

# PROPERTY MATTERS

ISSUE 12 – September 2015



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# PROPERTY MATTERS

Issue 12 – September 2015

## INDEX

Introduction	Page 2
Connexional Team update	
Online portal: Consents, Returns and Statistics	Page 3
Fundraising	Page 4
Connexional property grants	Page 6
Legal matters: the Conference 2015	
Divesting responsibilities	Page 7
Commercial leases	Page 7
Information from the Charity Commission	Page 8
News from the Trustees for Methodist Church Purposes	
Non-residential Lease Heads of Terms	Page 8
New Standard Licence agreement and booking form	Page 9
Church property subject to restrictive covenants	Page 10
Conservation & Heritage	
The Horsefair Project at the New Room/John Wesley's Chapel, Bristol	Page 12
Methodist Insurance: church insurance made simple	Page 14
Carbon reduction	Page 14
Scotland: burial and cremation	Page 15
The law relating to cheques	Page 15
JPSG roadshows: report and reflection	Page 17
Strategic research: The Methodist Church in Britain: a growing movement?	Page 19

## INTRODUCTION

Welcome to the latest, autumnal, edition of *Property Matters*. If you have any concerns you would like covering, please tell me. If it is an issue for you, it may well be an issue for others.

This edition is full of very useful information, with updates from the Connexional team, TMCP, Methodist Insurance and articles on the Horsefair project, burials in Scotland, strategic research and the JPSG roadshows. Now, if you look back at March 2014 you will find an article on St Peter's, Plymouth. We held one of the JPSG roadshows in that very fine building. I also love my history and heritage; two hundred years ago in Cornwall the Bible Christians were founded. Many of the chapels are listed and also subject to restrictive covenants, so, if you have one of these be sure to read the article on Page 10.

In the meantime, I hope you have had time to enjoy the summer, to take a break, refresh those internal batteries and come back stronger than ever to work for God's glory! If you are still waiting to go on holiday, how about taking this issue with you for reading whilst you lie alongside the pool or on the beach?

Richard Farmery, Facilities and Property Coordinator  
0207 467 5190 or [fpc@methodistchurch.org.uk](mailto:fpc@methodistchurch.org.uk)

Front page photographs: © Methodist Heritage



## CONNEXIONAL TEAM UPDATE

### ONLINE PORTAL: Consents, Returns and Statistics

#### > PROPERTY CONSENTS

We have just launched a new version of the Consents site, containing a number of new features, such as a document management system and an improved way to apply for a CPF levy refund. The **document management system** will allow you to upload documents against a particular project or property. For example, you may wish to attach plans to your project to assist the Conservation Team assess the project for approval, or account summaries when applying for a property grant (see also the **Connexional Property Grants** article on page 5).

A **CPF levy refund** can now be applied for in accordance with SO 973 from the project creation page when creating a purchase, alteration/repair, extension or new build project. You will be asked for the project ID of the sale you wish to replace and an estimated amount of how much refund you expect to receive.

Sharing agreements have also changed slightly, making it easier to manage projects where there is some sort of sharing agreement involved.

Finally, you will notice the layout of the consents site has changed as well. The **authorisations section** has now moved to its own tab to provide a more logical progression through the site. We have also moved the help text so that it is always visible. This will hopefully help people progress their projects with greater ease.

Contact: [consents@methodistchurch.org.uk](mailto:consents@methodistchurch.org.uk)

#### > PROPERTY RETURNS

The Property Returns site will have some more subtle changes applied to it. Where a property is not on model trust, for example, a non-Methodist property in an LEP, then certain questions will not be asked. This should make it easier for people to complete their returns if they are sharing premises, or renting one on a licence.

Contact: [returns@methodistchurch.org.uk](mailto:returns@methodistchurch.org.uk)

#### > STATISTICS FOR MISSION

Though not directly related to Property, the Statistics site uses the same web portal as Property Consents and Returns. The statistics focus mainly on membership and attendance numbers at church services and details of church groups and activities.

The Statistics Returns site opens in September with data (relating to the year to October) being collected through to next January. The process is coordinated through district membership secretaries, though in many circuits superintendents are involved in ensuring data is gathered from individual churches.

The longer-term objective is to **bring headline information together** from both Property and Statistics sites where this would be useful – for example, for use by District Policy Committees, reports to Synods or Circuit Planning meetings.

One practical area where coordination has already proved useful is in grant applications. Many of these require information on property, user groups and attendance to progress.

The Methodist Church **webmap**, which uses data from both the Property and Statistics sites, has now been updated to show individual church buildings:

[www.methodist.org.uk/mission/statistics-for-mission/church-webmap](http://www.methodist.org.uk/mission/statistics-for-mission/church-webmap)

If there are errors in where your church buildings are shown as located, you can report these via the email address below.

