



This document is being sent to the following roles within the Connexion who are registered on the Connexional database: district chairs, superintendent ministers, district property secretaries, circuit property secretaries, district treasurers, circuit treasurers and church treasurers.

PROPERTY MATTERS

Issue 14 - June 2016

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INTRODUCTION

Greetings from Methodist Church House!

There are many useful articles in this edition, including ones on conservation, consents and legal updates. In my first edition, I talked about the *Property Handbook*. We are now devising a system of revision for all the documents in it; you will find a spreadsheet with the current updates at the end of this publication.

Richard Farmery, Facilities and Property Coordinator 0207 467 5190 or fpc@methodistchurch.org.uk

Front page photographs: © Methodist Heritage

CONNEXIONAL TEAM UPDATE

ONLINE PORTAL: Consents, Returns and Statistics

Consents system

Projects not requiring consent

Not all projects require consent. If you are making small property improvements or like-for-like replacement works of a non-structural nature, then these are exempt under Standing Order 930(1).

Some examples of projects that would be exempt from consent would be:

- non-structural roof repairs, such as re-slating
- like-for-like replacement of kitchen units
- replacement of furniture*, such as chairs.

However, this may not apply if your property is listed or in a conservation area, as even works considered to be repairs can potentially alter the special architectural interest of the building or affect the character of the building within the conservation area. For example, redecoration, repointing, electrical and heating works etc could be considered as works of alteration if the wrong methods or materials are used. Therefore, when considering undertaking works to a listed building or an unlisted building in a conservation area, we ask that you contact the Conservation Team and submit a specification for the works at the earliest opportunity, so the need for consent can be clarified. The Conservation Team can be contacted on 0161 235 6722, or via email at conservation@methodistchurch.org.uk.

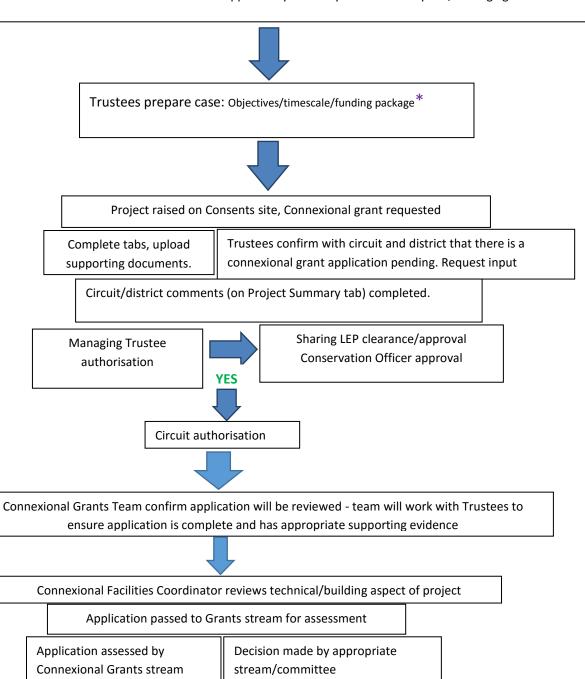
*Please also note that disposal of artefacts should be in carried out in accordance with the Artefacts policy, which is available on the Methodist Heritage website at www.methodistheritage.org.uk/artefacts-policy.htm.

Additional note: You may still need to enter a project for small improvement works or like-for-like replacements. Please contact your district property secretary to check if a new project is still required.

Connexional Property grant application process

Project conceived

Proposals can be sent to the Connexional Grants Team to help in developing your idea and identify sources of funding (including Landfill grants). * It is also advisable if there is a listed building or conservation area that the Conservation Officer is informed at the earliest opportunity. Similarly if there are any LEP/sharing agreements.



Application successful; grant agreement completed and signed. Funding confirmed on Consents site.

Connexional grants for Heritage projects



Applications for grants towards Heritage projects are now to be made on the main Mission and Ministry application form and/or through the Consents website depending on the nature of the project.

This may mean that applicants have to complete both a Property application via Consents for any building repairs or adaptions and a Mission and Ministry application for nonbuilding work, eg displays, oral history projects, schools

outreach work or other heritage elements.

Grants for Heritage projects should ensure that they make a missional case as follows:

The Project celebrates the story of the Methodist Church through using Methodist heritage to:

- a. challenge and deepen the faith of Methodists from different parts of Britain, or from other countries, in a way which enables them to engage more fully in mission
- b. inspire members of the local community outside the Church to think about the meaning and practice of Christian faith or engage with Methodism
- c. inspire people from different parts of Britain, or from other countries, to explore the meaning and practice of Christian faith or engage with Methodism.

