) hymn boards</p> <p>(h) altar linen (but not altar frontals or falls)</p> <p>(i) flags and banners used for temporary displays (but not the laying up of flags, or the removal or disposal of flags that have been laid up)</p> <p>(j) Y Draig Goch, the St Davids flag or the Church in Wales flag or the Union flag for flying from the church</p> | No article of historic or artistic interest is removed or disposed of |
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| A7. Churchyard | |
| (1) The introduction and maintenance of equipment for the maintenance of the church and churchyard | |
| (2) The repair of paths and other hard-surfaced areas, including resurfacing in the same materials and colour | Not to include resurfacing except for localized repairs. |
| (3) The routine maintenance of, repairs to, and like for like replacement of fences and gates (but not lychgates, walls or historic railings) | The works do not involve any new disturbance below ground level. |
| (4) The carrying out of repairs to a notice board and the repainting of a notice board | |
| (5) Grazing in the churchyard | Provided an appropriate license for grazing is granted by the Representative Body. |
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| A8. Trees | |
| (1) The felling, lopping or topping of a tree, the diameter of any stem of which does not exceed 75 millimetres (measured over the bark at a height of 1.5 metres above ground level) | That any such works have been approved in advance and in writing by the Archdeacon. The works do not relate to any tree in respect of which a tree preservation order is in force or which is in a conservation area. Regard is had to guidance issued by the Representative Body on the management of trees. |
| (2) The lopping or topping of any tree: (a) that is dying or dead; or (b) has become dangerous | That any such works have been approved in advance and in writing by the Archdeacon. Regard is had to guidance issued by the Representative Body on the management of trees. |
| (3) The removal of dead branches from a living tree | That any such works have been approved in advance and in writing by the Archdeacon. Regard is had to guidance issued by the Representative Body on the management of trees. |

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| <p>(4) The planting of trees</p> | <p>That any such works have been approved in advance and in writing by the Archdeacon.</p> <p>Regard is had to guidance issued by the Representative Body on the management of trees.</p> |
| <p>(5) The felling of a tree:</p> <p>(a) that is dying or dead; or</p> <p>(b) has become dangerous</p> | <p>That any such works have been approved in advance and in writing by the Archdeacon.</p> <p>In the case of any tree in which a tree preservation order is in force or which is in a conservation area, section 206 of the Town and Country Planning Act 1990 (which provides for the planting of replacement trees) is complied with.</p> <p>Regard is had to guidance issued by the Representative Body on the management of trees.</p> |
| <p>(6) All other works to trees (whether or not prescribed above) except felling</p> | <p>That any such works have been approved in advance and in writing by the Archdeacon.</p> <p>Regard is had to guidance issued by the Representative Body on the management of trees.</p> <p>If applicable, the law relating to the preservation of trees in respect of which a tree preservation order is in force or which are in a conservation area.</p> |

