**Rights and Responsibilities**

**Occupier’s Responsibility:**

Incumbents are the legal owners of their parsonage house and all stipendiary clergy and licensed lay workers normally reside in Church-owned housing as part of their terms of service. The entitlement to housing is a general one and it is left to each Diocese to set out detailed arrangements in documents such as this Guide. Occasionally a house is left for the next residents in a poor state and this generally causes extra costs and inconvenience, so this section sets out your responsibilities very clearly to avoid confusion. In general, the legal situation is set out in the Repair of Benefice Buildings Measure 1972.

In the words of the Measure, your responsibility as occupier (or as a resident living in accommodation provided as part of your terms of service) is “equivalent to that of a tenant”.

The aim of the DBF is to make the best possible use of the limited funds at its disposal to ensure that properties are as well maintained, as comfortable and as economical to run as can reasonably be achieved within its budgetary limitations. This can only be achieved with your co- operation.

• ***Moving In***

It is essential that a new occupier arranges to take over responsibility for the gas, electricity and telephone charges on the day of moving in with meter readings having been taken as appropriate and passed on to the Diocesan Property Team so that any bills that cross over with your arrival can be dealt with. Details of the suppliers should be obtained from the Churchwardens or whoever has had care of the property while it has been vacant. It should be noted that, although a telephone line is normally available, the occupier is responsible for the line rental and any other charges in connection with the phone installation. The Diocese does not provide additional lines, points or equipment for fax machines, internet lines etc.

Council tax and water rates are paid for by the diocese therefore any bills received must be forwarded on to the Diocesan Property Team at the diocese for payment as soon as received.

•***Insurance***

Parsonage houses are insured under a block policy with the Ecclesiastical Insurance Group (EIG) but it should be noted that this cover extends to the bricks and mortar only and does not include cover for contents which is the responsibility of the occupier. If the property is to be left unoccupied for more than thirty days reference must be made to the Property Secretary as the EIG may delete certain insured perils after this time.

• ***Internal decoration***

The internal decorative state of the property will be reported upon when the Diocesan Surveyor carries out the Quinquennial inspection and any remedial action necessary will be discussed by the DBF when the report is tabled. Where necessary hall, stairs, landing, downstairs WC and study will be undertaken and paid for in full by the DBF subject to competitive tenders and available finances.

It is advised that the Incumbent undertakes a rolling programme of internal re-decoration to ensure that when leaving the property it is returned in a similar condition to that which it was when taking up occupation.

* *Fittings, floors and windows etc*. - should be kept clean and in good decorative order. The routine maintenance and oiling of wood block (parquet) flooring is the responsibility of the Incumbent.
* *Appliances* - The Diocese does not provide domestic appliances (refrigerators, freezers, washing machines, tumble driers, cookers etc). However, there may be occasions where previous occupants leave such items for the benefit of their successors. In such cases incoming occupants are free to use or dispose of the items as they wish but it is their responsibility to ensure that such items are safe and fit for use. Additionally, should such items become defective or beyond economical repair then repair or replacement is the responsibility of the occupant and will not be funded by the Diocese. Where built in appliances exist as an integral part of a fitted kitchen, responsibility for replacement will rest with the Diocese.

• ***External Responsibilities***

* *Drains (Foul) / Septic tanks* - Many of our rural Vicarages will be connected to a septic tank rather than mains drainage. These systems work by storing solid waste and allowing liquid waste to percolate into the ground via a system of soakaway pipework.

Routine emptying of the system will be required and the frequency will depend very much upon the size of the tank and the number of occupants in the household. As a guide the tank will require the solids removed on an annual basis as this will help with the maintenance of the system and prevent the soakaways from becoming blocked. Arrangements for emptying should be made by the occupier at the appropriate time although the charge will be paid by The Diocese.

Please be careful not to dispose of fats, grease, oil, disinfectants, paints or white spirit into the system, these products destroy the beneficial bacteria within the tank that help to break down solids.

Care should also be taken not to flush away nappies, sanitary products, paper towels or coffee grounds as these will block the system.

Please don’t lift the cover to your tank as the gases can be hazardous to health. If you have concerns about the performance of your septic tank or need to arrange a maintenance visit please contact the Diocesan Surveyor for further advice.