It will be these heritage mission criteria, rather than any wider mission criteria, that the Grants Committee will use to assess heritage projects.

The Grants Team recommends that applicants prepare an overarching document explaining the aims and objectives of the project and the break-down of property and other costs which can then be added as an appendix/uploaded to both applications. This will help both the Property and the M&MiB assessors (the 'streams'), to understand the overall scope and scale of the project, how the applications relate and hoped for outcomes. The Connexional Grants Committee undertakes to do some more work before the next round of applications in the autumn to ensure that the mission aims questions in the M&MiB and Property application forms are more similarly worded.

Heritage (Mission and Ministry) grants cannot be awarded for the building aspects of a project, these should be included in a property grant application on the Consents website. The maximum that is available for a property grant is £200,000.

For further information please contact the Grants Team via grants@methodistchurch.org.uk.

Julian Bond, Grants Team Leader

The Fire Advisor

It is with regret that I have to inform those who may not know that our fire advisor Colin Domville has retired from his post. Colin joined us in April 1988, a time when fire advice was very different to today. There have been many changes in the law since then, and Colin has worked hard to ensure that both our people and our premises are safe. He now feels that the time is right for him to retire. I wish him well in the future and for many happy years touring the UK and abroad in his caravan.

Richard Farmery, Facilities and Property Coordinator

LEGAL MATTERS

Legislation update: residential tenancies

New legislation has come into force over the last six months relating to residential tenancies. This issue of *Property Matters* is therefore a good opportunity to set out the key legislative changes that impact on Managing Trustees who let out residential property, **and** to remind Managing Trustees of the requirements under charity law and Methodist law and policy that must be fulfilled before a tenancy is entered into. **Please contact TMCP before entering into any residential tenancies**.



New legislation - England

- Smoke and Carbon Monoxide Alarm (England) Regulations 2015 The legislation obliges landlords in England to ensure that properties are fitted with smoke and carbon monoxide alarms. The legislation came into force on 1 October 2015 and applies to all residential tenancies including those entered into before that date.
 Managing Trustees who let residential property in England therefore need to ensure that:
 - a smoke alarm is installed on each floor of the property

 a carbon monoxide alarm is installed in any room containing a "solid fuel burning combustion appliance". The government guidance suggests that this applies to appliances burning coal and wood such as open fires and log burning stoves. The guidance makes it clear, however, that reputable landlords are expected to install carbon monoxide alarms in rooms containing gas powered appliances too. This is best practice and should be adhered to by Managing Trustees.

For new tenancies entered into on or after 1 October 2015, you must also ensure that the alarms are tested to check they are in "proper working order" at the start of the tenancy. Please ask the tenant to sign to confirm that such a check has been carried out should questions be raised later.

Further information can be found in the Department for Communities and Local Government guide: bit.ly/1Ro3Hqs.

Deregulation Act 2015 ("the Act"): The legislation imposes new rules on landlords in England, which must be complied with before a landlord can terminate an assured shorthold tenancy ("AST"). This is the most common form of residential tenancy and likely to be the one you are using. Only ASTs entered into on or after 1 October 2015 are affected.

Please note that the Act prevents landlords from terminating a tenancy if they have not been fulfilling their obligations under existing legislation: carrying out gas checks, obtaining an EPC etc. The Act should not change how Managing Trustees manage properties. But going forward, you must ensure that you or your agent does provide the prescribed information set out below before the start of any new tenancies.

Landlords can only terminate an AST if they have complied with the obligations imposed under Regulation 2 of the Assured Shorthold Tenancy Notices and Prescribed Requirements (England) Regulations 2015 and serve the prescribed information required under Regulations. In short, Managing Trustees should provide the tenant with the following documents before the start of a tenancy:

- A gas safety record (remember that gas safety checks should be carried out once every 12 months in any event under the Gas Safety (Installation and Use) Regulations 1998. The Regulations prescribe that landlords must provide the tenant with a copy of the gas safety record within 28 days of a gas safety check. Information on the existing requirements under these Regulations can be found at www.hse.gov.uk/gas/domestic/faglandlord.htm).
- The **Energy Performance Certificate** (EPC), free of charge as required under the Energy Performance of Buildings (England and Wales) Regulations 2012.
- The government's How to Rent: the Checklist for Renting in England guide setting out the rights of landlords and tenants - You can obtain a copy online at: bit.ly/1Ro41pi.

