

Birmingham Diocesan Trust – Guidance Note 2

PCC and Land/Buildings (Property)

1. Under the PCC (Powers) Measure 1956, PCCs cannot own properties in their own right. Parish Property is vested in the 'Diocesan Authority', which is in Birmingham diocese, Birmingham Diocesan Trust (BDT). The BDT acts as Custodian Trustee on behalf of PCCs who act as Managing Trustee and beneficial owners that take day-to-day responsibility for the Property.
2. When a PCC is trying to buy sell or lease Property, PCC members must make sure they get the best value for the PCC. They must obtain written advice including a valuation from a qualified surveyor before agreeing any sale or granting a lease of the Property for more than 7 years and they should advertise the sale or lease to ensure that it has been marketed properly and the best value has been obtained.
3. If the PCC chooses not to do this, it must approach the Charity Commission for specific consents to sell or lease. The Charity Commissioner will ask questions such as, why is the PCC using this valuable asset without getting proper consideration for it? These can be difficult questions for a PCC member to answer.
4. PCC members should act with reasonable skill and care when governing the PCC, though they should use their own skills and experience. This doesn't mean you have to be an expert on everything, provided you take appropriate third-party advice whenever necessary.
5. Remember that at a future point you might be queried or questioned about decisions you've made in order to make sure you've taken time, thought and energy to do your role properly.
6. There is a lot of very useful information about being a trustee upon the government website which is very user-friendly, or of course you can take specific legal advice about your obligations.
7. It is extremely rare but not impossible that a PCC member as charity trustee may be personally liable. This may be to their PCC if they created a financial loss because they didn't act properly or may be to a third party if there is a claim against the PCC which the PCC can't meet.
8. PCCs and their members need to take extra care when dealing with Property as it is such a valuable asset.