

DIOCESE OF PORTSMOUTH



DIOCESAN OPERATING PROCEDURES B (DOP B)

DIOCESAN OPERATING PROCEDURES

FOR

BUILDINGS AND MAINTENANCE

Issued by

The Bishop of Portsmouth and the Trustees of the Portsmouth Diocesan Trust
St Edmund House
Edinburgh Road
Portsmouth
PO1 3QA

(Additional copies may be downloaded from www.portsmouthdiocese.org.uk)

FOREWORD

These Diocesan Operating Procedures are an important step forward in providing clarity for all those concerned with administration in all the communities that together form the Diocese of Portsmouth. We have a responsibility to ensure that people, buildings and money are treated carefully and with respect and to perform our duties “with the diligence of a good householder.” (Canon 1284§1)

As a diocese we must always ensure that the matters we deal with fulfil the requirements of both civil and canon law. It should be clear that these Diocesan Operating Procedures are not ‘guidelines’ or in any way optional. They have the status of particular law for this diocese and therefore must be adhered to in the broad areas of personnel, schools, buildings and finance. They reflect the vision of the Church contained in our diocesan Pastoral Plan.

I am grateful to those who have given so much of their time to compiling these procedures and who will ensure their regular review and updating.

+Crispian Hollis
Bishop of Portsmouth

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DOP B1

PROJECT OVERVIEW

Introduction

- 1.1 Projects fall into one of three categories:
 - 1.1.1 projects costing £10,000 or less (a “small project”)
 - 1.1.2 projects costing more than £10,000 (a “normal project”)
 - 1.1.3 projects costing more than £250,000 (a “large building project”).
- 1.2 A project which forms part of a larger project or of a series of projects in either case costing more than £10,000 is not a small project for this purpose. Equally, one forming part of a larger project or of a series of projects in either case costing more than £250,000 is not a normal project for this purpose.

Small projects

- 1.3 Projects costing £10,000 or less may be carried out without any sanction from the Diocesan Trustees so long as the parish has the funds in hand. If the parish does not have the funds in hand, the project may not be carried out unless it falls within paragraph 1.4 below.
- 1.4 A project comprising a repair required by a report following a quinquennial inspection and due to be carried out, i.e. a repair falling within paragraphs 2.5.1 to 2.5.3 of DOP B2, must be carried out. If the parish does not have sufficient funds, the parish must apply to the Diocesan Department for Finance and Property for a loan, using the loan application form in part B of Application for Capital Project/Application for Diocesan Loan, a copy of which is attached to DOP A4. Paragraph 1 of the appendix to that DOP will apply.
- 1.5 A parish carrying out a small project must act in conformity with civil and canon law and must act prudently, e.g. in the choice of a contractor and in agreeing cost and other terms with that contractor

Normal projects

- 1.6. The carrying out of a normal project is governed by DOP A4, Capital projects and loans.

Large building projects

- 1.7 The carrying out of a large building project is governed by DOP B9, Large Building Projects.

DOP B2

CARE AND MAINTENANCE OF BUILDINGS

Introduction

- 2.1 It is a requirement that all parishes should arrange for survey reports upon their buildings to be undertaken on a five-yearly basis; these are known as "quinquennial reports". The date that each report is required is the fifth anniversary of the previous report.
- 2.2 Without qualifying the importance of these reports for all parish buildings, it has to be emphasised that quinquennial reports are a requirement for all churches. Such reports may be interpreted as assisting the parish priest in the exercise of his canonical obligation to perform his duties with the diligence of a good householder (see Canon 1284 §1)
- 2.3 A benefit of the quinquennial reports should be a reduction in the long term expenditure upon repairs; early warning of major problems will mean that necessary repairs can be set in hand before there are major adverse consequences.
- 2.4 The moving parts of bells, including ropes, fall outside the scope of the quinquennial report. The tower captain should check the moving parts of bells annually, and his report should be kept with the property maintenance book (see para 2.13 below).
- 2.5 Reference should be made to the diocesan Health and Safety Policy in DOP E2.

Fabric inspections

- 2.5 The inspections cover all the visible and accessible areas of the fabric of the buildings. The report of the survey should conclude with a summary of recommendations of work to be carried out. These works should be classified as:
 - 2.5.1 urgent
 - 2.5.2 within 18 months of the survey date
 - 2.5.3 within 5 years, and
 - 2.5.4 desirable in due course.

Appointment of Architect/Surveyor

- 2.6 The work of inspecting and looking after churches and other parish buildings is a specialised one which involves many aspects of professional knowledge. The parish should appoint an architect or surveyor (the Architect/Surveyor) with experience in such work. The parish must obtain the approval of the Diocesan Surveyor to the identity of the Architect/Surveyor and to the terms of his appointment before he is appointed, and must notify the Diocesan Surveyor as soon as the appointment has been made and send him a copy of the appointment letter.
- 2.7 It is hoped that each Architect/Surveyor will work closely with the parish and build up a relationship with it, so that there can be a continuity in the care of property.
- 2.8 The Architect/Surveyor should be paid by the parish on a time basis in accordance with the rules laid down by the Conditions of Engagement of the Royal Institute of British Architects (RIBA) or the Royal Institution of Chartered Surveyors (RICS). The fees should be based on the minimum hourly charge for the time taken to carry out the survey and write the report.
- 2.9 An indication of the cost should be asked for in advance, but as a guide, the time taken for the inspection and report should be:
- 2.9.1 small churches 3 to 7 hours
 - 2.9.2 average size churches 5 to 10 hours
 - 2.9.3 large or complex churches 8 to 15 hours
- Additional time may be involved for the inspection of the presbytery, hall or other buildings. In addition, travelling costs and VAT will have to be paid.
- 2.10 The fees for any other work undertaken by the Architect/Surveyor should be negotiated and agreed in writing separately and must be approved by the Diocesan Surveyor in advance.
- 2.11 It should be realised that more time has to be allowed for a first inspection by a newly appointed Architect/Surveyor.

Record keeping

- 2.12 It is a requirement for all parishes to keep an inventory of all items that belong to the church, including any ancillary buildings such as church halls. This should be revised annually.
- 2.13 A property maintenance book should also be kept, which records any work of maintenance, alteration, addition, removal or repair. This book, and the tower captain's report on the moving parts of bells (see paragraph 2.4), should be

made available at fabric inspections to give an accurate record to the inspecting Architect/Surveyor.

- 2.14 It is suggested that parish finance committees could usefully include a person who has the expertise to assist the parish priest with building maintenance, and in liaising with the Architect/Surveyor and any builders used (but without derogating from any duties and obligations owed by such parties to the parishes).

Preparing for inspection

- 2.15 It will greatly assist the Architect/Surveyor if the following matters are attended to before his/her arrival:

2.15.1 Ladders

Adequate ladders should be provided to give access to all roofs and gutters externally, and to reach roof structures internally. Labour should also be provided to handle the ladders. It is normally easiest to ask a builder to provide these at a particular time. The Architect/Surveyor will arrange the inspection to detain them no longer than necessary.

2.15.2 Keys

All places normally kept locked should be open for the inspection.

2.15.3 Record books

The property maintenance book and the tower captain's report should be available.

2.15.4 Leakages

Notes should be made of any recent leaks that have occurred, or any other defects which need to be investigated more thoroughly.

2.15.5 Bells

Where there are bells, these should be rung down.

2.15.6 Proposed works

If any alterations are being contemplated to the fabric or fittings, the Architect/Surveyor should be informed, as these may affect the recommendations as to the priorities made in the report. (Any structural alterations, or major repairs, will, of course, need to be approved in the normal manner).

- 2.16 The Architect/Surveyor will welcome a short discussion with the parish priest and/or the appointed member of the parish finance committee. Thereafter, it is most expedient that the Architect/Surveyor is left free to get on with the inspection.

The report

- 2.17 A suggested format for the quinquennial report is given in appendix A.
- 2.18 The Architect/Surveyor should be instructed to issue his/her report to the parish priest, and to send copies to the co-ordinating pastor of the pastoral area and the Diocesan Surveyor.

Action to be taken

- 2.19 The parish, through the parish priest, and the parish finance committee, will be responsible for the carrying out of repairs, and budgeting for their costs. Major expenditure will necessitate discussions with the Diocesan Department for Finance and Property and may require consent from the Diocesan Finance and Property Committee or the Diocesan Trustees. (See DOP A4)
- 2.20 The co-ordinating pastor will generally monitor the situation, by carrying out an annual walking inspection of parish properties.
- 2.21 The Diocesan Department for Finance and Property will retain copies of the quinquennial reports, and the Diocesan Surveyor will be available to assist and advise the co-ordinating pastor and parishes upon any problems that arise.
- 2.22 It should be noted that this DOP covers all parish buildings, but not schools, which are the subject of separate arrangements.

Routine maintenance

- 2.23 A routine maintenance programme is recommended for cleaning out all the valleys, gutters, drainpipes, gullies and drainage channels at least twice a year. A suggested programme is attached - appendix B. A separate set of recommendations covering the particular matter of preventing damage due to frost is contained in appendix C.
- 2.24 Parishes are recommended to use a reputable local builder on a regular basis, rather than a variety of operatives. The builder can then liaise with the person in the parish who is responsible for maintenance of the buildings, and probably deal with the work required following the Architect/Surveyor's report.
- 2.25 A good builder used consistently could be a great asset to a parish even though he might prove to be more expensive than casual people.

- 2.26 The parish should be aware of the Construction (Design and Management) Regulations 2007, which place obligations on the parish. (See DOP B8). The parish should be aware also that any work involving asbestos may only be carried out by a licensed contractor under arrangements agreed in advance with the Diocesan Surveyor.
- 2.27 It is a legal requirement that all gas installations and appliances are maintained in a safe condition. They should therefore be fully serviced and all pipework checked on an annual basis. The work should be undertaken by a Gas Safe Register engineer.

Listed buildings

- 2.28 The particular responsibility for the maintenance of listed buildings must be emphasised.

For all work other than repairs on a like-for-like basis, listed building consent will be required. In the case of listed churches and churches in conservation areas, application has to be made to the Historic Churches Committee (see DOP B7), and for all other listed buildings (including presbyteries and halls) to the local planning authority.

A list of the buildings covered by the Historic Churches Committee is shown in appendix D.

Asbestos

- 2.29 It is a legal requirement for all commercial property owners to hold on file a report recording the asbestos content contained within their buildings. Each parish has already previously carried out a level 2 asbestos survey. A re-inspection process will also include the creation of an asbestos management plan and each parish priest will be required to gain a full understanding and knowledge of the asbestos management plan and implement its procedures whenever necessary. The parish is requested to make contact with the Diocesan Department for Finance and Property should any queries arise.

Trees and health and safety

- 2.30 Parishes are required to ensure that any trees on a parish site are maintained in a safe condition. A tree inspection survey will be carried out in each parish and a report issued periodically. All remedial actions identified on the tree report must be implemented as stated. The parish is requested to make contact with the Diocesan Department for Finance and Property should any queries arise.