Contact: Alan Piggot, Statistical Returns Officer,  
[statisticsformission@methodistchurch.org.uk](mailto:statisticsformission@methodistchurch.org.uk)

## FUNDRAISING

**“The staff only has to turn the lights on and people come in. When they come in, they’re stunned by the quality of the work, a testament to the builders, who knew they were building something beautiful for God.”**

The Revd Nichola Jones (West End Methodist Church Community Centre and Café)



Church volunteers outside the newly opened West End Methodist Community Centre and Café with the Easter cross they carried round the six pottery towns in Stoke-on-Trent (photograph © N Jones)

I spoke to Nichola on the phone earlier in April this year. Her enthusiasm did the scale of their property development justice. In January 2012 the congregations of Trent Vale and Wesley Epworth Street Methodist Churches made the bold decision to sell their buildings and purchase a

derelict pub right at the centre of Stoke-on-Trent, putting the church back at the heart of the community they wanted to serve. The project received £173,000 from the connexional Fund for Property towards the renovation of “the West End”, but what was impressive was that the whole church pulled together to make it happen. The congregation itself raised an astonishing £83,000 over 3 years! The fact that the new church and café had to hold four separate openings is a testament to the number of people emotionally invested into it. Over 900 people turned up to the community opening! “I prayed to God every day I’d live to see this day,” remarked 95-year old Ilona Parkes who cut the ribbon at the opening.



Today the church is growing and the café in high demand. The new build has some gorgeous features, including recycled stained glass in the front porch and a window over 103 years old which was brought from the old chapel to make the back porch.

Inside the café: “if it’s for God, it should be the very best”  
(photograph © N Jones)

“When people come in, they are stunned by the quality of the work – a testament to the builders who knew they were building something beautiful for God,” said Nichola. Isn’t this a fantastic example of how our church properties can be used to expand our capacity for mission? If you can spare an extra five minutes, why not read the full story on [www.methodist.org.uk/supportourwork](http://www.methodist.org.uk/supportourwork)?

As you can see, giving to the Fund for Property is enabling churches like the West End to connect and reach out to their community. So far in 2015 the CGC has awarded 22 Property Grants to churches like the West End. And we would love to open this funding opportunity up to more churches and circuits in the future. Why not consider helping them by donating to the Fund for Property today?

Alternatively, if you are hoping to raise funds and awareness of your church property project, have a look at our new look fundraising pages on [www.methodist.org.uk/fundraise](http://www.methodist.org.uk/fundraise). We will be updating these pages regularly, so you will be able to see the impact of your prayers, volunteering and generous giving. And if you haven’t done so already, do have a look at the [Property Consents website](http://propertyconsent.methodist.org.uk/guide/13) ([propertyconsent.methodist.org.uk/guide/13](http://propertyconsent.methodist.org.uk/guide/13)) for property-related advice on grant applications, fundraising and more. Please do get in touch with us for further fundraising support – we would love to help and raise the profile of your event.

### Get in touch

Web: [www.methodist.org.uk/supportourwork](http://www.methodist.org.uk/supportourwork)

Email: [fundraising@methodistchurch.org.uk](mailto:fundraising@methodistchurch.org.uk)

Tel: 0207 467 3532

Stephen Drury, Fundraising Officer



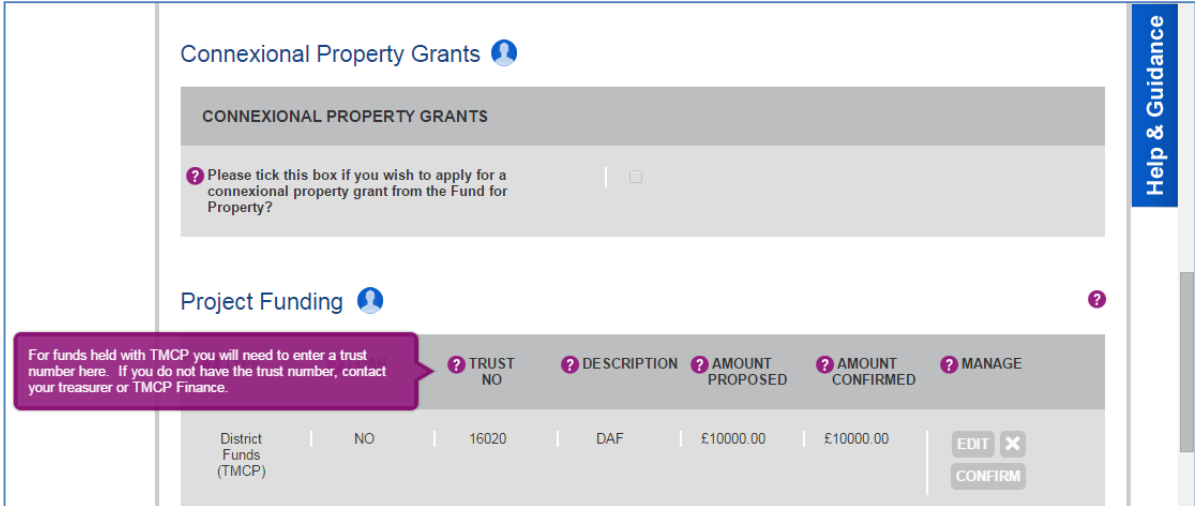
# CONNEXIONAL PROPERTY GRANTS

## Paperless applications - update

The development of the Consents website is continuing (see also the **Online Portal** article on page 2) and the new version will be ready for use mid September. At some point the system will be offline while the new functionality is introduced; a notice will be posted to announce this.

