

Clyde Presbytery

Property Guidelines and Procedures

Kirk Sessions have a duty of care to provide a safe and comfortable environment for all users of its property. The Presbytery, through the services of its Property Committee, has adopted the following practice and procedures to assist in this process.

This paper identifies the procedures relating to all property matters including purchase, sale, let or disposal of properties and of all other matters with reference to the erection and maintenance of properties in the care of congregations within this Presbytery and its Property Committee, through its Convener, is the first line of contact in these matters.

The appointment of a full time Presbytery Building Officer, Mark Shanks who is a Chartered Surveyor, is a great asset and his advice should be sought at every opportunity.

Contact details for the Convener of the Property Committee and that of its members can be found in the Presbytery Handbook.

Definitions:-

New Builds and Alterations:- New buildings; any alteration of sanctuary, hall or manse; all extensions; works which change the appearance or character of the building; demolition or partial demolition; replacement of windows in different materials; removal of one or more pews; the redecoration of the church or the exterior of a building within the curtilage of the church with a new colour scheme, whatever the cost, all require the prior approval of the Presbytery and that of the General Trustees (GTs).

Repairs:- Making good what is already there; replacing like with like for listed buildings or with modern materials appropriate for the task for other buildings, including the décor, to ensure the appearance of the building, as far as is reasonably practical, remains the same.

Routine Maintenance:- Servicing of boiler plant; testing of electrical installations; fire appliances and alarms; PAT (Portable Appliance Testing), Legionella testing and the like.

Financial Limits:-

All Alterations irrespective of cost require the prior approval of the Property Committee under powers delegated by Presbytery and also that of the GTs.

In any one calendar year a congregation's Financial Board may carry out repairs with a cumulative value of £20,000 for sanctuaries, sanctuary and hall complexes and with an additional £10,000 for detached halls and a further £5,000 for manses all inclusive of VAT and professional fees without the approval of the Property Committee under the Presbytery's delegated powers. Repairs which exceed these limits require the approval of the Property Committee and in addition, repairs which exceed £50,000 require the additional and subsequent approval of the GTs. Further, repairs to the same element over the previous three years or are planned for the next three years which exceed a cumulative value of £50,000 also require permission from the GTs.

In addition, any repairs or alterations in excess of £100,000 require the approval of the conveners of Presbytery Mission Committee, Mission Plan Implementation Committee and Stewardship and Finance Committee in addition to that of the Property Committee for delegated approval under powers before being forwarded to the General Trustees for their approval.

The approval of the General Trustees takes precedence in all applications forwarded to them for consideration.

It should be noted that any costs associated with routine maintenance as defined earlier are not included within these limits and should be ignored.

Procedure

When the financial board of a congregation has assessed the need for Presbytery approval either for alterations or repairs, an A1 form entitled 'Application for Approval of Works/Financial assistance' requires to be completed in all respects and is available on request from the Convener or may be downloaded from either the Presbytery or the Church of Scotland websites.

Competitive quotations for works should be sought in all cases but the members of the Property Committee are aware that this is not always possible. However, every effort to demonstrate value for money should be explored.

There are occasions when such repairs fall below the financial limits but the congregation requires financial support either by way of a grant, a loan or release

of funds from the Consolidated Fabric Fund, all of which are managed by the GTs. In these circumstances the same 'A1' form requires to be completed in order to apply for such financial help.

Once the 'A1' form is completed it should be sent as an attachment by email to the Property Convener together with quotations for the works and any other documents in support. Thereafter it is circulated to the Property Committee for comments and assuming there is support for the proposal, a draft extract minute of approval is forwarded to the Presbytery Secretary for the production of a formal minute which is copied to the congregation's session clerk for noting. If deemed necessary, the Presbytery's formal extract minute, together with the A1 form and all supporting documents are forwarded to the GTs for action. This process takes approximately seven working days but should approval be required for larger schemes embracing the views of the Conveners of the other committees as defined above, then it will take longer.

It should also be noted that submissions forwarded to the GTs for action will take much longer as its Fabric Committee normally meets on the last Tuesday of the month, with the exception of July and December, and items for inclusion in its agenda require to be received a week earlier.

Property Sales and Purchases.

The purchase or sale of any property on behalf of a congregation must have the approval of its Kirk Session and an extract minute of that decision forwarded to the Presbytery Property Convener in order to seek concurrence of the Presbytery. In all cases it is a requirement that the services of the Church of Scotland (C of S) solicitors are engaged in the advertising, surveying and conveyancing of such properties. Once Presbytery approval is granted under its delegated powers, an extract minute of that decision is forwarded to the GTs for the attention of the Solicitors Department and copied to the Session Clerk. Thereafter, the C of S solicitors will liaise directly with the Kirk Session until the sale is concluded.

The purchase of property other than manses is rare and the following guidance, therefore, is primarily focused on the sale of churches and both the purchase and sale of manses.

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Manse Sales. This procedurally is the more frequent and simple exercise in the sense that once all approvals are granted the matter is left in the hands of the solicitors liaising directly with the Kirk Session in order to accept an offer.

Manse Purchases. Current market conditions dictate that approvals should be arrived at with minimum delay and once a Kirk Session has agreed to seek a new manse, it is essential that a small number of its members are appointed to act on its behalf. This group's initial task is to familiarise itself with the requirements of a manse as determined in the Manse Handbook. Once a suitable property becomes available details must be forwarded as soon as possible to the Presbytery Property Convener in order that representatives of this committee and that of the Ministry Committee have an opportunity to view the property and determine its suitability. If approval is granted and confirmed as such, then the representatives of the Kirk Session are empowered to instruct the C of S solicitors to submit an offer on its behalf.

Church Sales. This is similar to that of manse sales in the sense that once all approvals are granted the matter is left in the hands of the solicitors liaising directly with the Kirk Session in order to accept an offer. The responsibility for maintenance and security of church buildings remains with the Kirk Session until an offer is accepted and it is recommended that regular services should be maintained as long as possible in order to improve security and reduce the risk of vandalism.

This foregoing outlines the vast majority of routine procedures within the Property Committee but should an extraordinary issue arise Kirk Session office bearers are encouraged to contact the Convener for further advice.