Electrical work

- 2.31 Work other than repairs replacements and maintenance work or the provision of extra power or lighting points is likely to require building regulation approval. Work should be carried out by a contractor who is on the list of registered installers (see www.competentperson.co.uk)

Replacement windows and doors

- 2.32 Installation work may require building regulation consent unless undertaken by a FENSA registered installer.

Performing rights and music royalties

- 2.33 Parish priests are required to ensure all necessary performing rights licences are obtained and royalties are paid. The music royalties exemption that has previously applied to charitable and non profit organisations is to be removed during 2010 (see further details in appendix C of DOP B5). Parish priests must make sure that the legal requirements for a licence to be obtained from PRS for Music (PRS) and Phonographic Performance Limited (PPL) where music is being played in public are met. It is understood that PPL and PRS appear to be acting together to share information and are actively enforcing against smaller operators, including charities, and parishes cannot expect to be treated leniently. A brief summary of the legal requirements is set out in appendix D of DOP B5.

Appendix A

Format of an Architect/Surveyor's quinquennial report

A. General condition of the fabric.

1. Main walls, inside and out, including notes on settlement, pointing, dampness, and condition of plaster internally.
2. Tower and spire.
3. Windows, glazing and ventilation. Louvres, doors and ironmongery.
4. Bells and bell frame, clocks, etc.. A general note on their condition and stability.

The moving parts of bells, including ropes, fall outside the scope of the quinquennial report.

5. Lightning conductor.
6. Roofs, structure and covering - the condition of the coverings, flashings and pointing, the state of the timbers, including the presence of fungal rot or wood borers.
7. Rainwater gutters, downpipes and disposal systems.
8. Soils and waste water drainage systems, and ground gutter systems.
9. Interior, including partitions, walls, ceilings, doors, stairs, etc.
10. Floors and galleries.
11. Fixtures and fittings.
12. Heating system, including boiler, flue and fuel storage.
13. Electrical installation and lighting. (See DOP B3)
14. Gas installations and appliances.
15. Decorative condition inside and out.
16. Sanitary accommodation and its suitability.
17. Fire protection and security.
18. Access for the disabled.
19. Health and safety at work issues, including glazing.

20. Works of art, memorials, tombstones, statues, etc..
21. Boundary walls, including fences, gates, paths and trees.
22. The grounds surrounding the church, including car parks.
23. Other matters not already covered.

B. Works of repair.

In order of priority, by the following definitions:

1. Of utmost urgency.
2. Essential, within the next 18 months.
3. Essential, within the quinquennial.
4. Eventual, ie., desirable in the future, repairs, renewals and redecoration.

C. Recommendations

With regard to the care of the building and its maintenance.

D. Limitations of the survey.

Any limitations of the survey should be stated in the appropriate section, eg., sealed roof spaces, boarded floors, foundations etc., which are impossible to inspect. Recommendations can be made for opening up areas if it is considered necessary.

The parish priest is reminded that the report is in no way a specification of works, and that, should it be decided to put any work in hand, further instructions must be given to the Architect/Surveyor.

The report should bear the signature of the Architect/Surveyor and be dated.

Appendix B

Suggested calendar of the most important items of church maintenance

January	Visually check gutters, rainwater downpipes, gullies and roofs.
February	Visually check roofs. Clear any concealed valleys in roofs.
March	Test gutters, rainwater pipes and gullies, by flushing with water.
April	Remove all ivy and other vegetation from walls. Spray weedkiller around base of church and on paths.
May	Check roofs of church for insect attack; check all timber and furniture and treat if necessary.
June	Check electrical installation and carry out necessary maintenance.
July	Remove any weeds that have grown round the base of the church and its walls.
August	Check heating and carry out annual maintenance. Check fire extinguishers and maintain.
September	Visually check gutters, downpipes and gullies. Annual check of gas installations and appliances.
October	Test gutters, downpipes and gullies by flushing with water. Rod drains. Inspect roofs for leaks.
November	Oil all locks and hinges. Check boundary walls, gates and trees.
December	Visually check all gutters, downpipes and gullies.
Every 2/3 years	Clean down all internal decorated surfaces.
Every 5 years	Test lightning conductor Test electrical installations Redecorate external wood and metal work.

Appendix C

Maintenance procedures - frost precautions

1. Damage caused to water systems, and consequent damage to building structures and contents, by prolonged exposure to low temperatures can be considerable, and inconvenient. Prevention costs very little, and the following hints will be of value.
2. Know the position of your mains and other stop taps.
3. Do not allow taps to drip, especially if your building has external waste pipes. Have the taps re-washed or re-packed.
4. Protect the ends of overflow pipes against draughts.
5. Turn off and drain down external water taps. If the building is to be unoccupied for some time, drain down the entire system.
6. Insulate any pipework externally, in roof spaces, or mounted on the inside face of external walls. Insulate cold water storage tanks, but make sure that any roof space insulation does not go underneath such tanks.
7. Where it is impractical to insulate pipes and they do not receive adequate heating, consider using an electrically heated tape controlled by a frost-stat.
8. Keep central heating ticking over if a building is unoccupied. Keep the pump running overnight when the boiler is switched off.
9. Remember that no insulation material will guarantee freedom from freezing under all conditions, and neither is it possible to completely drain any water system. It is therefore sensible to keep a special watch on a building's services when a thaw occurs, or a system is being refilled.
10. If a burst occurs, and a large quantity of water has been released, consult the Architect/Surveyor since the damage may go beyond decoration and finishes, and may have affected the structural qualities of certain materials (notably man-made timber boards used in flooring).
11. Consider whether an insurance claim would be appropriate. Consult the Diocesan Surveyor if advice is required.

Appendix D

Churches presbyteries and other structures subject to the jurisdiction of the Historic Churches Committee

Churches

Churches marked with an asterisk are also located within a conservation area designated by the local planning authority

1. Aldershot, St Joseph*
2. Basingstoke, Holy Ghost
3. Bournemouth, The Annunciation (II*)
4. Bournemouth (Boscombe), Corpus Christi
5. Bournemouth, Sacred Heart*
6. Buckland and Faringdon (Faringdon), Blessed Hugh Faringdon*
7. East Hendred, St Mary*
8. Grayshott, St Joseph
9. Guernsey (St Peter Port), St Joseph and St Mary *
10. Isle of Wight (Cowes), St Thomas of Canterbury*
11. Isle of Wight (Newport), St Thomas of Canterbury* (II*)
12. Isle of Wight (Ryde), St Mary*
13. Jersey, Our Lady and the Martyrs of Japan (BLI)
14. Jersey, Sacred Heart (proposed SSI)
15. Jersey, St Matthew (proposed SSI)
16. Jersey, St Thomas (proposed SSI)
17. Lyndhurst, Our Lady of the Assumption and St Edward the Confessor
18. Maidenhead, St Joseph
19. Petersfield, St Laurence*
20. Portsmouth, Cathedral of St John the Evangelist*
21. Reading, Sacred Heart*
22. Reading, St James
23. Southampton, St Edmund*
24. Southampton, St Joseph*
25. Waterlooville, Sacred Heart
26. Winchester, St Peter *
27. Windsor, St Edward *
28. Abingdon, Our Lady and St Edmund of Abingdon – a fine Gothic church by William Wardell and George Goldie, with glass probably by Hardman
29. Bournemouth (Southbourne), Our Lady Queen of Peace & Blessed Margaret Pole – Good and complete pre-war church in the basilican style
30. Fareham, Sacred Heart – Gothic design by John Crawley,

- architect of the Cathedral
31. Gosport, St Mary* - Gothic church and presbytery, prominent in the townscape
 32. Havant, St Joseph* - Another Gothic design by Crawley
 33. Isle of Wight (Sandown), St Patrick - W.C. Mangan design, modelled on the famous arts and crafts chapel at Honan, Cork
 34. Isle of Wight (Totland Bay), St Saviour – Fine Italian Romanesque essay in brick, by Mangan
 35. Liphook, The Immaculate Conception- Modest but well-crafted design by A.J.C. Scoles
 36. Lymington, Our Lady of Mercy and St Joseph* - Modest but relatively unaltered design by J.A. Hansom
 37. Newbury, St Joseph – Brick basilican design by Mangan, influenced by Westminster Cathedral
 38. North Hinksey (Folly Bridge), Holy Rood* - Post-war church influenced by St Paul's Bow Common, with good furnishings by Eric Gill and his pupils
 39. Portsmouth, St Joseph- Gothic design by A. J. C. Scoles
 40. Portsmouth, St Swithun- Gothic church and presbytery, also by Scoles
 41. Reading, English Martyrs – Another essay by Mangan in the brick basilican style
 42. Romsey, St Joseph* - an early Mangan work, a well-crafted amalgam of Romanesque, Byzantine, Arts & Crafts and vernacular influences
 43. Southampton, St Boniface - Mangan in Byzantine mode
 44. Southampton, Holy Family - Well-composed post-war church by Liam McCormick, with good internal fittings
 45. Woolhampton, St Mary – Gothic design by George Jonas Wigley, a significant figure in nineteenth century Catholic life and ecclesiology.

Presbyteries and other structures

1. Abingdon, Our Lady and St Edmund of Abingdon – presbytery, cloister, parish hall, boundary walls and gatepiers, Eric Gill monument to Earl of Abingdon
2. East Hendred, St Mary – bridge linking church and presbytery, presbytery, former school building
3. Gosport, St Mary – attached presbytery*
4. Havant, St Joseph – presbytery, school, boundary walls*
5. Isle of Wight (Totland Bay) - presbytery
6. Newbury, St Joseph – boundary wall and parish hall
7. Portsmouth, St Swithun – presbytery and parish hall
8. Portsmouth Cathedral - Discovery Centre and Aula Maxima*
9. Southampton - presbytery

DOP B3

ELECTRICAL INSPECTIONS

- 3.1 Despite increasingly high standards of installation, numerous church fires can be attributed to faulty electrical wiring or apparatus. It is therefore important that electricity should be treated with respect.
- 3.2 It is a legal requirement, a requirement of the Diocesan Trustees and a condition of their insurance policy that all parish buildings are the subject of electrical testing and report at intervals of no longer than five years. Failure to comply with this DOP may result in loss of insurance cover.
- 3.3 The Diocesan Trustees have therefore placed a central contract for electrical inspections, to include maintaining the necessary records and ensuring both that inspections are carried out without certificates lapsing and that remedial works are undertaken in a timely manner to a consistent standard.
- 3.4 When an inspection is due the parish will receive a telephone call from the diocesan appointed contractor, who currently hold the contract, to schedule the visit.
- 3.5 When the test has been undertaken, the diocesan appointed contractor will report both to the parish and the Diocesan Trustees the result of the inspection and will agree the scope of any necessary remedial works.
- 3.6 It is important that any works recommended are carried out without delay, particularly if the report indicates that the wiring or installation is dangerous. The provisions of DOP A4 with regard to projects and loans will apply.
- 3.7 The parish will be invoiced by the diocesan appointed contractor directly.
- 3.8 No matter how well tests are carried out, they cannot detect hidden faults. It is, therefore, recommended strongly that all distribution boards incorporate miniature circuit breakers on all circuits, with residual current devices for all the main circuits.

