



The Church of Scotland

The Presbytery of
Forth Valley and Clydesdale

GUIDANCE ON MAKING PROPERTY APPLICATIONS (July 2023)

PREFACE ON TEMPORARY PROVISIONS

Property/Fabric Conveners and Clerks to Financial Boards (Kirk Session/Congregational Board/Board of Management etc.) should be aware that the General Trustees are only processing property applications under the following categories, pending determinations on the status of buildings under the Mission Plan Act (2021).

1. Works of an emergency and/or wind/watertight nature such as roof works and drainage works. Any works required to comply with health and safety legislations including electrical safety and the management of asbestos containing material will fall into this category.
2. Work covering replacement items where it is deemed essential to have that work undertaken to maintain the building to a satisfactory level. Items such as boiler replacement and associated heating works would fall into this category as would external rainwater goods and the like.
3. New or replacement AV and lighting systems, where the equipment is capable of being uninstalled or removed, should be deemed, generally, to be appropriate but the Presbytery should continue to use discretion with regards to these items, with a view taken on what the likely status of that particular building will be in the draft Presbytery Plan.

On making an application the Presbytery will require the congregation concerned to express an opinion as to which of these categories their application falls; but the Presbytery Property Committee will reserve the right to revise the said category, where it deems it appropriate to do so. A new front cover/declaration sheet has therefore been added to the Presbytery's Modified General Application Form to reflect this.

Congregations are strongly encouraged to seek the advice of the Presbytery Buildings Officer, Mhairi MacLeod at an early stage. Mhairi can be contacted on 01698 285672, 07971 677079 or by email, Mhairi.MacLeod@churchofscotland.org.uk

Congregations are reminded that the requirements set out within this guidance do not obviate the need to ensure compliance with Local Authority statutory approvals such as Planning Consent, HES consent/consultation, Listed Building and Conservation Area Consent and Building Warrant. Congregations should check with the relevant Local Authority during the preparatory stages if any proposed works require consents. All necessary approvals must be in place before work commences. If in doubt professional guidance should be sought. Congregations should note that even if a Building Warrant is not required all work must be carried out in accordance with the Building Regulations. Contractors must be appropriately qualified to undertake works particularly in respect to those associated with electrical and gas installations.

The congregations are also reminded that the Sanctuary Development Officer must be consulted before any works are carried out to the sanctuary.

Congregations must also ensure that in works proposed or undertaken they fulfil their responsibilities under the Construction (Design and Management) Regulations 2015 (more information available at <https://www.churchofscotland.org.uk/resources/general-trustees-health-and-safety-toolkit/construction-design-and-management-cdm-regulations-2015>). Congregations must also make sure that all insurances are in place (eg special works insurance) and must ensure that they are provided with the contractor's risk assessments and method statements before any works proceed. They must also be supplied with details of the contractor's insurance and any relevant certification.

It is necessary that Congregations obtain competitive tenders for works in line with the Congregation's Bribery and Procurement Policy and that these quotations are submitted to Presbytery should permission for works be required.

SECTION 1

For applications below the Financial Limits
(including **URGENT AND ESSENTIAL REPAIRS**)

Question 1

Does the cost of the property works proposal exceed £3,000 (inclusive of VAT)?

If **NO**, go to
Question 2



If **YES**,
go to Section 2



Question 2

Has the congregation spent (or is anticipating spending) more than £3000 (inclusive of VAT) on property maintenance on the same building in the current financial year (including the works being considered under this application)?

If **NO**, you may
PROCEED without
Presbytery approval



If **YES**,
go to Section 2



SECTION 2

Applications requiring Presbytery approval (alone)

Making an Application to Presbytery (and to the General Trustees for approval in cases of alteration), or where expenditure will exceed the Presbytery's discretionary limit for congregations (currently set at £3,000 (inclusive of VAT) until an approved Mission Plan is in place and decisions on future of buildings are made).

