

Diocese of Glasgow and Galloway

NOTES AND GUIDANCE FOR VESTRIES AND PROPERTY CONVENERS

- Funding – grants, loans, etc
- Disability Discrimination Act
- Developing your properties
- Managing projects
- Canon 35 – changes and alterations to churches
- Employing tradesmen and contractors
- Health and Safety
- Provincial & Diocesan Guidelines

ISSUED BY
THE DIOCESAN PROPERTY
COMMITTEE

March 2008

2nd Edition

Though we hope that this booklet is reasonably comprehensive and will answer most questions or direct you to useful sources of information, in the nature of things it will not answer all questions or include all necessary information.

The Property Committee hopes to produce further editions from time to time and would therefore welcome suggestions for improvement. Please contact the Dean with any comments or suggestions:

tel. 0141 423 1247, fax 0141 424 3332, email:
dean@glasgow.anglican.org

IN NOVEMBER 2007 A NEW WEBSITE – *CHURCH BUILDINGS MAINTENANCE IN SCOTLAND* – WAS LAUNCHED, SPONSORED BY THE CHURCH OF SCOTLAND, THE SCOTTISH EPISCOPAL CHURCH, THE ROMAN CATHOLIC CHURCH AND HISTORIC SCOTLAND. IT IS INTENDED FOR ALL PROPERTY AND FABRIC CONVENERS AND COMMITTEES AND HAS BEEN WARMLY WELCOMED. USE IS FREE: www.maintainyourchurch.org.uk

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Introduction

The Diocesan Property Committee exists to offer help, advice, support and encouragement in all aspects of the care of properties. Its official remit is: *to promote and encourage good stewardship and imaginative use of properties for the ministry and mission of our congregations.* To this end we meet monthly in the Diocesan Centre, but are also more than happy to arrange visits to churches and to invite churches to attend our meetings to discuss problems and projects.

If you want to rewire or relight we can come and advise. If you want to develop your hall with a view to community use, we can help. We process and have to approve all applications for grants under the Provincial Dunderdale and Maintenance & Development Funds. We can advise both the Bishop's Staff Group and through it the Diocesan Council, concerning diocesan loans. We can make emergency grants for repairs. Most importantly, we consider, alongside the Bishop, all proposed alterations to church buildings under Canon 35. If you want to remove pews, re-order your sanctuary, put in a new window, redecorate your church, rewire or relight – you must have both the committee's and the bishop's consent.

We also administer all properties belonging to the diocese and advises the Diocesan Trustees on all sales of property in the diocese, whether it be land or buildings.

The best way to contact the committee is to approach the Dean, who is its convener: tel. 0141 423 1247 - fax 0141 424 3332 - email: dean@glasgow.anglican.org
He is always willing to offer help or advice, if it is only to direct you to the right person!

On Care of Properties in the Diocese of Glasgow and Galloway:

Every Vestry should have an officer of the vestry who has overall responsibility for the care of church, hall and rectory. She or he is normally called the **Property Convener**. They may work on their own, drawing in the necessary help from time to time, or they may work with some kind of committee. The priest and members of the vestry should help the property convener by keeping their eyes open as they use the buildings. Walk around the buildings very regularly just to see if there is anything obviously amiss – a leaky gutter, slates off, decayed pointing. And if you see anything notify the property convener immediately.

The tools of the property convener's trade, apart from whatever personal knowledge and expertise they may have, and the eagle eyes of clergy and laity, are two.

Quinquennial Report

Every charge is required every five years to commission a detailed survey of the properties – church, hall and rectory – which will exhaustively describe the current state of the fabric and recommend work to be done in various categories of urgency for the next five years. It is these recommendations which should be used by Property Convener and Vestry to draw up and budget for a five-year scheme of works so that you can keep on top of the properties. The Property Register, issued to every charge by the Diocesan Property Committee, contains guidelines for these reports and record sheets for work undertaken in consequence of them.

