

Use of church buildings by other Christian denominations

Contact Name and Details	Mrs Louise C Wilkins, Conference Officer for Legal and Constitutional Practice wilkinsl@methodistchurch.org.uk
Resolutions	<p>62/1. The Council receives the report.</p> <p>62/2. The Council recommends to the Conference that paragraph 14(2A) be amended to remove the limitation as to the period of use of premises by other Christian churches or congregations.</p> <p>62/3. The Council directs the Property Development Committee to work with the Council on the production of a policy in relation to Model Trust 14(2A) and to bring proposals to the Council no later than January 2020.</p>

1. The 2016 Conference received a memorial that raised the question of whether paragraph 14(2A) of the Model Trust could be amended to permit a lease of Model Trust premises to another Christian denomination for worship. The current paragraph 14(2A) of the Model Trusts does not permit a licence of more than 12 months to another Christian denomination of Methodist premises. The memorial is set out below:

M32 Use of church buildings by other churches

The Coventry and Nuneaton (5/10) Circuit Meeting (Present: 55; Voting: unanimous) rejoices in the vibrant diversity of the Christian Church in Britain today. Across the area covered by the Circuit, it is aware of Christians engaged in worship and mission in a variety of styles and coming from a variety of cultures, languages and traditions. As the people called Methodist, we seek to be the 'friends of all and the enemies of none'.

At the same time, the Circuit is engaged in reviewing its resources that they may best be used for mission and the work of the kingdom in our 21st century world. In some places, this has meant sale of buildings, but in other places more creative and collaborative approaches, together with our sisters and brothers of other traditions, are appropriate. This is particularly the case when dealing with more modern buildings where a multiplicity of different uses – some clearly Christian and others more general – of the same set of premises can be contemplated.

The Circuit Meeting is concerned that, at present, Clause 14(2A) of Part 2 of the Model Trusts prevents Managing Trustees from making arrangements to allow Christians of other churches or congregations to use Methodist premises, or parts of them, for worship for periods exceeding 12 months. It is aware that informally a variety of methods have been used to allow such use for longer periods. However, in the rich and varied context of Britain today, the Circuit Meeting believes that being able to conclude formal longer term leases and licences with fellow Christians of other traditions may be part of the best way of serving the work of the kingdom in a particular area. It believes this should be possible whether or not the Methodist people of the area have current need of a particular building for worship.

The Circuit Meeting therefore requests the Conference to amend Clause 14(2A) to allow longer term arrangements. It suggests that a revised version might be:

(2A) Notwithstanding that any of the members of any church or congregation hereinafter mentioned

may not subscribe to the doctrinal standards, the managing trustees may with the consent of such person or persons as the Conference may by Standing Order prescribe permit the use of a place of worship or any other premises comprised in the property by members of one or more Christian churches or congregations, either for particular occasions or for a period which shall not in any case exceed twelve months, provided that (i) such permission shall be given only upon terms that it is revocable by the managing trustees and (ii) such consent as aforesaid shall be given only in cases where to grant such permission would not (having regard to all the circumstances) offend the doctrinal standards.

The person or persons prescribed by the Conference shall however on written application by the managing trustees have authority to allow the granting of a more permanent occupancy to a body referred to above including the letting, renting or leasing of the property, or part of the property, in the manner authorised in paragraph 16(e) where local circumstances require it.

Reply

The Conference thanks the Coventry and Nuneaton Circuit Meeting for its memorial. The Conference appreciates that the requirements of Model Trust 14(2A) mean that no security of tenure can at present be offered to another Christian church or congregation unless such a church is able and willing to enter into a Sharing Agreement under the Sharing of Church Buildings Act 1969.

The intention of Model Trust 14(2A) was to enable other Christian churches and congregations who did not wish to commit to a long-term agreement to use Methodist premises and to ensure that managing trustees know that no person, service or meeting for religious worship denies or repudiates the doctrinal standards as required by Model Trust 14(3).

The Conference recognises that there are ongoing questions around the application of Model Trust 14(2A), particularly in respect of what is required in terms of a continuing local Methodist church when a licence is granted. The Conference also recognises that there are cases where worship by other Christian churches or congregations in part of a set of Methodist premises need not in any way impinge on Methodist worship in or other use of the remainder. Therefore, whilst declining the proposal to amend Model Trust 14(2A) at present in the form suggested, the Conference directs the Methodist Council, in consultation with the Law and Polity Committee, to provide guidance on the application and use of Model Trust 14(2A) both in terms of its flexibility and limitations. The Conference also directs the Council, in consultation with the Law and Polity Committee, to consider whether it is desirable to make any amendments to Model Trust 14(2A) and to bring any recommendations to the 2018 Conference.

