



PROPERTY MATTERS

ISSUE 2 – FEBRUARY 2013

This document is being sent to the following roles within the Connexion who are registered on the Connexional database: District chairs, Superintendent ministers, District property secretaries, Circuit property secretaries, Church property secretaries, District treasurers, Circuit treasurers, Church treasurers

INDEX

Introduction.....	2
Consents	3
News from the Connexion: District property secretaries get together	3
News from the Connexion: Unoccupied Property	3
News from the Connexion: Community Land Trust Housing	5
Connexional Property Grants: Resourcing Mission through the Fund for Property	6
Conservation: Listed Buildings and non Listed Buildings in a Conservation Area	7
Landfill Grants: A new opportunity for grant funding under the Landfill Communities Fund	7
Governance: Transfers of Manses between Circuits	8
Trustees for Methodist Church Purposes: The Localism Act 2012	9

INTRODUCTION

Welcome to the second edition of *Property Matters*. Thank you to all of those who have provided us with feedback following release of the first edition. You asked for a printable copy to pass onto people without access to the Internet, so we have attached a basic Word document for this purpose. You also asked if additional people can receive electronic copies of future editions. Anyone is welcome to subscribe. They can do this by clicking on the link on the back of the page of *Property Matters*.



In this edition, the Conservation team has included links to a series of flow diagrams they have developed, which set out the procedures and indicative time scales for the processes involved in gaining consent for work to listed buildings, and non-listed buildings in a conservation area.

In addition to articles from the Connexional Team, we welcome an article from TMCP Legal on the 'Localism Act 2012', David Westhead provides a resumé of the first meeting of the district property secretaries held during November 2012, the first we hope of many, and Paul Regan gives us a brief insight into Community Land Trust Housing.

We are aiming to publish the newsletter quarterly. To enable us to include meaningful and sufficient information for future editions we welcome suggestions on topics to include and articles you may wish to contribute eg creating good endings, sustainable solutions, furthering mission through projects etc. I look forward to hearing from you.

All good wishes

Julie Robinson-Judd
Connexional Property Coordinator

FRONT COVER: Photograph of part of the Chapel Window at Methodist Church House, London

1. Consents

1.1 Where we're going

Thank you for your feedback over the last couple of months. We have taken onboard your suggestions and incorporated some of them in the next update to the website, which we hope will improve its usability. Some of the work we have done includes making it easier to identify required fields, which are now marked by a red asterisk; a notice that the quinquennial report has expired or is missing and a new grants form when applying for connexional property grants.

We are continually looking to improve the website so any suggestions or feedback you have would be most welcome. If you do wish to make a suggestion, please email consents@methodistchurch.org.uk

1.1 Annual Property Returns

When we launched the new version of *Property Consents*, we brought this in line with the new *Statistics for Mission* site. As an extension of this, we are working on the *Annual Property Returns*, which will replace schedules A, C and D. One of the outcomes of this will be that trustees will only have to enter information about their property once, unless of course, that information changes.

As one of the main issues with the schedules was that identical information had to be submitted year on year, we hope this will be a welcome change! This will also provide the circuits and districts with an easy way to access the last annual return and enable districts to assess property projects against the *District Property Policy*.

Contact: Tom Lee, consents web officer: Tel 020 7486 5502 or Email: consents@methodistchurch.org.uk.

2. News from the Connexion

2.1 District property secretaries get together

Last November there was a meeting of district property secretaries (DPS) at Sutton Coldfield. During that day the DPS's met with each other and with members of the Connexional Team. The comment I received most often in the feedback was about the benefit of being able to meet on an informal (yet a bit structured) basis. We were able to discuss ideas and seek solutions to problems with each other and with the experts amongst the staff.

Those amongst us who were new to the role were especially pleased to feel part of a team – as indeed did some who had been doing it for a number of years and sometimes felt isolated. In view of the comments received it could become an annual event. It is good to hear that the Resourcing Mission Forum this year will be slightly longer enabling greater opportunities for networking.

In the North West Region, we are being actively encouraged to meet together with our counterparts in other districts in the region. As district property secretaries in the region, we get together about every other month but are also in touch in between meetings. We are able to discuss topics that are of current interest and have benefitted from visits from various Connexional and TMCP team members.