Managing Trustees should also be mindful of the need to respond adequately to complaints from the tenant regarding the condition of the property. The Deregulation Act 2015 restricts a landlord's ability to terminate the tenancy if you fail to do so. If you need to terminate a tenancy, your solicitor and/or agent will be able to talk you through the revised process and advise you on the new technical requirements, including the new form of s.21 notice.

Checklist

Before you enter into a new residential tenancy, you need to contact TMCP as TMCP will need to be party to the tenancy agreement. The Legal Team will provide you with guidance setting out the specific charity law and Methodist law and policy requirements. In short:

- 1. TMCP needs to approve the form of tenancy agreement and this must include specific template clauses
- 2. a project must be logged on the Property Consents website and district consent entered
- 3. confirmation that the tenant is not 'connected' to the charity for the purposes of the Charities Act 2011 or a Charity Commission Order, and
- 4. your agent must confirm whether the rent is market rent and the terms of letting are the best terms that are reasonably possible in the circumstances.

TMCP is also updating its guidance for Managing Trustees and will be asking you and/or your professional advisors to confirm that the new legislation is being complied with. In particular, we will require confirmation that:

- ✓ smoke alarms are fitted on each floor of the property and have been tested to ensure that they are in proper working order at the start of the tenancy
- ✓ carbon monoxide alarms are fitted and have been tested in each room containing a solid fuel burning appliance or gas appliance (best practice)
- ✓ the necessary 'right to rent' enquiries and checks have been carried out (see Legislation update: right to rent)
- ✓ that either you or your agent provides the tenant with:
 - 1. a paper or email version of the government's How to Rent guide
 - 2. a record of the annual gas safety check (if there is a gas installation at the property)
 - 3. the EPC.

New legislation - Wales

 Rent Smart Wales: If you let property in Wales then please note that the landlord registration and landlord licence requirements under the Housing Wales Act 2014 will be enforced from 23 November 2016. TMCP is preparing specific guidance for Managing Trustees in Wales. TMCP will register as landlord and apply for a landlord's licence in respect of property held on the Model Trusts. We are also working with your district property secretaries to collate information relating to all residential properties that are let in Wales and arrange suitable training for Managing Trustees as required by the Act. In the meantime, please do not try to register yourself as landlord or obtain a licence.

If property is not held on the Model Trusts, please let TMCP and your DPS know and forward details so that we can look into this for you.

Upcoming legislation - Scotland

 The Private Housing (Tenancies) (Scotland) Bill is currently going through the Scotlish Parliament. This intends to bring big changes to residential tenancies in Scotland, and TMCP are monitoring the bill's progress.

If you have any concerns or queries about the new legislation or any other issues concerning the letting of residential property, please contact the TMCP Legal team.

TMCP – <u>legal@tmcp.methodist.org.uk</u> 29 February 2016

Legislation update: right to rent



As of 1 February 2016 (1 December 2014 in Birmingham, Walsall, Sandwell, Dudley and Wolverhampton), private residential landlords are prohibited from allowing an adult to occupy property as their only or main residence under a residential tenancy agreement if that adult does not have the 'right to rent' as a result of their immigration status. The 'right to rent' regime in the Immigration Act 2014 attempts to prevent people who are living in the UK unlawfully from

accessing key services such as private rented accommodation. Before you let out any residential property **in England** on a new* assured shorthold tenancy (AST), you need to ensure that either you or your agents carry out the 'right to rent' checks required under the Immigration Act 2014. If it transpires that any adult occupiers do not have the 'right to rent', you will have a 'statutory excuse' by virtue of having carried out the required checks, and so will not be penalised. Contravention of these requirements leads to a civil fine of up to £3,000. The Immigration Bill currently going through Parliament is expected to create a new criminal offence for repeat offenders.

* The new requirements do not apply to existing tenancies or renewal tenancies where the original tenancy was entered into pre-1 February 2016, the parties are the same and there has been no break in occupation.

Can an agent carry out the checks for us?

As prudent charity trustees you may feel more confident asking an agent to carry out the checks. This is fine but you must obtain your agent's agreement in writing that they are taking responsibility for carrying out the checks on the landlord's behalf.

What do the 'right to rent' checks entail?

The Home Office has provided comprehensive guides to explain the obligations on landlords and how to carry out the 'right to rent' checks. Please see the links at the end of this article.

Before you enter into a new residential tenancy, you or your agent should:

Step 1: Make enquiries of the prospective tenant to establish who will be living at the property as their only or main residence. Note that this includes all adults who are not named in the tenancy agreement. You need to make all reasonable enquiries. It is strongly recommended that a record of the enquiries made is kept should questions be asked later.

