

**Memorandum of Understanding relating to Property owned by Quakers in Scotland (a SCIO) between its Trustees, QiS Property Committee and Local Meetings/Property Committees**

**INTRODUCTION**

The proposed SCIO for Quakers in Scotland (QiS) will be a registered charity. This memorandum covers the life of the Local Meeting (LM) primarily in relation to buildings and land that will be owned by the SCIO. There is potential overlap with other aspects including Finance and Employment, and this MoU should be read in conjunction with a General MoU which will cover responsibilities for all aspects of Quaker life.

The aim is for LMs to have a large degree of freedom to run their own affairs within a budget agreed with a QiS Property Committee. The QiS Property Committee will also be able to provide mutual support over property matters while ensuring that the QiS Trustees maintain an overview of what is happening so that they may fulfill their financial and legal responsibilities. Paid staff will be needed to carry out a number of local management responsibilities at some larger properties.

QiS members will appoint Trustees at Meeting for Worship for Church Affairs (QiS MCA) and will approve nominations for the membership of the QiS Property Committee (1-2 trustees and a representative from each Local Property Committee). The QiS Property Committee will report to the Trustees who will refer to QiS MCA for further discernment any property issue that impacts the life of a LM or QiS and over which unity has not been reached.

When the terms of this memorandum require alteration, changes will be agreed by the QiS Property Committee and advised to Trustees who will report to QiS MCA.

	<b>Local Meeting (LM) with Local Property Committee (LPC)</b>	<b>QiS Property Committee</b>	<b>Trustees</b>
<b>Arrangements for property management</b>	Appoints <b>Local Property Committee</b> . This should include Friends from outwith LM where the property benefits the Quaker community more widely and/or where their particular knowledge and skills are needed.  Nominates representative to <b>QiS Property Committee</b> .	Meets regularly and reports to Trustees.  Receives reports from Local Property Committees.  Develops property policies for consideration and adoption by Trustees.	Appoint 1-2 Trustees to <b>QiS Property Committee</b> and agrees its remit.  Have legal responsibility for property.  A trustee, normally the clerk of trustees or delegate, signs all legal documents.

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	LM/LPC	QiS Property Committee	Trustees
<b>Day-to-day upkeep</b>			
Cleaning and supplies	Arrange regular cleaning, voluntary or paid. Ensure the availability of domestic supplies.		
Security	Ensure the security of building. Maintain list of key-holders.  Deal with unexpected problems e.g. arising from behavioral issues.		
<b>Financial arrangements</b>			
Budget setting	Prepare annual income and expenditure projections for budget setting. Include recurrent expenditure and any planned additional expenditure on surveys or maintenance.	Agree LM/LPC budget with any additional financial support from QiS funds that may be needed.	Approve budgets
Utility and other bills	Pay all service bills		
Reserves	Agree the level of reserves required to meet unexpected major property expenses.	Reserves to be held as designated LM funds.  Consider possible future contributions to a Property Pool for planned major works.	Hold any agreed Property Pool
<b>Lettings</b>			
Letting rooms	Promote the use of the Meeting House and other owned properties.  Set room hire charges.	Develop the marketing of Meeting Houses to potential hirers e.g. through a common website.	Approve lettings policies

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	<p>Day to day handling of lettings by a lettings clerk/lettings group, employed staff, or contracted out.</p> <p>Ensure the hirers are suitable in Quaker terms, consulting with QiS Property Committee and Trustees where necessary.</p> <p>Ensure the hirers sign room hire agreements and are made aware of and comply with all necessary health and safety, risk assessment and other policies.</p> <p>Ensure the hirers have access to the building and pay the agreed hire charge.</p>	<p>Provide support to LM/LPCs over decisions about the suitability of organisations wishing to hire rooms.</p> <p>Develop common lettings policies and report to Trustees.</p> <p>Consider proportions of time to be made available for external and Quaker groups.</p>	
Leasing of part or all of the building	Find appropriate tenants, negotiate a legally binding lease or license to occupy, and ensure compliance with the tenancy agreement. With the agreement of QiS Property Committee, a Factor or lettings agent may be used to manage these landlord functions.		Oversee the legal negotiations taking legal advice where necessary, and sign and hold longer-term leases.
Lettings income	Retain income from property lettings unless alternative arrangements are made. Include projected lettings income in annual budget setting.	Make recommendations to Trustees for financial support from QiS funds where local income is insufficient for day-to-day running of property.	Approve local budgets
<b>Building Works</b>			
Major works (refurbishments and	Discernment in liaison with QiS	Discernment in liaison with	Discernment in liaison with