Quite often we are joined by DPS's from other regions whose advice and experience we appreciate. We are indeed happy for any other DPS to join us. Because of the benefit and working relationships that have developed, it is a pattern we can recommend for other regions as well. We didn't know how it would go to start with but coming together has certainly helped us in the work that we do for Christ and the Church. Perhaps you could start a similar group meeting in your region?

Contact: the Revd David Westhead: Tel 01270 500336 or Email: dwesthead@o2.co.uk

2.2 Unoccupied Property

Property that is no longer needed may be vacant for some time whilst the Church Council and Circuit Meeting decide what to do with it and it is not always the case that it will be sold.

As soon as a church building, or manse, is unoccupied or likely to become unoccupied your insurance company should be advised. The Methodist Insurance Company has considerable experience in this area and can advise on how the building is secured pending decisions about its future. Points that need to be considered may include the area in which the building is situated and what security guarding and boarding up might be required. In addition, the disconnection of utility services, or keeping water, heating, alarms, and lighting available (in winter months) need to be reviewed. There are likely to be additional insurance costs for an unoccupied building.

If it is a manse that has become unoccupied you may be able to engage a company offering 'guardian services'. These companies provide carefully vetted professional individuals who are housed in the property until such time as the property owner decides its future. This helps to protect it from vandalism, squatting and burglary, all of which can be expensive in time and money.

Live-in guardians are also able to alert owners to any deterioration in the building such as roof leaks or electrical faults. The guardian scheme has the added benefit of providing much need accommodation for professionals. There is no security of tenure and they can be asked to vacate at short notice.

Each guardian scheme varies according to the company providing the service, and its operating terms and conditions. It is advisable to compare several providers eg who pays for electricity usage, what insurance cover you will need to maintain and other issues.

There are a number of companies providing these services. To name a few:

Ad Hoc (www.adhoc.eu), Camelot (www.camelotproperty.com), Guardian Property Protection (www.gpp-uk.com).

Guardianship of properties is being used by organisations such as The National Trust, churches, Local Authorities, and Social Landlords and any

reputable guardian service will be able to offer site references.

Kevin Thomas, Field Operations Manager of Methodist Insurance, said: "We are aware of these 'guarding' services, and are prepared to accept their use. However, they are more generally suited to residential properties. For other types of unoccupied property, such as churches, we have to consider its suitability for residential use. For example, a church is unlikely to have suitable heating, cooking, sleeping, washing and toilet provisions. To make it habitable, it would require the installation of portable heating and cooking appliances along with furniture and bedding all of which bring their own additional fire risks."

If you are interested in using a property guardian scheme talk to your insurer to discuss whether the unoccupied property is suitable and the impact that it will have on your insurance premiums.

Contact:

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and

Mike Hayward, Methodist Insurance: Tel 07771 910720 or Email: mike.hayward@micmail.com
Email: mike.hayward@micmail.com

2.3 Community Land Trust Housing

We have a housing crisis in the UK. Many people both in rural and in urban settings find that they cannot afford to buy or rent appropriate homes for their families. How would you like to be part of a movement which develops homes at a quarter of the normal market rate? This is being done through the Community Land Trust movement.

At its simplest it removes the cost of land from the price of housing by keeping the land in community ownership. Land often accounts for 50% or more of the cost of housing developments. This movement is redefining affordability. 'Affordable' currently means 80% of market value which is not actually affordable.

Community Land Trust housing targets 25-30% of market value and retains that in perpetuity. A Community Land Trust (CLT) is a non-profit community-based organisation run by volunteers that develops housing or other assets at permanently affordable levels for long-term community benefit. It is a cost-driven model, where the CLT ensures that the occupiers pay for the use of buildings and services at prices they can afford.

The difference between the cost of the home or asset and the market value are permanently locked in by the CLT who holds the asset or equity in trust for long-term community benefit. CLTs range in size; can be rural or urban and provide a variety of housing tenures as well as other community facilities, including workspaces, energy generation, community food and farming. Despite the diversity in the sector, CLTs tend to have in common the aims of:

- Meeting local housing needs
- Providing long-term community benefit.

CLTs also take a variety of legal forms. A CLT is usually constituted as an Industrial and Provident Society or Company Limited by Guarantee, and may or may not have charitable status. CLTs are legally defined in the Housing and Regeneration Act 2008, Section 79. The major problem facing most CLTs is where to acquire land.

