

## GUIDANCE NOTE

### FACULTIES AND WORKS OF A MINOR OR MAINTENANCE NATURE AND EMERGENCY WORKS

#### *Introduction*

The purpose of the Faculty Rules is to control physical alterations and repairs intended to be made to church buildings and their contents and to churchyards. An alteration to a church might have theological, artistic, architectural or archaeological implications or might 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 be properly assessed and controlled.

The Rules require all such works to have a full faculty unless they come within a list of exceptions, which can be seen in the Constitution, Rules of Diocesan Court: First Schedule: Minor Matters.

The faculty approval process is a detailed process of assessment and can sometimes be seen as unwieldy when dealing with simple tasks of a minor or maintenance nature or in cases where work is required to be undertaken very urgently. This guidance note aims to assist all involved in the process by indicating the most effective way of dealing with situations of this type. It describes what constitutes typical and common works of a minor or maintenance nature, such as might not even require faculty approval, and what constitutes emergency works immediately necessary to secure the building or site and/or ensure the safety of its users.

Provided some pre-requisite conditions are met it is considered that the works described in this note may be undertaken without, or in advance of full faculty approval.

**No guidance can cover every eventuality so the DAC Secretary is available to advise on the application of this advice. It is recommended that they be contacted at an early stage.**

#### **I. MINOR WORKS**

Faculty approval is required only where a material physical change is being made affecting 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 mix 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. They may even be sanctioned in

advance of faculty approval where only minor change of an acceptable nature is involved provided certain steps are taken – **see below**.

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 our 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 regularly 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.

The regime should only include works that fall within the faculty exempt provisions of the Rules. This regime should then be adhered to by each PCC. Where work is to be undertaken in accordance with a quinquennial maintenance regime, that work will be deemed **exempt** from faculty approval **PROVIDED** a copy of the quinquennial report, describing the relevant works, accompanies a simple notification to the DAC Secretary prior to the commencement of work.

Where there is an identified need, whether in the quinquennial report or otherwise, for minor works the following operations will be **exempt** from the need for faculty approval;

- a) Cleaning (only) of gutters and drainage pipework;
- b) Refixing or replacing length(s) of rainwater guttering in a like-for-like manner;
- c) Re-fixing or replacing a small number of slipped or broken roof slates/tiles, or section of leadwork on a like-for-like basis; or
- d) Replacement of light bulbs, light fittings and/or other electrical fittings on a like-for-like basis where no new cables or additional fittings are required.

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 basis may not be the best solution and your quinquennial architect or surveyor should be consulted about replacing with a more appropriate product.

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

## **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, and 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 to ensure 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).

#### **AND 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.

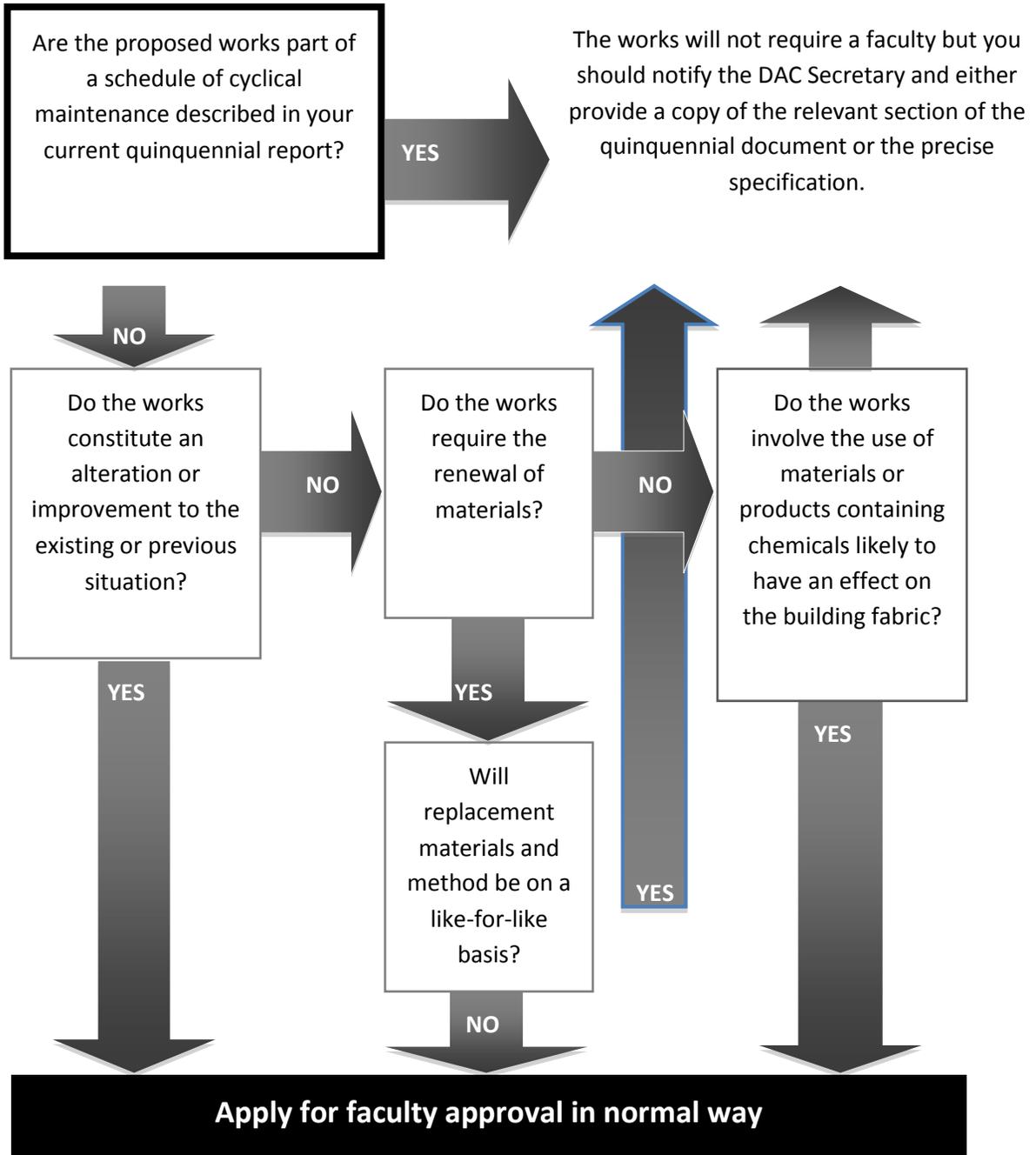
Emergency works allowed in advance of faculty approval will **not** involve improvement or alteration works **except** for temporary operations necessary to make the building safe and secure.

