



The **Methodist** Church 



# Capsticks' Legal Services for Methodist Managing Trustee Bodies

*“Since working with Capsticks we have been really blessed with the high standard of support given in many complex matters. The team are meticulous and swift in their work and it has been a pleasure working with them. Matters of governance are dealt with efficiently and in line with all the requirements of the Methodist Church. The team at Capsticks are always at the other end of the phone for quick advice. I wholeheartedly recommend Capsticks and just wish we had appointed them sooner.”*

*Revd. Joanne A. Siddall, Superintendent,  
Rotherham and Dearne Valley Circuit*

Birmingham

Chorley

Leeds

London

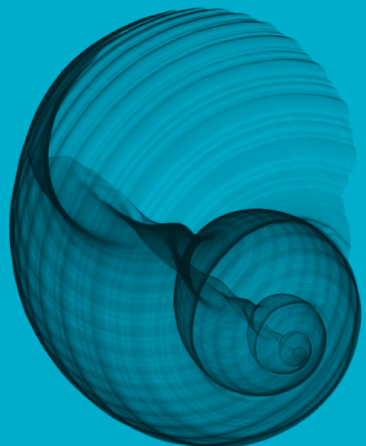
Winchester

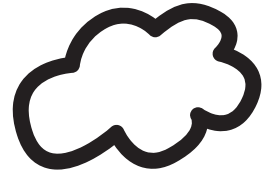
# Benefits of your Legal Services Framework

*To support managing trustee bodies in accessing high quality legal advice, TMCP and the Connexional Team have set up a legal supplier framework to improve the quality of the advice that you receive and reduce your legal costs.*

*By instructing Capsticks your charity will benefit from:*

- Peace of mind that we have the necessary expertise and experience to advise you on the legal issues affecting your charity;
- Our experience we are currently advising Methodist Managing Trustee bodies across the country on a wide range of matters from major redevelopments to leases through to manse sales and acquisitions;
- Discounted charging rates so you can be assured you are getting maximum value for your charity's money;
- 30 minutes free legal advice from a lawyer on each new matter;
- Training opportunities invitations to our training seminars and bespoke training for your own charity on a wide range of legal issues;
- Close partnership working with TMCP and The Connexional Team we are working in partnership with TMCP and the Connexional Team so our advice will always reflect current Methodist law and best practice, reducing transactions times;
- Regular legal updates on the key issues affecting your charity.





# Welcome

*Capsticks is pleased and proud to be on the Methodist Church's Legal Services Framework. We are currently working with Managing Trustee bodies across the country on a wide range of matters: from major redevelopments of existing premises, sales of churches and manse sales and purchases, through to the formation of CIOs and advising on caretaker arrangements. We look forward to working with you and supporting you in your Mission.*

We are a national, full-service law firm and are independently ranked by the leading legal directories (Legal 500 and Chambers) in the top tiers in our chosen fields. We have extensive experience of advising charities including those linked to the Methodist Church, such as Action for Children and other faith-based organisations, such as the Church of England Pensions Board. We help charities such as these to achieve their objectives—from dealing with day to day legal issues right through to complex and sensitive projects. We understand the unique environment in which you are operating and our experience enables us to deliver practical and cost-effective legal support.

This booklet provides you with a flavour of the services that we can offer and the work we currently doing across the Connexion. Please do get in touch with me or any of our team (see the team sheet at the back): we would be pleased to hear from you.



**Lisa Geary**

Partner

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# How we can help you: Property

*As a pre-approved legal supplier to the Methodist Church, you can have peace of mind that we have the necessary expertise and experience to advise you on the legal issues affecting your charity.*

*Below are some examples of the type of issues which we can advise you on.*

## Property & Construction

We have over 60 lawyers nationally with extensive experience of advising charities on all types of property work.

As you would expect, we have considerable experience of advising charities on the property requirements of the Charities Act 2011 and their related trustee duties. This means that you are in safe hands when we are acting for you.

