

St Lawrence Eastcote

Lettings Policy

(including charging for casual hire)

Approved by the PCC – 05 July 2021

Version: 1.0

Due for revision:

July 2023 (or following approval of a new Mission Action Plan, whichever is the sooner)

New hire agreement to be approved by PCC in Sept 2021 and added as an appendix

Legal context

Guidance on the use of church halls is provided by the Charities Commission in its [CC18](#) document which reflects the legal requirements of the [Charities Act 2011](#).

The Church hall(s) at St Lawrence Eastcote include the main church hall, the St Lawrence Centre, the Scout hut and the associated storage facilities.

The legal status of Church Halls, including Business Rates exemption

Legally, a Church Hall is a building which, according to its trusts, is to be used for church purposes. Use for church purposes is in turn defined as ‘any purpose for the advancement of religion, including use by organisations connected with the church’. Examples listed by CC18 are: celebration of divine service, evangelistic activities, confirmation classes, religious festivals, Sunday schools, clergy meetings and activities associated with (parish church) religious activities e.g. wedding receptions.

This status of Church Halls means that they are [exempt from Business Rates](#). Details of exemption are given in [Schedule 5 of the Local Government Finance Act 1988](#); the exemption applies if the property ‘is used for various community uses, including those that pay a fee, so long as the overall use of the building is for a place of public religious worship’. Much hangs on the phrase ‘overall use’ – with local authorities having over recent years challenged the status of Church Halls’ exempt status where they felt this was in question.

Distinguishing Casual hire and formal lettings

The Diocese of London gives specific guidance on [Letting church halls and other parish properties](#). Under the PCC (Powers) Measure 1956, Parochial Church Councils may not own property acquired after 1956 in their own right ([Section 6](#)). Instead, the property is held by the London Diocesan Fund (LDF) with the PCC having the role of Managing Trustee, taking ‘day to day’ responsibility for the property. What follows from this is that sale, lease or license of Parish property by the PCC is subject to the consent of the LDF. By contrast, ‘Casual hire’ of property is within the PCC’s gift without recourse to the LDF.

No legal definition is available of what constitutes ‘casual hire’, but the LDF suggests as a guide that ‘these may be individuals or groups who rent a hall or other accommodation for a single occasion only or for one or two periods a week’. Examples given are a church-based under 5s group, a fellowship club, Women’s institute, Mothers’ Union, Alcoholics Anonymous, birthday parties or Wedding receptions.

Casual hire is distinguished from formal letting, which is by ‘individuals or groups who have exclusive use of the premises (or part) and / or use the premises for business purposes’. The LDF specifies that formal lettings require a formal agreement between the LDF (as Diocesan Authority) and the user, often including the PCC in the terms of the agreement. It should be noted that provision of exclusive use of storage facilities establishes a letting as formal, rather than ‘casual hire’. Examples cited of this type of user are: Uniformed Organisations, Nursery Schools, Small businesses, Worship Fellowship / Faith groups, Theatre groups and Martial Arts clubs.

1993 Charities Act, PCC Charitable status and 'best use'

Parochial Church Councils have legal status as charities and so PCC members are charity trustees bound by charity law (See [CC3](#)). Trustees are required to act in the charity's best interests, defined as enabling the charity to carry out its purposes.

A charity would usually be required to charge a commercial rent, sale or lease value from its property, this value being determined by an independent valuation. However, if the charity is able to demonstrate that rent or lease to a particular individual or group is to serve its charitable purposes, this requirement may be waived.

The charitable purposes of St Lawrence Eastcote PCC are defined by the 1956 PPC (Powers) measure and then by the Mission Action Plan of the parish, which is subject to amendment by the PCC.

The 2016-2020 Mission Action plan defines those purposes as:

- To worship God
- To show God's love in word and action
- To know God
- To build and live in loving community

Insurance and Safeguarding

St Lawrence Eastcote PCC is insured by Ecclesiastical Insurance, with this insurance covering the PCC's activities. In support of this, the policy recognises 'Authorised volunteers', i.e. "voluntary workers acting under [the vicar, church wardens and / or PCC]'s authority whilst engaged in [the vicar, church wardens and / or PCC]'s authorised activities" (Parish Plus Policy Document – ME764 / 1 09/2016).

Insurance coverage relating to authorised volunteers (which is fully detailed in the policy) includes:

1. Property damage
 - a. Damage to portable items belonging to the PCC whilst away from the site but within the UK;
 - b. Damage by an insured event to personal effects;
 - c. Damage to raffle prizes and donated goods to be used for fundraising whilst in their custody
2. Money
 - a. Authorised costs to protect the PCC following fraudulent use of PCC identity
3. Liabilities
 - a. Employers' liability
 - b. Public and products liability
4. Personal accident

Hire of Church premises hire for any activities that are not PCC activities entail a requirement that the organisation or individual provides their own insurance. This is specified in the parish's hire agreement.

PCC activities are subject to the PCC's safeguarding policy with its associated structures and accountability. External groups and individuals are also required to abide by the PCC's safeguarding

policy, even if they have their own policy. The PCC hire agreement has been revised to include a copy of the parish safeguarding policy and [safeguarding provision agreement](#).