Step 2: Obtain **original** documents to confirm the immigration status of the prospective occupiers.

Step 3: Check the original documents in the holder's presence. Please read the Home Office guidance (see links below) setting out the obligations relating to checking the documents. You must check whether the document is valid. Does any photo look like the holder? Are any dates of birth consistent with the holder?

Step 4: Keep a record of the date when the checks were carried out and a copy of the document. You must keep the copy for at least one year after the end of the tenancy, but ensure that it is kept for no longer than necessary and in a secure place further to your obligations under the Data Protection Act 1998.

Step 5: If your checks establish that any adult occupiers have a 'time-limited' right to rent, then you will need to ensure that further follow-up checks are carried out either 12 months after the initial checks or the expiry of the time-limited right to rent if earlier. **If the 'right to rent' has expired, then you are obliged to notify the Home Office. Please refer to the specific guidance provided by the Home Office in the links below.**

Please bear in mind your obligations under the Equality Act 2010. You must avoid unlawful discrimination when conducting the right to rent checks; you should check ALL new tenants, not just those you suspect are not British citizens.

Further reading

Details of the requirements are set out in the Home Office guidance, links to which are set out below:

General guidance – Short guide for landlords: bit.ly/1ppCk97

General guidance - Code of practice: bit.ly/1U91ypF

Immigration Document guidance - user guide: bit.ly/1LutPnf

Anti-discrimination – Code of Practice: bit.ly/1Xx703k

Finally, TMCP is updating all its guidance for Managing Trustees relating to these new obligations which will be available on the website shortly. In the meantime, if you have any questions on the 'right to rent', do not hesitate to contact the legal officers at TMCP who will be happy to assist.

TMCP - legal@tmcp.methodist.org.uk

PROPERTY & PLANNING

The Property Handbook updates

The *Property Handbook* can be found on the Methodist website (www.methodist.org.uk/propertyhandbook), and contains useful information for those involved with caring for and developing property.

It was originally written in late 2014 and published electronically in April 2015. A process of review of the documents has started and this table shows which documents have been updated so far. This will be a regular feature of *Property Matters* going forward.

Name	Detail	Handbook section	Original date	New date	Version No
Introduction	Minor amendments	Overview	Oct 2014	Feb 2016	1.1
Update spreadsheet	New document	Overview		Feb 2016	1.1
MC structure and organisation for <i>Property Matters</i>	Minor amendments	Overview	Oct 2014	Feb 2016	1.1
The MCA 1976 and application to property	Minor amendments	Overview	Oct 2014	Feb 2016	1.1
Help and guidance	Minor amendments	Overview	Oct 2014	Feb 2016	1.1
CPD - Property	Major restructuring	Overview	Oct 2014	Feb 2016	2.0
Contacts and links	Minor amendments	Overview	Oct 2014	Feb 2016	1.1
Health and Safety regulations	Amended due to new legislation	Technical Information	Oct 2014	Apr 2015	2.0

CONSERVATION & HERITAGE

Listed Buildings Advisory Committee: diary dates and the Resourcing Mission Forum

Please note that there will be a change to the calendar of Listed Buildings Advisory Committee dates, which normally take place in April, July, October and January. This year's diary dates are as follows:

Receipt of papers	Meeting date
21 June 2016	12 July 2016
27 September 2016	18 October 2016
3 January 2017	24 January 2017



Please also note that the next meeting of the LBAC (to be held on 11 May) will be held at the Resourcing Mission Forum in Northampton. There will be an opportunity for forum attendees to observe the meeting. The Committee is encouraging this as an attempt to offer transparency and demonstrate the process of advising the Connexional Conservation Officer on all matters relating to the historic built environment. We are grateful to the Committee for offering to hold a meeting at the forum for observation, and we hope that attendees will find time in their busy schedules for it.

Quinquennial inspections

Having just attended a series of meetings at a church which has unfortunately experienced partial collapse, we thought it would be prudent to write a reminder about the importance of good quality and high standard quinquennial inspections (QI). Although this church had carried out a scheduled QI, the collapse occurred because there had not been a full inspection of the roof timbers as part of it. We are therefore strongly encouraging those involved in the procurement of QIs to observe and adhere to the guidance notes on QIs. These are Guidance Notes T16 and T17, and can be found on the Methodist Church website at bit.ly/T17quinquennial.