How we can help:

- Selling and buying commercial property including church sites
- Redevelopment projects
- Leases including the grant of new leases, renewals and terminations
- Manse sales and acquisitions
- Licences and tenancies at will
- Development and redevelopment projects
- Dealing with property disputes including:
  - Boundary disputes
  - Occupier issues
  - Covenants restricting the use or development of premises
  - Disputes with neighbours
  - Squatters
- Caretaker accommodation arrangements
- Construction procurement options
- Negotiating building contracts (standard form and bespoke) and consultants' appointments

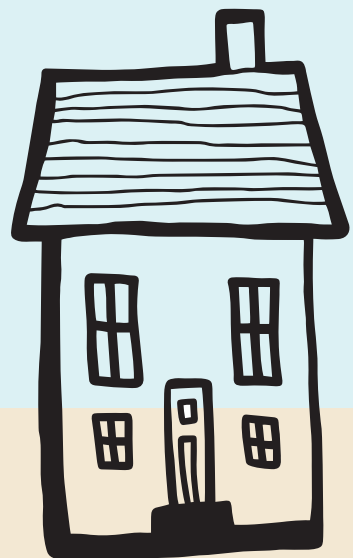
- Planning law issues including section 106 agreements, highway agreements, agreements with statutory undertakers and Community Infrastructure Levy (CIL) issues

### Examples of our work

- Acting on long-term income generation schemes involving the redevelopment of two separate city-centre churches into ethical hotels with retained worship and community space
- Advising on the proposed release of restrictive covenants to enable the sale of redundant church property
- Dealing with the sale of a church conditional on a change of use for retail purposes
- Regularisation of third party occupiers in church property including the complex analysis of connected persons issues
- Drafting a deed of easement arising out of a complex mediation case with neighbouring property owners and damage caused by defective drainage
- Advising on a development proposal for a city centre church for community use and involving a leaseback of part to the church to retain worship space in the area
- Dealing with the development of a new church by a third party developer in the context of a sale of part of a church site for residential development with an obligation on the developer to build new worship space on the retained land

*“We received a very quick, knowledgeable, kind and caring service from Capsticks whom I would recommend without any hesitation at all.”*

*Revd. Chris Preece, Tendring Methodist Circuit*



## Residential Property

We have a dedicated Methodist Church residential property team who are currently dealing with the following types of matters for Managing Trustee bodies across the country:

- Manse disposals
- Manse acquisitions
- Statutory Leasehold extensions
- Voluntary Leasehold extensions

The property market is challenging at the moment, so being prepared is more important than ever. Here are our top tips when preparing to buy or sell manse properties.

### Top tips for selling:

- Before marketing the property, obtain and consider a Qualified Surveyor's Report (QSR) and have it approved by TMCP. We can help you understand the QSR and liaise with TMCP.
- Log the project on the Property Consent website so the necessary consents can be obtained in good time ensuring these don't delay completion.
- Get your sales pack ready early on. The sales pack contains standard information that you can prepare before finding a buyer—meaning that the transaction can progress swiftly once an offer has been accepted. Our help with this is included in our fixed fee offering, including a checklist of what you will need.
- Help your buyer understand your internal processes. We can take this off your hands by explaining to the buyer's solicitors how the Methodist internal approvals process works and likely timeframes for this at the outset of the transaction.

### Top tips for buying:

- A purchase survey (including valuation) must be obtained and reviewed by TMCP. We will help you liaise with TMCP.
- Check the property meets Methodist Church policy set out in Standing Order 803.
- Log the project on the Property Consent Website so the necessary consents can be obtained.
- Help the seller and the agent understand your internal process. As above, we can explain your internal approvals process to the seller's solicitor, so that your requirements don't come as a surprise to them later in the process.
- Agree realistic timescales. We can work with you to agree target dates for exchange and completion with the sellers, to reduce the likelihood of transactions dragging on.
- Understand the value of the property. Although you are likely to be buying property without third party funding, we will check that the property does not have any legal issues that could affect its value, or which would prevent a funder from lending against it. This is because such matters could affect your ability to sell (or charge) the property in future.