## Applying for a connexional property grant

We are still working on a definitive guide for applicants. In the meantime please use the 'additional information' buttons denoted by a white question mark in a purple circle alongside each question/field.



The functionality to upload documents has now been included so as to speed up the process. This should include the church and circuit accounts in support of the application.

Once a request for connexional support is submitted, the Grants Team will be alerted to the proposals and will make an initial assessment to determine whether these meet the grants criteria. If the application meets the criteria, the Grants Team will confirm this via email and on Consents, which will enable the completion of the additional grants questions and supporting information from circuit and district. All fields need to be completed, with the 'District Support' field's completion enabling the grant application to be submitted.

As with all new developments, there may be some teething troubles. In order to ensure that the Grants Team are aware of all applications as we migrate to the new way of working, please inform us of any incomplete applications already on the system. This will enable us to work with you to ensure successful migration of standing data to the revised system.

**Closing dates for applications over £30,000 in 2015/16: 5 October 2015 and 2 March 2016.**

All communication should be sent to [grants@methodistchurch.org.uk](mailto:grants@methodistchurch.org.uk).

## **LEGAL MATTERS: the Conference 2015**

### **Divesting responsibilities**

The Conference in 2011 identified the need, in exceptional circumstances, for Church Councils or Circuit Meetings to be divested of their managing trustee responsibilities. Concern had arisen that where a Church Council or Circuit Meeting were acting in flagrant breach of trust obligations or its obligations in law or Standing Orders, there was no way to ensure the replacement of the members who were committing the breach. At the Conference in June, Standing Orders were amended to provide for the replacement of a Church Council or Circuit Meeting in whole or part should a serious breach of trust or Methodist discipline have been committed or might be committed.

It is the relevant District Policy Committee (DPC) who has the authority to implement the new Standing Orders 512B and 611A and it is for the DPC to dissolve the old meeting and replace them with a new body either in whole or part. The exercise of these Standing Orders is to be kept under review by the DPC and the decision of the DPC can be appealed by the old Church Council or Circuit Meeting.

The power provided in the new Standing Orders will be exercised by DPC only in exceptional circumstances and it is anticipated that this step will only be taken after other options have been explored. Examples of a serious breach of trust or Methodist discipline would be:- building work undertaken to a listed building without consent, a Church Council refusing to pay their assessment to the Circuit, a health and safety notice from the Local Authority being ignored or Methodist premises being used for purposes outside those of the Model Trusts. This list is not exhaustive and even if such a breach were to arise, a DPC is not obliged to exercise the Standing Orders.

### **Commercial leases**

The Conference received a report from the Methodist Council which proposed that where a commercial lease of 10 years or more is being entered into of Methodist premises that are no longer required for model trust purposes, it should be possible to lease to a tenant who sells alcohol, scratch cards or lottery tickets as an ancillary part of their business. This policy was proposed due to concern that it was not always possible to achieve the best market rent for Methodist premises that were no longer required for model trust purposes but could provide an income for a local church, circuit or district. The policy will however only be implemented into Methodist polity when the new Standing Orders are adopted by the Conference. The draft Standing Orders are due to be brought to the Conference in 2016.

The Conference has also directed that where a full repairing lease for a period of 10 years or more is being entered into of Methodist premises that are no longer required for model trust purposes, there will not be a requirement for a quinquennial inspection for the duration of the term of the lease. This will also not be implemented into Methodist polity until Standing Orders are adopted by the Conference in 2016.

For further information please contact Louise Wilkins, Conference Officer for Legal and Constitutional Practice, on 0207 4675278.



## INFORMATION from the CHARITY COMMISSION: *The Essential Trustee*

The Charity Commission has published ([www.gov.uk/government/news/the-essential-trustee-new-guidance-on-trustees-responsibilities](http://www.gov.uk/government/news/the-essential-trustee-new-guidance-on-trustees-responsibilities)) its updated version of *the Essential Trustee* ([www.gov.uk/government/publications/the-essential-trustee-what-you-need-to-know-cc3](http://www.gov.uk/government/publications/the-essential-trustee-what-you-need-to-know-cc3)) following consultation in 2014. The updated guidance breaks down the trustee's role into six clear duties:

- to ensure that the charity is carrying out its purposes for the public benefit
- to comply with the charity's governing document and the law
- to act in the charity's best interests
- to manage the charity's resources responsibly
- to act with reasonable care and skill
- to ensure that the charity is accountable.

The guidance explains the general duties of trustees and the good practice that must be followed in order to operate effectively and to comply with trustees' legal obligations. The guidance has hyperlinks to more in-depth material (on topics such as fundraising, reducing the risk of liability and making better decisions) and a summary guide ([www.gov.uk/charity-trustee-whats-involved](http://www.gov.uk/charity-trustee-whats-involved)) for those who want the headlines at a glance.

Every charity trustee in England and Wales ought to read the guidance, whether the charity concerned is registered with the Charity Commission or not.

As the guidance explains:

Trustees who act in breach of their legal duties can be held responsible for consequences that flow from such a breach and for any loss the charity incurs as a result. When the Commission looks into cases of potential breach of trust or duty or other misconduct or mismanagement, it may take account of evidence that trustees have exposed the charity, its assets or its beneficiaries to harm or undue risk by not following good practice.

