



your experts in church properties

CHURCH PROPERTY TRUSTEES – What can Church Growth Trust do for you? (April 2017)



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1.0 Introduction

As church property trustees you face many challenges. In the past trustees of church properties may have met once or twice a year and may have had very little to discuss, other than whether the occupying assembly/church were adhering to the doctrines and practices set out in the Trust Deed. Today you need to keep up to date with legislation relating to property, health and safety and charity matters and seem to have many more liabilities. As trustees of a trust (as opposed to a charitable company or CIO), you have unlimited liability.

You may be facing the challenge of finding enough trustees, to allow some of the current trustees to retire. You may also be faced with the real possibility of the assembly closing in the near future and are burdened with what to do with the empty property.

2.0 What can Church Growth Trust do for you?

As a Christian charity, set up to help churches grow, Church Growth Trust offers a range of services and advice to help you as property trustees fulfil your role and make decisions, including:

2.1 Reviewing your Trust Deed

We are able to review your Trust Deed and report on:

- What your objects are;
- What your powers are and what limitations are in place;
- Whether a resolution to change the Trust Deed is required. This could be for reducing the minimum number of trustees, changing the procedures for appointing trustees, removing trustees and for holding meetings. We are able to help with the drafting of a resolution for you to pass;
- Options for selling, letting or gifting the property.

2.2 Considering the legal title

We may be able to identify any issues with the legal title to the property and advise on what needs to be done to rectify these.

2.3 Giving charity formation advice

We can give guidance and general advice on charity formation and registration. It may be appropriate for the assembly, as a separate charity from the property Trust, to formalise the charity.

2.4 Giving advice on trusteeship responsibilities

As trustees of a charity, you have to understand charity law and what your responsibilities are as a trustee. We can help with this.

2.5 Property services

We provide various property services including:

- Property management – we manage some church properties for trustees;
- Guidance on major property and building projects, including architectural services;
- Negotiations on leases and licences;
- Practical advice on disabled access and asbestos regulations.

2.6 Property trusteeship services

See section 3 below for details of this service.

3.0 Church Growth Trust's property trusteeship service

Property trusteeship has been a specialism of Church Growth Trust for over 100 years (previously under Stewardship, UKET and initially as the East of England Evangelization Trust). Our Trust Corporation status enables us to own properties and to act as Sole Trustee for church or charity buildings. This is a real help when property Trusts struggle to maintain sufficient trustees or you as trustees wish to be relieved of your responsibility. Custodian Trusteeship is another option to avoid having to produce a deed of appointment and register the title for a property every time you appoint a new trustee.

Church Growth Trust owns or acts as Sole Trustee for over 90 church properties across the UK. We actively manage these and work closely with the occupying churches. We are keen to find growing evangelical churches to use any empty properties we have.

4.0 What are the benefits of Church Growth Trust's Ownership and Sole Trusteeship Service?

The benefits offered as part of Church Growth Trust's property Ownership and Trusteeship Service include the following:

4.1 Long-term stewardship of properties

We ensure that church properties continue to be useful Kingdom resources. If for instance the existing occupying church/assembly decides to close, Church Growth Trust would make every effort to find another evangelical church to use the building as a centre of worship and outreach to continue the gospel witness to the local community.

4.2 Regular Visits

We regularly visit each of our properties. This is not only to inspect the condition of the property, but also to meet with church leaders:

- To talk through any issues relating to the property;
- To hear how things are progressing with the church and offer support and ideas for encouraging growth;
- To keep them up to date with legislation and current issues and to give advice on other issues as appropriate.

4.3 Help with Alterations, Extensions or New Development

We help occupying churches with alterations extensions or new development. This can be through funding (helping to raise a mortgage, offering a loan or giving a grant, giving advice on options for the project, architectural services and finding and supervising other professionals, such as structural engineers. With larger projects Church Growth Trust may organise (and fund) the whole project, in consultation with the occupying church.

4.4 Secure Document Storage Service (“DocSafe”)

Church Growth Trust has set up a secure document storage service for holding documents in fireproof and secure cabinets. This includes the legal documents relating to the property, building plans, charity documents and documents relating to the occupying church (including accounts and minutes of the meetings). This document storage service is also online and therefore available to churches to view digitally.

4.5 Consultancy Helpline

Church Growth Trust subscribes to Stewardship’s Consultancy Helpline, which is made available directly to each occupying church. This includes quick answers to questions relating to legal, finance, accounting, property, charity, gift aid, employment, insurance and other issues.

