

14. Committee on Methodist Law and Polity (1)

Contact name and details	Mrs Louise C Wilkins Conference Officer for Legal and Constitutional Practice Secretary of the Committee wilkinsl@methodistchurch.org.uk
---------------------------------	---

SECTION A GENERAL REPORT

The Committee is charged under Standing Orders with the scrutiny of all new legislation which is proposed to the Conference in order to ensure its coherence with existing usage and Methodist polity. Various members of the Committee undertake this task and have commented upon all the proposals submitted to the Committee by the Methodist Council and other bodies. The Committee also seeks to ensure that Standing Orders comply with any changes in legislation or case law.

The 2017 Conference directed the Committee to undertake several pieces of work and to bring Standing Order amendments to the Conference in 2018.

There were no special resolutions referred to the Committee by the 2017 Conference. The special resolution to amend paragraph 9 of the Deed of Union was referred to the Council and is reported on elsewhere in the Agenda (item 6); the Standing Order changes are dealt with in Section C of this report.

The clarification of the governance and oversight arrangements for fresh expressions continues as the workload of both the Law and Polity Committee and the Faith and Order Committee has not enabled this work to be given the priority it might otherwise have had.

The Committee has now obtained Counsel's opinion on the ability to amend paragraph 14(2A) of the Model Trusts which has been necessary in order to respond to Memorial M32(2016) regarding the use of church buildings by other churches. The opinion does appear to provide scope for the length of a licence giving permission to other churches for worship to increase from 12 months. However, such an amendment to the Model Trusts and ensuring that the licence does not become a lease with additional legal implications needs careful consideration. The Committee will therefore bring any proposed amendments to the Model Trusts to the Conference in 2019.

The Committee continues to work closely with the Safeguarding Committee on the interpretation and application of the Standing Orders adopted in 2017 and to remove any unintended consequences of the use of the term "safeguarding contract" referred to in Section 69.

14. Committee on Methodist Law and Polity (1)

The Committee continues to work on the appropriate Standing Order to enable Circuits to be able to seek repayment of costs incurred due to the unreasonable condition a manse has been left in by a minister.

The Committee continues to review Standing Orders and policy proposals to ensure consistency with legislation and new legislation which this year has focused on the EU Data Protection Regulations. The Committee is assisted in this task by the Church's membership of the Churches' Legislation Advisory Service, of which the Conference Officer for Legal and Constitutional Practice serves as a Governor.

The Committee appointed the Law and Polity Conference Subcommittee under Standing Order 338(6) as follows: the Secretary of the Conference, the Conference Officer for Legal and Constitutional Practice, the Revds Jennifer M Dyer and Julian M Pursehouse, Miss Elizabeth H Ovey and Mr David S Walton (Chair).

***RESOLUTION

14/1. The Conference receives the General Report.

SECTION B MINOR AMENDMENTS TO CPD

As usual the Committee submits a list of corrections to *The Constitutional Practice and Discipline of the Methodist Church* consequent upon decisions already taken by the Conference, or to remedy minor errors and omissions.

***RESOLUTION

14/2. The Conference, by way of minor and consequential corrections, amends Standing Orders as follows:

210 Methodist Council

(2) (b) The persons appointed under heads (iii), ~~and (vi),~~ **(vii) and** ~~to~~ (ix) of clause (1) above shall each be nominated for a period of four years by the body concerned.

(bA) The persons appointed under head (viii) of clause (1) above shall each be nominated for a period of two years by the Methodist Children and Youth Assembly

1131 (5) (iv) if the respondent **does not fall within any of the preceding heads** ~~is a member or office-holder who does not fall within any of the preceding paragraphs,~~ the committee must include three such **lay** members.

14. Committee on Methodist Law and Polity (1)

SECTION C ONWARDS FROM THE SUPREME COURT

Report

The Committee has given further attention to the amendments to Standing Orders 700(2) and 701(2) adopted by resolution 9/6 of the 2017 Conference (Agenda page 83, Daily Record 5/20/3), to come into effect upon confirmation of resolution 9/5 amending the Deed of Union. After considering some views received from Counsel the Committee has decided, if 2017 resolution 9/5 is confirmed, to bring a resolution amending resolution 9/6 under Standing Order 132(25A) on the ground that the amended form of resolution 9/6 will better achieve the intention of the Conference. If the amending resolution is not passed, resolution 9/6 will automatically take effect in the form in which it was passed by the 2017 Conference upon the confirmation of resolution 9/5. (If resolution 9/5 is not confirmed, resolution 9/6 will not take effect and so the Committee will not move the amending resolution.) In the interests of clarity the clauses in question are printed below with the current wording in ordinary roman type, the 2017 amendments in bold italic and the further amendments now proposed in strikethrough and underlined bold italic.