Property Register

This is the second tool of the trade. It includes all the material you need to help you administer your properties responsibly and

effectively. It is regularly updated by the diocese and it is an indispensable resource.

Dean's Visitations

In this Diocese the Dean is *ex officio* Convener of the Property Committee and during regular visits to charges will cast an eye over churches, halls and rectories. Visitation letters will usually indicate any immediate concerns about the property, especially about clergy houses. More often than not they are in good repair and more often than not vestries work very hard to keep them that way. The Dean and the Committee are fully aware that the care of rectories is a major charge upon Vestries. The Property Committee will do all in its power to help Vestries upgrade rectories and deal with problems that arise, especially in older properties.

On Funding:

Building Grants and Loans

Vestries are reminded that they should implement a planned maintenance programme in accordance with the recommendations of the Quinquennial Report. Failure to do so may imperil the award of grants. If there is any difficulty in developing and implementing such a plan the Property Committee should be approached for help.

Information on financial help available to Charges can be found in the *Vestry Handbook* and *The Property Register* and application forms and rules can be obtained from the Diocesan Centre. The following is a summary of the help which is available.

- 1. *Maintenance and Development Fund.*** This provides help for major projects. As the annual budget is usually substantially oversubscribed allocations are made only once each year at the Provincial Finance Committee in February.

Applications should be submitted in time to be considered by the Diocesan Property Committee the previous October.

2. ***Dunderdale Building Fund.*** This fund provides maintenance grants of up to £2,500. Grants will not exceed 50% of the cost and the project cost must be at least £1,500. As a measure of financial need grants will not normally be considered if reserves exceed two times annual turnover. Applications can be submitted any time and will be considered first by the Diocesan Property Committee and, if approved, will be passed to the next quarterly meeting of the Provincial Finance Committee.
3. ***Grants for Quinquennial Reports.*** The Dunderdale Fund may also provide grants towards the cost of Quinquennial Reports in case of demonstrable need. Application should be made to the Diocesan Property Committee which must endorse such applications.
4. ***Emergency Repairs Grants.*** Grants are sometimes available from the Diocese for Charges unable to meet their share of the cost of urgent and essential repairs. Application should be made to the Property Committee.
5. ***Building Loans.*** These are available from either the Diocese or the Province but in either case application should be made to the Diocese. They are repayable, with interest, usually over a five-year period by monthly instalments.
6. ***External Funding.*** In most cases it will be necessary to seek external funding towards the cost of larger projects. **Historic Scotland** and the **Heritage Lottery Fund** are the two main funding bodies in relation to listed buildings.

Project information requirements may also be funded and an early approach is necessary. Grants are also sometimes available from the **Scottish Churches Architectural Heritage Trust** or from a local landfill operator through the landfill tax scheme. Contact the Diocesan Office for further advice on the landfill tax scheme. There are also many local and national private trusts who may be willing to provide small grants. This is a complex area and the Diocese has a small pool of people with some experience who are available to give advice. Reference can also be made to the excellent publication *Sources of Financial Help for Scotland's Historic Buildings* (Published by the Scottish Civic Trust on behalf of Historic Scotland) and to *A Directory of Grants for Places of Worship in Scotland* (Published by the Scottish Civic Trust on behalf of Historic Scotland). The Heritage Lottery Fund and Historic Scotland also publish an application pack entitled *Repair Grants for Places of Worship in Scotland*. Grant funding must be secured before any work begins.

7. **Organs.** By far the most details are in 2 online pamphlets issued by the British Institute of Organ Studies. Their website is www.bios.org.uk, and the 2 pamphlets are called "Sound Advice" and "A Guide to Grants".

Details of a large number of trusts can also be found in the three publications *A Guide to the Major Trusts*, *Directory of Grant Making Trusts* and *Directory of Scottish Grant Making Trusts* which should be available through your local library or Council for Voluntary Service.