Have you obtained a copy of the Presbytery Modified General Application Form for approval of works? If NOT, then contact the Presbytery Buildings Officer, on 0131 380 1924, 07971 677079 or by email Mhairi.MacLeod@churchofscotland.org.uk

[NB: If the total expenditure in the building concerned does not exceed £50,000 including the present expenditure plus the cost of any works carried out in the preceding three years or likely to be required in the next three years, the Presbytery may itself approve the works unless alterations are involved. If alterations are involved, General Trustees consent is also required. This applies automatically to Audio-Visual proposals, pew removal and such like alterations to places of worship.]

Question 3

Will the cost of the proposed property works take the Total expenditure on that building (not just Presbytery approved expenditure or works in the same series or programme), including that expended over the three years previous, or additional work that is required soon, take the total above the £50,000 Financial Limit?

If **NO**, go to
Question 4



If **YES**,
go to Section 3



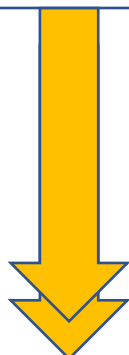
Question 4

Is this property proposal an 'invisible' repair or like-for-like replacement?

If **YES**, the Presbytery Officers will consider the matter and submit it to the relevant team for consideration and possible decision under delegated powers. Some projects may require to be presented by the Team at the next meeting of Presbytery.

The Session Clerk will be notified by extract minute of the Presbytery as to whether or not approval has been granted.

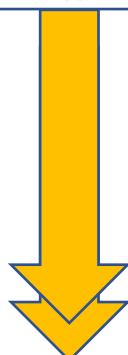
If approval is granted, you are good to go, but not until the extract minute has been received.



If **NO**, please note that in addition to Presbytery Consultations as indicated in the adjacent box, approval will also have to be granted by a sub-group of the General Trustees responsible for monitoring.

The Session Clerk will be notified by extract minute of the Presbytery as to whether or not approval has been granted; and by the General Trustees (usually directly) when that body's consent is forthcoming.

When **BOTH** Presbytery Approval and General Trustee Consent is given, work may proceed, but not until then.

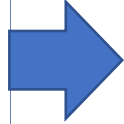


Whether the answer to Question 4 is **YES** or **NO**,
please continue with question 5 overleaf

Question 5

Have you obtained at least three quotations for the works to be undertaken?

If **NO**, then please obtain three quotes, or submit with your application (as above) a detailed explanation of the efforts you have made to obtain the required quotations and any difficulties experienced in obtaining same, together with an opinion as to



If **YES**, proceed to populate sections to 1 to 18 (including documentation as per section 15) of the Modified General Application form, and submit same to the Buildings Officer, Presbytery Office by post to Rex House, 103 Bothwell Road, Hamilton, ML3 0DW or by email to the Presbytery Buildings Officer Mhairi.MacLeod@churchofscotland.org.uk, copied to FVandC@churchofscotland.org.uk **[Do not fill in questions 1 to 3 on page 8, which section is reserved for Presbytery use.]**

Submit
Application
to Presbytery
Office

Be sure to include an Extract Minute from the Financial Court clearly recording the decision of the local Trustees to undertake the work, and stating the cost of same.

SECTION 3

Applications requiring Presbytery and General Trustees approval

Making an Application to Presbytery and the General Trustees for approval in cases of alteration or expenditure above the Financial Limit (£50,000).

Question 6

Is this property proposal an 'invisible' repair or like-for-like replacement?

If **NO**, (i.e. there will be alterations) please set out in section 7 of the Modified Application form as much detail as you can the nature and extent of the proposed work, particularly detailing the nature of the alterations/modifications and why these are deemed desirable.

Photographs of significant features to be removed or altered should be submitted with the application.

Whether **YES** or **NO**, then please submit the Modified General Application form, including such details as necessary to help explain what is being proposed, together with supporting documentation (as per section 2) and the declaration required in section 3.