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extensions)	Property Committee and Trustees.  Development of business plan. Involvement in fund-raising.	LM/LPC and Trustees.	LM/LPC and QiS MCA.  Discussion of how any work would be carried out and funded. Minute of agreement between LM/LPC and Trustees required before proceeding.
Maintenance (repairs and renewals)	Regular review of buildings and grounds for any damage or deterioration.  Arrange work needed (with Friends' working party or local contractor) paying proper regard to cost effectiveness and environmental concerns.  Check spending limit agreed with Trustees.	Share experience between LM/LPCs  Monitor to ensure that regular reviews are carried out and acted upon.  Recommend budgets and spending limits to Trustees.	Set spending limits based on agreed budgets
Quinquennial survey	Make detailed arrangements with surveyor and attend the survey.  Be involved with setting priorities for repairs.  Help to raise additional funds if these are required to implement survey recommendations.	Organise quinquennial survey of all property if required.  Liaise with LM/LPC about implementing survey recommendations.  Formulate a plan to cover building work over a number of years to ensure the long term viability of all properties.	Ensure that arrangements are in place for the surveys and that finance for implementing recommendations is available.
Burial Grounds	If a LM has responsibility to maintain a burial ground the LMPC should visit at regular	Receive LM reports of regular inspections and report to Trustees.	Maintain a register of Quaker burial grounds.

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	intervals and report any remedial work required to QiS Property Committee.		Provide a maintenance budget and authorise any remedial work by LM/LPC.
<b>Purchase or sale of a property</b>			
Purchase	<p>Discernment and a minute to QiS MCA, QiS Property Committee and Trustees.</p> <p>If agreed by all parties, LM/LPC will be responsible for leading any fund-raising in accordance with a business plan and for detailed negotiations with agents and solicitors (Trustees to be kept informed)</p>	Help with discernment in liaison with LM and Trustees.	<p>Consider LM and QiS MCA minutes.</p> <p>Consider how the purchase will be financed.</p> <p>Oversee the legal process with the QiS SCIO to be the owner and title-holder of the property.</p>
Disposal/sale	<p>If LM discerns that it is time to dispose of or sell a particular property it consults with Trustees at all stages.</p> <p>LM sends a minute to Trustees and QiS Property Committee.</p> <p>LM/LPC are involved with sale negotiations with agents, solicitors and purchasers.</p>	Help with discernment in liaison with LM and Trustees	<p>If Trustees discern that it is time to dispose of or sell a particular property they agree the way forward with QiS MCA and LM before proceeding and consult with LM at all stages</p> <p>Trustees make the final decision on price and ensure that due legal processes are followed.</p>
Proceeds of sale			<p>Net proceeds to be applied first to any future plans of the LM making the sale that were agreed during the discernment process.</p> <p>Any surplus generally to be for the benefit of Friends across the SCIO, but the terms of an original Trust deed may mean that the</p>

			proceeds need to be in a restricted fund.
Borrowing			The SCIO will not borrow on the security of any property without the minuted consent of the relevant LM.
<b>Employment</b> <i>This section to be considered further in relation to a other MoUs</i>		<i>Possible separate QiS Employment Committee</i>	<i>Some QiS employees may not be associated with property</i>
Employees	Responsible for day-to-day line management.  Liaise with QiS Property or Employment Committee over job descriptions, salary scales, pensions, staff recruitment and induction.	Recommend to Trustees where staff should be employed.  Develop common employment policies.  Recruit suitable staff with appropriate induction/training.	Agree to employment of staff,  Deal with all legal aspects of employment.
<b>Health and safety</b>			
Scheduled testing of services and equipment	Test gas and electricity supplies at required intervals and carry out any remedial work. Inform QiS Property Committee of any major work and discuss with Trustees.  Ensure Portable Appliance Testing (PAT) is carried out at the required intervals. Ensure regular servicing and testing of any lifts.  Ensure fire alarms are tested regularly and fire-fighting	Confirm that tests are being carried out on time.	Agree any major remedial works with LM/LPC

**Commented [Ma2]:** See DCS23 comment – possible responsibility of QIS Manager.

**Commented [Ma3]:** See DCS24 comment – better done locally?

	<p>equipment is serviced at required intervals.</p> <p>Check first aid supplies at required intervals.</p>		
<b>Risk assessments</b>	<p>Ensure risk assessments for fire and LM activities are carried out.</p> <p>Ensure that regular building inspections are made for safety from fire and other hazards.</p> <p>Ensure that local health &amp; safety and fire safety policies are in place.</p>	<p>Share experience and confirm that risk assessments and safety inspections are being carried out.</p> <p>Consider developing a standard format for safety policies.</p>	
<b>Insurance</b>			
Insurance for employees	<p>Display certificate of employers' liability in the property.</p>		<p>Arrange employers' liability insurance. (Self-employed workers must make their own insurance arrangements.)</p> <p>Send employment liability insurance certificates to LMs for public display.</p>
Buildings and contents insurance	<p>Notify events affecting insurance and potential claims to trustees and insurance agents without delay.</p>	<p>Investigate options for a common policy for buildings, contents and public and employee liability insurance for all property including burial grounds.</p> <p>Ensure valuation and rebuild costings are available for all properties.</p>	<p>Arrange and pay for buildings, contents and public and employee liability insurance.</p> <p>Liaise with insurance agent on all insurance matters.</p>