This will prevent excessive fault currents and irresponsible up rating of fuses, as well as protecting persons by limiting earth currents to a non-lethal level of 30mA, except for lighting circuits.
- 3.9 It should be remembered that fires are not just caused by the failure of the electrical installation. The presence of combustible material assists fire to spread. Regular checks should be made to ensure that stationery and coats are not stored against electrical switchgear and that there is no build-up of dust or waste in organ lofts. Excessive loading of adaptor plugs must be avoided.

DOP B3 – ELECTRICAL INSPECTIONS

- 3.10 There is a legal requirement that all portable electrical appliances should be tested regularly. Please refer to <http://www.pat-testing.info/> and the IEE Code of Practice for In-service Inspection and Testing of Electrical Equipment 3rd Edition (2008) for more information. The Diocesan Trustees have made arrangements for the training of a number of people to carry out this inspection and testing in all the parishes and Curia departments in the Diocese. The cost of these inspections and tests will be charged to each parish and department. The Diocesan Surveyor will contact each parish and department to make the necessary arrangements.
- 3.11 Reference should also be made to the diocesan Health and Safety Policy in DOP E2.

DOP B4

ACQUISITION AND DISPOSAL OF, AND OTHER MATTERS CONCERNING CHURCH PROPERTY

Introduction

- 4.1 This DOP sets out the action that must be taken if the parish wishes to acquire or dispose of any property - church, hall, presbytery, other building or land. It does not apply to schools, which are the subject of advice given by the Department for Schools. It also deals with the action to be taken when other matters arise in relation to parish property, such as a right of way, or when there is a dispute concerning parish property.

As all parish property is in the name of the Diocesan Trustees, it is they, not the parish, who will deal with any purchase, disposal or other matter, or any dispute, although the parish will be consulted. The professional fees and expenses, including VAT, incurred by the Diocesan Trustees will be charged to the parish.

Canon 1257.1 is clear that all temporal goods belonging to public juridical persons in the Catholic Church, such as a diocese or parish, are ecclesiastical goods to be regulated by the relevant canons (Canon 1258-1310) and their own relevant statutes. The following procedures are to be understood as statutes of the Diocesan Trustees.

- 4.2. The ultimate responsibility in canon law for the proper administration of church property in the Diocese lies with the Bishop. It is his duty to ensure that the resources of the individual parish etc., are properly administered (Canon 1279). For this purpose he associates with himself the Diocesan Trustees just as he appoints the Diocesan Financial Secretary.

In civil law, all church property is legally vested in the Diocesan Trustees, who are incorporated under the name of Portsmouth Roman Catholic Diocesan Trustees Registered (PRCDTR).

- 4.3 It is important to note the requirement of Canon 1290 that in most cases 'whatever the local civil law decrees about contracts, both generally and specifically, and about the voiding of contracts, is to be observed.' Note too that Canon 1291 requires the 'permission of the authority competent by law' for the valid alienation of goods which constitute the stable patrimony of a public juridical body such as the Diocese or a parish. The relevant authority in canon law is the Bishop. In consequence, under canon law the Diocesan Trustees cannot dispose of or lease property without the Bishop's consent.

- 4.4 Most church property is subject also to the jurisdiction of the Charity Commission. Disposal, letting or grant of rights requires either the consent of the Charity Commission or the court or compliance with the procedure set out below
- 4.5 This DOP does not cover the hiring of parish premises, which are the subject of DOP B5. A 'hiring' would include a licence where an organisation such as a nursery school uses the building on a regular basis, but where exclusive possession for a definite period has not been granted.

Acquisition of property

- 4.6 Before any property is acquired, whether as a freehold or by lease, the permission of the Diocesan Trustees will be required. This responsibility is delegated to the Diocesan Finance and Property Committee, and early consultation with the Diocesan Financial Secretary or the Diocesan Surveyor is required. A chartered surveyor's report and valuation will be required for any property to be acquired, but instructions should not be given before consultation with the Diocesan Department for Finance and Property.

Disposal of property

- 4.7 Likewise the consent of the Diocesan Trustees will be required before any property disposal is undertaken. Again this responsibility is normally delegated to the Diocesan Finance and Property Committee and early consultation with the Diocesan Financial Secretary or Diocesan Surveyor is required.
- 4.8 The Charities Act 1993 provides that the Diocesan Trustees may dispose of land or buildings, without first obtaining the consent of the Charity Commission or the court, provided that certain requirements are met. Disposals fall into two categories, as set out below.
- 4.9 Short leases - (a lease for seven years or less). See appendix A. The requirements are:
- 4.9.1 the Diocesan Trustees must secure the advice of a person who is believed to have the requisite ability and practical experience to provide them with competent advice about the letting; and
 - 4.9.2 they must be satisfied that the rent which they are obtaining for the property and the other terms of the letting are the best that can reasonably be obtained; and
 - 4.9.3 the tenant must not be a connected person.
- 4.10 Sales or long leases or grant of rights - (freehold sales or leases for longer than seven years or the grant of rights over the property). The requirements are:

DOP B4 – ACQUISITION AND DISPOSAL OF, AND OTHER MATTERS CONCERNING CHURCH PROPERTY

- 4.10.1 the Diocesan Trustees must obtain a written report on the transaction from a qualified surveyor; and
- 4.10.2 they must advertise the property exactly as the qualified surveyor recommends in his report; and
- 4.10.3 they must be satisfied, in the light of the qualified surveyor's advice, that the terms which they are obtaining for the property are the best that can reasonably be obtained; and
- 4.10.4 the purchaser, tenant or grantee must not be a connected person.
- 4.11 A 'qualified surveyor' is a Fellow or Professional Associate of the Royal Institution of Chartered Surveyors, or of the Incorporated Society of Valuers and Auctioneers, who has experience in the valuation of similar property in the area. The qualified surveyor should be aware of, and comply with, the Charities (Qualified Surveyors' Reports) Regulations 1992. The qualified surveyor must act exclusively for the Diocesan Trustees in connection with each particular proposed transaction.
- A "connected person" includes a trustee, employee or officer of the charity or a relative of any such person, or an institution or corporate body controlled by such a person.
- 4.12 Mortgages - provisions do exist for the mortgaging of trust property. However, parishes cannot enter into mortgages.

Other matters.

- 4.13 It should be noted that the Diocesan Trustees have direct responsibility for any other matters that affect church property, such as wayleaves, rights of way, licences, the granting of drainage rights etc., variations in respect of uses of the property or adjoining property (whether or not planning permission is required), listed building consents, tree preservation orders, and others. All such matters must be referred to the Diocesan Surveyor as soon as they arise. Similarly, it is essential that any disputes about parish property are referred to the Diocesan Surveyor immediately they arise.
- 4.14 Before property can be sold or leased there may be other requirements that must be met.

Solicitors

- 4.15 The Diocesan Solicitor is Mrs Elizabeth Davis of Blake Laphorn, New Kings Court, Tollgate, Chandler's Ford, Eastleigh, SO53 3LG, telephone 023 8085 7011.

- 4.16 It is the Diocesan Solicitor only who has the authority to act for the Diocesan Trustees and all acquisitions, disposals, other matters and disputes must, therefore, be dealt with by her. However, it is recommended that the parish first refers to the Diocesan Department for Finance and Property in order to avoid the possibility of unnecessary legal costs.
- 4.17 If the Charity Commission's approval is required, the Diocesan Solicitor will deal with this. If the requirements outlined above have been met, and the consent of the Charity Commission is not required, the Diocesan Trustees are required to certify in the deed or document giving effect to the transaction that they have met the requirements and have the power to lease or sell the property.

Professional fees

- 4.18 All parish property is registered in the names of the Diocesan Trustees and in civil law any acquisition or disposal of parish property, including any lease or tenancy, is their responsibility. As any transaction will be for the benefit of the parish at canon law, the professional fees and expenses, including VAT, incurred by the Diocesan Trustees will be charged to the parish. Likewise, any such fees incurred in dealing with any dispute will also be charged to the parish. The amount of any fees will be a matter solely for the Diocesan Trustees.

Generally

- 4.19 If a parish is contemplating the acquisition or disposal of any property, or any other matter relating to parish property, it must first refer to the Diocesan Financial Secretary in order that approval in principle can be given on behalf of the Diocesan Trustees (see Canons 1255 –1257). Discussions can then take place as to the way forward, and the appointment of suitable advisers.
- 4.20 The parish will be given every opportunity of being directly involved in the acquisition or disposal of the property, but the legal responsibilities of the Diocesan Trustees must be respected, as must the responsibilities of the Bishop in canon law.
- 4.21 The direct responsibility of the Diocesan Trustees for the proper running of the charity is set down in the Charities Act 1993 as amended, and this applies in particular to the disposal of property.
- 4.22 Attention is drawn to the attached appendix concerning the letting of parish property (other than residential) for less than seven years.
- 4.23 There are separate provisions for residential lettings. Please see DOP B6.
- 4.24 Under civil law decisions concerning the acquisition and disposal of church property must comply with the public benefit requirement and the Charity

Commission's guidance on meeting the requirement, available from the Charity Commission at Charity Commission Direct, PO Box 1227, Liverpool, L69 3UG, Tel. 0845 3000 218 or http://www.charity-commission.gov.uk/Charity_requirements_guidance/Charity_essentials/Public_benefit/default.aspx. The public benefit requirement requires charity trustees to account for the public benefit provided by their organisation under two key principles:

- Principle 1: there must be an identifiable benefit or benefits
- Principle 1a: it must be clear what the benefits are
- Principle 1b: the benefits must be related to the aims
- Principle 1c: benefits must be balanced against any detriment or harm
- Principle 2: benefit must be to the public, or section of the public
- Principle 2a: the beneficiaries must be appropriate to the aims
- Principle 2b: where benefit is to a section of the public the opportunity to benefit must not be unreasonably restricted:
 - by geographical or other restrictions; or
 - by ability to pay any fees charged
- Principle 2c: people in poverty must not be excluded from the opportunity to benefit
- Principle 2d: any private benefits must be incidental.

A record must be kept of all decisions concerning the acquisition and disposal of church property and must include evidence that the public benefit requirement and the Charity Commission's guidance on public benefit has been taken into account.

