



Technical Updates

Licences during the COVID-19 outbreak – who is responsible for COVID-19 precautions and how do we clarify this?

🕒 Updated 5 Aug 2020

COVID-19 restrictions continue to be slowly released and our church buildings are gradually being allowed to re-open for more activities, both Church related and for those third parties who frequently use Methodist premises. Managing Trustees are understandably raising questions as to where responsibility for COVID-19 safety falls. Some of these questions focus on cleaning and others relate to matters identified in risk assessments, and as to whether amendments will be made to the Standard Licence to clarify these responsibilities. This article concentrates on the questions that apply in the context of third party use of Methodist buildings as opposed to use by Methodist congregations and Church/Circuit projects.

Will the Standard Licence be amended?

There are no plans to amend the [Standard Licence](#) to refer to COVID-19. COVID-19 [FAQ 3.4](#) clarifies that Managing Trustees can rely on the existing provisions of the Standard Licence which require licensees to abide by the law and observe any rules and regulations introduced by Managing Trustees locally. These include the rules and regulations that Managing Trustees often impose to help manage the use of their buildings by third parties. COVID-19 [FAQ 3.4](#) gives practical guidance on introducing and notifying licensees about COVID specific rules/conditions of use. This FAQ is set out at the end of this article for ease of reference.

Template wording that can be used to highlight responsibilities for COVID-19 safety

There is no need to amend the Standard Licence; Managing Trustees can continue to rely on their existing licence agreements and introduce specific COVID-19 related rules and processes to keep everybody safe. However, due to the number of queries received and a desire for increased clarity, we have drafted a template clause that Managing Trustees can use if they wish:

“The Licensee confirms that the Licensee has received a copy of the rules and regulations referred to in clause 3(n) relating to COVID-19 at the Building and undertakes to follow such rules and regulations to protect the safety of all users of the Building by reducing the risk of COVID-19 contamination and transmission at the Building.”

Managing Trustees can add the above clause to any new licence agreements as a new clause 14 without having to seek approval under Standing Order 931(3). If you have an existing licence in place you could set the template wording out in an email or letter and ask your licensee to sign the same as an acknowledgment. Please attach a copy of the rules and regulations in question to such email/letter.

COVID-19 specific rules and regulations for third party users

What sort of COVID-19 specific rules and regulations/guidelines and procedures should Managing Trustees consider introducing to keep the church premises and those using them safe? We are all now familiar with the need to keep areas well ventilated, to wash hands and wipe down touched surfaces frequently and make hand sanitiser available, but what else is required? It is difficult to set out suggested rules and regulations as the science behind COVID-19 is still in its infancy, the Government recommendations are ever changing and the procedures will depend upon the circumstances of each property; the number and nature of its third party users,

the building layout and the Managing Trustees themselves. Managing Trustees must refer to the practical tips set out in section 6 of the Connexional Team's [Reopening pre-school guidance](#) and address the specific risks identified in your risk assessment (please refer to the template [Covid-19 Risk Assessment](#), produced by the Connexional Team).

Are we responsible for cleaning the church premises in between groups?

We have received lots of queries from Managing Trustees about their responsibility for cleaning premises between users. Whose responsibility is it?

There are no contractual obligations on Managing Trustees as licensor to provide any services to licensees including cleaning. However, Managing Trustees do need to ensure that they are not negligent as managing trustees of the building and they are responsible for carrying out a risk assessment of their buildings before allowing them to reopen. As part of this responsibility, particular care should be taken of areas that would usually be used by multiple groups at the same time or within a short period of time of each other such as hallways, toilets and kitchens. Managing Trustees may like to consider whether for the time being access should be limited to such areas; many employees are returning to workplaces where they are no longer able to make drinks or have communal kitchens for example. In multi use buildings temporary arrangements are being made for common areas to be thoroughly cleaned and sanitised between sessions of different groups and ensuring that toilets, door knob and handles are cleaned regularly throughout the day. Having a daily checklist for cleaning and a separate one for making sure that risks have been managed appropriately each day would help demonstrate that the Managing Trustees take their responsibilities seriously.

Managing Trustees should also speak to their insurer to check that they have done everything that is expected of them to protect users and to ensure that if anything were to happen, their liability would be covered under their insurance policy. We are all in this together and Managing Trustees and third party user groups alike will want to work alongside each other to ensure that those attending groups on Methodist premises are kept safe.

Accordingly, Managing Trustees should consider what steps they need to take to reduce the risk of contamination in accordance with their COVID-19 re-opening building plans. To this end it is best practice to carry out periodic checks throughout the day to ensure that measures are adhered to e.g. any COVID-19 specific conditions of use and the specific actions identified in your risk assessment. As identified above, it would be helpful to have a checklist that Managing Trustees can use setting out what requirements to check for and a process for speaking to licensees who are having difficulty following the rules. The frequency of such checks would depend upon how many different groups use the building, how frequently and the extent to which the building is used by the Local Church itself and members of the public for both private prayer and public worship. The steps that Managing Trustees put in place will be proportionate to the risks posed: a large frequently used city centre place of worship will most likely be required to put in place more measures to reduce the risk whereas the same measures may not apply to a small rural chapel relying on a few Managing Trustees who are themselves vulnerable.