CLT's have been successfully developed in a number of rural locations in the UK already.

London Citizens has set up the East London CLT with a Methodist minister currently chairing the Board. They are in partnership with Galliford Try as developers of St Clements Hospital, a listed building in Mile End. This

will provide 250 new homes of which 25 will be available for sale as CLT homes at a quarter of the market value. This will be the first urban CLT in the UK.

The St Clements development provides evidence that CLTs work not only in rural developments (where there are about 200 CLT homes in the UK) but also in urban developments. It is anticipated that part of the Olympic legacy from the 2012 Games will be that some of the housing on the Olympic Park will be CLT housing, to ensure that it will be affordable for families on low incomes and not just for the rich. This is based on a commitment to London Citizens by Lord Coe and the London Mayor when the Olympic Bid Team was seeking community support for bringing the Games to London.

London Citizens is an alliance of Christian, Muslim and Jewish faith institutions alongside educational institutions like primary and secondary schools, sixth form colleges and universities together with trades unions and voluntary agencies working together for the common good. There are several Methodist churches in membership across London.

London Citizens is affiliated to Citizens UK which has citizens' organisations operating in Birmingham, Milton Keynes, Nottingham and under development in Cardiff, Leeds and Glasgow.

A useful publication is *Proof of Concept - Community Land Trusts* published by Community Finance Solutions of the University of Salford

<http://www.communityfinance.salford.ac.uk/>

Contact: Paul Regan Convenor Social Responsibility Commission London Methodist District:
Tel 07738823491 or Email: pauleregan@hotmail.com

3. Connexional Property Grants

3.1 Resourcing Mission through the Fund for Property

In consultation with districts and circuits, the way in which the Fund for Property is used to resource the mission and ministry of local churches across the Connexion has recently been improved.

Details of the new system were described in the previous edition of *Property Matters*, and are available in full on the internet

(<http://www.methodist.org.uk/ministers-and-office-holders/connexional-grants/what-do-we-fund/connexional-property-grants>).

The maximum grant available has increased to £200,000, to enable connexional grants to have a greater impact. Rather than making large numbers of small grants for maintenance and minor repair projects, connexional property grants are now targeted to those parts of the Connexion where the mission of the church is being restricted because of the lack of suitable property, and where the church has a vision for a new or significantly renovated building in order to be a launch pad to their mission.

The first applications were considered in advance of and at the meeting of the Connexional Grants Committee at the end of November. The Committee was impressed with the strong field of applications they received, which included some exciting and very mission-focused projects.

Three examples of the types of projects that are now being funded include:

Bolton - £170,000 was granted to help fund an inspirational new facility at the heart of the community. This will consist of a new-build church on two levels, with both floors being separately accessible at ground level due to the sloping nature of the site. The upper level will contain the main worship space, and a secondary smaller sacramental space, together with a crèche, accessible WC, vestry, office and storage space. An internal staircase and lift will provide vertical access to the lower level, which will contain a multipurpose hall, cafeteria, flexible rooms, kitchen, toilets, etc. The lower level can be accessed externally via an entrance towards the rear of the site, providing a direct connection to the car park. The design intention is not only to allow the lower level to function independently if/when required, but to provide a natural connection between the main worship spaces above and the multipurpose spaces below. Both levels

will be accessible to disabled users, with the proposal as a whole demonstrating a complete inclusivity for all users.

Greetland, West Yorkshire - £100,000 was granted to build a new church and grounds on the site of the existing church, creating a space where people can 'be' in a prime location at the heart of the community which they are called to serve, being close to bus stops, the local library, the only shop left in the area, and just down the road from the Anglican church. The new build has been configured so that it lends itself to 'multi-use' thus allowing a wide range of uses and users, is cost effective in its use, minimising the carbon footprint to the highest possible standard and including sustainable and environmentally friendly options wherever possible. It includes proposals for transforming and developing an overgrown graveyard into a town field and memorial garden relating to Methodist heritage; providing open space in the heart of the community, and incorporating safe play space for children's work.

Newby, North Yorkshire - £25,000 was granted towards an extension, provision of new and accessible toilet facilities, alteration of the entrance and creation of a new meeting and café area enabling a welcome for all, and the creation of a garage and storage unit for the church minibus.