Trustees of church charities sometimes tend to think of themselves as representatives of the congregation first and foremost. But **charity trusteeship involves serious legal obligations and every trustee is personally responsible for acting in the interests of the trust** – and ignorance is a recipe for poor decision-making. It should also be remembered that **unregistered charities are bound by charity law just as much as registered ones**.

[Source: Charity Commission – 9 July]

## NEWS from the TRUSTEES FOR METHODIST CHURCH PURPOSES (TMCP)

### Non-residential lease Heads of Terms

A form of heads of terms for non-residential leases (Heads of Terms) is now available for use by Managing Trustees and their professional advisers. It is hoped that raising awareness of CPD and associated policy surrounding non-residential leases of Model Trust property at an early stage in proceedings will assist Managing Trustees and their professional advisers in negotiating leases that comply with these requirements from the outset.



If you are considering renting out any non-residential premises or any of your existing leases are approaching the end of their term, please download the new Heads of Terms available on the Methodist Church website using the link below or from TMCP direct.

[www.methodist.org.uk/ministers-and-office-holders/tmcp/tmcp-publications/legal-guidance-notes](http://www.methodist.org.uk/ministers-and-office-holders/tmcp/tmcp-publications/legal-guidance-notes)

The Heads of Terms distinguish between those terms that must be included in all non-residential leases of Model Trust property and those that are recommended as following Methodist leasing best practice. Ultimately it is hoped that the Heads of Terms will avoid unnecessary issues arising when the lease is submitted to TMCP for approval.

The Legal Team at TMCP hopes that you will find the Heads of Terms helpful in negotiating lease terms that comply with CPD. If you have any questions, however, then please contact [legal@tmcp.methodist.org.uk](mailto:legal@tmcp.methodist.org.uk).

## **New Standard Licence agreement and booking form**

TMCP released a new form of standard licence agreement (Standard Licence) and a standard booking form (Standard Booking Form) on the 13 July 2015. These documents are available on the Methodist Church website using the link below or from TMCP direct.

[www.methodist.org.uk/ministers-and-office-holders/tmcp/tmcp-publications/legal-guidance-notes](http://www.methodist.org.uk/ministers-and-office-holders/tmcp/tmcp-publications/legal-guidance-notes)

### **Standard Licence**

From now on, whenever Managing Trustees enter into a **new** licence agreement with third party user groups (Licensees) they must use the new Standard Licence.

The Standard Licence is for use where a third party shares the use of the church site on a regular but part-time basis (ie once or several times a week). The approval of the Connexional Team under SO 931(3) is deemed to be in place if the Standard Licence is used. If Managing Trustees vary the Standard Licence in any way, they need to contact TMCP for approval on behalf of the Connexional Team.

When you use the new Standard Licence, please bear in mind the following key points:

- The Licence Fee is inclusive of an agreed contribution towards anticipated utility costs. Managing Trustees need to ensure that the agreed Licence Fee includes such a contribution as the charity should not subsidise a Licensee's use of the church site. If Managing Trustees want to charge utility costs separately, then contact TMCP for revised wording.
- The Standard Licence aims to give Managing Trustees greater flexibility to tailor the terms of the Standard Licence to their needs without having to ask for TMCP's approval to vary the standard form, ie the "Permitted Hours" and "Payment Dates" definitions.
- The Licensee is responsible for any business rates that are imposed due to **its** use of the Premises. Managing Trustees should consider whether to enter into a licence at all if there is a risk that a Licensee's use will prompt the Local Authority to reassess the ratings position of the church site.

- The Standard Licence does not allow the Premises to be used for religious purposes. Managing Trustees are asked to contact TMCP for guidance on Model Trusts 14(2) and 14(2A) before entering into any licence allowing third parties to worship on the church site.
- Either party can end the licence on giving four weeks' notice.
- The standard pre-school licence is available on request. This will allow TMCP to provide specific guidance to Managing Trustees before they enter into this type of licence given the problems that pre-school licences can cause.

If you have any queries about the new Standard Licence please contact TMCP for further guidance. Pending release of detailed guidance notes on the Standard Licence, you may also find the **Annotated Standard Licence** available on the Methodist Church website of assistance. The annotations talk you through completing the information relating to a particular licensee/arrangement and the purpose of various clauses.

### **Standard booking form**

A precedent standard booking form is now available for use by Managing Trustees. It is intended for one-off bookings such as children's birthday parties, christenings, funerals etc. The form aims to be self-explanatory and has brief guidance notes in italics.

The form is split into three sections;

- The first sets out the terms of a particular hire with space for the Managing Trustees to complete particular details.
- The second section contains the terms and conditions of hire. These include payment and cancellation terms, restrictions on use of the property to ensure compliance with CPD, public safety, insurance and liability.
- The third section simply provides space for the Managing Trustees to insert any "special conditions of hire" (ie requirements relating to noise, keys and local arrangements regarding rubbish and recycling disposal etc).