Appendix A

Letting of parish property (non residential) for less than seven years

1. DOP B4 makes it clear that any letting of a parish building must be by the Diocesan Trustees and that an early approach to the Diocesan Department for Finance and Property is recommended when any such letting is contemplated.
2. In the case of lettings for less than seven years (referred to in paragraph 8 of DOP B4 as 'short leases'), the requirement of the Charities Act is less stringent than for longer leases where special alienation provisions apply. However, the required procedure must be followed.
3. The legal documentation must be handled by the Diocesan Solicitor Mrs Elizabeth Davis, Blake Laphorn,,New Kings Court, Tollgate, Chandler's Ford, Eastleigh, SO53 3LG Telephone 023 8085 7011 but in an endeavour to keep legal costs to a reasonable level, a standard form of lease has been adopted (a variation of the Law Society's business lease).
4. It would be helpful if parishes, or their representatives, when conducting initial negotiations with interested parties, would bear in mind the following general terms of the standard form of lease. Clearly, variations will be necessary, but the Diocesan Trustees wish to keep them to the minimum:
 - a) **Lease period and commencement date:** the lease must be for a set period and must not be for more than seven years.
 - b) **Use allowed:** the Diocesan Trustees wish to see the use restricted to a particular use class, e.g. offices, and possibly also to a particular business, e.g. solicitors.
 - c) **Rent:** the amount and when payable. Is the rent to be subject to review? (This would be unusual in a lease for five years or less.)
 - d) **Rates:** tenants will be expected to pay any rates (direct or by contribution).
 - e) **Insurance:** the Diocesan Trustees will insure, but the tenant will be expected to repay the premium, or a fair proportion if the lease is of part of a building. The tenant will be required to covenant not to invalidate the landlord's insurance.
 - f) **Repairs:** generally, the tenant will be liable for repairs. However, some negotiations may be necessary as to the extent of the liability, particularly if the letting is for three years or less. Certainly, the tenant should be responsible for internal repairs and internal and

DOP B4 – ACQUISITION AND DISPOSAL OF, AND OTHER MATTERS CONCERNING CHURCH PROPERTY

external decoration, or for paying a contribution to the last-mentioned if the lease is of part of a building.

- g) **Assignment or sub-letting:** no assignment or sub-letting will be permitted.
 - h) **Contracting-out:** the tenant will be required to contract out of his right to renewal under Landlord and Tenant Acts.
5. DOP B4 and this appendix do not apply to the hiring of church halls where exclusive possession of the building is not to be granted for a definite period. Such hirings are the subject of separate advice - see DOP B5.

DOP B5

HIRING OF PARISH PREMISES (HIRINGS ON A SESSIONAL OR ONE-OFF BASIS)

Introduction

- 5.1 This DOP applies only to the hiring of parish premises, either on a sessional basis, e.g. for use as a nursery school, playgroup or leisure groups, or on a one-off or single session basis, e.g. for a children's birthday party. In either case the hirer is not given permanent and exclusive use of the parish premises.
- 5.2 DOP B4 covers lettings, other than residential lettings, on a permanent and exclusive basis. The Diocesan Solicitor has drafted a standard form of lease for such lettings where they are for less than seven years, in order to limit legal costs.
- 5.3 Residential lettings are dealt with by DOP B6.

The hiring agreement

- 5.4 Hirings to which this DOP applies will either be a one off or for sessions, which may be a number of sessions per week, on a continuous basis.
- 5.5 A standard form of sessional licence and one off licence for such hirings are attached (appendix A and B of DOP B5) and must be used by parishes arranging their own hirings. For either of the licences, it is suggested that the licence is photocopied (two copies), or that two copies are printed, then filled in, and signed by the parish priest (the licensor) and the tenant (licensee).
No alterations must be made to the licence without prior approval from the Diocesan Surveyor.

The following comments are provided as guidance in completing either the sessional or one off licence. The numbering refers to the numbering on either of the licences:

- 1.2 The licensee - this must always be an individual or number of individuals, or, in unusual cases, a limited company. It should never be a club or society, since it is essential that an individual or individuals should be identifiable as responsible for ensuring that the terms of the licence are complied with.
- 1.3 The premises - if only a part of a building is licensed, this should be clearly stated in completing this part, and the part should be clearly identified, if necessary by reference to a drawing.

- 1.7 The licence fee - it is recommended that the licence fee is agreed and stated on a sessional basis, and must never be called rent. This should avoid any claim for security of tenure. However, if this is not acceptable in the particular circumstances, please refer to the Diocesan Surveyor.
- 5.6 Both copies of the completed licence must be signed by licensor and the licensee. One copy should then be sent to the licensee, and the other retained by the parish.
- 5.7 Care should be taken that the licence is renewed at the appropriate time.

Check list

- 5.8 The following paragraphs of either the sessional or one off licence (see Appendices A and B to DOP B5 attached) have to be completed before the licence (two copies) is signed by the licensor and the licensee:

Sessional

Date - 1.1 - 1.2 - 1.3 - 1.4 - 1.5 - 1.6 - 1.7 – 2.1 - 3.1 - 5.1.3.

One-off

Date - 1.1 - 1.2 - 1.3 - 1.4 - 1.5 - 2 - 3.1

- 5.9 The sessional licence (clause 3.10) requires the licensee to have adequate insurance cover. It is important to check that this is in place by asking to see evidence of cover and keeping a copy.
- 5.10 Under civil law, church halls must primarily be used for charitable purposes that advance the Roman Catholic religion in the Diocese or otherwise for the enlightenment, education, religious and moral benefit of members of the Catholic Church in the Diocese. If a hall is hired out for other purposes, such as private parties or other community purposes unconnected with the charitable purposes mentioned above, a licence fee at the best possible terms that can reasonably be obtained must be charged for the hiring and any such hiring must not take precedence over use of the hall for the stated charitable purposes.

Performing rights and music royalties

- 5.11 Parish priests are required to ensure all necessary performing rights licences are obtained and royalties are paid. The music royalties exemption that has previously applied to charitable and non profit organisations is to be removed during 2010 (see further details in appendix C). Parish priests must make sure that the legal requirements for a licence to be obtained from PRS for Music (PRS) and Phonographic Performance Limited (PPL) where music is being

played in public are met. It is understood that PPL and PRS appear to be acting together to share information and are actively enforcing against smaller operators, including charities, and parishes cannot expect to be treated leniently. A brief summary of the legal requirements is set out in appendix D.

1.6 DURATION OF THE LICENCE Weeks/Months (if
 indefinite and
 terminable by notice
 see termination
 Clause 5.1.3)

1.7 LICENCE FEE £.....per session or such an amount as
 Licensor may determine from time
 to time in his absolute discretion on
days notice to the Licensee.

2 LICENCE

2.1 Subject to the terms of this Licence the Licensor gives the Licensee the right (in common with the Licensor and all others authorised by the Licensor) to use the Premises during the duration of the Licence on the designated days and between the hours for the purpose of (purpose to be closely specified; if detailed, put "as detailed at appendix A" and append full details on a separate sheet marked Appendix A).).

2.2 The Licensee shall not be entitled to use the Premises on a designated day if it is a holy day or in other circumstances when the Premises are needed for use by the parish and the Licensee has received not less than thirty days' written notice of the parish's requirement from the Licensor.

3 LICENSEE'S AGREEMENTS AND UNDERTAKINGS

The Licensee personally agrees and undertakes:

- 3.1 To pay the Licence Fee in advance on (here specify times of payment)
- 3.2 To use the Premises only for the purposes set out in Clause 2.
- 3.3 Not to bring any furniture equipment goods or chattels onto the Premises without the consent of the Licensor.
- 3.4 To ensure that any appliances or equipment brought on to the Premises and used there shall be in safe and good working order and used in a safe manner.
- 3.5 To keep and leave the Premises and their contents undamaged unaltered clean tidy and free of rubbish.
- 3.6 Not to use the Premises in such a way as to cause any nuisance damage disturbance annoyance inconvenience or interference to adjoining or

neighbouring property or to the owners occupiers or users of such adjoining or neighbouring property or to users of nearby roads or paths.

- 3.7 Not to allow the consumption of alcohol on the Premises without the written permission of the Licensor.
- 3.8 Not to do any act, matter or thing which would or might constitute a breach of any terms of any Act of Parliament, Order, Regulation, Bye-Law, Rule, Licence or Registration requirement affecting the Premises or their use for the agreed purposes or which might vitiate in whole or in part any insurance effected in respect of the Premises from time to time and to use all due diligence and do and concur in doing all things reasonably practicable to avoid or diminish any loss of or damage to the premises or any property therein.
- 3.9 To repair and make good at its own expense any damage caused to the Premises or any Parish Property by the Licensee or any of its invitees employees or agents
- 3.10 To maintain a policy of insurance to ensure that both the Licensee and the Licensor are covered in respect of any public liability, any liability to employees and any damage to equipment or contents on the Premises or any other matters relating to the Use Allowed. The minimum cover for death or injury shall be £5,000,000 for any one incident.
- 3.11 To indemnify the Licensor and keep the Licensor indemnified against all losses claims demands actions proceedings costs or expenses or other liability arising in any way from this Licence or any breach of any of the Licensee's undertakings contained in this clause or the exercise or purported exercise of any of the rights given in this Licence.
- 3.12 To observe such reasonable rules and regulations as the Licensor may make and of which the Licensor shall notify the Licensee from time to time governing the Licensee's use of the Premises.
- 3.13 Not to impede in any way the Licensor or his servants or agents in the exercise of the Licensor's rights of possession and control of the Premises and every part of the Premises.

4 GENERAL

- 4.1 The Licensor shall not be responsible to the Licensee or to anyone at the Premises or the Parish Property expressly or by implication with the Licensee's authority for any accident happening or injury suffered (except for death or personal injury caused by the Licensor's negligence) or for any damage to or loss of any chattels sustained in the Premises or the Parish Property
- 4.2 Nothing in this Licence shall imply or warrant that the Premises may lawfully be used for the purposes referred to in this Licence under the Town & Country Planning legislation

- 4.3 The benefit of this Licence is personal to the Licensee and not assignable and the rights given in Clause 2 may only be exercised by the Licensee and its employees and customers.
- 4.4 The Licensor gives no warranty that the Premises are legally or physically fit for the purposes specified in Clause 2.
- 4.5 The Licensor shall not be liable for the death of or injury to or for damage to any property of or for any losses, claims, demands, actions, proceedings, damages, costs or expenses or other liability incurred by the Licensee or any person referred to in clause 4.1 in the exercise of the rights granted by Clause 2.
- 4.6 It is agreed that the Licensee shall not at any time during the continuation of this Licence and the sessions the subject of it be entitled to exclusive possession of the Premises, that the Licensee shall have no security of tenure and that the provisions of the Landlord and Tenant Act 1954 shall not apply.

5 TERMINATION

- 5.1 The rights granted in Clause 2 shall determine (without prejudice to the Licensor's rights in respect of any breach of the undertakings contained in Clause 3):
 - 5.1.1 immediately on notice given by the Licensor at any time following any breach by the Licensee of its undertakings contained in Clause 3 or any action of the Licensee in breach of Clause 4.3
 - 5.1.2 immediately on notice by the Licensee or the Licensor at any time that the Premises cease to be legally or physically fit for the purposes specified in Clause 2
 - 5.1.3 if the Licence is not for a fixed period then on not less than weeks/months notice given by the Licensor or Licensee to the other party to expire on

AS WITNESS the hands of the Parties on the above date

Licensor

Licensee

Appendix B

One-off licence to hire parish premises

AN AGREEMENT made the.....day of.....20....