VAT

The construction of a new building and work to an existing building is normally standard rated (17.5%). However there are exceptions in relation to **Listed Churches**:-

1. An extension is normally zero rated.
2. Alterations (not repairs) are normally zero rated.
3. Whilst repairs and professional fees are standard rated a grant under the Listed Places of Worship Grant Scheme can, under certain conditions, reduce the VAT rate to zero.

In addition the construction cost of alterations for making provision for the disabled in **any building** is zero rated. Further information on VAT in relation to buildings and construction can be found in *VAT notice 708* available from HM Revenue and Customs. However this is a complex area and in relation to large projects expert advice might be necessary.

On The Disability Discrimination Act:

The Disability Discrimination Act requires that all public buildings are made accessible and useable for people with disabilities. In the case of existing churches adaptation may be very difficult to achieve and the requirements are that all *reasonable* measures be taken to provide facilities. Some areas have an “Access Panel” who may be able to give advice. Alterations may require planning and/or Listed Building consents and a Building Warrant. In some cases Canon 35 consent may also be required.

On the Development of your Properties:

Development Deals for your Property

Early contact with the Diocese can help with guidance and support. The legal issues can be complicated and take some time to resolve and it may be necessary for the charge to consider having a professional adviser of their own. Issues that need to be considered:

- Ensure reasonable value is being offered.

- If facilities are being provided (new hall, rectory etc) the specification should be discussed early to agree space and accommodation, method of construction, durability and maintenance life.
- Are there setting or design qualities of the existing buildings that require particular consideration e.g. alongside a Listed Building, protected trees etc.
- Who has responsibility for professional design and fees, obtaining planning, Listed Building and Building Warrant consents?
- Will the other user compromise your own use of the buildings?
- Will there be sufficient funds for the long-term management and running costs?
- Agree at the outset a programme and any phasing of occupation for the development .

A suitable person is required to coordinate the church involvement but this should **not** be one of the clergy.

The Letting of Church Properties

It will be desirable to let out church properties from time to time to support the charge (N.B. This does not refer to ‘hall lets’ where various groups will use the church hall on a routine basis).

Professional advice is essential.

There are two types of let - **Residential** where houses or flats will be rented to individuals and **Commercial** where buildings which can be used for offices or some other business function are rented to companies or organisations.

Residential Lets

These are governed by Assured Tenancy Agreements (ATA). The Short ATA must be for at least 6 months initially and will thereafter continue assuming agreement of both parties.

The agreement will cover;-

- a) Rent, deposit payable and term
- b) Landlords obligations
- c) Tenants obligations

Commercial Lets

These can be long or short term. Long term leases may last for any period and will include provision for rent reviews at regular intervals. Short term leases may last from a few months to a few years. Normally there is no provision for rent review.

Letting assets both residential and commercial is complicated by legislation, planning issues and the need to ensure that the market rent is obtained. In the first instance charges should contact the property committee with their proposals. The property committee in turn will deliberate and advise further.

On Canon 35, Of the Structure, Furniture and Monuments of Churches, and the Due Care Thereof:

Canon 35 governs alterations to the interiors and exteriors of places of worship (*it does not cover halls or rectories*).¹ People responsible for property should familiarize themselves with the text of the Canon. The Property Committee and the Bishop, in administering the procedures under the Canon, aim to help charges in the creative maintenance and development of their buildings. The Canon is there to make sure that any changes are appropriate and properly planned, put out to proper consultation, and have the general support of the congregation. Proposals which fail to meet these basic criteria will be referred back for further discussion and the Committee will be very happy to take part in such discussions by making site visits and meeting concerned parties.

The following guidance notes outline the procedures. Any questions about procedures under the Canon should be referred to the Dean in the first instance and in particular it may be worth seeking advice as to whether a proposed change comes under the Canon.

