

PRESBYTERIAN CHURCH IN IRELAND

GUIDELINES FOR LICENSING THE USE, BY BODIES OTHER THAN THE PRESBYTERIAN CHURCH IN IRELAND, OF CHURCH HALLS AND OTHER PROPERTIES USED FOR DIRECT MISSION OR MINISTRY PURPOSES

1. The Church recognises that it can be desirable that congregations make their premises available for use by bodies other than the congregation itself, or by individuals other than the members of the congregation. This may be as part of the wider ministry of the Church to the local community, or to allow congregations to use their premises to augment the income of the congregation.
2. Before making church premises available to any person or body who is not known to the Kirk Session, the Kirk Session should satisfy itself that such person (or body) is a fit and proper person (or body) to use church property and will not engage in any activity which could result in reputational damage to the congregation or the Presbyterian Church in Ireland in general.
3. The method to make premises available to others is by a **Licence**, in which the congregation as **Licensor** permits a body or person, the **Licensee**, to use the premises. If the Licence is for the use of the premises on a single occasion, it should specify the particular day and time on and during which the premises may be used by the Licensee. If the Licence is for a recurring use, it should contain a provision for the termination of the Licence by one month's notice, and should not be completely open-ended.
4. Where the Licence is for a recurring use, the Congregational Committee should review the Licence annually to ensure that its terms (for example, as to the amount of the licence fee payable by the Licensee) and conditions are appropriate. If the Congregational Committee concludes that the terms of the Licence are no longer appropriate, it should terminate the Licence and enter into a fresh licence with appropriate terms and conditions.
5. Any License for a recurring use should provide for the right of the congregation to suspend the Licence on any particular day or days should the congregation need the premises for the use by the congregation itself or by one of its members.¹
6. These Guidelines make no recommendation as to the amount of Licence fee which a congregation should charge for the use of its premises. This is a matter for the individual congregation.
7. A Licence must be in writing.²
8. Specimen Licences for single and recurring use, containing the relevant clauses which are considered appropriate are provided with these Guidelines. These templates are not prescribed. A congregation is free to use its own templates, but if it does it must obtain legal advice on the form of Licence which it proposes to use, and the Licence must conform to these Guidelines.
9. Each congregation shall have in place a statement of its Equality Policy for licensing the use of its premises. A recommended draft of such policy is attached hereto.

¹ For example, the Church Hall may be needed for funeral catering on a particular day covered by the Licence.

² It is recognised that it is not appropriate to ask a member of the congregation who requests the use of congregational premises for catering after a funeral, or a baptism, or a wedding, to enter into a formal written licence agreement, provided such member acknowledges the proscribed uses contained in paragraph 12.

10. Subject to the overriding principle that the premises of a congregation must not be used for any purpose which would compromise the Christian ethos and the doctrine and testimony of the Church, a congregation which proposes to license outside bodies to use its premises must not engage in unlawful discrimination and shall act in accordance with its Equality Policy.
11. In order to seek to avail of the protection afforded by the Fair Employment & Treatment Order 1998 (Northern Ireland) against allegations of discrimination on the ground of political opinion, congregations must not use the services of an estate agent to seek potential licensees and must not publish any advertisement of the availability of the premises for licensing.
12. Congregational premises must not be used for the following purposes:
 - 12.1 The sale and/or consumption of alcoholic liquor on the Premises;
 - 12.2 The sale and/or use of any illegal or mind altering substance on the Premises;
 - 12.3 The raising of money on the Premises by ballot, raffle, lottery, or any similar activity which involves any form of betting or gambling;
 - 12.4 Any inappropriate secular use on a Sunday;
 - 12.5 The holding of any meeting organised by a Political Party, for party political purposes;
 - 12.6 The conduct of any ceremony of any nature for same-sex couples involved in either a civil partnership or civil same-sex marriage or the holding of any event to celebrate such civil partnership or civil same-sex marriage;
 - 12.7 Any event or activity the purpose of which is advocating or promoting a course of action or belief system which is contrary to the doctrine and testimony of the Presbyterian Church in Ireland;and all Licences shall contain express provision prohibiting the use of congregational premises for the foregoing purposes.
13. If congregational premises are to be used, either by the congregation itself, or by a Licensee, for the provision of entertainment for which an admission charge is made, the congregation must ensure that the particular hall or rooms at which the entertainment is to take place enjoys an entertainment licence from the district council in which the congregational premises are situated.³ If there is any doubt over whether an entertainment licence is required, the district council for the area in which the congregational premises are situated should be consulted.
14. Congregations seeking to license the use of their premises should ensure that their fire/property damage insurance policies and their public liability insurance policies permit them to do so without invalidating those policies.

³ This clearly applies where entry to the entertainment is by ticket sold for a fixed price. Rather more difficult is the case where those attending are asked to make a “voluntary contribution”. If those attending are asked to make a “voluntary contribution” of a recommended amount, this could be construed as an admission charge, particularly if the so-called “voluntary contribution” is collected on entry. In such event, the better advice is to ensure that there is an entertainment licence. If a voluntary contribution, with no recommended amount, is sought as on a retiring basis, that would probably not be regarded as an admission charge