4.6 Legislation

We aim to keep occupying churches up to date with changing legislation, particularly relating to properties and charity law. This is achieved through briefing papers and our “Foundations” magazine. We are also planning email bulletins.

4.7 Building Insurance

We have a block policy for building insurance which keeps the premiums low and often enables us to give rebates if the claims are low in the year.

4.8 Connections

We help to link the church with the right organisations, professionals or churches with similar experience. We are happy to share knowledge and experience to help churches grow and deal with practical issues.

5.0 If you want to involve Church Growth Trust with your property Trusteeship, what are the options?

There are three separate “Trusteeship” options that are offered by us to help you as property trustees. These are as follows:

- a. Property ownership, where the property is gifted to Church Growth Trust to hold under our own trusts;
- b. Sole Trusteeship of the existing property Trust, where the existing Managing Trustees retire and Church Growth Trust is the Sole Corporate Trustee.
- c. Custodian Trusteeship, where Church Growth Trust hold the legal title, but you as Managing Trustees are still in place.

More details on what is involved with these three options are shown below and a flowchart is shown in the Appendix.

6.0 Transfer of ownership and gift property to Church Growth Trust

Subject to any legal restrictions, the property could be transferred into the ownership of Church Growth Trust, to be held for our own Christian charitable purposes. If the assembly wish to continue they would be encouraged to do so as a tenant of Church Growth Trust on payment of a relatively nominal rent. Rents go towards Church Growth Trust’s cost of administering its property Trusteeship Service and providing the help and advice it is called upon to give from time to time. Our preference is always for this option, as it is much simpler to manage the property under our own trusts, it costs the assembly less (see section 11 below) and it enables us to invest in the property from our own funds in the future.

7.0 Appoint Church Growth Trust as Sole Trustee of the existing property Trust

Although Church Growth Trust would hold the legal title to the property, it would be subject to the trusts set out in the original/existing property Trust for the property. Church Growth Trust would be named Trustee of the existing Trust. There are sometimes complications with this option and we may need to get the existing trustees to pass a resolution or obtain the Charity Commission’s agreement to change parts of the Trust. This would be required if for instance the Trust Deed specified a minimum number of trustees (Church Growth Trust is only one trustee) or there is a requirement for the trustees to be members of the assembly or sign up to the doctrines (Church Growth Trust as a Trust Corporation cannot be a member of an assembly or sign up to the doctrines).

Although our preference is to be gifted the property to hold under our own trusts, sometimes you as the existing trustees would prefer the property to be held under the original Trust Deed. In other cases there is an ultimate beneficiary mentioned in the Trust Deed, whereby any sale proceeds (if the property has to be sold in the future) would have to be given to this ultimate beneficiary. In this case we would not be able to receive a gift of the property and would only be able to be appointed Sole Trustee.

8.0 Appoint Church Growth Trust as Custodian Trustee

This is a very different situation from gifting the property to Church Growth Trust or appointing Church Growth Trust as Sole Trustee. Technically Church Growth Trust would simply hold the legal title. This would bring the benefit of the title not being lost due to all individual trustees dying out. It would also avoid for you the need to transfer the legal title each time there is a change of Managing Trustees. This means you save legal costs and, where relevant, Land Registry fees. You would also have the benefit of DocSafe (our Secure Document Storage Service) and access to Stewardship's Consultancy Helpline (as set out above in section 4.0).

You as existing trustees would continue to be legally responsible for the building and its use as Managing Trustees. Church Growth Trust's role is much more limited and less direct help can be provided than with the other options. You can also remove Church Growth Trust as Custodian Trustee at any time in the future.

9.0 Trust Deeds where the East of England Evangelization Trust and the United Kingdom Evangelization Trust (UKET) are specifically mentioned

There are a number of Trust Deeds that specifically allow for you as property trustees to be able to gift the property free of the existing trusts to the East of England Evangelization Trust or the United Kingdom Evangelization Trust, which are the previous names of Stewardship. We were set up by Stewardship in 2010 to continue their Property and Trusteeship Services and we have a Trust Agreement between Stewardship and ourselves to allow any properties that are gifted to Stewardship to be automatically transferred to us. In practice this means that you would be able to gift the property directly to us if the specific clause is in your Trust Deed.