Contact: Edmund Glynn, Grants Team Leader: Tel 020 7467 5178 or Email: glynne@mthodistchurch.org.uk

4. Conservation

4.1 Listed Buildings and non Listed Buildings in a Conservation Area

The Conservation Team has developed a number of flow diagrams, which provide a step-by-step guide to gaining approval for alterations to listed buildings and non listed buildings in conservation areas. These flow diagrams are designed to guide managing trustees through the process of gaining consent for the conservation element of a project. They also illustrate the average timescale of gaining consent and outline the role of the managing trustees and the Connexional Team's conservation officer in obtaining approval.

Approval requires a different level of consultation depending on the scale of works. For instance, major re-ordering schemes require consultation with the Listed Building Advisory Committee. Minor works, such as the installation of an audio visual system or the replacement of a noticeboard, requires consultation with the amenity society only. Works to an unlisted building in a conservation area or repairs to a listed building requires no consultation and can be authorised by the conservation officer. Thus, the four flow diagrams illustrate the process of how this is obtained for each level of work.

The conservation team welcomes all consultation and asks that when considering a project involving a listed building or unlisted building in a conservation area the managing trustees speak with the conservation officer, preferably at the early stages of scheme development. Please note that these diagrams illustrate the conservation aspect of approvals. The relevant representatives at circuit and district level must also grant approval for a project, which has not been included in these diagrams.

These flow diagrams are all on the Methodist website and can be downloaded at <http://www.methodist.org.uk/ministers-and-office-holders/property/technical-and-conservation>

Contact: Joanne Balmforth, Conservation Officer:
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conservation@methodistchurch.org.uk

5. Landfill Grants

5.1 A new opportunity for grant funding under the Landfill Communities Fund

Biffa Award (www.biffa-award.org) has recently announced a revised Small Grants Scheme that is aimed at groups that need a relatively small amount of funding to make an improvement or complete maintenance to their community building. The upper limit of the scheme has been increased to £10,000 and the intention is that this will allow smaller scale projects (with a total cost of less than £30,000) to get off the ground. This new scheme will not only offer the opportunity for quicker access to funding but also that smaller projects will no longer be subject to the lengthier Main Grants Scheme processes. You can apply to the Small Grant Scheme for between £250 and £10,000 for a maintenance and improvement project as long as the total project cost is no more than £30,000. The scheme operates a rolling application process, meaning you can apply at any time and a Selection Panel meeting is usually held every eight weeks.

The main eligibility criteria for the Small Grants Scheme are:

- The project is within ten miles of a Biffa operation and also within ten miles of a landfill site.
- The project should fit under the 'maintenance or improvement to a public amenity or community building' category and the building must be open to the wider public for a minimum of 104 days (or equivalent) per year.
- The grant can only be used for site-based improvement work and not equipment or running costs.
- Biffa Award does not fund any retrospective work so you can only apply for funding for future projects.
- The scheme also does not cover alterations to an existing building to help it meet Disability Discrimination Act requirements.

Contact: Colette Dean, Land Fill Grants officer:
Tel 0161 235 6734 or Email:
landfill@methodistchurch.org.uk

6. Governance

6.1 Transfers of Manses between Circuits

Memorial 16 to the 2012 Conference requested that clear guidance be published on how to transfer a manse from one circuit to another. The response to the memorial is set out below in order to provide guidance to any circuits considering such a transfer.

Daily Record 8/24/3

It is one of the great advantages of our Model Trust system that 'transfers' between different bodies within the Church are very simple and straightforward. The Conference appreciates, however, that the position may not be as widely understood as might be hoped, and is therefore grateful to the South Petherton and Crewkerne Circuit Meeting for the opportunity to make this clear.

All Model Trust Property is held by the Custodian Trustees for the territory in question (the Trustees for Methodist Church Purposes in the case of England, Wales and Scotland), so no transfer of title is involved in such cases. The question, therefore, is simply how one body of managing trustees shall succeed another.

The Model Trusts provide that use as a circuit manse is used for circuit purposes, that Model Trust property used for circuit purposes is circuit property, and that the managing trustees of circuit property are 'the appropriate Circuit Meeting'. Clearly the appropriate Circuit Meeting is that of the Circuit to which the occupant minister is appointed. So if a manse which has been occupied by a minister appointed to Circuit A changes, by agreement, to become one occupied by a minister appointed to Circuit B, then the members of the Circuit Meeting of Circuit A automatically, and without any formality, cease to be the managing trustees and the members of the Circuit Meeting of Circuit B automatically, and without any formality, become the managing trustees in their place.