1. PARTICULARS

In this Agreement the following expressions shall have the following meaning:

1.1 THE LICENSOR: Portsmouth Roman Catholic Diocesan Trustees Registered by its signatory authorised for this purpose:
Parish Priest
Address

1.2 THE LICENSEE of
Address

1.3 THE PREMISES
 (describe exactly)
 (eg the Church
 Hall at.....)
 (If part only specify
 clearly which part)

1.4 DAY AND TIME FOR HIRING(day)(month)(year)
 am to pm

1.5 LICENCE FEE £.....

2. LICENCE

Subject to Clause 2 and 4 the Licensor gives to the Licensee the right (in common with the Licensor and all others authorised by the Licensor) to use the Premises during the day and hours detailed above for the purpose of(purpose to be closely specified; if detailed put "*as detailed at appendix A*" and append full details on a separate sheet marked Appendix A).

3. LICENSEE'S AGREEMENTS AND UNDERTAKINGS

The Licensee personally agrees and undertakes:

- 3.1 To pay the Licence Fee in advance on(here specify date of payment, which must be before the start of the hiring)
- 3.2 To use the Premises only for the purposes set out in Clause 2.
- 3.3 Not to bring any furniture equipment goods or chattels onto the Premises without the consent of the Licensor.
- 3.4 To ensure that any appliances or equipment brought on to the Premises and used there shall be in a safe and good working order and used in a safe manner.
- 3.5 To keep and leave the Premises and their contents undamaged unaltered clean tidy and free of rubbish.
- 3.6 Not to use the Premises in such a way as to cause any nuisance damage disturbance annoyance inconvenience or interference to adjoining or neighbouring property or to the owners occupiers or users of such adjoining or neighbouring property or to users of nearby roads or paths.
- 3.7 Not to allow the consumption of alcohol on the Premises without the written permission of the Licensor.
- 3.8 Not to do any act, matter or thing which would or might constitute a breach of any terms of any Act of Parliament, Order, Regulation, By-Law, Rule, Licence or Registration requirement affecting the Premises or their use for the agreed purposes or which might vitiate in whole or in part any insurance effected in respect of the Premises from time to time and to use all due diligence and do and concur in doing all things reasonably practicable to avoid or diminish any loss or damage to the Premises or any property therein.
- 3.9 To indemnify the Licensor and keep the Licensor indemnified against all losses claims demands actions proceedings costs or expenses or other liability arising in

any way from this Licence or any breach of any of the Licensee's undertakings contained in this clause or the exercise or purported exercise of any of the rights given in Clause 2.

- 3.10 To observe such reasonable rules and regulations as the Licensor may make and which the Licensor shall notify to the Licensee before the start of the hiring governing the Licensee's use of the Premises.
- 3.11 Not to impede in any way the Licensor or his servants or agents in the exercise of the Licensor's rights of possession and control of the Premises and every part of the Premises.

4. **GENERAL**

- 4.1 The benefit of this Licence is personal to the Licensee and not assignable and the rights given in Clause 2 may only be exercised by the Licensee and its invitees.
- 4.2 The Licensor gives no warranty that the Premises are legally or physically fit for the purposes specified in Clause 2.
- 4.3 The Licensor shall not be liable for the death of or injury to or for damage to any property of or for any losses, claims, demands, actions, proceedings, damages, costs or expenses or other liability incurred in the Licensee or any person referred to in Clause 4.1 in the exercise of the rights granted by Clause 2.
- 4.4 It is agreed that the Licensee shall not at any time during the continuation of this Licence be entitled to exclusive possession of the Premises, that the Licensee shall have no security of tenure and that the provisions of the Landlord and Tenant Act 1954 shall not apply.

5. **TERMINATION**

- 5.1 The rights granted in Clause 2 shall determine (without prejudice to the Licensor's rights in respect of any breach of the undertakings contained in Clause 3):
 - 5.1.1 immediately on notice given by the Licensor at any time following any breach of the Licensee of its undertakings contained in Clause 3
 - 5.1.2 immediately on notice by the Licensee at any time (whether before the start of the hiring or during the hiring) that in the opinion of the Licensee the Premises cease to be legally or physically fit for the purposes specified in Clause 2

and the Licensor is under no obligation to provide suitable alternative premises or make any contribution to the costs of such premises.

AS WITNESS the hands of the Parties on the above date.

.....LICENSOR

.....LICENSEE

Appendix C

Government to remove charities music royalties exemption during 2010

1. The Government have decided to remove the current exemption enjoyed by charities and non-profit organisations from the requirement to obtain a music licence from Phonographic Performance Limited (PPL) for the playing of copyright music to the public.
2. The decision has been taken after the Government considered responses from the music industry, charities and other organisations to their consultation paper issued in July 2008 in which they put forward three options for consideration.
3. The change will require parliamentary approval through an amendment to the Copyright, Design and Patents Act 1988 with a proposed implementation date after the general election in 2010.
4. Although the existing exemptions do not apply to the rights of composers and lyricists, which are administered by PRS for Music (PRS), the new system of charging will include a simplification of the current framework which will be of benefit to charities and non-profit organisations.
5. In summary, the changes once implemented will include the following:
 - Statutory exemptions for charitable and non-profit organisations playing recorded and broadcast music in public (PPL rights) to be repealed.
 - PPL and PRS agreement to jointly run a new simplified licensing system for the Third Sector with just one form and point of contact required.
 - PPL to undertake a joint consultation with the Community Sector Law Monitoring Group to agree affordable tariffs based on relevant criteria and consult with relevant Third Sector organisations.
 - PPL will not charge for certain uses of music, i.e. use for domestic/family occasions such as weddings, music as part of divine worship. Residential homes/hospices, hospital wards, medical therapy.
 - PPL to offer blanket licences for occasional but varied use of community/rural halls (as offered currently by PRS).
 - PPL will develop a code of conduct with an independent complaints reviewer (as PRS currently operate)
 - PPL and PRS have agreed to incorporate a 'charities event' discount and an amnesty on back charges as part of the simplified system.
6. The Government's assessment of the simplified tariff system is that the cost of the licences for previously exempt charitable and non-profit organisations will be something in the order of £81 annually although this is based on a number of assumptions. Their justification for the removal of the current exemption is that it is necessary for a proper

balance between the owners of the rights to the music and users in accordance with international and EC law.

Appendix D

PRS and PPL Licences for playing music

This note is intended as a brief summary of the legal requirements for a licence to be obtained from PRS for Music (PRS) and PPL where music is being played in public. It is not intended as a detailed explanation of the law for which specific legal advice is recommended

1. Who are PRS and PPL?

PPL are the collective licensing body for copyright music owned by record companies and performers and PRS are the similar agency for representing the songwriters and composers for copyright music. The two organisations are separate and both are non-profit making in that all fees are distributed to the artists and copyright owners after deduction of expenses.

2. Who needs a 'music licence'?

Because the legal rights in the composer's work is treated separately to the copyright ownership which may be with the publisher, it is often the case that a PPL Licence is required in addition to a PRS Licence. Although private homes are excluded (provided the playing of music is solely for private purposes), the definition of 'public' does include music performed within parish premises whether it is for the benefit of hirers, users of the premises or staff.

Normally, the Diocesan Trustees as owners, or the parish priest as occupier of the premises is responsible for obtaining a licence but it could otherwise be the occupier or hirer of the premises.

The playing of music includes use of radio, CDs, television, telephone systems or DVDs as well as live or recorded music from a music system or console. PPL would also licence the playing of copyrighted music videos in public.

3. Failure to obtain a PRS Music Licence

Both PRS and PPL adopt a policy of notifying music users of their legal obligations to obtain a PRS licence. Failure or refusal to apply for one could lead to action being taken for copyright infringement by PRS on behalf of the copyright owner which may lead to an award of damages and costs if judgment is awarded. However, it would be usual for agreement to be reached following discussions to determine the level of fees payable, which will depend on a number of factors.

4. Calculating the cost of the licence

PRS calculate the approximate cost of 'public music' in a work environment based on three main criteria, which they ask the business to assess for each unit and this will result in the annual fee payable:

- The number of days per year that music is played within the business
- The length of time that music is played for on a daily basis
- The number of employees within the business who will be listening to the music

There is a similar basis of calculation for working out the cost of the annual licence for music played within a rest area (for example, a staff rest room)

Further information can be obtained about PRS licences including applications on their website: www.prsformusic.com

PPL apply similar formulae although the size of the area used for music may also be relevant. PPL have a number of set 'tariff' annual fees for different types of premises where public music is played.

Further information on PPL requirements can be obtained on the PPL website: www.ppluk.com

DOP B6

RESIDENTIAL LETTINGS

- 6.1 The retention, for investment, of residential properties is not recommended, but there will be occasions when a presbytery or a part of it, or similar property, will not be immediately required for parish purposes, or would be difficult to sell separately, and should be let.
- 6.2 The Charities Act 1993 will apply to such lettings, and it is therefore essential that advice is taken from a suitable estate agent or Architect/Surveyor. The accommodation **must** be let on the best possible terms and not to a "connected person", i.e. an employee or an officer of the charity or a relative of any such person. Please refer to paragraphs 4.8 and 4.9 of DOP B4, which apply equally here.
- 6.3 A letting to a retired priest is an exception to para 2 above and the advice of the Diocesan Surveyor should be sought if such a letting is contemplated.
- 6.4 The consent of the Diocesan Finance and Property Committee, on behalf of the Diocesan Trustees, is required before any property, including residential accommodation, is let. Please refer to the Diocesan Financial Secretary or the Diocesan Surveyor.
- 6.5 Advice should be sought from a local and reputable Architect/Surveyor, estate agent, or residential letting agent who will be able to advise upon the rental level and other terms of the letting. This applies whether the letting is to be furnished or unfurnished.
- 6.6 The letting should be on an assured shorthold tenancy, usually for an initial period of six months. The letting agent will be able to prepare the agreement. The landlords will be the Diocesan Trustees. The tenancy agreement must be signed by the Diocesan Trustees and the Diocesan Financial Secretary on behalf of the landlords.
- 6.7 Instructions should be given to the letting agent to include in the agreement any special provisions, eg., arrangements for car parking.
- 6.8 The parish will pay the fees of the letting agent, probably by way of deduction from the first month's rent. Fees must be agreed before instructions are given.
- 6.9 The parish must decide whether they wish to have the rent paid directly by the tenant (bankers order would be appropriate) or will instruct the letting agent to manage the property. A management fee is usual, but this does have the advantage that the agent, and not the parish, has to deal with any problems. The advice of the Diocesan Surveyor should be sought.
- 6.10 The insurers must be notified that there has been a letting.

DOP B6 – RESIDENTIAL LETTINGS

- 6.11 These are legal requirements to be complied with before a property is let or, sometimes, put on the market and the advice of the Diocesan Surveyor should be sought before properties are put in the market.