For the time being, due to the temporary provisions referred to on page 1, please ensure that the **Cover Note** to the Modified Application Form is **also completed** declaring the category into which the application falls.

Sections 1 to 18 must be completed in full. [**Do not fill in questions 1 to 3 on page 8, which section is reserved for Presbytery use.**]

Please submit same (including documentation as per section 15 of the form) to the Buildings Officer, Presbytery Office by post to Rex House, 103 Bothwell Road, Hamilton, ML3 0DW or by e-mail to the Presbytery Buildings Officer
Mhairi.MacLeod@churchofscotland.org.uk, copied to FVandC@churchofscotland.org.uk



Submit
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Be sure to include an Extract Minute from the Financial Court clearly recording the decision of the local Trustees to undertake the work, and stating the cost of same.

What happens next?

The Resourcing Mission Team, through its Property Sub Group, will consider the proposal and either make a decision under delegated powers or refer it to Presbytery for consideration. Assuming approval, the application will be forwarded to the General Trustees together with an extract minute advising Presbytery approval, and copied to the Session Clerk.

Any approvals given in these circumstances will be “subject to the concurrence of the General Trustees.” Their concurrence is required in all cases, and they also have a right to withhold approval or offer advice where alterations to buildings are concerned, whether cosmetic or substantial, even where the financial limit is not reached.

Even if the Presbytery approves the work, work cannot commence until the concurrence of the General Trustees is granted. This will ordinarily be sent directly to the congregation with a copy to the Presbytery. **When, and only when, that is to hand, work may proceed.**



SECTION 4

Some explanations and encouragements.

FINANCING OF WORKS

If the application involves significant expenditure the Resourcing Mission Team will carefully consider the financial situation of the congregation. The Team has a duty to ensure that any approval will not have a detrimental effect on the ability of the congregation to meet its obligations towards the national costs of Ministries and Mission (to be replaced by Giving to Grow fund in 2023). A concurrent submission of a Stewardship Plan is likely to aid the path to approval.

The Resourcing Mission Team also require to consider carefully any proposal to apply for grant and/or loans, taking into account the congregation's ability to service loans and any terms or conditions that may be imposed by external grant funding bodies. As with permissions for the works, there may be certain cases where the Team consider it appropriate to refer the matter to Presbytery for consideration.

Applications involving the release of funds held in the Consolidated Fabric Fund (Capital Account) will also require the consent of the Resourcing Mission Team. In the absence of a stewardship proposal they may well take the view that the present generation should make more of an effort to raise funds rather than "spend the family silver". A balanced approach to the release of Consolidated Fabric Fund will be followed, except in cases of unforeseen repairs necessary to preserve the building(s). Local Fabric fund holdings will always be taken into consideration and considered as "available" as a priority over Consolidated Fabric Fund holdings.

LONGER TERM PROPOSALS – DREAMING DREAMS

In view of the General Trustees stated position, major "Project" expenditure will NOT be approved at this time unless it falls within the permitted categories. (see page 1)

The clear issue is whether or not the building(s) concerned are likely to be "retained" under any future approved Presbytery "Mission Plan".

Congregations are nevertheless encouraged to "dream dreams" in planning for mission. The Planning and Implementation Committee would be glad at any time to receive outlines of any works that it is intended will be carried out when the current sist is removed and the future of a building determined as "secure for now". This may in fact assist them in determining the strategic importance of any particular building to the essential Mission of the Church.

In thinking proposals through there are some important criteria that must be considered and feature in any outline proposals (and, in general terms, has been implicit in section 6 of the Modified Application Form).

- The General Trustees strategy of retaining or planting "Well-equipped spaces in the right places"
- The "Five Marks of Mission" (as endorsed by the General Assembly) set out in the Mission Plan Act (2021), i.e.

The mission of the Church is the mission of Christ.

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

Proposals should seek to demonstrate how the Five Marks of Mission will be advanced or enhanced by what is proposed, and its 'place' within the vision/mission of the congregation in pursuit of these.