

Helping Others to Use Your Church

Wednesday 20 March 2024



Kingdom People

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THE CHURCH
OF ENGLAND
**DIOCESE OF
WORCESTER**

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Licence & Lease

- A Licence to Occupy is a right of permission for a party to use or 'occupy' another party's property. There is no tenancy created and the licensor does not get exclusive use of the area in question.
- A Lease grants the occupier an exclusive right to occupy the property or area for a fixed period of time. It provides greater security of tenure



Compliance and management – hall & church

- Up to date policies and testing (insurance, fire, H&S, electrical, water, extinguishers etc)
- Weekly/monthly etc checks (alarm batteries, first aid etc)
- Cleaning – general and by users
- Booking systems
- Licence
- Equipment available (kitchen, crockery, chairs, tables, AV & sound)

Church Halls

- Operated by the PCC (usually owned in trust by DBF)
- Used for variety of church and community uses
- Needs to be compliant as a public building
- Needs to be easy and safe for third parties to use



Calendar

Lower Hall - RED

Upper Hall - BLUE

Hall Bookings

Today 18 - 24 Mar 2024 Week Month Agenda

Time	Mon 18/3	Tue 19/3	Wed 20/3	Thu 21/3	Fri 22/3	Sat 23/3	Sun 24/3
09:00			09:00 - 10:00 Qigong	09:00 - 12:30 Coffee Morning		09:15 - 10:30 Rod Drury	
09:50 - 11:10	NATURALDYNAMICS Pilates	09:30 - 11:30 Badminton Club		09:30 - 10:45 My Baby Can Dance			
10:00		09:45 - 12:15 U3A Eat Bridge Group	10:20 - 11:40 NATURALDYNAMICS Pilates				
11:00	11:15 - 12:25 Lila dance						
12:00							12:00 - 16:30 Party Hire (LB)
13:00	13:00 - 16:00 Lent Lunch			13:00 - 15:00 Babies and Toddlers			
14:00					14:00 - 16:00 Ted Stokes		
15:00							
16:00		16:15 - 18:00 Hilly Yoga (Gentle Yoga)					
17:00					17:00 - 21:00 Malvern Jujutsu	16:30 - 23:30 Party	
17:30 - 18:30	1st Malvern link meeting	17:30 - 18:30 Rainbows		17:45 - 19:00 Tessa -Yoga			
18:00		18:00 - 20:00 Tai Ji & Qigong	18:00 - 19:00 Tai Ji & Qigong Practice				
19:00		19:15 - 23:00 Ceroc Excite	19:30 - 21:30 Cool Moves Dance and Fitness	19:00 - 21:30 Trinity Life Draw			
20:00		19:30 - 21:30 Joint Council Meeting		19:15 - 21:30 Malvern Scottish Dancing Club			19:30 - 21:30 Malvern Wind

Events shown in time zone: United Kingdom Time

Google Calendar



One-off hires

- Hire forms – simple, clear
- Pricing
- T&Cs – protect the venue
- Induction
- Licence for entertainment/ alcohol – premises or TENS



Regular use

- Generally, hire agreements
- But if have numerous sessions, storage requirements etc., licence may be preferable
- When did you last review hire fees?



Pre-schools

- Several halls in diocese host pre-schools.
- Some are on licenses, others leases – depending on extent of use, therefore extent of PCC management.
- Can often have extra safeguarding & Ofsted requirements for PCC.



Business Rates

- Church Halls generally exempt
- Ref Para 11 of Schedule 5 of Local Government Finance Act 1988
 - (b)a church hall, chapel hall or similar building used in connection with a place falling within paragraph (a) above for the purposes of the organisation responsible for the conduct of public religious worship in that place.
- If used solely for other purposes then may be rated
- End-of-day test – can it be used for something else during the next session?

Resources

- Local Authority
- <https://acre.org.uk/herefordshire-&-worcestershire/> (not sure of West Mids equivalent, perhaps Dudley CVS)
- <https://ecclesiastical.com/risk-management/> (don't have to be client to use their risk and H&S document templates)

Churches

- Churches increasingly used by others for events or longer-term uses.
- Some parishes closing and selling halls to re-order churches to use flexibly.
- Most churches subject to Faculty Rules for their use!



