

GUIDELINES FOR SELECT VESTRIES

APPROVAL FOR BUILDINGS PROJECTS

The Guideline document for Select Vestries produced by the Diocesan Glebes and Architectural Committee is below.

Parishes undertaking major building/repair projects are urged to refer to these Guidelines – the advice will help parishes avoid the many pitfalls which can occur when carrying out work involving major capital outlay.

Clergy and Select Vestries do not always appreciate the processes for granting approval to works at rectories, churches or parish property vested in the RCB. It is essential that all intended work is reported to the Diocesan Office at an early stage, and that plans are submitted, in advance of the work commencing, to the Glebes and Architectural Committee. Subsequently approval should be obtained from both the Diocesan Council and the RCB before any work commences. Unfortunately, the proper procedures are often ignored and parishes begin work on property vested in the RCB before approvals are obtained.

In order to assist parishes to understand the procedures, the Glebes and Architectural Committee realised that more concise information about building projects was required for clergy and Select Vestries and prepared a short guideline document intended as an introduction to the full procedures contained in this annual report to Diocesan Synod. Council agreed to adopt the short guidelines and also agreed that the document should be sent in the autumn of 2014 to all clergy and Select Vestries.

While it is important that the Council is advised of all repair and renovation work to all types of church buildings, minor work may not require further action by the Diocese. However, in some instances, what began as normal repairs may escalate and could result, for example, in:

- excavation of floors or areas surrounding graveyards for drainage etc ~ requiring a faculty.
- closure of Church ~ requiring formal authority from the Bishop.

Also, if any alteration to furnishings is planned, this will require a 'blue form' to be authorised by the Bishop and Diocesan Secretary.

When a Select Vestry appoints a professional adviser in connection with a building project or contract, it is important that the parish provides them with a copy of the Guideline document so that they are aware of all the procedures to be followed, as required by the Diocese and the Representative Church Body.

PAROCHIAL BUILDING PROJECTS - DIOCESAN COUNCIL APPROVALS

GUIDANCE TO PARISHES CONSIDERING A BUILDING PROJECT OR MINOR WORKS TO EXISTING BUILDINGS

Please read the full guidance (Sections 1 – 9) for detailed information. This includes guidance for minor works for which approval can be sought by application on a “Blue Form”, the form for alterations to parochial buildings.

However, this ‘quick guide’ (Sections A – D below) should assist parishes when they are considering undertaking building projects, either large or relatively small.

- A. Always contact the Diocesan Secretary or Chair of the Glebes and Architectural Committee **before** embarking on any building project in a parish – they will provide advice and explain the approvals process (as well as, if appropriate, possible grants).
- B. All parochial building projects **must** have Diocesan approval before they can commence and, if the church/rectory/parish hall is vested in the RCB (which the majority are), the RCB must also give approval before any work can begin.
- C. The approval process can be summarised – as follows:
 - i. Initial contact with Diocesan Office.
 - ii. Plans including site maps, schedule of works and costs submitted to the Diocesan Office for Glebes and Architectural Committee/RCB consideration. If the works involve an extension to or refurbishment of an existing building the Glebes and Architectural Committee will also need a plan of that building and a brief description of the changes and the reasons for them.
 - iii. If it is felt necessary, there may be a visit to site by Glebe and Architectural committee representatives and/or parish representatives will be invited to attend a Glebes and Architectural meeting.
 - iv. Revision of plans, if necessary.
 - v. Glebes and Architectural Committee make recommendation(s) to Diocesan Council.
 - vi. Diocesan Council make a recommendation to RCB if satisfied with the plans and that parish can meet the cost of the project.
 - vii. Approval by RCB Property Committee and Executive Committee.
 - viii. Tender process managed by qualified professional (such as architect/quantity surveyor/building surveyor). This can be simultaneous with vi and vii above.
 - ix. Contract signed between contractor and RCB, only after full approvals given (see vii).
- D. The RCB will approve stage payments for the building project only when the professional involved has signed off an interim completion certificate. There should always be a

retention clause to cover defects which may arise after completion and all contracts should allow for a contingency to help with any unforeseen difficulties which may arise during the project.

1.0 THE DIOCESAN GLEBES AND ARCHITECTURAL COMMITTEE

- 1.1 All building projects involving property vested in the Representative Church Body require the recommendation of the Diocesan Council for new building work and alterations or extensions to existing buildings, and will normally be examined by the Diocesan Glebes and Architectural Committee. No such work should proceed until formal Diocesan and Central Church approvals have been obtained.
- 1.2 This Committee exists primarily to advise and make recommendations to the Diocesan Council and also to help and advise parishes in their building projects.
- 1.3 The Glebes and Architectural Committee will make recommendations to the Diocesan Council in good faith on the basis of the material supplied to the Committee by the Parish. Neither the Committee, nor the Diocesan Council acting on its recommendations, accept any responsibility for the accuracy of such material nor for the accuracy of any financial estimates supplied by the Parish. Such matters are the responsibility of the Parish.