10.0 If you want to consider Church Growth Trust's "Trusteeship" services, what happens next?

There are a number of stages for us exploring with you whether you wish to use our "Trusteeship" services, including the following:

10.1 Review your Trust Deed

We would ask you to send us a copy of the property Trust Deed so we can advise on what you can or cannot do, set out your options and advise on other potential issues with the Trust Deed. We may be able to help you with drafting Resolutions if you wish to change the Trust Deed and/or in correspondence with the Charity Commission.

10.2 Meeting

If you as the property trustees are considering the transfer of Trusteeship, the next stage would be for a representative of Church Growth Trust to meet with you and possibly representatives of the church leadership. This would be an opportunity to discuss the options, point out the potential issues, explain the services offered by Church Growth Trust and answer any questions.

10.3 Further meeting and discussions

We would be happy to meet with you and the church leadership to continue our discussions. As part of this we would need to explore various matters, including:

- Where the existing fellowship wish to continue using the property, we need to establish the basis on which the assembly will do so. This would normally be under our standard tenancy agreement. We are happy to explain this in more detail.
- We would discuss your views on the future use of the property should the fellowship decline in the future and need to close or if the property is now vacant. Should it be sold (this is normally our last resort)? Should attempts be made to relet it to another evangelical church? If so, on what terms should the property be let to them? Do you already have in mind a local group you feel could make use of the property?
- We would consider your views on what should be done with the proceeds of sale, if the property is to be sold in the future. It may be that you wish us to give a proportion of the proceeds to one or more specific charities. Unless there are specific restrictions applied by the Trust Deed or by you on the use of the sale proceeds, we will hold the funds under the Church Growth Trust's own trusts. Sometimes we will make a gift to local evangelical churches for specific projects or ministries.

Once you feel you fully understand your position, and that of Church Growth Trust, and the views of the local fellowship, where relevant, have been ascertained and taken into consideration, it is then for you to decide if you wish to take things further with us. If you decide to involve Church Growth Trust, a written record, in the form of a **Memorandum of Understanding**, of what is intended will be produced. This document can helpfully cover all the points and make a record, not just for the present, but for the future, so the background circumstances and your intentions are clear.

11.0 What are the costs?

11.1 Gifted property

If the property is gifted to Church Growth Trust we cover all the surveyors and legal costs involved in this. If the existing assembly wish to continue, we would let the property at a nominal rent (currently £300 per year). This is reviewed every five years. We use our standard Tenancy Agreement, which sets out in straight-forward language the responsibilities of the assembly and Church Growth Trust. We have tried to make the Agreement as "light-touch" as possible. If the existing assembly are struggling, we have in some cases linked them with another local evangelical church for them to work together.

If the existing fellowship closes we will let the property on concessionary rents at significant discounts (usually reduced by 60%) from commercial rental levels to another evangelical church. If the assembly closes and it is not possible to find a new evangelical church or mission work to use the property, it may be sold and

funds held for the future work of CGT (or however specified by the Memorandum of Understanding).

11.2 Sole Trusteeship

If Church Growth Trust is appointed as Sole Trustee we cover all the surveyors and legal costs involved in this. We would charge the existing assembly an annual trusteeship fee (currently £500 plus VAT). If the assembly closes this fee would be paid by any new church or from the property Trust.

11.3 Custodian Trusteeship

If Church Growth Trust is appointed as Custodian Trustee, the assembly/church would pay our legal costs and a one-off fee to cover Church Growth Trust's costs of £250 plus VAT. There would be a nominal annual fee to be paid by the assembly/church (currently £75 plus VAT per year per property).

11.4 Other services

For any additional services and professional advice we would quote for our fees.

12.0 Please contact us

If you would like to take up any of our property consultancy services, seek advice on your Trust Deed or discuss the future of the property, please contact:

Giles Arnold MRICS (General Manager)
Tel: 01536 201339
Direct Dial: 01536 647164
Mobile: 07721 666660
Email: giles.arnold@churchgrowth.org.uk

We would also be happy to send you a free copy of our DVD entitled "Warehouse or Wine Bar (what will your church building be used for in 10 years' time)". This can be viewed on YouTube: <https://www.youtube.com/watch?v=pNL0dKI5vPE&t=10s>.

Details of our services and our briefing papers can be found on our website: www.churchgrowth.org.uk.

APPENDIX

DECISIONS TO BE MADE BY PROPERTY TRUSTEES WHEN CONSIDERING CHURCH GROWTH TRUST'S "TRUSTEESHIP" SERVICES