DOP B7

LISTED BUILDINGS

- 7.1 Churches and chapels in use for worship in the ownership of the Catholic Church are exempt from listed building and conservation area requirements since alternative controls and procedures are exercised by the Catholic Church itself. All listed churches and churches in conservation areas are subject to the control of the Historic Churches Committee for the dioceses of Southwark, Arundel & Brighton, Portsmouth, Plymouth and Clifton. Different arrangements apply to the Channel Islands; the Diocesan Financial Secretary must always be consulted.
- 7.2 However, the ecclesiastical exemption exists only for works to a listed church if it is being used at the time for ecclesiastical purposes. The exemption is restricted to any church building, any object or structure within a church building or fixed to the exterior and any object or structure within the curtilage of a church building. The exemption specifically does not apply to a building being used wholly or mainly as a residence in order for the performance of duties associated with the church.
- 7.3 It follows that listed building consent from the local planning authority will be required for the total demolition of a listed church since it cannot be said to be in use for ecclesiastical purposes when it is being demolished.
- 7.4 All listed churches where the use of the church is redundant also remain subject to listed building control of local planning authorities.
- 7.5 Listed building consent (exercised either through the Historic Churches Committee or the local planning authority as appropriate) is required for all work other than repairs which are strictly on a like-for-like basis. This is very important and if in doubt please contact the Diocesan Surveyor.
- 7.6 All applications for listed building consent and planning consents must be made in the name of the Diocesan Trustees, Portsmouth Roman Catholic Diocesan Trustees Registered The Diocesan Trustees' prior consent to the making of the application and its form must be obtained. The application must be signed by them and the Diocesan Financial Secretary. All proposals for alterations to listed buildings must be referred to the Diocesan Surveyor.
- 7.7 Guidance notes for applications to the Historic Churches Committee are attached, (see appendix A) together with an application form which can be downloaded or photocopied and used (see appendix B).
- 7.8 Early consultation with the Secretary of the Historic Churches Committee for the above dioceses, is recommended. He will be able to advise as to the dates of future meetings of the committee and deadlines for submitting applications. Applications must be dealt with via the Diocesan Surveyor.

DOP B7 – LISTED BUILDINGS

- 7.9 Early consultation with the chairman of the Diocesan Liturgical Buildings Advisory Committee and the Diocesan Surveyor is also recommended. The approval of the Diocesan Liturgical Buildings Advisory Committee and the Diocesan Finance and Property Committee is required before the application is submitted (see Note 2 on the application form).
- 7.10 Planning permission may also be required where the works affect the external appearance of the church. No ecclesiastical exemption exists in relation to applications for planning permission. Therefore, this should be dealt with before submitting the application to the Historic Churches Committee.
- 7.11 Work to be carried out to existing buildings is subject to the same requirements for permission as any other work. Please refer to DOP A4.
- 7.12 Please remember that a quinquennial report is a legal requirement for all listed buildings.
- 7.13 VAT implications may apply to any works on listed buildings.

Appendix A

Planning (Listed buildings and Conservation areas) Act 1990 Ecclesiastical Exemption (Listed buildings and Conservation Areas) Order 1994

HISTORIC CHURCHES COMMITTEE for the Dioceses of SOUTHWARK, ARUNDEL & BRIGHTON, PORTSMOUTH PLYMOUTH & CLIFTON

Guidance Notes re Applications.

(These notes are shortly to be revised following changes proposed by the Department of Culture, Media, and Sport; contact the Secretary for the up to date position)

These notes are to assist Parishes in preparing their applications, they do not contain all the rules and Parishes must refer to their Financial Secretaries or the HCC Secretary for additional help.

The Rules have been brought in by the Government and represent a concession to the Church in allowing us to make decisions regarding the reordering and/or alteration of our Churches which otherwise would be controlled by outside bodies. It is therefore very important that we follow the regulations laid down by the Bishops, the Government and encased in Canon & Civil Law to avoid losing the concessions.

As a reminder, unauthorised alterations to a Listed Building are a criminal offence. You as Parish Priest are protected by the Churches Exemption but this emphasises the importance of applying for a Faculty from the HCC BEFORE doing any work at all, otherwise the Exemption would be jeopardy as the Government can remove it by a stroke of the pen.

The rules apply to Churches and other Buildings which are classed as being in Ecclesiastical Use (usually for Worship but certain other buildings may also qualify) and which are Listed Buildings in their own right, or are in the immediate area of a Listed Building where alterations could affect the character of the Listed Building (this really applies to Presbyteries attached to the Church as well as attached halls etc) or have been placed by the Trustees of the Diocese under the control of the HCC as they are considered to be of Listable quality. Following English Heritages decision to review all unlisted Catholic Churches in specific Dioceses to see if any are of Listable quality, we recommend that you check with the HCC to see if your church is included in the review, as very similar rules apply to such churches.

Thus many Presbyteries, Halls, Schools etc do not qualify for the concessions, and changes to them (if they are Statutorily Listed) will need Listed Building Consent from the Local Authorities. There are some buildings, which contain both Church and Presbytery/Hall. Refer to the HCC Secretary if you have one of these.

Slightly different rules apply if you are a Religious Order or Society of Apostolic Life, in these cases, please contact the HCC Secretary.

The HCC's remit extends to the full 'curtilage' of the Church, i.e. 'all land essential for the amenity of the Building'. It also reaches to the boundaries of the land; this means that proposed changes to Religious Monuments, Outdoor Shrines, boundary walls etc would also need HCC approval.

If you have any doubt as to whether a Faculty is needed for what you want to do, refer to the HCC Secretary who is happy to come to meet you and discuss the proposals.

Any changes to the building will require a Faculty from the HCC before work may start. This also applies to some types of repair, although for most straightforward repairs you will only need to supply the HCC with a copy of the specification of the works. Contact the Secretary of the HCC for further details.

Basic Procedures

The Parish must first obtain the approval of the Diocese/Religious Superior for the changes/repairs they are considering. This must include Finance and Liturgy as well as the Art & Architecture. However, to shorten the timescale, we suggest you contact the HCC Secretary as soon as you decide

to approach the Diocese. Having done that (and having discussed the changes with the parish) then an application to the HCC must be made.

This is made by means of Forms provided by the HCC Secretary with whom you should contact at the **earliest opportunity** to discuss the proposed works. Having got Diocesan and Parish approval the following procedures have to be followed.

(Religious Orders and Societies of Apostolic Life should also note the attached notes.)

No fees are required

1. A completed application pack must be sent to the HCC Secretary.

This will include the Form 1, plans, photographs and very important, a Statement of Need/Justification. This is the paper in which you explain (briefly please) the reasons for the proposed works and the effect it is likely to have on the buildings importance, bearing in mind that as a Listed Building, it is considered to be important Nationally as well as to the local Parish.

2. An advertisement has to be placed in the Public Notices section of the local Newspaper giving brief details of the project. An example is given below. (Note Before placing this Official Notice, contact the HCC Secretary as it is not needed in many applications)

Example of a Notice inserted in local newspaper.

PUBLIC NOTICE

St Matildas Roman Catholic Church, Upper Nothing.

Notice is hereby given that an application is being submitted to the HISTORIC CHURCHES COMMITTEE for the Dioceses of Southwark, Arundel & Brighton, Portsmouth, Plymouth & Clifton to request permission to carry out the under mentioned works.

1. Remove the Altar rails

2. Replace the lighting with modern fittings.

Any comments regarding the above must be made in writing to the Secretary,
Historic Churches Committee,

9 Preston Avenue, Rustington. W Sussex. BN16 2DE

3. Applicants must ensure that the completed Application has reached the Secretary of the HCC in plenty of time, GREAT CARE see the attached note, it is suggested that 6 weeks before is the minimum. The dates of the Formal meetings are known to the Financial Secretaries, but if in doubt, contact the Secretary of the HCC. This time is essential to meet the requirements of the Legislation

4. Accompanying the application must be the most recent Quinquennial report, a copy of the Newspaper advertisement (if it was required), original Architect Plans with 6 copies reduced to A3 or A4 size. Please see the attached sheets for details of plans etc required.

5. The Secretary will formally acknowledge the Application. A copy of this must be displayed on the outside of the main Church door for 28 days. It is suggested it is placed in a clear plastic sleeve.

(Note, if the project is NOT for the Parish Church but another Church in the Parish, then a copy must also be displayed at the Parish Church). The HCC Secretary will also arrange the Public Consultation process with the outside bodies such as the Local Authority, Amenity Societies, and English Heritage etc.

6. The Secretary will arrange a site visit to which will be invited the Local Authority, English Heritage and the Amenity Societies (Victorian Society / 20C Society, etc.) It is essential that the Architect and Parish Priest also come to the site meeting.

7. The application will be considered at the next Formal meeting of the HCC and following the Committees decision, the Secretary will formally notify the Applicant, the Consultees and those who submitted written comments. It is requested that the Parish Priest and/or his representative e.g. the Architect, attends that meeting to present the project and answer questions.

8. If an appeal is to be lodged against the decision, it must reach the Secretary of the HCC in writing within 28 days of the issue of the Decision Letter. Any one who wishes to appeal must write to the HCC Secretary for the appropriate Forms.

9. Only the following may appeal:-

**The Applicant. Officers of Statutory Bodies and Amenity Societies. Those who originally submitted written comments in response to the Public Consultation.
Full grounds of objection must be stated on the Form obtainable from the Secretary.**

10.. The Appeal will be heard by the Diocesan Bishop who will appoint a Appeal Board to hear the appeal, or in the case of a Religious Institute or Apostolic Society by the Provincial.

11.. The Appeal will be final. The Secretary will formally notify the Appellant, English Heritage, the Local Planning Authority and the National Amenity Societies.

Please refer to the enclosed papers giving further details.

Appendix B

Form 1. (2000)

Planning (Listed buildings and Conservation areas) Act 1990 Ecclesiastical Exemption (Listed buildings and Conservation Areas) Order 1994 Canon Law- Canon 1276.

HISTORIC CHURCHES COMMITTEE FOR THE DIOCESES OF SOUTHWARK, ARUNDEL & BRIGHTON, PORTSMOUTH, PLYMOUTH & CLIFTON

9 Preston Avenue
Rustington.,
West Sussex
BN16 2DE

Secretary: Michael State

Tel./Fax 01903 856018

Email M.State@btopenworld.com

Application for Approval of Proposed works to a Listed Church Building in Use or a Church Building in Use in a Conservation Area.

Name of Applicant.

Position of responsibility re the Building below.

Address

Tel. _____

Name of Church, Chapel or Institution:-

Address of Church

Status:- Cathedral / Abbey / Parish Church / Chapel - of - ease / other (please state)

Dept of National Heritage listed status:

Grade 1 Grade 11* Grade 11 Conservation Area.

Name & Address of Local Planning Authority in whose area the Building stands

Tel:- _____

Name & Address of the Local Newspaper

Tel:- _____

1. If the Building is a Diocesan Church or Chapel, and the proposed works include liturgical re-ordering, has the Art & Architecture committee of the Diocesan Liturgy Commission seen and commented on the proposals ?

2. Please confirm that full Diocesan approval has been obtained from all relevant Offices e.g. Finance and that all Diocesan procedures have been complied with.

3. If a Diocesan Church or Chapel, has the Parish Committee discussed the proposals?

4. If the Building belongs to a Religious Institute or Society of Apostolic Life, please confirm that ALL required consultations have been done and ALL internal consents have been obtained.

Please enclose the last quinquennial report, together with the originals of the Plans and Specifications for the proposed works. Please see the Guidance Notes for more information on Plans etc.