Notice Of Experimental Re-Ordering Of A Church Building

1. Charges are permitted to undertake experimental reordering for a period of not less than 3 nor longer than 9 months as

¹ In the case of alterations to the exteriors of *listed* buildings, application needs to be made for listed building consent under the provisions of the pilot scheme to apply listed building control for exteriors of churches in ecclesiastical use – see the booklet *Pilot Scheme to Apply Listed Building Control for Exteriors of Churches in Ecclesiastical Use* (Published by Historic Scotland).

long as all work is fully reversible and no structural alteration is involved.

2. The procedure for experimental re-ordering requires the appropriate notification form to be submitted to the Committee through the Diocesan Office **at least 2 weeks before any reordering works begin.**
3. The application form (Notice of Experimental Re-ordering) should be completed *in full* prior to submission.
4. Charges are required to submit plans of the proposed reordering together with photographs of the affected items. The purpose of this requirement is to assist in the assessment of any application, and fully to record the reordering both 'before' and 'after'. Charges should ensure that any plans are clearly presented and to scale.
5. If it is intended that the change is to be made permanent charges must advise the Property Committee one month in advance of the end of the experimental period and then submit an application for consent.

Canon 35 Approval

1. Canon 35 Approval is required for the following works:
 - a) Alteration, extension or demolition of all or parts of the building structure.
 - b) Introduction, alteration or removal of:
 - Ecclesiastical furniture
 - Ornaments
 - Monuments
 - Mural tablets²

² Introduction of new plaques or tablets will not be permitted.

- Engraved, painted or stained glass windows
- Other ecclesiastical items as may be identified
- c) Introduction, alteration, removal or extension of:
 - Decoration
 - Lighting systems
 - Heating systems
 - Sound systems

Advertisement and Notification:

Experience suggests that it is most helpful for vestries, in advance of any pre-application, to agree, publish to the congregation and adhere to a timetable for each stage of the entire process.

When planning changes it is advised that, as well as specific procedures for written representations outlined below, the fullest possible consultation be made with the congregation, through special meetings, display of plans, etc. The Property Committee will always wish to be assured of such consultation and have clear evidence of it.

It is important to note that this is a two-stage process with pre-application and application.

2. Prior to proceeding with any works requiring Canon 35 Approval, charges are required to carry out the following notification and consultation procedures.
3.
 - a) Advertise the proposals to the congregation by any or all of the following:
 - Publication in Parish Magazine
 - Announcement in church
 - Presentation at a Congregational General Meeting.

- b) Where the church is Listed, notification of the proposals should also be issued to each of the following:
Historic Scotland
The Local Planning Office
Any Local Civic/Amenity Society affiliated to the Scottish Civic Trust.

If you have any doubts please seek advice from the Diocesan Property Committee

4. The notification/consultation procedure requires that members of the congregation and in the case of Listed Buildings any other external bodies be allowed a minimum of 4 weeks in which to make written representations on the proposals.
5. Having notified the congregation, and in the case of Listed Buildings all other external bodies, charges should complete and submit the ***Pre-Application Notice for Canon 35 Approval***. Charges should note that this Pre-Application form should be submitted to the Diocesan Office **as soon as the congregation and external bodies have been notified of the proposals**. Charges should not wait for responses before submitting this Pre-Application form.
6. Except for very minor approvals charges will be required to submit plans of any proposed alterations together with photographs of the affected areas. The purpose of this requirement is to ensure that all applications can be fully and properly assessed, by both the Bishop and the Property Committee. Where required Plans ‘as existing’ and ‘as proposed’ should accompany all applications. Charges should ensure that these plans are clearly presented and to a scale of at least 1:50.