Village Hall Advisors Annual Training Event - ACRE

Action with Communities in Rural England (ACRE) is the national body for the 38 rural community councils who make up the ACRE Network. Their vision is to be a voice for rural communities, with a wealth of evidence and intelligence on rural matters gathered from their members. ACRE uses this evidence to influence national policy on rural issues – from housing, health and transport to broadband, services and fuel poverty. The network's mission is to provide critical, evidence-based intelligence and solutions to achieve a fair deal for rural communities.

ACRE also provides advice and support for village halls (a term covering a range of rural buildings, including church halls and community centres) via a network of 'village hall advisors'. This network is currently looking for examples of churches which now function as their coummunities' primary village halls. They would like to invite representatives from any such churches to speak at their annual

training event, which takes place on 10 May. If anyone attends or is involved in a church that now operates as the primary village hall and would wish to share their experiences, please contact Becky Payne at placesofworship@theheritagealliance.org.uk or telephone 0207 2330 900 by mid April. Alternatively, if you would like to learn more about ACRE, visit their website: www.acre.org.uk/.

Things That Work (Vision 2020) – United Reformed Church

For any churches looking for inspiration on mission projects, the United Reformed Church's *Things That Work (Vision 2020)* website is full of examples of projects churches in the URC have successfully undertaken. Go to thingsthatwork.urc.org.uk/mission-projects/.

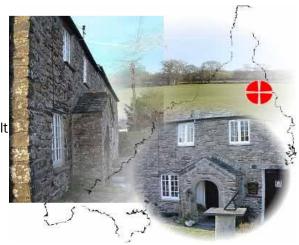
And finally... some suggestions for maintenance jobs to carry out in the spring

- Make sure that roofs and windows (and tower if you have one) are bird-proof before nesting starts.
- Check that eaves, gutters and downpipes have not been damaged by frost.
- Look for cracks and leaks in rainwater goods and note damaged sections.

Joanne Balmforth, Conservation Officer: <u>balmforthj@methodistchurch.org.uk</u>

WESLEY COTTAGE REDEVELOPMENT PROJECT

Wesley Cottage is a Methodist Heritage site situated just off the A30 within minutes of Cornwall's border with Devon. At this gateway to Cornwall, the Heritage site has huge tourism potential with a rich Methodist history intertwined with Cornwall's eighteenth- and nineteenth-century heritage. In the eighteenth century, it was known as a place of hospitality; the stonemason Digory Isbell built a chamber on the side of it to accommodate the early Methodist preachers. John Wesley stayed here on a number of occasions. The stone porch (traditionally the place for preaching in the 1700s) is the location one Sunday in May for Wesley Day celebrations. The lower room of the chamber is thought to be the smallest Methodist preaching place in the world.



Wesley Cottage first opened as a museum and place of pilgrimage in 1950. Since then, thousands of visitors have been inspired by this historic site. Many visitors have no connection with Christianity and often ask questions regarding John Wesley and matters of faith today.

In 2011 a full development project was proposed and significant sums of money were raised in Cornwall for this work. Recently a grant from the Methodist Connexion has enabled the first phase of this work to be achieved.

"The first phase has been to strengthen the upper floor and demolish the partition walls that once formed two bedrooms," writes Paul Melling of CFD Architects. "Removing the flat ceiling revealed three probably original trusses and these have become a feature in the open plan upstairs room which now has a vaulted ceiling. Downstairs the woodchip wall paper has been removed and a complete redecoration carried out. The main rooms have been rewired with LED lighting, and a new heating system is being installed. Once the new timber windows are fitted, this listed building will be well equipped as a meeting space for study days, and as a museum and visitor centre."

The next phase of the planned work will increase the museum display space from 18m² to 61m² and will include enhanced kitchen and toilet facilities.

Through this development, Wesley Cottage will educate and provide an experience to both tourists and Cornish visitors. The mission is twofold: firstly educating people about the history of Methodism in Cornwall, and secondly as a mission centre for the Church in presenting the gospel in a new way; a fresh expression.

John Hogarth MPhil is Curator, Missioner and Pastoral Worker at Wesley Cottage, Trewint. He preaches throughout Cornwall and sees Methodist heritage as providing a fantastic opportunity for people to encounter God in the twenty-first century.



Noise control

We have become aware of a number of cases where noise has proved an issue for churches. Noise is a major source of stress, and accounts for most of the complaints that local councils and the Environment Agency receive about environmental pollution.