Although the Standard Booking Form has received Connexional approval, there is no requirement for Managing Trustees to obtain approval of one-off booking forms. It is hoped that Managing Trustees will choose to use the Standard Booking Form as it reflects best practice and aims to protect Managing Trustees and the Church. However, Managing Trustees are at liberty to use their own one-off booking forms or to vary the standard booking form.

If you have any queries then please contact [legal@tmcp.methodist.org.uk](mailto:legal@tmcp.methodist.org.uk).

### **Church property subject to restrictive covenants**

There are a number of Methodist Church properties which are subject to restrictive covenants. These covenants can cause difficulties for managing trustees when planning for the management of property.

A restrictive covenant is a negative obligation which affects property, in other words it means something which cannot be done on or with a property. These covenants can be enforced by the person or body which is said to have the benefit of the covenant (in legal terms the "Covenantee"). Restrictive covenants often affect the use of the property, for example:

“not to use the land hereby conveyed other than as a Chapel for religious worship”.

This type of covenant was often imposed when the land was originally conveyed to the Methodist Church. These covenants can cause problems when a church building has closed and the managing trustees are endeavouring to sell the property to release funds to further mission elsewhere within the Connexion.

In these situations, managing trustees should consult their solicitors before taking any steps and ask for advice as to the exact effect of the covenants.

Managing trustees should ask their solicitors to advise them on the alternative ways in which the covenants can be dealt with. Restrictive covenants can be released in different ways and sometimes may not need to be released at all if the covenant has become unenforceable. The most common method of release is a formal Deed of Release. However, there are two main problems with this approach:

1. Before entering into a Deed of Release the managing trustees solicitors should ensure that they are satisfied that the person or body purporting to give the release is actually the party with the benefit of the covenant. This is not always a simple question; for example if the landowner who transferred land to the Methodist Church then also transferred other plots of land to third parties at the same time then the current owners of these other plots of land may also be entitled to the benefit of the covenant. This means that even if a Deed of Release is entered into it may not effectively release the property from the restrictive covenant as the covenant could continue to be enforced by the owners of these other plots.  
Therefore instructing solicitors to advise at an early stage may prevent the managing trustees from negotiating with the wrong party.
2. When entering into a Deed of Release the party who claims to have the benefit of the covenant may often require a substantial payment before releasing the covenant. Often the starting point for negotiating the sum that will be paid is a principle from a court case dated 1961 known as the Stokes v Cambridge Principle. The principle decided in this case was that the person with the benefit of the covenant could claim one third of the value of the property once the restrictive covenant has been released.

The most important thing managing trustees can do is to avoid contacting any person they believe may have the benefit of the restrictive covenant. The reason for this is that if contact is made, then it may make following an alternative approach more difficult.

### **What can managing trustees do?**

Once managing trustees have taken legal advice and obtained a qualified surveyor's report, they should contact TMCP and provide copies of the advice obtained and the title deeds to the property. The Legal Team at TMCP will then be able to provide guidance to the managing trustees.

If further guidance on this issue is required please contact [legal@tmcp.methodist.org.uk](mailto:legal@tmcp.methodist.org.uk).



## CONSERVATION & HERITAGE

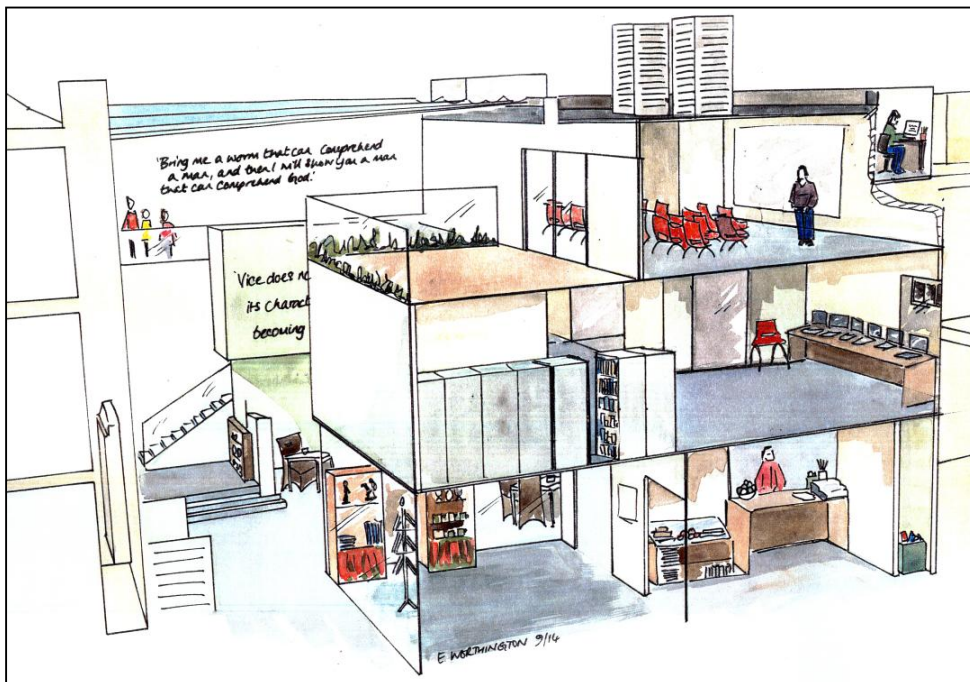
In the next of our series of articles from around the Connexion's key heritage sites, David Worthington, manager at the New Room/John Wesley's Chapel in Bristol, describes the latest stage of the Horsefair Project.