Application For Consent

7. Following submission of any Pre-Application Notice for Canon 35 Approval, charges have 6 months in which to make an application for consent to the Bishop and the Property Committee through the Diocesan Office.
8. Vestries are required to consider any written representations received from congregational members or external bodies in response to the advertisement and notification procedures adopted. This does not necessarily mean that the proposals will need amendment, but the Bishop and Property Committee will require evidence that any written representations received have been fully and properly considered. *The Property Committee and/or the Bishop may wish to make comments at this stage.*
9. Copies of all written representations received (together with minutes of any congregational general meetings including *clear statements of any votes taken*) should be submitted to the Diocesan Office when lodging the Application for Canon 35 Approval. The application also requires that any alterations made to the original proposals as a response to written representations received and/or congregational meetings held be identified and briefly described.
10. Two copies of all final plans ‘as existing’ and ‘as proposed’ should accompany the Application for Canon 35 Approval. As before charges should ensure that these plans are clearly presented and to a scale of at least 1:50. One copy of the plans will be returned to the charge on approval (or refusal) of any application for Canon 35 consent.

11. The Bishop and Property Committee will decide independently within 4 weeks of receipt of any Application for Canon 35 Approval, whether to grant or refuse consent.
12. If charges are unhappy with any decision made by the Bishop and/or the Property Committee appeals can be made in writing to the Provincial Buildings Advisory Committee (PBAC). This committee will decide any appeal within 12 weeks of submission. Its decision is final. Guidelines for making appeals are available from the General Synod Office.
13. Any consent granted under Canon 35 is valid for 3 years. If work for which consent has been granted has not begun within this 3 year period the consent will lapse.
14. *Work must not start until both the Bishop's and Property Committee's consents have been received.*

On the Employment of Tradesmen and Contractors:

From time to time the Property Committee receives requests from Vestries and Property Conveners for a list of property professionals—architects, lawyers, builders, etc—recommended by the Diocese. This simply is not possible, but the Committee offers some basic guidelines.

Maintenance Work

Reliable tradesmen are worth seeking out and cultivating. For regular maintenance, small repairs and occasional emergencies, it is far better to have an arrangement with a local plumber, electrician, joiner and perhaps jobbing builder, than to go through a tendering process for every piece of work. Local business directories can be useful sources, as can local newspapers, but

personal recommendation is by far the best. Check with neighbouring congregations (including other denominations) and members of your own congregation.

Appropriate qualifications are essential, for example asbestos removers.

Check that your tradesmen all carry appropriate employers and third party liability insurance.

If an ongoing relationship is to be established (perhaps after a trial period), a formal agreement is useful.

Agree an hourly rate and a percentage mark-up on the cost of materials, which should be updated annually, and ask to be billed on a labour-plus-materials basis. In this way, the accuracy of invoicing can be fairly readily checked. Do not forget the VAT where applicable. Agree payment dates and stick to them. Emergency callout times and payments should also be agreed and annually reviewed. In this way, a series of rolling annual maintenance contracts is effectively created. Should a minor emergency occur, your maintenance regime should be able to cope with it.

Major Repairs, Renewals and Restorations

All major works must be notified to the Property Committee (and some may need the Committee's approval). The Committee has issued guidelines for the management of such projects (available from the Diocesan Office) and is always available for consultation and advice on the categories of professionals and contractors needed for each project.

Through the Property Committee the Diocesan Architect may give early informal advice and thereafter, by agreement with the

congregation, may be engaged professionally. It is essential that those supervising a project do so in a professional capacity, and not as a favour, so that everyone complies with legal requirements and is properly covered by insurances and indemnities: projects virtually always encounter problems at some point and it is only by keeping everything on a professional basis through proper contracts and agreed procedures that collapsed projects, recriminations and financial disaster can be avoided.

Tendering

For all major work, a tendering process is essential: the architect's specification for the work is issued to several potential contractors, who use it to price their bid for the work. On smaller projects, it may be sufficient for the Property Convener, on behalf of the Vestry, to describe the necessary work. In either event, the tenders usually highlight areas of difficulty, or items missed from the specification. It's important not to accept immediately the lowest quote but to analyse and compare the various quotes to identify which is best value. Often, that isn't the cheapest.