The Glebes and Architectural Committee normally meets as necessary to consider submissions on which it may report to the Diocesan Council at its next meeting.

- 1.4 In view of the procedural requirements of the Diocesan Council and the Representative Church Body, it is particularly important that a reasonable time allowance is made in the work programme for proposals to be considered at each stage.

2.0 APPROVAL PROCEDURE

- 2.1 To avoid unnecessary delays it is recommended that Select Vestries follow the procedure given below. (See 3.1 and 3.41)
- 2.2 Preliminary Submission to Glebes and Architectural Committee
This should contain the following information:-
 - 2.21 A sketch drawing (which should be professionally prepared and endorsed by a suitably qualified consultant) sufficient to illustrate main outlines of the proposal with, where necessary, a brief written description. Plans and elevations should be incorporated in the sketch drawing.
 - 2.22 A site plan to a scale of 1:500 should be submitted with the application.
 - 2.23 An indication as to the need for the work to be carried out.
 - 2.24 An approximation of the cost and an indication as to how the Parish would envisage the work being financed.
 - 2.25 The name, address and telephone number of the person or persons who might be contacted to represent the Select Vestry if explanations are required.
- 2.3 Final Submission to Glebes and Architectural Committee
This submission should be made before Bills of Quantities (if any) are prepared, and before tenders are invited, and should contain:-

- 2.31 Drawings fully explanatory of the scheme and showing the nature of construction and materials proposed.
- 2.32 An outline of the work to be done and materials to be used.
- 2.33 An estimate of the cost, indicating by whom it is prepared.
- 2.34 An indication that full Planning Permission has been obtained from the appropriate authorities, and stating conditions (if any) made in the Permission.

An indication that a building control approval is being obtained.

It should be noted that no alterations should be made to plans after statutory approval has been received.

2.4 Contract

- 2.41 Contracts should be on the appropriate standard form of building contract drawn up by the Joint Contracts Tribunal and as published by the R.I.B.A.
- 2.42 If at all possible the contract should be drawn up on a fixed price basis.

2.5 Signing of Contract

When a tender has been approved and accepted, the Architect should be instructed to draw up a formal Contract between the Representative Church Body as employer and the Contractor, in duplicate. When signed by the Contractor the Contract should then be forwarded through the Diocesan Council to the Representative Church Body for completion.

3.0 ADDITIONAL RECOMMENDATIONS

- 3.1 In all cases where an Architect is appointed, parishes should ask for a copy of the 'Architects Appointment' of the Royal Institute of British Architects. This indicates the recommended scale of fees for which members of the Institute may undertake work, and describes the professional services which clients may expect in return. (If independent consultants and quantity surveyors are to be involved they should be nominated or approved by the architect in agreement with the client. They should be appointed and paid by the client.) An architect's professional services are normally divided into Work Stages and the submissions required for Diocesan Council approvals would involve the Stages given below.
 - 3.11 The Preliminary Submission will usually require Work Stage A - the initial inception, Stage B - a technical appraisal of the project, and Stage C - preparing, describing, illustrating and costing the outline proposals. Stages A and B may be charged on a time basis, Stage C and following stages are based on a percentage of the cost of the work, Stage C involving a charge of up to 15% of the final fee.
 - 3.12 Final Submission will involve Stage D, consisting of a scheme design with drawings and outline specification sufficient to indicate spatial arrangements, materials and appearance, together with a report on the scheme, the estimated cost and the timetable. At the end of this Stage 35% of the total fee may have been incurred.
 - 3.13 At the signing of Contract all pre-contract services will have been completed, representing Stages E, F and G, and 75% of the total fee would be due.

- 3.14 Where a reduction of fees is negotiated, the Select Vestry should ensure that the Consultant has confirmed in writing that (s)he will provide a full professional service in spite of the fee reduction.
- 3.2 It is recommended that all instructions to the Architect to proceed from stage to stage should be given in writing to avoid any misunderstandings. It is also emphasised that instructions to proceed should not be given until approval by the Council and the Representative Church Body has been obtained.
- 3.3 The Select Vestry must bear in mind when choosing an Architect or other professional that, in the unfortunate event of, for instance, a design fault or material failure, this professional may be the only person from whom the parish can seek redress. Therefore the Select Vestry should satisfy itself that its professional consultants are capable of providing such redress through Professional Indemnity Insurance specifically maintained for such a purpose. It is considered that the standard level of such indemnities should be not less than £2,000,000.
- 3.4
- 3.41 In addition to design matters it is very important that building projects take account of current legislation relating to **Health and Safety**, and to **Disability Access** and other relevant issues. Consequently it is recommended by the Diocesan Council that parishes contemplating any building project should always seek professional advice both in the preparation of plans and in the supervision of the building work throughout.
- 3.42 If building or other work is to be carried out other than under contract, parishes should satisfy themselves that they are in a position to supervise the work completely, otherwise there may be no redress if latent defects are detected later.
- 3.5. Copy Correspondence
Select Vestries are advised to ensure that copies of all correspondence relating to the project are kept on file for at least six years after the completion of the contract.