Ultimately licensees are responsible for the safety of those running and attending their groups and they need to have their own risk assessments and procedures in place. Licensees continue to be responsible under their own insurance and risk assessments to their service users to ensure that the areas of the premises which they use are kept clean and sanitary for each session. As noted above, if Managing Trustees have notified their licensees about specific COVID-19 related requirements pursuant to clause 3(n) of the Standard Licence, their licensees would be responsible for performing such procedures. The Managing Trustees will also want to make sure they have seen the risk assessment for their licensees before allowing the group to restart using the premises so they can make sure that the measures to reduce risk are sufficient.

Please remember that this article relates to a specific query about licensees and is not a comment on your general liability and responsibilities as Managing Trustees for Church led activities. Please refer to the guidance and resources referred to in the section below. The HSE are emphasising the need to ensure all risks are recognised and mitigated.

Guidance on re-opening Methodist Church buildings generally

As we reach the next COVID-19 restriction relaxation milestone on Saturday 4th July 2020, Managing Trustees are reminded to keep an eye on the guidance on the [Methodist Church Website](#) for confirmation of advice on when, for what purposes and in what way Methodist buildings should be re-opening and allowing use by third parties.

In particular please refer to:

- [Reopening our Church Buildings for Worship](#) - new guidance produced by the Connexional Team on reopening church buildings for worship: This includes guidance on use of church premises by other groups and practical points to consider to manage safe use of the building by multiple users.
- [Coronavirus Guidance for Property](#) – page on the Methodist Church Website. This provides an update on which third party groups are allowed to use church buildings from 4th July 2020 under the drop down heading “Any other property users (30 June 2020)”.

Managing Trustees can make use of the wealth of guidance and resources available on the Methodist Church and TMCP websites to help them consider and plan for re-opening. The guidance and resources available in relation to re-opening pre-schools continue to be relevant. Managing Trustees are encouraged to refer to the article [Reopening Pre-Schools During COVID-19](#) for links. In all cases Managing Trustees need to ensure that the [Re-Opening a Building Checklist \(pdf\)](#) and the [Covid-19 Risk Assessment](#) both produced by the Connexional Team are completed before re-opening church buildings.

As ever, Managing Trustees also need to bear in mind that reopening premises and keeping open remains strictly subject to the English, Welsh and Scottish Government's guidance and social distancing requirements at any time and any temporary local restrictions that may be in place.

Please refer to:

- [UK Government Coronavirus](#) webpage
- Scotland's [route map with indicative dates for the remainder of Phase 2 and early Phase 3](#); and
- [Welsh Government Coronavirus Guidance](#)

Further information

If you have any specific questions relating to use of church buildings by third party groups and/or COVID-19 then do not hesitate to [contact us](#) by email, via the [contact form](#) on our website or by telephone using the telephone numbers which you will have at the foot of emails received from members of the Legal team.

We continue to wish you and yours well and hope you all stay safe at this difficult time.

COVID-19 FAQ 3.4

FAQ 3.4 is set out below for ease of reference:

“Q3.4. Our licensee is hoping to re-open the pre-school they run from our church hall shortly in accordance with the Government’s guidelines on re-opening early years educational provision. Do we need to make any changes to the licence agreement to ensure they are obliged to follow the Government’s guidelines and the rules we are introducing to keep our buildings and Church members safe?”

A3.4. If the Managing Trustees are already using the standard pre-school licence (Pre-School Licence) provided by TMCP, there should be no need to vary this to ensure that the licensee follows COVID-19 specific legislation or any additional guidelines or controls that the Managing Trustees need to impose to protect the safety of the building and other users due to COVID-19.

Clauses 3(l) (m) and (nn) of the Pre-School Licence oblige the licensee to adhere to all appropriate rules and regulations. You may however want to point out the additional requirements that have been imposed due to COVID-19 and ask your licensee to confirm that they have taken steps to accommodate these in the way they operate from your premises.

As regards specific COVID-19 rules introduced by the Managing Trustees, Clause 3(n) of the Standard Pre-School Licence obliges licensees to; “observe any rules and regulations the Managing Trustees make and notify to them from time to time...” These could include any COVID-19 specific housekeeping type rules introduced, provided that you ensure your licensee is aware of them. The drafting intends to catch the usual conditions of use or rules attached to the noticeboard or the Pre-School Licence itself. Due to the importance of these particular rules, you may want to specifically point them out to your licensee e.g. attach them to an email and/or ask your licensee to print and sign a copy to confirm that they will adhere to them.

Managing Trustees can refer to the [Connexional Team’s Early Years Covid-19 Advice](#) for guidance on what types of practices to introduce e.g. wiping surfaces including light switches, hand-washing, use of hand sanitiser and treatment of rubbish etc.

Please bear in mind that if you wish to introduce any changes to your arrangements with your licensee that would change the terms of the Pre-School Licence itself, then TMCP would need to approve the same. Please [contact TMCP Legal](#) if you are unsure. TMCP Legal would be happy to look at the type of COVID-19 rules and regulations that you want to impose on your licensees if you are unsure whether they go beyond “housekeeping” type arrangements and change the terms of the licence itself.”