Faculty Rules



- PCC/Incumbent don't have sole right to allow others to use church
- Faculty should be granted
- In practice, only for longer-term uses
- Licence(by Faculty) or Lease (by Faculty)

One-off/regular hires

- Concerts, rehearsals
- Scouts, guides
- Film clubs
- General school use

Same provisions as for halls
but may need to consider
suitability for the holy space



Long-term use / licence or lease

- Location filming
- Community business
- Formal education settings
- Offices
- Anything that impacts on the ability to carry out worship or gives prime/sole use of a particular space

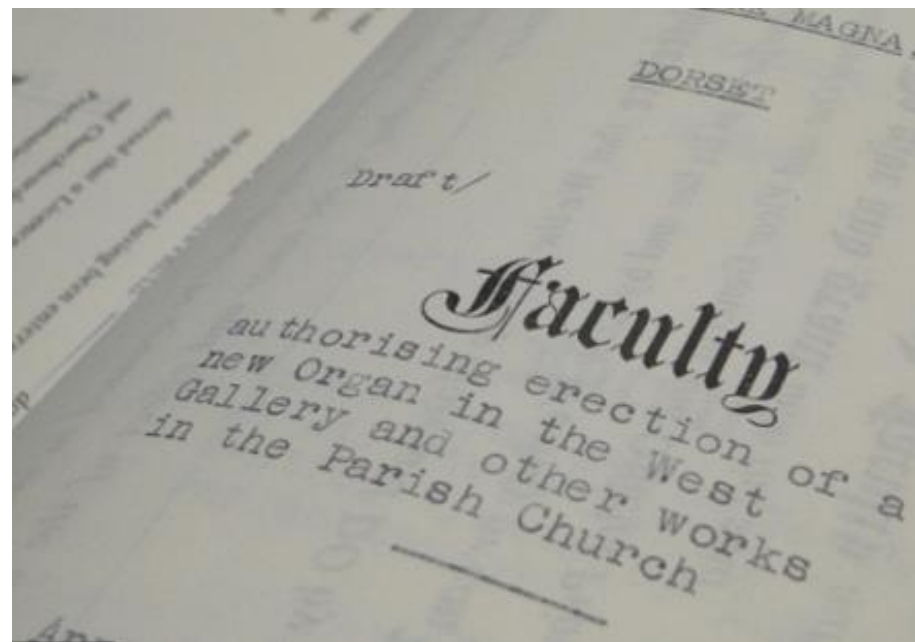


Examples

- Pupil Referral Unit: Top Church Dudley (4 days per week)
- Franchise Café: St James', Welland (3 days per week)
- Men's Shed: St Clement's, Worcester (undercroft)



The [Consistory] court cannot grant a faculty for a licence to use a church in a way which would be inconsistent with its status as a consecrated building as such use would be unlawful. Provided that the proposed use is consistent with the church's consecrated status, the court has a discretion whether to grant a faculty. The court will wish to be satisfied that if the licence is granted the building will continue to be a church and that the proposed use will not prevent its use as a church when it is required for that purpose – which will not merely be on Sundays but also, for example, for the occasional offices.



A lease of a church cannot be granted except under the relevant provisions of section 68 of the Mission and Pastoral Measure 2011. [...] The aim of that Measure was to facilitate alternative use of churches in cases in which parishes found that, if such use were to be possible, the intended user group needed to have a lease of the part of the church in question, rather than merely a licence. In many cases this would be because a lease was required to enable the user group to secure financial support from one or more public funding bodies (this being a common requirement of a number of such bodies). [...]