* *Storm drains, gutters and down pipes* - Occupiers are expected to make arrangements to ensure that all rainwater and gutter systems are cleaned annually to prevent water ingress into the building. Rainwater goods will be checked as part of Quinquennial and Ingoing Works and where necessary cleaned through and arranged by the Diocesan Property Team. The clearance of gutters will inevitably require safe working at height and occupiers are encouraged to engage appropriately qualified contractors to undertake this work on their behalf. Window cleaners will offer gutter clearance as a service and it would be appreciated if Clergy took advantage of this service and arranged an annual clearance where the service is offered. Where this is not the case the incumbent should arrange an appropriate contractor to deal with gutter clearance. Where repair or replacement guttering is required the DBF will take responsibility and this should be arranged through the Diocesan Property Team.
* *Air bricks / damp course* - It is essential to ensure that no earth is blocking any airbricks and that no earth is above the damp course. Walls should be kept free of earth to a depth of about 9” (225 mm) below ground floor level or 6” (150 mm) below the damp course.
* *Gates* - Occupiers are requested to ensure that entrance gates are kept free from undergrowth and clear of the ground. This helps to prevent rot developing within the lower timber members of the gate.
* *Drives, parking areas, and hard paved areas* - Weeds should be removed and drains kept clear of earth, leaves and other obstructions. Undertaking this work helps to prevent the deterioration of the surrounding surfacing.
* *Gardens / Trees* - The immediate garden and all land associated with the property should be well maintained throughout the year with grass cut and paths and drives kept free of weeds and moss.

Large specimen trees are inspected and maintained by The Diocese at the Quinquennial survey. Smaller trees, shrubs and hedges are deemed to form part of the garden for which the Occupier is responsible. If the garden has suffered from neglect it is your responsibility, before leaving, to engage a contractor at your expense to ensure that it is returned in a well maintained condition.

Vegetation such as ivy should be kept off the face of the building and if clematis and the like are to be grown they should always be kept clear of gutters and soffits and certainly NOT allowed to encroach under the eaves of the roof.

* ***Livestock***

Permission should be sought from the Property Department before keeping livestock, for example chickens. Upon vacation, any damage caused by keeping livestock should be made good and the house and garden left in a similar condition as when it was occupied. The keeping of livestock shall be strictly in accordance with the relevant guidelines set out by DEFRA.

* ***Rights of way***

If an occupier permits parishioners to use a short cut across the parsonage garden between the village and the church it is imperative that this informal short cut does not become an established right of way. There is no objection in principle to allowing certain specified persons across parsonage property, providing one or both of the following steps are implemented in order to prevent a legal right of way being established:

* A gate or simple lockable barrier must be erected at each end of the footpath in question and these gates or barriers should be closed and locked for at least one day in every year. Where access on to a footpath is by means of a stile then some means should be devised to prevent access over the stile for that one day.
* In addition to a barrier it would be wise to erect a clear notice at both ends of the footpath simply stating “THIS IS NOT A PUBLIC RIGHT OF WAY”.

Where an incumbent/occupier wishes to permit specified persons to cross parsonage property, then these precautions must be taken and the Board of Finance cannot undertake to

bear any of the costs incurred. The same precautions must be undertaken for all existing informal accesses and short cuts and it should not be necessary to incur any significant expense in erecting simple barriers as described above.

A public right of way becomes established if it is used by the public without hindrance over a period of 20 years. Forcible or secret access by the public does not establish a public right of way.

**Occupier’s responsibilities at the end of occupation:**

Clergy are required to vacate the house within one month of vacating office. In exceptional circumstance this can be extended by a further month by request to the Archdeacon, providing it does not compromise plans for the property. Extensions beyond the second month will be on a commercial let basis provided that doing so does not compromise plans for the property. The third month will be charged at 80% the commercial rate plus council tax and water rates increasing to 100% thereafter. Any stay beyond the initial one month grace must be supported by a Licence to Occupy setting out the terms agreed.

The DBF has adopted a policy to let all empty properties during a vacancy where time permits (AST for 6 months minimum). This is in order to generate income to assist with the maintenance of the property and to reduce any impact on the parish offer.

Please be reassured that this process is no way intended to slow or act as counter to the wish to fill the vacancy in the future. This is the usual practice in a vacancy, which we only rarely depart from (for example, if for some reason the vacancy is expected to be much shorter than usual).