The PCC is also responsible to obtaining the appropriate licenses for PCC activities; where these licenses don't extend to cover the activities of external hirers, they must obtain their own.

Church Buildings

The same distinction between 'Casual hire' and 'formal letting' applies to the church building itself. Formal letting require a license under faculty and does not normally require approval from the Diocesan authority.

Equalities legislation

Under the 2010 Equalities Act any kind of direct or indirect discrimination in relation to a protected characteristic (including sexual orientation, religion, belief, sex, gender reassignment, and marriage or civil partnership) is unlawful. Religious organisations have some exemptions from the Act, including in relation to their use and disposal of premises.

These exemptions are likely to obtain where there is a conflict between the intended purpose for hire of a church building and the purpose of the church and/or it's doctrine. Examples would include use of church buildings for the promotion of a non-Christian faith.

Further information is available in the leaflet 'Hiring Church Premises and the Equality Act 2010' (see appendix XXX); any questions should be referred to the PCC and then to the Diocese.

Charging for casual hire of Church Halls

As outlined above, when hire on a casual basis is to a non-Church organisation, under Charity Law, trustees are required to charge a commercial rent. Indeed, if trustees elect not to do so and the hire falls outside of the charity's purposes, trustees are potentially liable for the loss of income which follows.

Where the hire advances the charity's purpose, the PCC may at its discretion reduce the hire charge.

The 2016-2020 mission action plan does not give ready means for discriminating between potential hirers' alignment with St Lawrence Eastcote's charitable purposes.

In advance of the PCC generating a new Mission Action Plan which may give more focussed purposes, a general expression of the mission of the Anglican Communion's understanding of God's holistic mission, including personal evangelism, is found in the Five Marks of Mission, originating with the Anglican Consultative Council in 1984, which will be adopted as characterising the charitable purpose of St Lawrence Eastcote:

The five marks of mission:

The mission of the Church is the mission of Christ:

1. To proclaim the Good News of the Kingdom
2. To teach, baptise and nurture new believers
3. To respond to human need by loving service
4. To transform unjust structures of society, to challenge violence of every kind and pursue peace and reconciliation
5. To safeguard the integrity of creation, and sustain and renew the life of the earth

Whilst the five marks form an integral and holistic unity, the marks 'proclamation' and 'nurture' are distinctive by virtue of their catechetical and confessional character. By contrast, loving service, social transformation and environmental concern, whilst aligned with the gospel and expressions of it, do not of themselves have a confessional character.

The charging bands which follow seek to represent alignment with the PCC's charitable purposes as expressed in the five marks of mission:

Percentage of commercial rent	Category
0	<p>Confessional activities</p> <ol style="list-style-type: none"> 1. Worship and prayer 2. Evangelism, catechesis, Bible study 3. Instruction for baptism, confirmation, marriage, vocational discernment, ordination 4. New mission and outreach initiatives that are evangelistically-orientated 5. Support for the above: PCC administration and meetings 6. Celebration and fellowship following divine worship
25	<p>Uniformed organisations with a PCC sponsorship agreement by virtue of sponsorship, the parish is responsible for participants' spiritual nurture and participants are regular members of the worshipping community</p>
50	<p>Activities with a missional or discipleship character (Church and non-Church) by virtue of being directed to two or more of the five marks of mission above</p>
75	<p>Church social and fellowship activities Including special interest groups, activity clubs, church members' parties or social events.</p>
100	<p>Community Groups and Businesses</p>

PCC activities in Church Halls

For an activity to be a PCC activity, it must:

- Have leadership that is comprised of church members only;
- Be an initiative arising from the pastoral and / or evangelistic activity of licensed / commissioned ministry within St Lawrence's;
- Be managed by and accountable to a named licensed / commissioned minister in the parish;
- Manage its finances through the PCC accounts;
- Have Safeguarding procedures represented in PCC policy through specific role descriptions for the group and meet PCC safeguarding policy requirements

Groups run as PCC activities enjoy the PCC's insurance cover and licenses.

PCC activities are expected to generate an income that is consistent with the charging bands outlined above. Where a PCC activity is unable to generate income in keeping with its charging category, an explanation will be given to the PCC on an annual basis. The named licenced / commissioned minister with oversight of the activity may:

- Work with the group to enhance its evangelistic or missional character
- Work with the group to support fundraising for its activities
- Recommend to the PCC that the group is unsustainable (whether financially or in relation to capacity) and is discontinued
- Recommend to the PCC that the opportunity cost to the PCC's charitable purposes of maintaining the group is one that the PCC should continue to meet, offering an explanation for this

Groups' charging bands (marks of mission – 1-5)

Charging band	PCC activity	Church activity	Non church / community group
Confessional (0%)	PCC meetings (1, 2, 3, 4, 5) Alpha (1&2) Administration (1, 2, 3, 4, 5) 'Home' groups (1&2)		
Uniformed Organisation (25%)			Rainbows (1, 2, 4) Brownies (1, 2, 4) Guides (1, 2, 4) (4 th Eastcote Scouts) (1, 2, 4)
Mission and discipleship (50%)			Gamblers anonymous (3,4)
Fellowship / Social (75%)	Film club (3 only) Tuesday lunch club (3 only)	Players	Crafties
Community business			

