

Closure and disposal of an unconsecrated church building – Guidance Note

Please note that this guidance applies only to church buildings and surrounding land which have not been consecrated, and to the contents of such buildings. If the building or land is consecrated a different process will apply.

Introduction

The following points are intended to help ministers, PCCs, churchwardens and archdeacons considering and then managing the closure and disposal of an unconsecrated church building, its contents and any surrounding land (whether churchyard or other PCC owned land). These notes have been written from previous experience and provide a general overview of the process and the issues the minister, churchwardens and PCC will need to consider and the action they will need to undertake. Whilst comprehensive these notes are not exhaustive. Each closure will include individual and unique issues but your archdeacon and the staff at the Diocesan Office are available to support and advise you every step of the way.

If you are considering the closure and disposal of a church in your parish, your first step should be to discuss the matter with your archdeacon. They have experience from elsewhere and will be able to offer helpful initial advice. They will help you to explore the reasons why you are thinking of closure, and may suggest options for you to consider that would help to keep the building open. They will also put you in touch with the relevant people at the Diocesan Office and Registry (the office of the Diocesan Registrar [Legal Advisor]) who will help you to navigate through the process.

Is the church consecrated?

When the Pastoral Team at the Diocesan Office has been notified of a proposed closure, one of its first actions will be to confirm whether the church building and any surrounding land to be included in the disposal is consecrated. The Team will advise you of the outcome and, if not consecrated, then the following general principles will apply.

Formal decision to close

The decision whether to close or not lies with the parish. Before making the final decision the reasons for the proposed closure should be openly discussed and the views of the congregation sought. It would also be helpful to seek the view of the local community to see whether support for the church remaining open would be forthcoming. Not everyone may agree. If the decision is for closure, the minister and PCC will need to decide formally and pass a Minuted resolution that they no longer wish to use the building for worship.

Telling people – communicating the decision to close

You will need to tell the congregation and local community. This should be done thoughtfully: your decision may initiate a range of reactions. Ideally the timing of the announcement to the congregation and local community should be co-ordinated and as near simultaneous as possible. You should also evaluate the likelihood of media interest; if it is likely then you should consider taking the initiative and sending a statement to the local media, in which you have the opportunity to shape the message and convey the essential facts as you would wish. The Diocesan communications team will help you to prepare and release a statement, and can act as your 'spokesperson' and point of contact for media enquiries so do please contact them at any stage of the process if you receive media enquiries.

Revoking the licence for worship

As part of the legal process for closing an unconsecrated church the license for worship will need to be revoked. This will be handled by the Registrar, whose Clerk will advise on the process. The timing of the revocation can be adjusted to allow for a 'final service' if required. Revocation may take several weeks to complete, so please contact the Registry in good time.

Faculty jurisdiction, planning permission and listed building consent

Revocation of the license for worship removes the building from faculty jurisdiction, if it was under such. Removal of the building from faculty jurisdiction means that it loses ecclesiastical exemption, that is, it then falls under local planning control, and any works other than routine maintenance may require planning permission and, if it is listed, listed building consent.

Responsibility for the building and land prior to disposal

The building (and surrounding land) remain the responsibility of the minister and PCC until its final disposal. Any land that will not be included in the disposal will remain vested in and the responsibility of the PCC. Access arrangements to any remaining churchyard will be a consideration and dependent on the layout of the site.

Insurance and security

The PCC will need to continue to insure the building, its contents and the surrounding land, including cover for public liability, until the disposal is completed. The insurance cover available for a closed building may be quite limited in terms of the events that may be claimable: theft is often not covered. The policy is likely to carry a number of provisions, such as the removal of flammable items, and regular, at least weekly, security checks etc.

Try and nominate one person or a small team to carry out at least weekly visits. Consider whether visits need to be carried out by two people, for safety or personal security. Record the date of visits and any observations to remind you to book maintenance or repairs or in case you need to make a claim against your insurance. Encourage everyone to 'keep an eye' on the building, whether it is remote or not. Regular checks and frequent watchers are a great deterrent.