2. Consideration of paragraph 14(2A) by the Law and Polity Committee

Paragraph 14 in its totality has raised numerous policy questions in recent years which go beyond whether it is possible to amend paragraph 14(2A) to allow for a longer licence or lease. The reply to the memorial directed the Methodist Council, in consultation with the Law and Polity Committee, to produce guidance on the application and use of Model Trust 14(2A) both in terms of its flexibility and limitations. The Conference also directed the Council, in consultation with the Law and Polity Committee, to consider whether it is desirable to make amendments to paragraph 14(2A) and bring any recommendations to the 2018 Conference.

The Trustees for Methodist Church Purposes (TMCP) have produced guidance on the process for seeking permission to grant a licence of premises to another Christian denomination. TMCP have also produced a precedent licence for worship by another Christian denomination. So far as connexional policy is

concerned the current practice is to grant consent under Standing Order 920 to licences within 14(2A) on the condition that continuing Methodist worship is taking place.

The outstanding work for the Law and Polity Committee has been the question of whether or not paragraph 14(2A) can be amended to permit a longer licence or a lease of Methodist premises for Christian worship. Counsel's Opinion was obtained on that issue and on whether the requirement of continuing Methodist worship is necessary in law. That Opinion has been carefully considered by the Committee and its conclusion is that whilst there may be practical matters that managing trustees need to consider, there is no legal or constitutional reason why paragraph 14(2A) should not be amended to permit a licence over twelve months or a lease, and nor is there any need for a requirement that Methodist worship be still continuing.

Clearly managing trustees can currently and would continue to be able to enter into a Sharing Agreement with another Christian denomination rather than offering the licence or lease under paragraph 14(2A). Even if a longer licence or lease were permitted, a Sharing Agreement will still offer more security of tenure to another Christian church and ensure that there is parity between the sharing denominations where money has been invested into a Methodist building by another denomination.

3. Practical Matters

Managing trustees will need to consider a number of practical matters before granting a lease or longer licence to another Christian church or congregation, particularly if there is no continuing Methodist worship on the premises. Managing trustees need to consider how they can fulfil the requirements of SO 920 in keeping under review the teachings of non-Methodist public religious meetings which will be more difficult where there is no continuing Methodist local church utilising the site. Superintendent ministers and the connexional ecumenical officer will still need to consent to the issuing of a licence or lease under paragraph 14(2A) to ensure the Christian church or congregation will "not preach or expound God's Holy Word or perform any act as to deny or repudiate the doctrinal standards" which would be a breach of paragraph 14(2A), proviso (ii). Appropriate clauses for longer licences and leases will need to be drafted with a precedent being available to managing trustees to ensure compliance with the requirements of Standing Orders and the Model Trust.

Members of the Council will also want to note that there is no ability under the current Model Trust 20 policy of the Council for Methodist premises to be leased at an undervalue. Any lease or licence to another Christian church or congregation would still have to be upon the basis that they pay a market rent or that the best terms obtainable have been achieved. Members of the Council may also want to be reminded that there continues to be no ability for non-Christian worship or religious meetings to take place on Methodist premises as this would be a breach of the Model Trust.

4. Decisions for the Methodist Council

Policy decisions are requested from the Council as to:

- (i) whether the upper limit for licences under paragraph 14(2A) should be increased, and if so to what extent or altogether;
- (ii) whether or not the requirement of continuing Methodist worship should be continued;
- (iii) whether leases should be permitted under paragraph 14(2A), and if so within what parameters as to length or otherwise.

5. Proposal

It is proposed that the Methodist Council recommend to the Conference that paragraph 14(2A) is amended to remove the limitation of 12 months. If the Council makes this recommendation then the Law and Polity Committee shall bring draft amendments to paragraph 14(2A) to the 2019 Conference, noting that any change to paragraph 14 of the Model Trust is by deferred special resolution, and as such a final decision on the amendment to the Model Trust will not be made until the 2020 Conference.

If the Council is content to make this recommendation to the Conference further work will be undertaken to develop a policy on the application and use of paragraph 14(2A) if the Model Trust is amended by the Conference. It is proposed that the Methodist Council undertakes this work in conjunction with the Property Development Committee. The policy would clarify whether or not Methodist worship needs to be continuing when the granting of a licence or lease under paragraph 14(2A) and what if, any, limitations there would be on the length or terms of a lease. Once a policy has been determined the Connexional Team will work with TMCP to produce a precedent license and lease.

*****RESOLUTIONS**

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