There will naturally be a short period where the property is left empty whilst we look for suitable tenants or time does not permit to let for 6 months. It is therefore imperative that the properties are visited once a week inside and out from a safety and security point of view. The Diocesan Property Team would therefore be grateful for your assistance with the following to ensure that properties are ready for immediate letting upon your departure: -

* ***Internal***

The property should be left clean and tidy and free from any rubbish or unwanted furniture or possessions. Occupants should take with them or arrange removal / disposal of all owned movable fittings. Wood burners to remain. If any occupant owned fixtures and fittings are removed they should be replaced. Any non-standard light fittings installed by the occupier should be replaced by a simple rose and pendant.

Basic decorations should be made good in readiness for the next occupant. Any personalised colour scheme should be returned to a neutral colour. Windows should be cleaned inside and out.

* ***Utilities***

The meters at the property should be read on the day of your departure and given to the utility supplier servicing the property for a final bill to be issued. You should also notify the supplier that future bills beyond your departure should be forwarded to the Hereford Diocese during the vacant period.

* ***Central heating***

The central heating system and hot water cylinder should only be drained down where a property is to be disposed of. In all other cases it is preferable to leave the heating on a low setting (10 degrees) or intermittently on a timer to reduce the risk of damage from extreme frost. Where systems are oil fired, the oil tank should be checked to ensure levels are maintained.

Where levels are low contact should be made with the Diocesan Property Team for a minimum delivery (500 litres) to be arranged. Tanks should not be allowed to run dry.

* ***Telephones***

The domestic line should be disconnected. Diocesan policy is that the line should be cancelled unless a) you wish to take the entire service to your new address or b) the parish feel strongly about retaining the number at their own cost. It is advised that you discuss this with the parish and make the necessary arrangements. To retain the number seek advice from your telephone provider as how best to do this. It may be advised that a call redirection / forwarding can be applied but the line deactivated and the number retained, but please seek advice as this may not work in all cases. Your telephone line may already be owned by the PCC therefore no action is required. If a Business line exists this should remain connected during the interregnum with a message to forward calls. The parish to remain responsible for this line/costs.

* ***Security of the building / Insurance***

Please ensure that the property is secure to protect against unwanted intruders—all doors and windows should be locked and, if possible, curtains should be fitted to the front windows. We recommend the installation of a time-switch so that lights come on and off at night.

All Diocesan housing is covered by EIG Insurance and in order to comply with this policy the following must apply:

* All locks, bolts and other protective devices being put into operation
* Weekly internal and external inspections of the building are made
* Water is turned off at the mains and the heating system drained down during the months of October to March, unless there is an automatic central heating system in constant operation involving the water supply and set at a minimum temperature of 10 degrees

Incumbents to make arrangements for the weekly inspection of properties during extended periods of absence in order to satisfy the requirements of EIG.

Any items of repair or maintenance reported to the Diocesan Property Team. It is also a good idea to open and close curtains regularly to make the house look occupied.

* ***Garden***

The garden should be left in a tidy condition with lawns mown, shrubs, hedges and beds cut back; paths, drives and all hard-standing areas maintained and freed from weeds and moss. Where appropriate we would encourage you to work you’re your parish to form a working party to assist where gardens are quite large. We appreciate that this is not always possible therefore reasonable costs for a gardener to be instructed can be reimbursed from the central Sequestration Account, with the Archdeacon’s prior authorisation.

* ***Keys***

The property should be handed over with vacant possession and therefore all members of the family and anyone else living there should be fully prepared to move out on the same day. All keys to the property (including out buildings where appropriate) should be deposited with the letting agent or with a nominated churchwarden for collection by the letting agent. On occasions where the house is to remain empty keys should be handed into the Diocesan Office with one key being left with a nominated churchwarden / member of the PCC to enable access to the property whilst it is empty for checking post and the security of the building etc.

Please ensure that all window keys are left on the sills of those windows they relate to. Any missing keys must be replaced at the cost of the outgoing incumbent.

* ***Parish Office***

Where the parish office is based within the property we would ask that you inform the parish / parishes you work with that they will be required to find an alternative permanent base. The new incumbent may not be happy with this arrangement and properties that are required to be let in the short term cannot be marketed until completely empty. Unauthorised access to the house during a tenancy is forbidden as the occupant has the right to enjoy total privacy during their stay. All keys therefore held within the parish should be deposited with either the Letting Agent or the Diocesan Property Team.