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

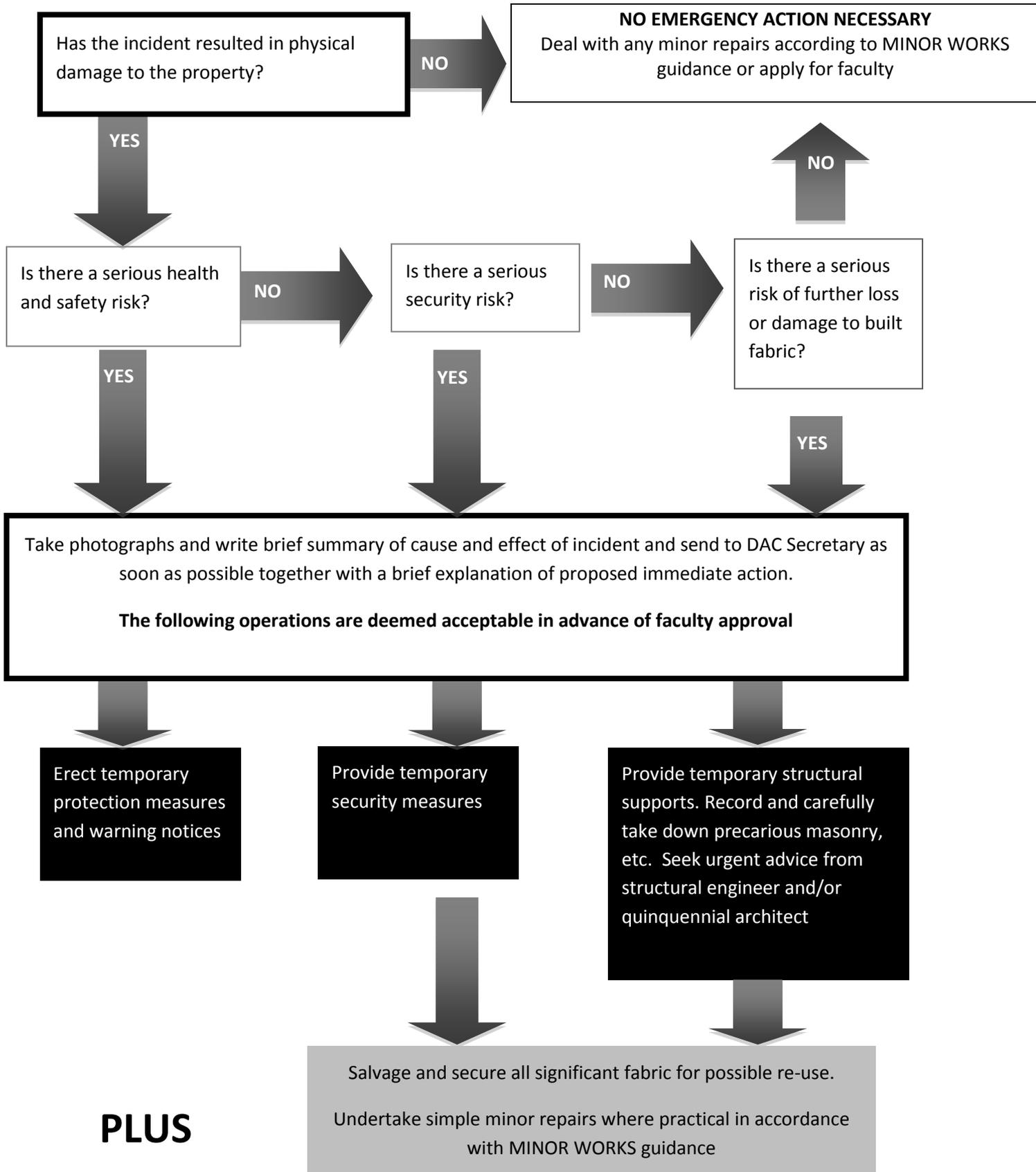
Examples of typical emergency situations and acceptable measures of dealing with them are included in **Appendix C**

APPENDIX A

# MINOR WORKS & MAINTENANCE WORKS CHECKLIST



## EMERGENCY WORKS CHECKLIST



## APPENDIX C

### Illustrative 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, 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.