VERY IMPORTANT

NO work must be started until approval has been given by the Historic Churches Committee.

A copy of this application will be sent to : English Heritage ; the Local Planning Authority ; the National Amenity Societies; and in cases of any proposal to demolish wholly or in part; the Royal Commission on Historical Monuments of England. Continue overleaf.

PROPOSED WORKS :- Please itemise below and return completed Application to the Secretary, The Historic Churches Committee, together with the Plans & Specifications of the proposed works and the latest quinquennial report.

Signature of Applicant:-

Dated:-

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THE CONSTRUCTION (DESIGN AND MANAGEMENT) REGULATIONS 2007 (CDM 2007)

- 8.1 The government introduced the initial CDM Regulations in 1994 because of the poor health and safety record in the construction industry. The CDM 2007 Regulations revise and bring together the CDM Regulations 1994 and the Construction (Health Safety and Welfare) Regulations 1996 into a single regulatory package.
- 8.2 CDM 2007 places legal duties on virtually **everyone** involved in construction work.
- 8.3 On all projects clients (the Diocesan Trustees) will need to:
- Check the competence and resources of all designers, contractors and workers
 - Ensure there are suitable management arrangements for the project welfare facilities
 - Allow sufficient time and resources for all stages of work.
 - Provide pre-construction information to designers and contractors
- 8.4 Where projects last more than 30 days or involve 500 person days of construction work the client (the Diocesan Trustees) must also:
- Appoint a CDM co-ordinator
 - Appoint a principal contractor
 - Make sure that construction work does not start unless a construction phase plan is in place and there are adequate welfare facilities on site
 - Provide information relating to the health and safety file to the CDM co-ordinator
 - Retain and provide access to the health and safety file

The address for the relevant HSE guidance is:
<http://www.hse.gov.uk/construction/cdm.htm>

Further information

The HSE website <http://www.hse.gov.uk/construction/cdm.htm>

HSE leaflet INDG 411 - 'Want construction work done safely?' A quick guide for clients on the Construction (Design and Management) Regulations 2007 [PDF 166kb]. The website address for this leaflet is:

<http://www.hse.gov.uk/pubns/indg411.pdf>

This document is repeated at DOP C12 Appendix C.

DOP B9

LARGE BUILDING PROJECTS

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- 10.1 Normally 12 months
- 10.2 Architect and project committee to provide defects list
- 10.3 Architect to sign off rectifications
- 10.4 Final certificate and release of retention monies

11 Notes and appendices

Diocesan groups concerned with major projects are:

- 11.1 Diocesan Trustees who are responsible for ensuring that the Diocese functions in accordance with the requirements of civil and canon law.
- 11.2 Diocesan Finance and Property Committee make assessments of applications by parishes and recommendations to the Diocesan Trustees about any projects proposed.
- 11.3 Diocesan Liturgical Building Advisory Committee advises and supports parishes in all liturgical matters.
- 11.4 Portsmouth Diocesan Trading Company Ltd (TradCo) is the limited company that appoints all project consultants and the main building contractor. The parish pays a sum of 0.8% of the costs to the Diocese to recompense for the expertise provided by TradCo.

11.5 Note the following appendices

- A Room or area data sheet
- B The work of the project committee make-up
- C Diocesan standard terms of appointment for all consultants
- D Diocesan standard form of warranty for all consultants

1 Introduction

- 1.1 This document gives an outline of the procedures involved in carrying out large building projects on behalf of the Diocese. It is written for those unfamiliar with construction projects, and sets out the various stages of a development. Although designed for the management of large building projects, the principles apply to all construction projects. It should be read in conjunction with DOP A4 (DOPs for Finance and Accounting – Capital Projects and Loans).
- 1.2 Large building projects are considered to be those major projects likely to reach completion with a final contract price in excess of £250,000. These projects may involve new build, alterations, restoration of old buildings and work to listed buildings or churches and in conservation areas. Reference is made to the various bodies that will need to be consulted, when the project involves work to listed buildings and churches in conservation areas. However, when projects do involve such works, advice should be taken from the Diocesan Surveyor. For work to listed buildings and work to churches in conservation areas, see DOP B7 (DOPs for Building and Maintenance – Listed Buildings).
- 1.3 Diocesan Finance and Property Committee approval is required for all projects over £10,000. These notes set out the sequence of the stages. For projects over £250,000, approval is required first from the Diocesan Finance and Property Committee, but in addition, final permission is required from the Diocesan Trustees.
- 1.4 The procedures set out in these notes are aimed at the non-professional, whose experience of the construction industry is limited. The intention is that by following the DOPs, and through the involvement of all of the parish and by their ownership of the agreed brief, the finished project will be valued by all parishioners. In addition it will be carried out on programme and within the budget allocated by the Diocesan Finance and Property Committee.
- 1.5 This advice is based on use of traditional procurement methods of “competitive tender”. Neither “design and build” nor “develop and construct” forms of procurement are generally suitable for diocesan projects. Should either of the latter procurement routes be considered, the Diocesan Surveyor’s advice should be sought.

2 Parish consultation

- 2.1 Consultation with the parish priest and parishioners is important throughout the entire project. A project committee should be set up with the full agreement and involvement of the co-ordinating pastor and of TradCo (The Portsmouth Diocesan Trading Company Limited), a company owned by the Diocesan Trustees. A person appointed by Tradco, who may be the Tradco representative (see 4.4), must be a member of the project committee. This committee must take on total ownership of the project and must maintain, throughout the whole project, continuous consultation with the parish. The project committee will be the only channel of communication between the parish and all others involved in the project.

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- 2.2 The project committee must establish the requirement of the parish. Is the project a complete “new build” or an extension? Does it involve a hall, church offices and/or a new presbytery? Are funds to be raised by a parallel housing development? A suggested list of the work to be carried out by the project committee is attached as appendix B.
- 2.3 The co-ordinating pastor of the larger pastoral area must be consulted at the beginning of the project. The extent of his future involvement can then be agreed.
- 2.4 The form and terms of reference of the project committee should be agreed. So too should the regularity of meetings, the function of members and the method of communication. See appendix B for further suggestions.
- 2.5 Programme. An intended time scale must be decided, allowing sufficient time for decisions from other groups, such as the Diocesan Finance and Property Committee, the Diocesan Trustees and the planning authority.
- 2.6 Parish approval for the project in principle should again be confirmed at this stage.

3 Advisers and consultants

- 3.1 The Diocesan Surveyor should be consulted at an early stage. He or she will provide guidance on the next stages of the process. He or she will also negotiate all fees for the consultants, on behalf of the Diocese and the parish.
- 3.2 The Diocesan Surveyor has a list of approved architects and other consultants. The Diocesan Surveyor will provide the project committee with a minimum of three architects to interview. If required, a member of the Diocesan Department for Finance and Property and/or a director of Tradco will be available to assist with these interviews. At these interviews, each architect should be requested to present his fee proposals. Likewise the Diocesan Surveyor will provide lists of other approved consultants, see para 3.5.
- 3.3 The Diocesan Liturgical Buildings Advisory Committee must become involved at the first stage to give guidance.
- 3.4 The Diocesan Solicitor must be used for all legal work. Contact is available through the Diocesan Financial Secretary at the Diocesan Department for Finance and Property: 023 9282 5430.
- 3.5 Other consultants will be required throughout the project. The Diocesan Surveyor will assist in recruiting any or all of: quantity surveyor, structural engineer, highways consultant, transport & traffic consultant, ecological consultant, planning supervisor, engineering (M & E) consultant, site survey engineer, arborculturalist, sound and lighting engineer and clerk of works.

4 Feasibility stage

- 4.1 The project committee should prepare a brief for the scheme, which defines the scope of the feasibility study, which in turn will determine the final project.

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- 4.2 The project committee should interview the architects from the list agreed in conjunction with the Diocesan Surveyor, after confirming the extent of the brief and services required.
- 4.3 The project committee should appoint a parish representative who will be the only person with authority to communicate decisions of the project committee to the Tradco representative. It should be made clear to all in the parish that the parish representative is the only person with this authority.
- 4.4 Tradco will appoint a representative, who may be the Diocesan Surveyor or another person experienced in large building projects selected by Tradco's board of directors. The Tradco representative will be the only person with authority to give instructions to the consultants and, where appropriate through the architect, to the building contractor. Again, it should be made clear to all in the parish that the Tradco representative is the only person with this authority.
- 4.5 The project committee, with advice from the Tradco representative, should decide on the architect to be appointed for the feasibility study. At this stage the architect must accept the diocesan standard terms of appointment (which should have been sent to him at the time of his or her invitation to attend the interview). Unless significant problems arise, it is normal to use this architect for the whole project, once diocesan approval has been given. Tradco will appoint the architect by signing the document appointing him.
- 4.6 There will be a parish consultation meeting with the architect to articulate the requirements of the parish
- 4.7 The architect will prepare sketch drawings.
- 4.8 The architect will consult the Liturgical Buildings Advisory Committee for guidance and items to incorporate in the study.
- 4.9 The architect will present a feasibility study and will complete sketch drawings after consultation with the local planning authority, building control & statutory authorities.
- 4.10 Tradco will appoint the quantity surveyor (for the feasibility phase) using the diocesan standard terms of appointment. See appendix C
- 4.11 The architect and the quantity surveyor will formally present to the parish drawings, specification and preliminary budget, allowing time for feedback.
- 4.12 The parish formal approval to the scheme as described in the documents in 4.11 will be given by the parish representative to the Tradco representative, who will pass that approval on to the architect and the surveyor.
- 4.13 A Capital project application form will be submitted to the Diocesan Finance and Property Committee, and to the Diocesan Trustees when the final contract price is likely to exceed £250,000. (See DOP A4)

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- 4.14 Once diocesan approval (Diocesan Finance and Property Committee and Diocesan Trustees) is received, the project can proceed to the next stage.

5 Appointment of professional consultants

- 5.1 As mentioned in para 4.5, the parish will normally continue to use the services of the architect and quantity surveyor who produced and presented the feasibility study, once the project starts. The diocesan standard terms of appointment must be used and the fees negotiated by the Diocesan Surveyor.
- 5.2 The Diocesan Surveyor will negotiate the contracts with all other consultants identified as being necessary for the successful completion of the project. These may include: structural engineer, highways consultant, transport and traffic consultant, ecological consultant, planning supervisor, engineering (mechanical and electrical) consultant, site survey engineer, arborculturalist, sound and lighting engineer. Others may be employed as the project demands.
- 5.3 A clerk of works must also be appointed. Recommendations can be given by the Diocesan Surveyor. The appointment will be made by Tradco. The clerk of works's functions will include verifying the setting-out of the ground work, checking that the quality of the building work conforms with the specification and ensuring adherence to the programme.
- 5.4 The diocesan standard terms of appointment must be used. See appendix C.
- 5.5 Amended to reflect changes to 1.18 The diocesan standard form of warranty must also be used in all contracts with consultants. See appendix D
- 5.6 Payment of fees will be based on the schedule of payments set out in each of the consultants' contracts.
- 5.7 Additional work. No additional work may be carried out by a consultant without written instruction from the TradCo representative.