Amendments to Standing Orders

Standing Order 700

(2) By receiving persons into Full Connexion as Methodist presbyters the Conference enters into a covenant relationship with them in which they are held accountable by the Church in respect of their ministry and Christian discipleship, and are accounted for by the Church in respect of their deployment and the support they require for their ministry. ***That covenant relationship arises within their existing relationship with the Church as members, which continues, and neither entry into it nor service within it has ever created or is intended to create, or does create, a contract or other legal contractual relations.***

Standing Order 701

(2) By receiving persons into Full Connexion as Methodist deacons the Conference enters into a covenant relationship with them in which they are held accountable by the Church in respect of their diaconal ministry and Christian discipleship, and are accounted for by the Church in respect of their deployment and the support they require for their ministry. ***That covenant relationship arises within their existing relationship with the Church as members, which continues, and neither entry into it nor service within it has ever created or is intended to create, or does create, a contract or other legal contractual relations.***

***RESOLUTION

14/3. The Conference receives the Report.

14/4. The Conference amends resolution 9/6 as adopted by the 2017 Conference so that the amendments to Standing Orders 700 and 701 for which it provides are in the form set out above.

SECTION D THE WESLEY TRUST AND SCHOOLS COMMITTEE

Report

The 2017 Conference directed the Law and Polity Committee to consider whether amendments were required to Standing Orders following the establishment of the Methodist Schools Committee and development of the Wesley Trust as the multi-academy provider for Methodist primary schools that choose to convert to an academy.

A new Standing Order is proposed to recognise the establishment of the Wesley Trust and the Conference's right to appoint the directors.

The Law and Polity Committee does not consider it necessary to make any amendments to Standing Order 342 this year given that the role of the Methodist Council in overseeing Methodist state funded schools has not changed. The role of the Methodist Academies and Schools Trust and the Wesley Trust will be clarified within a footnote to SO 342.

A new Standing Order is also proposed for the establishment of the Schools Committee as set out below.

Amendment to Standing Orders

243 The Wesley Trust

The Methodist Conference shall exercise its powers contained in the articles of the Wesley Trust. Under the articles the Conference appoints up to twelve directors nominated by the members of the company.

343A Methodist Schools Committee

The Methodist Council shall annually appoint the Methodist Schools Committee which shall:

- (i) encourage collaboration and the sharing of resources between all the bodies***

14. Committee on Methodist Law and Polity (1)

responsible for undertaking the Council's responsibilities under Standing Orders 342 and 343;

- (ii) encourage the development of all the above bodies' and Methodist schools' understanding of the Methodist ethos;***
- (iii) report annually to the Methodist Conference through the Methodist Council on behalf of all the bodies responsible for undertaking the Council's responsibilities in respect of schools.***

*****RESOLUTIONS**

14/5. The Conference receives the Report.

14/6. The Conference adopts Standing Orders 243A and 343A as set out in the Report.

SECTION E PROPERTY DEVELOPMENT COMMITTEE

Report

The Methodist Council established and adopted terms of reference for the Property Development Committee in April 2016 (amending the terms of reference in October 2016). The Law and Polity Committee therefore proposes a new Section to *The Constitutional Practice and Discipline of the Methodist Church* with Standing Orders for the Property Development Committee.

*****RESOLUTIONS**

14/7. The Conference receives the Report.

14/8. The Conference adopts Standing Order 990, 991 and 992 as follows:

Section 99 Property Development Committee

990 Status and Purposes. (1) The Methodist Council shall annually appoint a Property Development Committee, which shall report to the council through its Strategy and Resources Committee.

(2) The committee shall work collaboratively with the council and the Strategy and

14. Committee on Methodist Law and Polity (1)

Resources Committee in developing, maintaining and implementing a connexional property strategy, that is to say a strategy for the use and, where appropriate, the disposal of Methodist land and for the use of the proceeds of such disposals. In this Section the word 'property' is used in that context.

(3) The connexional property strategy shall express the mission imperative of the Methodist Church and ensure that its property resources are used so as to give maximum effect to their value and to missional opportunities.

991 Terms of Reference. (1) In furtherance of the purposes set out in Standing Order 990 the committee shall:

- (i) develop and propose to the council policies for the use of Methodist property;**
- (ii) exercise such trustee or managing trustee responsibilities as may be delegated to it by the council;**
- (iii) identify funding sources for the development of Methodist property from across the range of Methodist investments and financial resources and from external sources;**
- (iv) review the terms of all agreements proposed or reached between the council and any person, body or institution for the use and development of property and monitor the fulfilment of those terms;**
- (v) review and monitor the use of all property held by bodies reporting to the council, advising the council on the effectiveness of current and proposed uses of property held by such bodies;**
- (vi) be alert to ecumenical, multi-partner opportunities for property development;**
- (vii) provide advice to any Methodist trustees who request it regarding any proposed development, disposal or mortgage of trust property;**
- (viii) undertake such other tasks as the council may delegate to it in respect of property and the financial management of property.**

(2) The consent of the Strategy and Resources Committee shall be required for the disposal or mortgage of any Model Trust property for which the Property Development Committee has any delegated managing trustee responsibilities.

(3) The committee shall make an annual report to the Strategy and Resources Committee on all financial matters relating to property for which the Property Development Committee has any delegated managing trustee responsibilities.