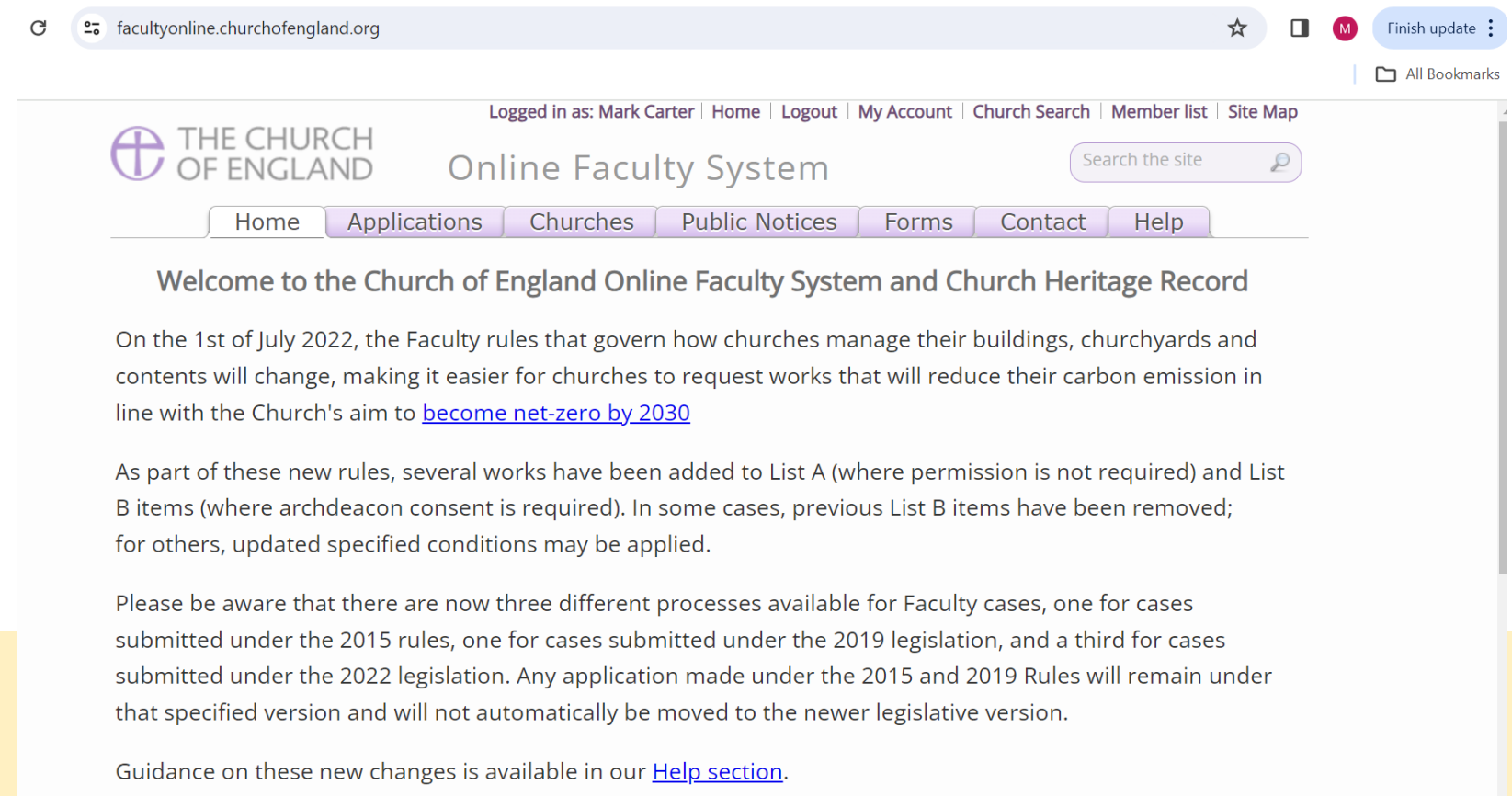
Section 68 of the 2011 Measure empowers the consistory court, in its discretion, to grant a faculty authorising the incumbent to grant a lease. But this is subject to two overriding requirements. The lease must be of part only of a church: it is not possible to grant a lease in respect of the whole church. Moreover, the church building, taken as a whole, must continue to be used primarily as a place of worship after the lease is granted.

How to apply for consent

- Faculty application through Online Faculty System
<https://facultyonline.churchofengland.org>

BUT...

- Speak to Diocesan Registrar and us first as these are unique applications.



The screenshot shows the homepage of the Online Faculty System for the Church of England. The browser address bar displays 'facultyonline.churchofengland.org'. The page header includes the Church of England logo and the text 'Online Faculty System'. A navigation menu contains links for Home, Applications, Churches, Public Notices, Forms, Contact, and Help. The main content area features a welcome message and a notice about new Faculty rules effective from July 1st, 2022, aimed at reducing carbon emissions. It also mentions changes to List A and List B items and provides a link to the Help section for more information.

Other matters

- Parking
- Offices
- Lease to Friends Group for maintenance/management
- Local Ecumenical Partnerships

- ANY QUESTIONS