### The Horsefair Project at the New Room/John Wesley's Chapel, Bristol

In February 2015, the New Room was successful in its Round 2 Application to the Heritage Lottery Fund for a grant of £2.5 million. This figure, alongside a £1.4 million grant from the Bristol Methodist District, will enable existing facilities at the site to be updated and create new facilities through the building of a three-storey development in the Horsefair Courtyard.

The historic 276-year-old Grade 1 listed chapel is the oldest Methodist building in the world and has become known as "the cradle of Methodism". Following John Wesley's arrival in Bristol in 1739, he bought a plot of land to build a meeting room for those who were responding to his message of faith and social justice. The New Room, as Wesley called it, was where he established the template for the Methodist movement that has now become an international Christian denomination with over 75 million members around the world.



Artist's impression of the cross-section view of new building (© E Worthington)

The ground floor of the new building will feature a shop and a café for visitors. On the first and second floors there will be a large multimedia lecture and education room for up to 60 people, an extensive resource library on Methodist history, an archives room and offices. A lift will connect the floors and the existing museum will be completely revamped to reflect John Wesley's work in Bristol, in eighteenth-century Britain, and around the world. The interior of the chapel, an architectural gem, will not be changed.

The existing museum is currently housed in the eighteenth-century Preachers' Rooms above the chapel which were used by John and Charles Wesley and many of the early Methodist preachers. The expanded museum will show not just how important Bristol was to the early Methodist movement and how that movement spread, but also how John Wesley tackled many issues that are still applicable today, such as consumerism, the gap between rich and poor, slavery and the role of women. Methodism's emphasis on empowering individuals and demanding social justice was a key influence on the demand for liberty in America and the creation of trade unions and social reform movements in Britain. Additionally, John and Charles created the hymn singing tradition that was to sweep across the world and improvements to the Charles Wesley House in Bristol will better reflect this story.

The new building will be linked to the existing New Room building by a glass roof. It has been designed so that it does not adversely affect either the New Room or the streetscape, by following the pattern of the buildings that used to exist in the New Room courtyard until they were demolished in the 1940s. It is envisaged that building work will begin in November 2015.

The project will transform the museum's offering to visitors, ensuring that its internationally important collections and archives are better maintained and displayed. Along with the extensive planned education programme, this project will help to protect Wesley's legacy and open up the history of the New Room to a whole new audience.

#### **Additional background information on the New Room**

- Originally built in 1739 and extended in 1748
- One of the first places to offer free medical care in Britain
- Where the Methodist system of education originated
- Where 'class meetings' began in 1742
- The first chapel to be licensed for Methodist preaching
- The place from which Wesley spoke out against the slave trade
- The location of 19 annual Conferences in Wesley's lifetime
- The place with most links to the development of Methodism in America
- The location of two Grade II listed statues, one of John Wesley and one of Charles Wesley
- The place which virtually all the key figures in early Methodism visited and where a significant number were for a time based



Artist's impression of the external view (© E Worthington)

The New Room, which is located in the heart of Bristol city centre, is open from 10am-4pm six days a week throughout the year. The Trustees also open Charles Wesley's House to organised groups. The New Room currently receives around 25,000 visitors per annum. It is envisaged that this number is likely to double once the new facilities are in place.

For more information, visit [www.newroombristol.org.uk](http://www.newroombristol.org.uk).

## **METHODIST INSURANCE: *Church Insurance Made Simple***

Caring for a church is an honour, but it comes with a number of obligations and responsibilities. Methodist Insurance's *Made Simple* guides are designed to help churches meet their legal liabilities and make sure everything is taken care of.

- Administration: what you need to know about maintaining your policy, what documentation you should have and how to pay premiums
- Events: an overview of what churches need to consider when they are planning events
- Community Outreach: a straightforward guide to insurance and risk management issues that can arise with outreach projects such as foodbanks
- People on church premises: a short review of the key issues that need to be addressed to keep people safe while on church premises
- Church property: advice on what churches can do to reduce the risk of loss or damage to church buildings and their contents



All five guides are available on the Methodist Insurance website:  
[www.methodistinsurance.co.uk/madesimple](http://www.methodistinsurance.co.uk/madesimple)

## **CARBON REDUCTION**

The Methodist church website offers practical advice on how to cut the carbon emissions of your church. Information on CO<sub>2</sub> reduction opportunities is tailored to small, medium and large buildings, and factsheets are provided on different types of energy reduction.

Go to [www.methodist.org.uk/mission/climate-change/carbon-reduction](http://www.methodist.org.uk/mission/climate-change/carbon-reduction) to find out more.



## SCOTLAND: burial and cremation

The Scottish Government has published responses to its consultation on a proposed Bill relating to burial and cremation and other matters.

A consultation paper circulated in Scotland sought views on the recommendations of various review groups to provide a comprehensive overhaul and modernisation of the legislation relating to burial and cremation in Scotland to ensure it is fit for a multicultural twenty-first-century Scotland.