992 Membership. (1) The voting members of the committee shall comprise up to fourteen persons, namely:

- (i) a chairperson, who shall be a member of the Methodist Church;**
- (ii) a connexional treasurer, chosen by the connexional treasurers;**

14. Committee on Methodist Law and Polity (1)

(iii) the Secretary of the Conference, or his or her delegate appointed under Standing Order 114(1E);

(iv) three district Property Secretaries;

(v) a representative of the Board of the Trustees for Methodist Church Purposes;

(vi) up to seven others.

(2) The persons appointed under heads (iv) and (vi) of clause (1) above shall include persons who together have expertise in at least the following areas: mission and evangelisation, surveying, property management, conservation architecture, funding of property developments, legal issues relating to property and planning.

(3) Subject to any phasing in at the outset and to any departure from loss of eligibility initial appointments under heads (i), (iv), (v) and (vi) of clause (1) above shall be for a period of three years, with power to re-appoint once for a further period of up to three years.

(4) The council, in making appointments to the committee, and the committee, in bringing any nominations to the council, shall have regard to the considerations set out in Standing Order 203(4).

(5) The conference officer for legal and constitutional practice and a member of the staff of the Trustees for Methodist Church Purposes shall attend as advisers.

(6) The committee shall be convened by a member of the Connexional Team responsible for property, who shall be a non-voting member

SECTION F

JOINT ADVISORY COMMITTEE ON THE ETHICS OF INVESTMENT

Report

The Conference annually receives a report from the Joint Advisory Committee on the Ethics of Investment. It has been noted that this committee is not established within Standing Orders and the Law and Polity Committee has therefore been working with the Committee in order to bring the proposed Standing Order set out below.

231A Joint Advisory Committee on the Ethics of Investment

(1) There shall be a Joint Advisory Committee on the Ethics of Investment, appointed annually in accordance with clause (2) below.

(2) The committee shall consist of eleven persons and shall comprise:

14. Committee on Methodist Law and Polity (1)

- (i) a chair appointed by the Methodist Council, who shall be a Chair of District;*
- (ii) five other persons appointed by the Methodist Council;*
- (iii) five persons appointed by the Central Finance Board.*

(3) The committee shall meet as frequently as need be, but in any event at least once a year.

(4) The committee shall be responsible for advising the Central Finance Board on ethical aspects of its investments and proposed investments and shall report annually to the Conference.

*****RESOLUTION**

14/9. The Conference receives the Report.

14/10. The Conference adopts Standing Order 231A as set out in this Report.

SECTION G

PAST CASES REVIEW – RECORD AND MONITORING - PART 11

Report

The Conference will recall that the Past Cases Review report recommended that a system be established to monitor the implementation of decisions of Discipline Committees (and where appropriate Complaints Teams) and that their implementation be recorded. The Law and Polity Committee along with the Complaints and Discipline subcommittee has discussed this recommendation at some length over the past three years. Discipline Committees are relatively rare and the responsibility for implementing the decisions rest with the relevant District Chair, Superintendent and depending on the circumstances, the officers of the Conference.

Complaints Teams are appointed more frequently, but the only courses of action open to a Complaints Team under Standing Order 1124 that are capable of being monitored as to their implementation are rulings, advice and directions. Other courses open to a Team are referrals to alternative procedures or for charges to be heard by a Discipline Committee. It is for the resulting committee or other relevant person or body to monitor implementation of the outcome of alternative procedures or a referral for charges, if implementation is required. The officers of the Conference have a role in ensuring that the referrals made by a Complaints Team to an alternative procedure are made and dealt with according to Standing Orders.

When rulings or directions are made or advice is given, it has to be for the relevant District Chair or Superintendent and the parties themselves to monitor implementation. Any of them

14. Committee on Methodist Law and Polity (1)

could bring a further complaint if a decision of a Complaints Team is not implemented or followed.

The report of a Complaints Team is already given to the local complaints officer where rulings, advice or directions are made or given under SO 1124(16)(a). The relevant District Chair and Superintendent are informed of a decision by a Complaints Team and at every stage of the complaints and discipline process under SO 1104(8). The Complaints and Discipline sub-committee has noted that it might assist District Chairs and Superintendents in seeking to implement and thereafter monitor decisions of a Complaints Team if they are consulted at the time the Complaints Team is considering the course to follow under Standing Order 1124. A proposed amendment to Standing Order 1124(12) to provide for this is set out below. This amendment should help to ensure that the advice, ruling or direction by a Complaints Team is feasible for the relevant District Chair or Superintendent to implement and monitor. It is therefore proposed that SO 1124(12) is amended to include consultation with the District Chair and Superintendent.

Amendment to Standing Order

1124 (12) Any ruling made, **directions given** or advice issued by the complaints team must be formulated in consultation with the relevant connexional Team member **and the relevant District Chair and Superintendent**. The complaints team may also direct that such public notice is given of the **direction**, ruling or advice as the team considers appropriate and helpful.

*****RESOLUTIONS**

14/11. The Conference receives the Report.

14/12 The Conference amends SO 1124(12) as set out in the Report.