

CHURCH MEETING RESOLUTION

Certified copy of Church Meeting minute

Acceptance of delegated authority to hire its premises

At its meeting held on **25th December 2018** the Church Meeting of **Whitehead United Reformed Church** ('the Church'), passed the following resolution:

The Church accepts delegated authority from The United Reformed Church (South Western Synod) Incorporated, the Trustee of its premises, to hire out such part or parts of its premises as are for the time being surplus to Church requirements, but only in strict compliance with the 'Conditions and Scope of the Delegated Function' as reproduced below, which have been separately provided to, and fully explained to the Church by the said Trustee.

Conditions and Scope of the Delegated Function

1. The power delegated is only 'to authorise or permit any person or persons, organisation or other body, other than the local church, to use the whole or any part of the premises detailed in the first, second and third columns'.
2. Such permission can only be granted when use of the space in question is not expected to be required by the local church.
3. The use must be **temporary, occasional or intermittent**. Use must not extend beyond 6 months but this does not prevent a fresh period of use being permitted from that date.
4. The use must not be for a pre-school or other OFSTED registered childcare provision; for a period exceeding 15 hours or 4 sessions per week; or for car parking where this is not ancillary to a premises booking. In all these cases and where a period of use extending beyond 6 months is required The Trustee must be approached and they may arrange for a licence to occupy or a lease to be completed.
5. Users cannot be granted exclusive possession under this delegation. Any such prospective user must instead negotiate for a lease with the Trustee.
6. Use as residential accommodation cannot be granted under this delegation. Any such use must be negotiated with the Trustee.
7. Use for storage is seldom occasional or intermittent; it must therefore be temporary. This usage requires a stated end date not extending beyond 6 months, though it does not prevent a fresh period of use being permitted from that date.(See also paragraph 11).
8. Exclusive use of a storage area cannot be granted under this delegation. Any such use must instead be subject to a lease, negotiated by the Trustee.
9. The use must be '**reputable**'. Ministers and Elders* must bear in mind the effect on the reputation (and possible liability) of both the denomination and the local church if users were to make any illegal or immoral use of the church premises. They must also bear in

CHURCH MEETING RESOLUTION

mind the statements of the General Assembly of 1974 which, whilst encouraging a sympathetic response to requests for religious or social use of church halls by groups of other faiths, discouraged such use of sanctuaries currently used for Christian worship.

10. At the same time, Ministers and Elders must recall that if a space is regularly let to individuals and groups outside the church (even without charge) this may constitute provision of a service or facilities to the public. Restricting its use on discriminatory grounds (such as nationality) would then in principle be unlawful. But some restrictions imposed for religious reasons and related to the proposed users' religion, belief or sexual orientation may be lawful. The law in this area is complex and Ministers and Elders who feel they (or their Church Meeting) may wish to impose such restrictions must raise the issue with the Trustee **before** an actual situation arises. Legal advice may be required in some circumstances.
11. The hiring permission given (in law, a 'licence') **must not** create any lease or tenancy. It may not therefore give exclusive possession of any space, including storage space. The users must be made to understand that the Trustee or the Minister and Elders as its agents, reserve the right to enter the space or relocate stored goods, at any time and for any reason. The Minister and Elders must feel free to act on this reservation.
12. The Hiring permission can only be granted with the authority of a Church Meeting resolution. It is for each Church Meeting to decide whether it will give a broadly-worded authority for uses which the Trustee (or the Minister and Elders on its behalf) think suitable, or impose specific conditions (so that any proposed use outside of those conditions has to be referred to the Church Meeting).
13. The Minister and Elders may decide on the Trustee's behalf whether use should be on payment or free of charge. The authorising Church Meeting resolution may lay down a policy on this, which must be followed. If a proposed use is not charitable in nature (e.g. it is political or makes a profit for the user) it would be unusual to charge a rate less than other such premises in the locality. The costs of lighting and heating/air-conditioning must also be considered: these can be included in an all-embracing fee or charged for separately at cost. Any sums received must be paid into the general funds of the local church.
14. The Trustee supplies a standard application form and set of conditions for hiring church premises which must be used for all hirings. The application and conditions form a part of the hiring agreement which must be accepted by the user and on behalf of the Minister and Elders: a copy must be kept in the church records (and sent to Trustee on request).
15. A record of permission granted under this delegation must be kept, detailing: (1) the hirer (2) the room(s)/space used, (3) the purpose of the use, (4) the duration and/or frequency of the use, (5) any payments received, (6) whether any additional church hiring Rules and Regulations were imposed and (7) any incidents, damage, etc., noted in connection with the use. A summary of this record, a copy of the latest Rules and Regulations and brief details of any incident, damage etc is to be sent at the end of each calendar year to the Trustee.
16. Any serious incident or damage arising in connection with the permission granted under this delegation must also be reported immediately to the Trustee.

CHURCH MEETING RESOLUTION

17. The Trustee remains entitled to revoke the delegation of this function or these conditions in whole or in part and to amend either of them in any manner whatsoever. Notice of any such revocation or amendment will be communicated in writing through the Church Secretary.
18. In particular, the delegation of this function may be revoked where a church (a) does not comply with the Trustee's policy for the protection of the condition and value of church premises, (b) does not maintain a safeguarding policy in accordance with United Reformed Church and Charity Commission guidance, and/or (c) fails to comply with legislation, regulations or trust law.

*If another church body is listed in the fourth column of the schedule to this resolution, references to Ministers and Elders should be read as referring instead to that other body.

Chair: ***Fred Holy***

Secretary: ***Sinny Scandle***

Date: ***25th December 2018***

Schedule

Charity / Church Meeting	Title No	Deed Box Reference	Agents to the Trustee (if not the Minister and Elders) ie: Joint Council, United Church Council
<i>Whitehead URC</i>	<i>Not Known</i>	<i>Not Known</i>	<i>Minister & Elders</i>