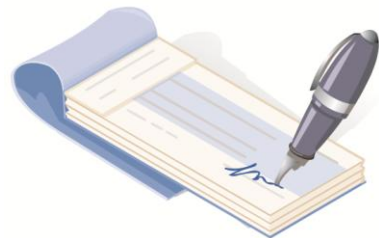
All non-confidential responses to this consultation paper, *Consultation on a proposed bill relating to burial and cremation and other related matters in Scotland*, can now be found on the Scottish Government webpages ([www.gov.scot/Publications/2015/07/5723](http://www.gov.scot/Publications/2015/07/5723)) via the Contents column on the right side of the page.

[Source: Scottish Government – 6 July]

## The law relating to cheques

### Check cheques...

It has come to our attention that recently a purchaser from a church armed with a cheque was refused service because the store in question no longer accepts cheques.



© Thinkstock

So, how common a problem is this?

Those of us who pay by cheque, especially from church, circuit or district funds should be aware that there has been a move lately away from this method of payment. Most major supermarkets no longer accept cheques; this includes Asda, Sainsbury, Tesco, Morrisons and Waitrose. They claim that cheques lead to long queues at the tills. This has included, in some cases, petrol stations for these stores.

Petrol station owners were some of the first retailers to stop taking cheques with Shell refusing payment in this way since 2005. Cheques are also no longer accepted at Esso and BP stations, including their motorway stations.

For those who wish to purchase larger items, Currys (including Currys Digital), Dixons (including Dixons Carphone), PC World, John Lewis and Argos no longer accept cheques. They now insist customers pay by debit card, credit card or cash.

For travel, rail companies discourage the use of cheques and many no longer taking cheques for rail travel. If you are travelling by air, BA will accept cheques for internal flights at the moment, but are considering stopping all cheque payments. (Although they will continue to pay refunds by cheque!) If you are considering coming to Methodist Church House, London Transport no longer accept personal cheques, although they will accept company cheques (including ours) at ticket offices at main stations for season tickets of a month or longer. Again, however, you would need to produce (two) additional items of identification as well as a letter of authorisation from the Finance Office.

With regard to energy suppliers and other utilities, these still accept cheques. However, as the use of cheques becomes rarer, we anticipate that many will cease to accept payment by this method and move toward direct debits.

There has been no decision by central government departments or bodies to stop taking payments by cheque. People will continue to be able to pay by cheque for necessities such as prescriptions, TV and driving licenses, passports, car tax and other taxes.

For local authorities, the picture is mixed. Many, especially the urban areas, now refuse to take cheques.

This 'back door' phasing out of cheques has caused problems for anyone who uses the cheque as their most common method of payment. Postal orders are still available, but these can be inconvenient, there is a cost and there is a limit of £250 that can be paid by postal order. It is also not helpful that many shops do not accept postal orders, although John Lewis informs us that they will (currently) honour postal orders personally presented, with additional identification.

When pressed for detail on this a number of stores said that they may accept cheques for large purchases, but only if the payment method was agreed with them beforehand.

Our suggestion is, therefore, to try not to pay by cheque. If you do decide this is the best way of paying, ring the store beforehand to see if they will take a cheque and be prepared to show additional identification at final checkout.

### **The small print**

The definition and use of cheques are covered by the Bills of Exchange Act 1882 and the Cheques Acts of 1957 and 1992. The Bills of Exchange Act 1882 defines a cheque as a written order from an account holder instructing their bank to pay a specified sum of money to one or more named beneficiaries.

Ever since their inception, it has been the case that cheques are not a promise to pay by the bank, but a request to the bank that it pays, out of the funds deposited by the customer, an amount to a third party. This means that the bank will only honour the cheque if the account holder has sufficient funds to meet it or it can be covered by an agreed overdraft or other line of credit. Cheques are not legal tender and never have been. Even today, if you owe someone money they are not obliged to accept a cheque. Instead a creditor is entitled to be paid in legal tender and can refuse payment in any other form.

### **Crossed cheques**

The rules concerning crossed cheques are set out in Section 1 of the Cheques Act of 1992 and prevent cheques being cashed by or paid into the accounts of third parties. On a crossed cheque the words "account payee only" (or similar) are printed between two parallel vertical lines in the centre of the cheque. This makes the cheque non-transferable and is to avoid cheques being endorsed and paid into an account other than that of the named payee. Crossing cheques basically ensures that the money is paid into an account of the intended beneficiary of the cheque.

## JPSG ROAD SHOWS: Report and reflection

In 2011 The Joint Property Strategy group (JPSG) was set up as a partnership between the Methodist and United Reformed Churches as a result of the Church Buildings Think-Tank report of the two denominations – **Building Opportunities** ([www.jpsg.org/hp\\_wordpress/wp-content/uploads/2015/05/BT1004-building-opportunities-011010.pdf](http://www.jpsg.org/hp_wordpress/wp-content/uploads/2015/05/BT1004-building-opportunities-011010.pdf)).



Too often buildings are seen as burdensome in the hands of the Church. We need to change that thinking and the structures that can sometimes encourage it. The JPSG was created to explore how God's people and church premises can best be equipped and released for mission.