Local authorities have a duty to deal with statutory nuisances under the Environmental Protection Act 1990. For noise to be a statutory nuisance, it must be 'prejudicial to health or a nuisance'. An abatement notice can be served by the local authority if they are satisfied that the noise amounts to a statutory nuisance. The notice may require that the noise be stopped altogether or limited to certain times of day. The police could be called to deal with a complaint if the noise amounts to a breach of the peace, or where it is associated with threatening, violent or other anti-social behaviour.

That's why it is important if you are planning an event at your church, at which you will be playing music or have a public address system. You will need to consider:

- requirements for protecting those 'at work' from the potentially harmful effects of loud music
- laws to help people likely to be affected by unwanted noise. The last thing you want is your event stopped because it is too noisy, or a future event prevented from going ahead!

We've got five top tips to follow, before and during the event, to help make sure everything goes smoothly.



Before the event

Make one person responsible for dealing with noise for your event; they should contact your local Council's Environmental Health Department in advance for advice and agreement on monitoring if necessary. Contact neighbours in advance to tell them about the event and give a contact number in case of problems. People are more likely to tolerate noise when they are informed about it ahead of time and know how long the event will last.

During the event

Be respectful of noise-sensitive properties in the area and the impact of the event on them. Act responsibly if you receive any complaints from local residents. Continue to monitor and control noise levels paying particular attention to the bass component and PA systems. If possible, face your stages away from residential properties and use multiple smaller output speakers, spaced around the audience, as opposed to stacked speakers.

You can find more information about planning events at bit.ly/1SV621D.

Take care when working at height

Take extra care when inspecting for damage at height. Volunteers/people without proper training/skills should avoid working at height if at all possible and should always refer to our checklist before they do so. Sadly, we have had several fatalities and very serious injuries resulting from church volunteers doing inappropriate work on ladders and other high platforms and we cannot emphasise enough the need to use experts whenever you can for this type of work. Our checklist is available at bit.ly/1S5GJri.

Building works

Every year we see a rush of requests for information about insurance and building work as the better weather approaches. If you intend to start major alterations, renovations or repairs, it's important that you inform us as soon as possible. We can then consider the effect the work will have on your policy and ensure that the correct cover is in place for the building works themselves. The work under construction and the materials involved may be the responsibility of the contractor and you don't need to do anything. But, if you've signed a formal contract, which makes you liable to insure these, then you must let us know. If your church is responsible for insuring the building works a separate policy may be required and an additional premium may have to be charged.

For more advice on building works, go to bit.ly/1Ma5PpH.

The importance of maintenance

Spring and summer are a great time to carry out routine maintenance at your church. Remember that insurance is there to protect you against the unexpected; it does not cover you for damage caused through lack of maintenance or if the church is not kept in good repair.

For example:

- 1. Use a pair of binoculars to look at the roof carefully for any frost, snow and wind damage, and check that gutters and downspouts are in good working order.
- 2. Carry out a visual examination of all external brickwork and stonework for signs of frost damage.
- 3. If you spot any damage, contact your architect/surveyor quickly.

4. Ensure all areas of the church are thoroughly cleaned, but remember that old furnishings, monuments, floors and windows may be damaged by cleaning and that no chemicals should be used on them.

If you do spot any damage, please contact us on **0345 070 2223** to see if it is covered by your insurance policy.

Simple steps to reduce the risk of an arson attack

Sadly, arson poses a security threat to churches. Fires can be started deliberately, either by arsonists or thieves and churches are often viewed as a soft target.

The impact of a fire at a church can be devastating; damaging property, causing injury and even potentially loss of life. It can also result in months of closure while repairs are carried out. Services will need to be held in other locations, while outside user groups who may have booked the church or hall will have to find alternative premises.

However, by regularly reviewing and taking simple steps to improve the security of church property, you can significantly reduce the risk of becoming a victim of arson. We have developed a simple checklist and short video to help you review the arson risk and guide you through practical steps to reduce the risk to your church or church hall. You can find this on our website at bit.ly/220jf5J.

This document is being sent to the following roles within the Connexion who are registered on the connexional database:

- ✓ District chairs
- ✓ Superintendent ministers
- ✓ District property secretaries
- ✓ Circuit property secretaries
- ✓ Church property secretaries
- ✓ District treasurers
- ✓ Circuit treasurers
- ✓ Church treasurers

If you are aware of other people who may not have access to the Internet, email or a computer, could you please provide them with a copy of this document.

If you know of people who would like to subscribe to the *Property Matters* email newsletter, please forward this copy and ask them to visit www.methodist.org.uk/signup



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