Grants

There is more detailed information on grants elsewhere in this leaflet. At this point, it is simply worth noting that most grant-giving bodies require evidence of competitive tendering. If you are seeking a smaller grant (for example, from the Church's Dunderdale Fund) and propose to use a firm with which you have an established relationship, it is advisable to include details of your time-and-materials agreement. Such a grant application will not necessarily be rejected, but you must demonstrate that you are satisfied as to value-for-money.

Most grants take considerable time and effort to obtain, and can only be part of a planned project. They are usually paid retrospectively. In the event of a genuine emergency, the Diocese

can move quickly to offer a grant, or interim payment, or a loan, as appropriate. In the first instance, contact the Property Committee.

Asbestos

There is a legal requirement to have an asbestos management policy. If there is the least doubt about the presence of asbestos where there is proposed work contact the Property Committee immediately.

Help and advice from the Property Committee

The Committee does not just exist to ensure compliance with laws and canons. The members have a wealth of experience of property matters, and are always glad to offer “first instance” help and advice on how to go about things: we all have a shared interest in ensuring that the Church’s built heritage is properly maintained. Don’t feel you have to wrestle with intractable problems on your own. Whatever your property problem, it has happened to someone else in the Diocese before, and their experience can help you.

On Health and Safety:

Policy Statements

Under Health & Safety legislation all employers of five or more employees are required to have a written statement of their Health and Safety Policy in addition to a fully comprehensive Safety Policy which must be reviewed at regular intervals. There is no statutory prescription as to the content of the policy, but the need for and the terms of such a policy are intended to ensure that all Charge Vestries have a clearly defined understanding of what their health and safety responsibilities and goals should be and *it is strongly recommended that the policy statement circulated by the Diocese or a variant of it adapted to the needs of a particular charge be adopted by all Vestries regardless of the number of employees.*

Written Statement of Policy

As a matter of best practice, all Charges should display a written statement of their Health and Safety policy at the main entrances to all buildings.

Risk Assessments

Church premises are, or should be, low-risk environments, and health and safety requirements, particularly risk assessments, should be straightforward enough and a matter of common sense. It is essential that regular risk assessments (including fire risks) be carried out and that the results be recorded. A leaflet, *Five Steps to Risk Assessment* is available from the Health and Safety Executive.

Fire Safety

So far as fire safety assessments are concerned, please consult the document, *Health and Safety Guidance notes*, available on the Diocesan Website under downloads. Charges should also contact their local Fire Brigade who will be happy to inspect and advise.

Hall users

Finally, there should be a separate, section which covers particular rules that may have to be applied to the use of hall premises by outside groups. Whether this section will be required will depend on the nature and use made of the particular Charge's accommodation. Such rules do not need to be part of the policy statement but should be issued as a separate document to hall users or referred to in any letting agreement. Clearly, it is important that all users are aware of their fire safety responsibilities and further, that this may be a requirement, to ensure that there are no insurance contraventions.

Additional Information

From time to time the Provincial Buildings Advisory Committee and the Diocesan Property Committee and government agencies issue guidelines. Normally these are sent to Vestry Secretaries for distribution to the relevant persons in each charge. The following are currently available – please contact the Property Committee who will arrange for copies to be sent to you if you do not already have them.

Canon 35 (including pre-application, Application & notification of experimental re-ordering forms)	(diocesan)
Clergy Housing Standards	(provincial) ³
Disability Discrimination Act	(provincial)
Fire Safety in Churches, Halls & Rectories	(diocesan)
Food and Hygiene	(diocesan)
Management of Property Transactions	(diocesan)
Planning Applications	(diocesan)
Proceeds of Property Sales	(diocesan)
Quinquennial Reports	(diocesan)
Telecommunications Masts	(provincial) ⁴

³ These are printed in the Clergy Personnel Handbook issued by the General Synod

⁴ Please note that the erection of such masts is usually considered to be a matter requiring consent under Canon 35