4.0 DEFECTS

- 4.1 It should be clearly understood that in all parochial building projects the Select Vestry acting on behalf of the Parish is responsible for all matters related to the contract and the professional services associated. However, the Select Vestry is not the contracting party and any action which may ultimately prove necessary to enforce contractual obligations against either the Contractor or the Architect must be taken by the Representative Church Body as the contracting party.
- 4.2 The Representative Church Body will not take action about any contract without a recommendation from the Diocesan Council. It is vital, therefore, that any complaints be channelled through the Diocesan Council.
- 4.3. Parishes are advised **NOT** to try to deal with defects by bringing in local or voluntary labour. If they are unable to obtain satisfaction from the original contractor the matter should immediately be reported to the Diocesan Council for advice. It must be

understood that attempts to deal with defects by bringing in outside parties may have the effect of absolving the original Contractor or Architect from responsibility.

- 4.4 If any defect is detected in a building, the Select Vestry should not delay in drawing the attention of the Architect to the problem and at the same time acquainting the Diocesan Council of its action.

5.0 OTHER MATTERS FOR CONSIDERATION

5.1 Work in or around graveyards

If there is a likelihood, or potential likelihood, of human remains being disturbed during excavation and/or building work in or near a graveyard, the Select Vestry should obtain a protective faculty from the Bishop before work commences. Details on the procedure with regard to the issue of a faculty may be obtained from the Registry Executive Officer in the Diocesan Office.

It should be noted that this is a legal process which takes time to complete and therefore application should be made well in advance of the commencement of the work.

6.0 INSURANCE

- 6.1 Before undertaking any construction or repair project, the Select vestry should notify the parish Insurers of their proposals to ensure that the parish continues to be indemnified against all Third Party liability and adequate insurance cover is taken out by all parties concerned, especially work to existing buildings.

- 6.2 The Select Vestry should satisfy itself that the Contractor is adequately insured for all aspects of building work to new or existing buildings.

7.0 LICENCES, FACULTIES, ETC.

In addition to the approval given by the Glebes and Architectural Committee and/or the Diocesan Council, certain canonical permissions may also be needed for building concerns.

- 7.1 Canon 38 States that "No change shall be made in the structure, ornaments, furnishings or monuments of any church (whether by introduction, alteration or removal) unless ... an accurate description or design of the proposed change shall have been approved of by the ordinary."

Renovations, restorations and minor alterations may often be approved by the certificate known as the "**blue form**" on conditions as stipulated by the Representative Church Body.

The taking down or rebuilding of a church, or major alterations or additions, and any matters which are likely to affect parishioners (e.g. removal of pews, etc.) require a more elaborate form of approval known as a **faculty**. Application for a faculty should be made to the Diocesan Office which will assist in the drawing up of a formal Petition. This is sent to the Chancellor who may require publication by means of a Citation (including provision for a notice of opposition, and for a hearing of the Diocesan Court if necessary) before he advises the Bishop whether or not to grant the faculty.

7.2 Interference in graveyards

Faculties are automatically required if there is any possibility of disturbance of burials, and a protective faculty should be applied for in any cases where there may be doubt.

7.3 Canon 39 requires a faculty to be obtained before the introduction of a cross on or behind the Communion Table.

Gifts of moveable church property – e.g. sacred vessels etc. – require certificate by “**yellow form**” before the Church accepts the gifts. [This acceptance prevents a donor or a family who may later become disaffected from asking for their gift to be returned].

8.0 INSTALLATION OF TELECOMMUNICATION EQUIPMENT ON CHURCH PROPERTY

An increasing number of parishes are being approached by Telecommunication Companies for permission to install radio antenna on and in the tower of churches and other high buildings. Parishes wishing to pursue such proposals should:

8.1 Seek advice on the subject from ‘The Planning Service’.

8.2 Engage a professional ‘valuer’ to negotiate on its behalf with the Telecommunications Company.

8.3 Submit details of the proposal to the Diocesan Council in order that the approval of the Representative Church Body be obtained.

8.4 Ensure that the formal Agreement relating to the installation of the equipment is between the Telecommunications Company and the Representative Church Body.

8.5 Ensure that the Telecommunications Company informs the local community of its proposals by public meeting and/or local press announcement.

NOTE In its Licence to the Telecommunications Company the Representative Church Body will require the company to indemnify the Licensor from and against any actions, costs, claims damage, injuries or demands arising out of or consequent upon the use and operation of the Structure and the presence of the Structure on the Site.

9.0 CHURCH ORGANS

It will be realised that a church organ is a particularly sensitive instrument easily affected by environmental changes. If any parish is planning to undertake major renovation work to church buildings likely to cause environmental pollution by dust, humidity etc. expert professional advice should be sought with regard to the proper means of protecting the organ during the building operation. Such advice might recommend the removal and re-building of the instrument and provision for such work should be incorporated in the overall cost of the contract.

(REVISED 2014)