It is entirely a matter for the two Circuit Meetings what other arrangements, if any, including financial transactions, should accompany such a change, but since the change of managing trusteeship itself is automatic, and not negotiable, it is important that all such arrangements be fully agreed, approved by the full meetings, accurately recorded, and so far as possible implemented, by the time the change of occupation takes place.

It is not for the Conference to dictate what those arrangements should be, and circumstances will vary widely; in some cases payment of the equivalent of a full market 'price' may be appropriate. In others it may not, and since the property is not 'disposed of', but will continue to be held upon the Model Trusts, that will not require the special consent provided for in paragraph 20(1) of the Model Trusts.

This reply addresses only outright 'transfers'. Other arrangements may be possible, for example by the use of the power of delegation conferred by paragraph 16(k) of the Model Trusts, but in general the form of any transaction should reflect as closely as possible its substance, and simple ones should not be made artificially complex in an attempt to avoid their natural and proper consequences.

Contact: Louise Wilkins, Conference Officer for Legal and Constitutional Practice

Tel 020 74675502 or Email:

WilkinsL@methodistchurch.org.uk

7. Trustees for Methodist Church Purposes

7.1 The Localism Act 2012

Many of our Methodist chapels are places dear to the heart of local communities and as such the “Community Right to Bid” is something managing trustees need to be aware of. The “Community Right to Bid” is just one of the Community Rights measures brought in by the Localism Act 2012 on 21 September last year and is available in England only.

The Department for Communities and Local Government believe that this “right” gives community groups a fairer chance to prepare and bid to buy community buildings and facilities that are important to them with the aim of giving people more power over what happens in their neighbourhood.

It is important to appreciate that this is a “Right to Bid” and NOT a “Right to Buy” as it was originally described in the Localism Bill.

Examples of community buildings and facilities include: village shops, pubs, community centres, children’s centres allotments and libraries. The legislation covers both privately owned as well as public assets.

The Local Authority (LA) is required to keep a list of Assets of Community Value. The legislation defines what can be listed and who can apply to list them. Provided the land and buildings meet the definition of Asset of Community Value and the nomination process was undertaken correctly then the LA must include the asset on the list. Once listed an asset will remain on the list for a period of five years. We have been notified of two of our Methodist chapels already being listed.

If the owner of a listed asset (in this context) wishes to dispose of an asset (freehold and leasehold interests of 25 years or more) they must notify the LA of its intention. The LA will then notify the interested parties who can then decide if they wish to trigger a moratorium on the sale. That is to say, that the clock has stopped on the sale of the asset giving the

Community Interest Group six months in total to put in a bid of their own.

The first stage is that the Community interest group must lodge with the owner a non-binding expression of interest within six weeks from the date which the owner of the asset tells the LA of the intention to sell. This then gives them a further four and a half months to prepare a bid. A key point is that this bid is potentially in competition with other interested parties and that the owner may market and pursue discussions about the sale with whomever they choose but may not exchange contracts other than with the Community Interest Group during the six month moratorium.

In the case of Methodist Model Trust Property the managing trustees will still need to comply with the Charities Act requirements on disposal. If the Community Interest Group is unsuccessful the asset will not be the subject of a further moratorium for 18 months.

There are exemptions to the moratorium in the main relating to gifts between family members, businesses and disposals in fulfillment of a planning obligation, option or pre-emption right made before the asset was listed.

A landowner can also appeal against the inclusion of the asset on the list and there are provisions for an appeal to an independent body in addition to claiming compensation if they can demonstrate its value has been reduced.

Disclaimer: Whilst every effort has been made to ensure the accuracy of the material, advice should be taken before action is taken implemented or refrained from in specific cases. No responsibility can be accepted for action taken or refrained from solely by reference to the contents of these materials.

Contact: *Jatinder Kandola, Head of Legal, TMCP:*
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- ✓ District chairs
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- ✓ Circuit property secretaries
- ✓ Church property secretaries
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If you are aware of other people who may not have access to the internet, email or a computer could you please provide them with a copy of this document.

If you know of people who would like to subscribe to Property Matters email newsletter please forward this copy and ask them to visit www.methodist.org.uk/signup

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