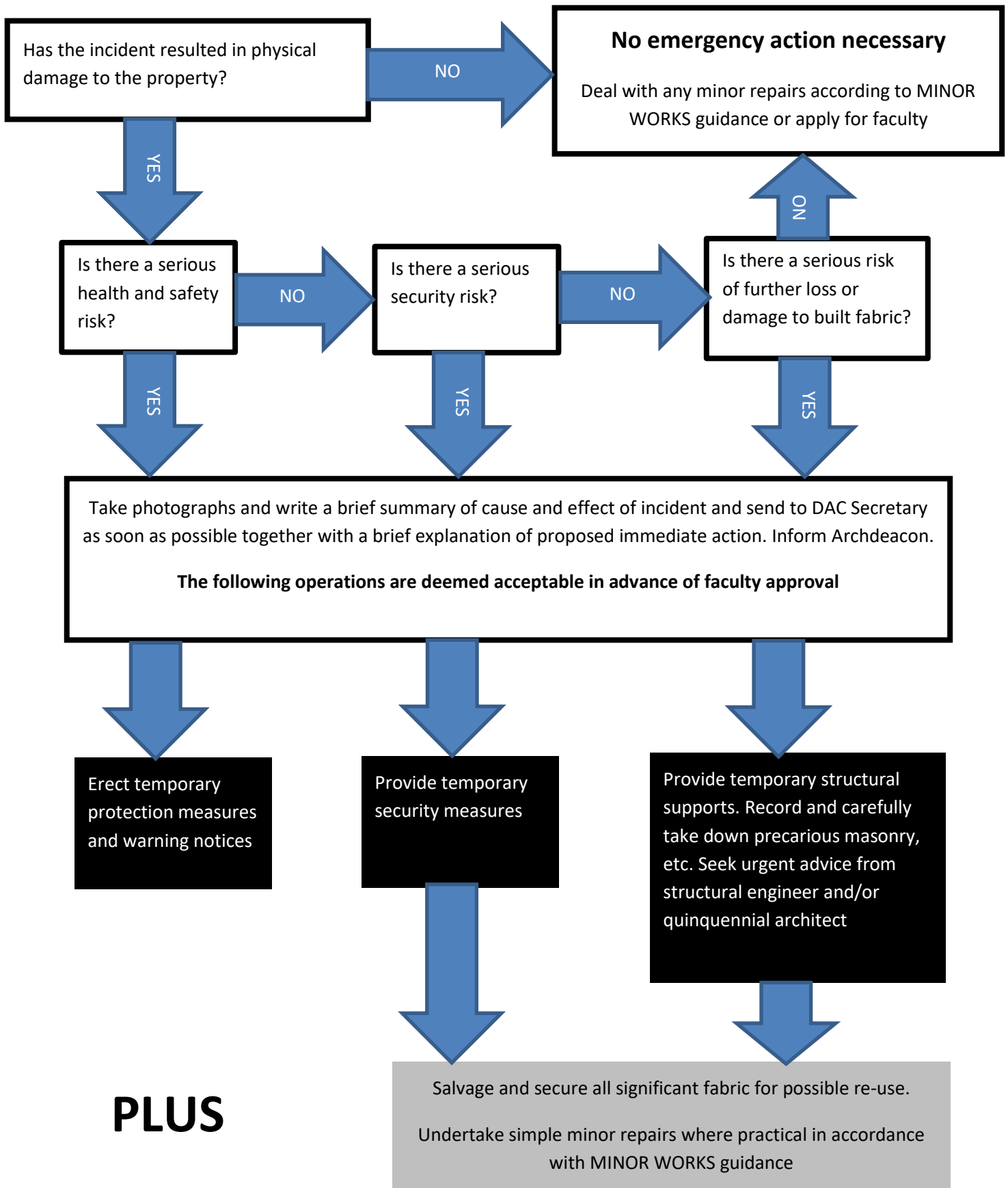
APPENDIX II

MINOR & MAINTENANCE WORKS CHECKLIST



APPENDIX III

EMERGENCY WORKS CHECKLIST



APPENDIX IV

EXAMPLES OF EMERGENCY SITUATIONS AND ACCEPTABLE RESPONSES

Forced entry or vandalism

eg. Involving damage to locks, hinges, doors or windows, including glass.

Action: Temporary works to board up the damaged openings or secure the building pending authentic repair or, where simple and straightforward, the like-for-like replacement of locks, hinges or glass.

Masonry collapse

eg. Minor or major failures of structural masonry, including boundary walls, etc.

Action: If the damage is minor, or does not involve significant health and safety risks to the public or building users, or risks to the remaining fabric of the building, these can proceed as for minor works.

More significant works will normally require a structural engineer's report to determine the cause and specify remedial works. Where immediate repairs are not possible temporary works to make safe, prop or support insecure areas and divert or safeguard the public and building users will normally be sanctioned as eligible emergency works.

Storm, vandalism or theft damage to roofs

eg. Slate or tile damage or leadwork theft, etc.

Action: Minor damage involving a few slates/tiles or a small amount of leadwork may be repaired in accordance with the guidelines for minor repairs. Where more extensive structural damage is known or suspected, temporary protection should be provided and advice sought as soon as possible from a structural engineer.

Unsafe grave headstones, railings, etc.

When a headstone or railing is reported as unsafe and a danger to the public it should be laid flat on the ground until the best manner of securing it in its original position can be determined.

Immediate temporary protection works may be acceptable in the case of risks associated with railings.

In all of the above cases

The DAC Secretary must be informed of the situation as soon as practically possible and brief details supplied, including photographs of the incident/problem and a short explanation of how it is proposed to proceed. This should include details of the materials to be used and who will be undertaking the work.

Emergency works allowed in advance of faculty approval must not involve improvement or alteration works except for temporary operations necessary to make the building safe and secure.