Utilities – electricity, gas, water, oil

The PCC will continue to pay for the utilities (electricity, gas, water, oil) which are kept switched on. As consumption should be markedly reduced the cost will mainly comprise the daily standing charge. Paying the standing charge is likely to be a lot cheaper than formal disconnection, and if you intend to sell the building the reconnection fees for the new owners are relatively expensive and will probably be used to negotiate the price. The insurance company may suggest that some/all utilities are switched off at the mains or disconnected. You will need to discuss this with them because this will need to be balanced against keeping the building warm and dry, thereby preventing its deterioration and reduction in value. You will need electricity for weekly security checks, any alarm system, and to support viewings. Gas is instantly flammable to the casual vandal and arsonist. Consider turning off the water and draining the system to prevent accidental or deliberate flooding. You may wish to arrange for the oil tank to be drained by your supplier. Consider getting your plumber to put the boiler properly into hibernation so that it could be restarted in due course.

Routine maintenance

Keep the building at least 'wind and watertight' to prevent its deterioration and to maintain its value and future usability. Keep the rainwater goods (gutters, down-comers and drains) clear so that the building doesn't get damp. Replace slipped tiles and broken windows promptly. Mow the grass and weed the beds. A well-kept building and land may prove less of a target to vandals. It will also keep the neighbours/community happy and enable disposal.

Contents, fixtures and fittings

The contents belong to the owners of the building, usually the PCC, which will be responsible for disposing of them. You should contact the Diocesan Furnishings Officer (DFO) who will be very pleased to visit and advise you on the value of items such as the organ and sanctuary furniture, be that artistic, historic or financial, and whether any other churches may be interested in acquiring them if you don't want them. If you want to keep 'stuff' be careful you won't clutter your other church/churches: the DFO and DAC will advise. You will need to apply for a faculty for the introduction to other churches. The font and altar will continue to be regarded as consecrated objects and so should be disposed of accordingly: the DFO will advise. These and any other 'ecclesiastical' furniture of merit may be stored at the Diocesan furniture store in Beverley for possible use in another church, subject to space being available. The PCC will have to arrange and pay for the removals.

Disposal

Disposal of the building and any land is similar to that of any other secular property. You should contact Bevil Edwards, the Senior Property and Glebe Officer at the Diocesan Office, who will be able to offer you initial advice as well as help and support you through the process. He will advise you on who holds the title and whether there are any covenants or other restrictions attached which might affect disposal and what might be done with the proceeds of sale. The title to many unconsecrated churches is in the name of the Board of Finance but it is held for the PCC or the incumbent and churchwardens. In such cases the PCC, incumbent and churchwardens as applicable are the primary decision makers in handling a sale of the site. They should, if possible, appoint a person to act as point of contact for correspondence and day-to-day management of the disposal.

The future use of the building and site will be a matter of speculation as soon as you announce its closure. It is important not to be too specific from the outset and to keep all options open, particularly for immediate neighbours who may be used to a quiet, little used plot 'next door'. You will probably have some ideas but sale for some future use is usually the way forward. Bevil will be able to advise on commissioning valuations and marketing reports including the formal 'qualified surveyor's report' which is usually required to satisfy Charities Act requirements. Any change of use is very likely to be subject to planning consent, which is a point at which people can object to proposals if they wish.

Unless the disposal of the building, any land, and contents is to be made to another charity, any sale usually must be on the best terms reasonably obtainable to meet the requirements of charity law which governs the PCC as a charitable body. Again Bevil can advise and further specialist advice may be required.

The site will normally be marketed through an appropriate estate agent, who will manage enquiries, arrange viewings, report on offers and eventually advise on the best offer. They can ask for 'proof of funds' from bidders which helps to decide whether bids are viable. The conveyance will be handled by a solicitor. Do note that, unless you make arrangements to the contrary, on the day of completion whatever is left in the building or on the site might become the property of the purchaser or the PCC might find itself in breach of its obligation to give 'vacant possession'.

Conclusion

The closure, management and disposal of a church building and any surrounding land that is unconsecrated and the contents of the building remains the responsibility of the PCC throughout. These notes are intended to give a general idea of what might happen and what needs to be done but each case is individual. Your archdeacon and the staff at the Diocesan Office will advise and help you throughout the process.

Contacts

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