**THEFT OF METAL FROM CHURCH ROOFS – GUIDANCE NOTES**

1. This Guidance Note is intended to provide advice about the course of action to follow in the event that you discover that metal (usually lead, but sometimes copper) has been stolen from your church roof. Metal theft is a continuing and serious problem throughout the Diocese and the wider country. It often results not only in damage to the roof in question but also in serious damage to the interior fabric of the church and considerable distress, cost and inconvenience to the parish.

**Prevention**

1. Clearly, the prevention of theft where possible is desirable and there are various deterrent steps that can be taken. These include the installation of surveillance/alarm systems, the physical marking of the metal (such as SmartWater) and the use of anti-theft fixings (such as LedLok). Your insurers can give you advice on these deterrents. Information from the Ecclesiastical Insurance Group is available at:

<http://www.ecclesiastical.com/churchmatters/images/guidance%20notes%20-%20theft%20of%20metal.pdf>

and from Historic England at:

<https://historicengland.org.uk/advice/caring-for-heritage/places-of-worship/places-of-worship-at-risk/metal-theft/>

**If a theft occurs…**

1. When a theft occurs you should initially:

* notify the police. It may help to mention Operation Randall, the dedicated investigation into this issue;
* notify the church insurers;
* identify and introduce a suitable weather proof covering such as plastic sheeting or tarpaulins to overcome the immediate problem as a short-term measure only. Provided this work does not affect the fabric of the building it can be undertaken immediately without the need to obtain permission. However, wherever possible you should first take the advice of your insurers and your inspecting architect or surveyor (or another suitably qualified and experienced professional).

As soon as possible thereafter you should:

* notify the DAC Secretary, with a view to obtaining any necessary permission for the installation of the temporary covering. It may be that the permission of the Diocesan Chancellor is required and an interim or emergency faculty can swiftly be granted where appropriate. A conversation with your Archdeacon may also be sensible at this stage.

With all of this advice, you will need to consider whether steps should be taken to mitigate the risk of further thefts.

**Emergency and short term works**

1. Where you are advised that an interim or emergency faculty is needed to authorise urgent works to your church building, you should consult
   * the DAC Secretary (01603 882350); and
   * the Registry (01603 756459).

Initially emergency coverings such as tarpaulins may be needed to secure the integrity of the building. Where tarpaulins are considered inadequate for more than the very immediate future and some delay in a permanent solution is unavoidable (for example, where fundraising must take place) further short-term works (such as the introduction of roofing felt or equivalent) may be proposed to keep the building watertight. Such proposals will, by their nature, be time limited, normally to no more than 12 months.

1. An interim faculty will usually be more appropriate than an emergency faculty, especially where the urgent works are intended to be a temporary or holding position whilst a more permanent solution is found. Your application for an interim faculty should be submitted to the Registry in writing (either by hand, by post or by email to the Registrar - stuart-jones@birketts.co.uk), and state clearly the works proposed and the reason for the urgent application. The application should be supported by photographs of any damage and drawings of the works proposed. Wherever possible the following information should also be provided:

* Advice from the DAC. If time is short, this should at least include a note from one of the Architect members of the DAC, confirming that the works are appropriate and proportionate. The DAC Secretary will be able to assist with this.
* Written confirmation from the church’s inspecting architect (or another suitably qualified and experienced professional) that they are aware of the proposed works, and consider them to be appropriate and proportionate. It is likely that any interim faculty granted will require the works to be undertaken under the direction of such professional advice.
* Where your church is listed, evidence of consultation with any bodies who are entitled to be consulted on the works. This may include Historic England, the local planning authority, the Society for the Protection of Ancient Buildings etc.. The DAC Secretary or Registry will help you understand which bodies should be consulted. If matters are urgent you need not wait for a response from all of the bodies before applying for an interim faculty, but evidence of consultation should be provided and any responses received should be forwarded to the Registry as soon as they are available.

If all the necessary information is provided the Registry will put the application to the Chancellor and a response is normally available very quickly.

**Interim faculty**

1. If you are granted an interim faculty you will need to provide written undertakings (promises to the Court) from the minister and churchwardens. Those undertakings will usually include the following:

* to apply for a full faculty for permanent repairs to the roof works within a certain period (usually 6 months); and
* to comply with any directions of the court, including any direction relating to reinstatement following the carrying out of the works authorised by the interim faculty

The Registrar will provide you with a form of wording for the undertakings.

1. Conditions as to (a) the giving of notice to consultative bodies and (b) the requirement to cease works if objections are received are also likely to be imposed. Unless the works are clearly uncontentious (such as the like-for-like replacement of lead with lead), an interim faculty is normally granted only for temporary works, which are intended to be in place for up to 12 months. If you expect that the works will remain in place for longer than this, please make this clear in your application for an interim faculty.

**Planning Permission**

1. Note that purely temporary repairs will not require planning permission. Planning permission will also not be required in cases where you propose to change the roofing material (e.g. from lead to terne coated stainless steel) as long as there will be no material alteration in the exterior appearance of the church (see section 55(2) of the Town and Country Planning Act 1990). If the use of new material will lead to a material alteration in the exterior appearance of the church then planning permission may well be required as well as a faculty from the Chancellor.

**Permanent repairs – like-for-like replacement**

1. As well as identifying a short-term solution, a decision must be made about the type of permanent repairs that are appropriate.
2. Unless you have already been granted an interim faculty, the replacement of the roof covering on a like-for-like basis can usually be authorised by your Archdeacon under the List B procedure. Consider the use of the sort of deterrents mentioned in paragraph 2 above which can also be permitted under the List B procedure. It is likely that the use of such deterrents will be included as a condition of any List B permission granted.

**Permanent repairs – change of roofing materials**

1. If, after consultation with your inspecting architect or other appropriate professional, a change of roofing materials is proposed then a faculty will need to be sought. This will require the seeking of DAC advice and, where your building is listed, may require consultation with the bodies referred to in paragraph 5 above. You should have already begun (and possibly completed) that consultation process if you have complied with the guidance at paragraph 5. A change of materials will need to be justified. Relevant factors include:
   * The proposed replacement material (e.g. replacement with terne-coated stainless steel or zinc is much more likely to be permitted than the use of GRP or modern plastics);
   * The listing grade of the church;
   * The visibility of the relevant roof;
   * The level of risk of further thefts;

It is sensible to seek the informal advice of the DAC on the replacement material before beginning the formal faculty process.

**Fees**

1. Generally interim faculty applications are dealt with without any fee being payable. However, a correspondence fee may be charged under the provisions of the current Ecclesiastical Judges, Legal Officers and Others (Fees) Order if additional correspondence is required between the applicants and the DAC and/or Registry because the initial application is incomplete, or gives rise to requests for additional information.

**Additional Information and Enquiries**

1. If you have any queries about a possible interim faculty application or about emergency repairs generally, advice is available from the following sources:

**DAC** – tel 01603 882350

**Registry** – tel 01603 756459

**Archdeacons**:

Norwich – tel 01603 629001

Norfolk – tel 01603 559199

Lynn – tel 01362 688032