

Minutes of the Bishop's Cannings & Etchilhampton PCC
Held on 29th August 2013 at Bishop's Cannings Church

Present: William Allen, Myra Annable, Canon Robert Bailey, Ruth Chadwick, Lewis Cobb, Caroline Cutting, Dorothy Robertson, Robert Smith and John and Rachael Williams.

1. Welcome and Prayers: Canon Robert Bailey opened the meeting with prayers.

2. To agree the Minutes of the meeting held on 12th June 2013: Jenny Combe and Dorothy Robertson were added to the list of those present at this meeting. The minutes were then agreed and signed as a true record.

3. Matters arising from the Minutes:

Fr Robert explained that his time at the moment is allocated thus:- Tuesdays at Bishop's Cannings, Wednesday at All Cannings and Thursdays on Service Preparation etc.

At this point William Allen informed the meeting that the Bishop's Cannings Vicarage is now occupied for the next three months.

4. Agreement of Agenda: Fr. Robert wished to add two items:- New Zealand Request and the Pewsey Belles Choir.

5. Apologies, Correspondence and Notices:

Apologies were received from Jenny Combe, The Revd. William Lang and Peter Russ.

At this point Lewis Cobb pointed out that Jenny Combe had resigned as Deanery Synod Representative and therefore is not a member of the PCC. Fr Robert is to clarify the situation with Jenny Combe. He also read out his reply to Jenny Combe following a letter that she had circulated to PCC members before the meeting and re-iterated a need to find a new Synod Representative.

6. Chancel Repair Liability:

A copy of the draft resolution had been circulated stating that no further steps will be taken concerning the pursuing of the registration of liabilities. All present were in favour and it was agreed to send a statement to the press and put a message on the website to this effect.

(Action – Fr. Robert)

It was also agreed that a letter of thanks be sent to Eric Clark for all his work on this item.

(Action – Rachael Williams)

7. Permission for Marcus Stacey to administer the Chalice:

Three names were put forward to be servers at Bishop's Cannings – Marcus Stacey, Susan Bailey and Lewis Cobb. This was proposed by Myra Annable and all were in agreement.

8. Payment for Wedding Flowers:

Memorandum:

Searches have been made of the National Archives and of the Wiltshire and Swindon History Centre by myself and Eric Clark.

431 pieces of land are identified as having the burden of chancel repair liability for the church in Cannings Hill alone, with a similar total elsewhere.

The percentage of the whole chancel repair liability which would arise from all the land referred to in the Tithe documents would be about 90% of the total. That liability in turn is divided between a considerable number of parcels of land of which the largest share would be approximately 1.6% , with each parcel potentially liable (on average) for 0.13% of the total.

Before the liability could be established, much more research and legal costs would be involved, and at registration, if that were to be found to be possible, a fee of around £450 would be likely to be incurred for the first and substantial sums (even allowing for some benefit of scale) for each of any further registrations. On the figures so far ascertained, the money so spent would not be recovered from the enforcement of the claim against the owner with the largest liability (even if that owner were to be co-operative) as a share in a total bill of (say) £10,000 for any repairs. The PCC may consider that the uncertainty of this process, and the damage to local mission, which even successful registration would involve, argues strongly against the expenditure now being undertaken.

Current parish resources are limited, and ordinary expenditure already exceeds income. Not only do we not have the reserves for such an undertaking, but the PCC must be aware that there is a real possibility that any such expenditure may itself not lead to any liability being established, and that even where such liability is found to exist the individual amounts claimable would be exceedingly small. It is to be decided by the PCC whether the establishment of a liability is more desirable for the purposes of the Church as a charitable body with a missionary purpose than the efforts of raising the necessary funds as and when they are needed, when there will be no access to any potential claim from landowners if they have not been registered.

The PCC is required to pursue the objects of the Church – including its mission and the protection of its assets – and to consider its financial decisions in the manner which might be expected of a reasonably advised and motivated businessman. The test is not easy to apply since businessmen do not have mission to consider, but the analogy of the “reputation” of a business may enable the test to be applied with mission in mind.

William Lang (Team Rector)

22nd August 2013

(1st Draft) Resolution of the PCC of St. Mary the Virgin, Bishop's Cannings on
29th August 2013 - re Chancel Repair Liabilities

"The PCC, having been provided the information summarised on the attached Memorandum, considered whether it should take further steps or spend further of its funds in pursuing the registration of the liabilities for Chancel Repair which appeared to be associated with land and Resolved that:

1. The PCC accepted the analysis made by Eric Clark of the available information as to potential Chancel Repair liabilities provided to it. The PCC could only authorise further expenditure if it were reasonably likely that to do so would result in the preservation of a significant valuable asset of the parish which had greater overall value to the parish than the sum expended to protect it and was not encumbered with a potential significant damage to the mission and the pastoral concerns of the Church in the Parish.
2. There being
 - a) substantial cost likely to be incurred in making further enquiry,
 - b) little or no prospect of establishing a significant proportion of the total of such liability being borne by the owner of any one piece of land and
 - c) a serious risk of damage to the mission of the church in the parish were any claim to be made for such small contributions to the parish's requirements for funding of chancel repairs,it would be an inappropriate expenditure of the resources of the parish in pursuing such further enquiries or registering any liability thereby established, and in performance of its duty in Charity Law and trustee law to act responsibly in the use of parochial funds the PCC shall not make such expenditure
3. To record and confirm that proper processes have been followed by the PCC and its members in reaching the conclusions here resolved the Charity Commission shall be informed of this resolution and the basis for it and invited to notify the PCC of any defect in those processes or conclusions which appears to the Charity Commission to require further attention, and the Secretary be requested to seek the assistance of the Diocesan Registrar in providing this information to the Commission.

Those in favour.....Those
against.....Abstentions.....”

Signed

(Secretary)

Dear Sirs

**Chancel Repair Liability –
St. Mary the Virgin, Bishop's Cannings, Diocese of Salisbury**

I write as secretary of the Parochial Church Council of this parish, in respect of potential Chancel Repair liabilities attaching to land in the area. The PCC has obtained information which shows that of the total responsibilities for the repair of the Chancel of the church 90% is attached to land not in the ownership of any ecclesiastical body.

Our researches have shown that this percentage is shared between 431 plots of land in the area of Cannings Hill alone (and there would appear be at least as many plots again in the rest of the parish), so that it is clear that none of those plots will bear more than 0.13% of the total if called upon to pay. The cost of making further investigations and registering eight hundred and fifty or so liabilities could be in the region of £127,500 (at £150 each, which is the figure estimated to us by lawyers), and the benefit likely to be less than that in respect of any routine repair work. The matter has therefore been considered by the PCC to determine whether it should proceed to further work and expenditure.

The parish has many calls on its funds, and it does not have sums of even half the order of £127,500 to spend, irrespective of any benefits that might subsequently accrue. In the event of there being any call on those responsible for Chancel Repair contribution the cost of collecting the funds is bound to be substantial (and irrecoverable) so that the benefit would be thereby significantly reduced, and the potential damage to the mission of the church in the parish is immeasurable. The PCC has asked itself formally what the decision in this sort of case might be if the matter were before a reasonably advised and acting businessman, and it has concluded that such a businessman would go no further with this, and that therefore the proper thing for the PCC to do is to take no further action to identify the persons owning the remaining liable land nor to register the liability. All this is fully recorded in the minutes of the meeting of the Council on 29th August 2013. A copy of the relevant resolution is attached.

By this letter the PCC wishes to notify the Commission of its determination in order that any question as to the propriety of its proceedings can be raised forthwith. Otherwise the record of the decision will remain on the minutes, and no further action will be taken.