## How Capsticks can help

We offer competitive fixed-fee rates for both selling and buying manse properties. Our experience in dealing with these matters for Methodist Church Managing Trustee bodies across the country, and our wider residential practice, means that we have a "tried and tested" process, and will be able to progress matters quickly and smoothly to completion.

# How we can help you: Employment

*Our specialist employment team of over 50 lawyers advise across the full spectrum of employment/HR issues affecting charities.*

## Employment

We can help you with:

- Advice on a wide range of employment law issues and training for front line managers
- Caretaker arrangements
- Advice on the management of ill-health, disciplinary, performance and grievance processes
- Advice on atypical workers including volunteers
- TUPE issues
- Change to terms and conditions and reorganisation projects
- Employment Tribunal & higher Court litigation
- Complex discrimination and whistleblowing claims
- Complex safeguarding and health and safety cases

## Recent example of our work

We've recently advised a local church on its caretaker arrangements. The caretaker was provided with accommodation and limited yearly utility costs, but paid no other salary.

We identified that the caretaker had not received the national minimum wage and there was a significant shortfall. Whilst the National Minimum Wage Regulations allow accommodation costs to be offset against an employee's minimum wage, this is subject to a statutory cap. We advised the Church Council about the related risks and how to deal with them, including potential HMRC enforcement action. We worked with the Church Council to resolve the key issues.

In these particular circumstances, it was also necessary to report a serious incident to the Charities Commission. We also advised on the potential for reputational damage and we supported the Church Council with this process, preparing correspondence and giving the Superintendent a "script" so that information could be explained effectively in person.

# How we can help you: Commercial, Reputation Management, Civil Litigation & Safeguarding

## Commercial

We can help you with:

- Commercial contracts
- Formation of CIOs
- Ecumenical arrangements including Sharing Agreements
- Joint ventures
- Subcontracting arrangements
- Income generation schemes
- Advice on intellectual property matters
- Commercial contract disputes

## Reputational issues

Capsticks has extensive experience of advising on the conduct of high profile and sensitive inquiries and the handling of the media in the most sensitive of circumstances including advising on and liaising with the Charities Commission in situations where this is necessary.

## Civil Litigation & Safeguarding

We support charities on a wide range of commercial litigation matters including advising on contract terms in the context of the threatened or actual breach of contract. We also advise on all forms of Alternative Dispute Resolution.





# Frequently asked questions

*With a team of over 250 specialist lawyers available to answer your queries, you can be assured that whenever you need to instruct us we will:*

- *respond promptly and efficiently*
- *provide advice in plain English, with no legal jargon*
- *allocate a lawyer who will be trained on the Methodist Church requirements*

## When should I seek legal advice?

A good rule of thumb to ensure you are complying with your duties as a charity trustee is to get in touch with us as soon you think might need legal advice, particularly if you are thinking of changing your property arrangements or entering into an arrangement with another party.

You benefit from 30 minutes of completely free legal advice on any new matter. Give us a call and we can advise you on next steps and when to instruct us and other relevant professionals (such as surveyors).

In our experience, clients who get in touch early on in a matter save time and legal costs in the long run.

## How can I instruct Capsticks?

You can contact any of our dedicated team and please see our contact details on the back page. We'll be in touch with you within two hours of hearing from you.

## How much will your advice cost?

Before starting any work, we will always agree a cost with you for the work you require. We can also agree a fixed fee for a wide range of work (including residential conveyancing) meaning that you have certainty of costs from the outset.

## Who will represent us?

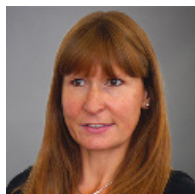
You will have a dedicated lawyer acting for you. All of the lawyers who will be advising you will be experienced in dealing with Methodist law and policy, including TMCP requirements.

## I've never used a lawyer before, what can I expect?

At the outset, we will talk you through the likely course of any legal matter and will support you throughout it.

We'll give you legal advice in plain English and we are committed to delivering the maximum value for you on your legal spend.

# Your Property Team



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