6 Detailed planning

- 6.1 The project committee must prepare a detailed specification in conjunction with the architect. This can be by means of room data sheets (see appendix A) or other such other system as the architect may recommend. It is essential to cover all of the works required by the parish in the building; this will be used by the quantity surveyor for the cost check before tender process. When the completed building is handed over to the parish, this document should be used as a room by room handover list.
- 6.2 Detailed site investigation. This should include: checking the location and availability and sufficiency of all public utilities, trial holes or bore hole reports of all areas of construction including future car parks, invasive investigation of existing buildings where alterations are to be carried out.

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- 6.3 Where the project is an alteration to be made to a church (rather than other buildings), the chairman of the Diocesan Liturgical Buildings Advisory Committee should be consulted for approval.
- 6.4 Where works are required to listed churches the approval of the Historic Churches Committee will be required. Listed building consent may also be required from the local planning authority.
- 6.5 Where alterations are to be made to listed buildings, other than churches, listed building consent will be required from the local planning authority.
- 6.6 Where alterations are to be made to a church within a conservation area, the Diocesan Surveyor should be consulted.
- 6.7 The architect will consult the Historic Churches Committee where applicable.
- 6.8 The architect will ensure that outline approval from the Diocesan Liturgical Buildings Advisory Committee, that the design meets all liturgical requirements, is obtained.
- 6.9 All applications for listed building consent and planning permission must be made in Tradco's name with its prior consent and signed by a Tradco director, usually the Diocesan Financial Secretary.
- 6.10 The architect must prepare all applications for detailed planning permission and building control approval in consultation with the Diocesan Surveyor.
- 6.11 Written approval of the final church design must be given by the Diocesan Liturgical Buildings Advisory Committee; it must be this design which is authorised by planning permission and listed building consent.
- 6.12 Pre-tender estimate by quantity surveyor. It is important to ensure that a sufficient allowance has been made within the estimate for unforeseen works or contingencies. For a new building on a green field site this should be at least 5% and for works of alterations a minimum of 10%.
- 6.13 If the pre-tender estimate is within budget it should be submitted to the Diocesan Finance and Property Committee as a reminder of the cash requirement and the time-scale. If the estimate is above budget the project committee must submit an additional report showing how additional funds are to be raised.
- 6.14 Loan. If the project committee is seeking a loan, a separate application must be made to the Diocesan Finance and Property Committee. (See DOP A4)
- 6.15 Decennial insurance. It is a requirement of the Diocesan Trustees that the project is covered by decennial insurance. This has the value of enabling any necessary rectification work to begin immediately, even in the event of its being the subject of court proceedings. The architect must arrange for a quotation. The Diocesan Surveyor will provide names of appropriate insurance companies.

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7 Obtaining tenders

- 7.1 The form of contract will be the conventional “Competitive Tender” with bills of quantity. “Two Stage” or “Develop and Construct” have been considered. The Diocese does not consider these other forms suitable for large church projects.
- 7.2 The project committee, in conjunction with the architect, the Diocesan Surveyor and the Tradco representative, will select the contractors for the tender list.
- 7.3 The tender period should be agreed at the same time.
- 7.4 Conventionally at midday on the day of return of the tenders they are opened, at the Diocesan Department for Finance and Property, in the presence of witnesses.
- 7.5 Within a week of tender opening the quantity surveyor submits a written report to project committee. This tender report makes recommendations about the contractor and, if necessary, any actions required to bring the cost within budget.
- 7.6 There will be a final project committee consultation meeting with the architect.
- 7.7 Once the Tradco representative has received the minutes of the project committee meeting approving the final design, the choice of contractor and the tender price, then, subject to the scheme being within budget, Tradco and the contractor will enter into the contract, which will be signed by a Tradco director, usually the Diocesan Financial Secretary
- 7.8 Unsuccessful tenderers must be advised.

8 Construction

- 8.1 The architect (ie lead consultant) will chair and minute monthly site meetings. The parish representative, or another person chosen by the project committee to represent it, may attend these meetings.
- 8.2 The architect will send a copy of the minutes to the Diocesan Department for Finance and Property promptly.
- 8.3 The Tradco representative or the Diocesan Surveyor will attend site meetings when necessary. This applies, for example, if additional work by consultants or contractors is found to be necessary.
- 8.4 Interim payments (on valuations) will normally be monthly in arrears, and will include the appropriate VAT. These will be prepared by the quantity surveyor and certified by the architect.
- 8.5 The parish representative will be the only person with authority to communicate to the Tradco representative decisions of the project committee about variations. The Tradco representative will be the only person with authority then to instruct the architect.

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- 8.6 The architect issues instructions for variations as “architect’s instructions”. Before instructions for variations are issued, they should be costed and the price agreed by the contractor, prior to the architect requesting approval from the Tradco representative and the project committee. All approvals should be given in writing by the parish representative to the Tradco representative and by the latter to the architect. If, in exceptional circumstances, a verbal approval is given because of the urgency, this should be put in writing by the parish representative and the Tradco representative immediately.
- 8.7 Monthly cost reports should be provided by the quantity surveyor. These should indicate all expenditure. Included should be all professional fees, local authority and other costs, costs for items outside the building contract (already included in the approved project budget). The parish representative must have responsibility for furnishing the quantity surveyor with any changes to figures monthly.

9 Practical completion

- 9.1 At practical completion the architect, the parish representative and the Tradco representative should check the completed works against the agreed room data sheets and the approved drawings, as modified by any variations agreed with the project committee and Tradco during construction so that the architect can issue a snagging list.
- 9.2 When the contractor has rectified all “snags” they should be “signed off” by the architect after consultation with the parish representative and the Tradco representative.
- 9.3 The parish representative should receive at this time ‘as built drawings’ (showing all electrical and mechanical services, drainage etc). They should be in both paper and CD-ROM form. Manuals listing manufacturers of all materials used in the construction, plus guarantees, servicing instructions, etc., and the final building regulation certificate, must also be provided.
- 9.4 Receipt of ‘as built drawings’ is a condition precedent to the issue of the practical completion certificate as is the health and safety file.
- 9.5 The practical completion certificate should be issued by the architect.
- 9.6 Half the retention monies can then be released.
- 9.7 The final account should be completed by the quantity surveyor within three months of practical completion.
- 9.8 Prior to final agreement of the account with the main contractor, the quantity surveyor should inform the project committee of the final figure and give them any explanation of the contents of the account that they require.

10 End of defect liability period

- 10.1 The defects liability period is normally 12 months from practical completion.
- 10.2 The project committee, with the architect and the Tradco representative, must prepare a list of defects, which should be handed to the building contractor before the end of the defects liability period.
- 10.3 When these works have been completed, the architect should inspect them and sign-off the rectifications.
- 10.4 The architect should issue the final certificate, which entitles the contractor to release of the remaining retention monies.

Appendix A**Room/Area Data Sheet**

Room/Area	Name	Ref:
General Description		

Persons using area

Special qualities

Or facilities

Layout features

Critical dimensions/
Spatial relationships

Relationships to other
Rooms/activities

Finishes/Fixtures/
Loose equipment

Lighting/power/
ventilation/heating/
Cooling etc

Security/locking/
Suiting of ironmongery

Questions to ask yourself

The function of this space is to....

The form of this space should provide....

The form of this space should not encourage....

Avoid offering solutions.

Appendix B

The work of the project committee

1. Committee organisation, mechanisms and behaviour

- Agree terms of reference, life of committee and method of making decisions.
- Review skills available.
- Chairman/Facilitator, secretary, portfolios.
- Location, facilities, frequency of meetings.
- Accountable to:
 - Itself as a group
 - The parish community and the larger pastoral area
 - The Diocesan Department for Finance and Property and Diocesan Trustees
- Re-consider dedication of church and mission statement

2. Communications

- Establish means to maintain good two-way communications with:
 - The larger pastoral area
 - Parish community
 - Diocesan offices
 - School
 - Other parties
- Manage community relations and rumours
- Be responsible for press articles e.g. *Portsmouth People* and *Church Building*
- Agree communication procedures with Architect/Lead Consultant/ Project Manager
- Be responsible for printing, publications, display boards, newsletters, bulletins and educational material

3. Liturgy

- Gather information and advise on liturgical / worship and devotional space requirements
- Organize liturgies as markers along the way e.g.
 - Celebration of parish history / launch of fund raising drive
 - Ground breaking
 - Laying foundation stone
 - Topping out
 - Move from existing church / first mass
 - Rite of dedication of new church
- Organize prayer for the process (refer to project committee)
- Facilitate the implementation of the liturgy in the new worship space

4. Finance and Legal

- Investigate and manage fund raising strategies and methods. E.g. pledges, grant aid, memorials, collection methods, professional fund raising advice
- Health and safety
- Professional and artists contracts (by Diocesan Surveyor)
- Building contracts and insurance (by Diocesan Surveyor)

5. Mission and Fellowship

- Continue and expand formation in relation to new church facilities
- Gather information and advise on parish requirements in terms of activities and space E.g. education / catechists, committee room, meeting rooms, parish offices, print rooms, kitchen, storage
- Define resources required
- Determine lettings / use policy, booking regime
- Kitchen and resources control
- Liturgical use of these spaces

6. Design development

- Agree master plan (siting arrangements)
- Brief development phase 1 (Schedule of accommodation) in collaboration with the Diocese. Areas: church, mission, administration, ancillary, presbytery
- Brief development phase 2 (Detailed requirements)
- Approval of full written brief
- Agreeing detailed design
- Liturgical art, fixtures, and decorations
- Selection / choice of materials
- Accessibility particularly for the disabled, and physical hospitality
- Exterior shrines
- Removals from old church

7. Environment and maintenance

- Seasonal decorations
- Exterior environment:

DOP B9– LARGE BUILDING PROJECTS

Landscaping, planting, signage, parking, cycle storage, walkways, lighting, floodlighting, exterior gathering area, fire-pit, pond, gardening equipment

- Monitor buildings and their systems for twelve months after occupancy and maintain a list of snags and defects
- Ensure the building manual is complete and readily accessible

8. Clerical care

- Ensure the proper provision of facilities for the clerics

Appendix C

Standard terms of appointment for any of the following:

Architect
Quantity Surveyor
Structural Engineer
Mechanical and Electrical engineer
Highways consultant
Transport & traffic consultant
Ecological Consultant
Planning Supervisor
Site survey engineer
Sound and lighting engineer
Arborculturalist
Clerk of works
etc

Generally the contract will be established by the Diocesan Department for Finance and Property which will use the appropriate form.

Appendix D

The diocesan form of warranty for all consultants

Generally the contract will be established by the Diocesan Department for Finance and Property which will use the appropriate form

CHANGE NOTES

Note of changes to DOP B – Buildings and Maintenance

B1 – 1.3

First sentence amended.

B9 – 3.5

Final sentence amended.

B9 – 5.3

New paragraph added.

B9 – 6.15

New paragraph added.

B9 – Appendix C

Amendments to the list.