To achieve the aims of the group the JPSG identified the following four areas of work:

**Possibilities:** Creating communities of inspiration and learning, sharing good practices and providing 'good endings' for closing churches.

**People:** Empowering people and providing training for church leaders, encouraging property stewardship and developing strategies for mission development.

**Partnership:** Reviewing the Reciprocal Sharing Agreement between the two Churches and presenting best practices for partnerships with church and non-church organisations.

**Procedures:** Providing clarity on standing orders and legal requirements related to church property

This was represented in six roadshows entitled *People, Places and Possibilities* which were aimed at local churches with an interest in mission, community and buildings. These shows were held on six Saturdays over the summer in Newcastle, Birmingham, Cambridge, Manchester (Hale), Plymouth and Surrey (Woking). Each of the chosen churches was an exemplar of what can be done when the building is used as a base for mission as opposed to drain on resources. On arrival each delegate was able to collect a very handy jute bag and fill it with more than 50 written resources and handouts for later reading and digestion to assist in dealing with buildings.



Drawing on inspirational stories from around the UK over 250 participants were given inspirational examples of how individual churches have addressed their own mission priorities, how the priorities have changed in the light of local developments and how their building has changed in response.

The font in Cornerstone Church, Cambridge, showing how the heritage of an old building can be placed sympathetically in the new (© R Farmery)

We started each day with the tale of the talents as a firm base on which to secure the day's event. We used it looking to God's Spirit to enlighten our hearts and minds, and to empower our service, to the glory of God and our eternal good.





There were case studies of **possibilities** in such places as Hale Methodist Church, where we studied new ways of being church, of missional priorities – serving people outside the Church; contextual concerns – listening to people and valuing their culture; educational needs – making discipleship a priority, and ecclesial necessities – forming Church.

We also looked at Woking United Reformed Church and their desire and work to make a vision into a reality through their innovative outreach work which included turning the church into a skating rink to benefit the local hospice. Although they failed to attract Torville ... or the Dean!

The Vine, Hale Methodist Church, echoing the traditional 'pub' sign showing that there is another place in this community (© R Farmery)

In **Places** we examined three principles... three specifics... three examples. We explored vision, the key spiritual gift, through the work of Tubestation in Cornwall; uniqueness, the key spiritual asset seen through the International Christian Centre in Rotherham, and persistence, the key spiritual discipline shown by the work of the Bolsover Methodists in Derbyshire.

We then moved on to **people**, in many ways the most important of topics. We made a careful study of the Lighthouse Centre in Rotherham. We looked at its structure and the way it has transformed the lives of all of those with whom it has worked. We watched intently the Channel 4 film made about Richard, an ex-offender and drug addict and his conversion once he had asked God for help with his life. We tried to decide if this was a church, a project or a ministry.

We also had significant input on the day from Jo Hibbard, Heritage Officer of the Methodist Church and Valerie Jenkins, the Church Secretary of Saltaire URC, as well as the Churches Visitor and Tourism Association. They gave practical advice and guidance on how to make churches open, encouraging and welcoming, and showed the value of our church buildings and other heritage such as archives and historic objects as they play their part in God's mission. Their advice even extended to how you should think carefully about the people who are in the church, the story the church tells and how to join it all together to make it relevant for a wide variety of audiences.

After lunch and a conducted tour of the host church, Living Stones, the Church + Community Trust, helped us by looking at the question "What is God calling you to do in your church?" The conclusion was that our church buildings are a space for God, a place for people and a base for mission. However, we felt that we must never let either the demands or the limitations of our buildings determine our response to what God is calling us to do.



Valerie Jenkins of the URC talks to delegates about welcoming at St Peter's, Plymouth (© R Farmery)

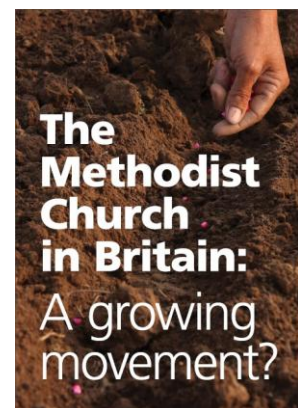
If you were unable to join us for a roadshow, much of the material is available on our dedicated website [www.jpmsg.org](http://www.jpmsg.org). This holds resources, information, checklists and many helpful links to assist you if you are looking at how the building you have inherited (or built) can help and not hinder your mission.

## STRATEGIC RESEARCH:

### *The Methodist Church in Britain: A growing movement?*

What does growth look like in the contemporary Methodist Church?  
Where can growth be found?  
How can growth be encouraged and nurtured?

These questions form the basis of a significant piece of Connexional research - and the Strategic Research Team would like to hear your views on these issues. To find out more about the research visit [www.methodist.org.uk/growingmovement](http://www.methodist.org.uk/growingmovement).



You can complete an online questionnaire at: [dotmailer-surveys.com/09bvi0c-c715r154](https://dotmailer-surveys.com/09bvi0c-c715r154)

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

**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](http://www.methodist.org.uk/signup)**



## The Methodist Church

**Methodist Church House  
25 Marylebone Road  
London NW1 5JR**

**020 7486 5502 [Helpdesk]  
[www.methodist.org.uk](http://www.methodist.org.uk)  
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