

- SUMMARY OF MAIN PROVISIONS OF DRAFT SCHEME (NOT PART OF THE DRAFT SCHEME)
- *This draft Scheme provides for:*
- *the union of the benefice of Marton-in-Cleveland and the benefice of Saint Agnes, Middlesbrough and their constituent parishes in the diocese of York;*
- *for the selection of the first incumbent of the new benefice;*
- *for his parsonage house to be that of the benefice of Marton in Cleveland;*
- *for the transfer of the parsonage house of the benefice of Saint Agnes, Middlesbrough to the York Diocesan Board of Finance for diocesan purposes;*
- *for the future patronage arrangements for the new benefice; and*
- *for the church of Saint Agnes, Middlesbrough to be closed for regular public worship and be demolished, the site vested in the York DBF for disposal.*

DRAFT

PASTORAL CHURCH BUILDINGS SCHEME

This Scheme is made by the Church Commissioners (“the Commissioners”) this day of 20 in pursuance of the Mission and Pastoral Measure 2011, the Most Reverend and Right Honourable Stephen, Archbishop of York, having consented thereto.

PART I

Union of benefices and parishes

1. (1) The benefice of Marton in Cleveland and the benefice of Saint Agnes, Middlesbrough in the diocese of York shall be united to create a new benefice which shall be named “The Benefice of Marton-in-Cleveland with Easterside”.

(2) The parish of Marton in Cleveland and the parish of Saint Agnes, Middlesbrough in the said diocese shall also be united to create a new parish which shall be named “The Parish of Marton-in-Cleveland with Easterside” and shall comprise the area of the new benefice.

Parish church

2. The church of Saint Cuthbert, being the parish church of the parish of Marton in Cleveland, shall be the parish church of the new parish.

Archdeaconry and deanery

3. The new benefice and parish shall belong to the archdeaconry of Cleveland and the deanery of Middlesbrough.

Selection of first incumbent

4. The first incumbent of the new benefice may be selected by the Archbishop of York after consultations with the patrons and the parochial church council of the parish of the new benefice.

Assistant curates: consequential provision

5. (1) If immediately before this Scheme comes into operation the Reverend Claire Dianne Todd and/or the Reverend Samuel Michael Tyndall hold the office of

assistant curate (however described) in either of the benefices referred to in clause 1 hereof she, he or they shall, in consequence of the union of benefices effected by the scheme hold that office (or those offices) subject to the same terms of service in the new benefice.

(2) If immediately before this Scheme comes into operation any other person holds an office of assistant curate (however described) in either of the benefices referred to in clause 1(1) hereof he, she or they shall, in consequence of the union of benefices effected by the Scheme, hold such office or offices subject to the same terms of service in the new benefice.

Place of residence

6. The parsonage house of the benefice of Marton in Cleveland (known as Saint Cuthbert's Vicarage, Stokesley Road, Marton in Cleveland, Middlesbrough TS7 8JU) shall be the place of residence of the incumbent of the new benefice.

Transfer of parsonage house

7. The parsonage house of the benefice of Saint Agnes, Middlesbrough (known as Saint Agnes Vicarage, 1 Broughton Avenue, Easterside, Middlesbrough TS4 3PX) shall be transferred to the York Diocesan Board of Finance ("the Board") for diocesan purposes.

Patronage

8. The patronage of the new benefice shall be vested in the Archbishop of York in his corporate capacity.

PART II

Declaration of closure for regular public worship

9. (1) The church of Saint Agnes ("the building") being the parish church of the parish of Saint Agnes, Middlesbrough in the said diocese, shall be declared closed for regular public worship by this Scheme.

(2) The marriage register books appertaining to the said church shall be dealt with in accordance with section 62 of the Marriage Act 1949 and, subject to any provisions of the Parochial Registers and Records Measure 1978 that apply thereto and any directions thereunder, any other register books and records of that church which remain in parochial custody shall be dealt with as the Archbishop shall direct.

Demolition of the Building

10. The Board shall demolish the building and shall dispose of the materials arising from the demolition.

Disposal of the site

11. The Board is hereby empowered to sell, give, exchange or lease the site of the building, shown edged in red on the attached plan.

Contents

12. The contents of the building shall be disposed of as the Archbishop shall direct.

PART III

Coming into operation of this Scheme

13. Parts I and II of this Scheme shall come into operation upon such date or dates as the Commissioners, after consultation with the Archbishop, shall determine.

14. Part III of this Scheme shall come into operation on the date on which it is made.

15. The Commissioners shall not be obliged to bring the Scheme or any part thereof into operation until such time as the terms of the disposal have been approved by them but may do so if they so determine.

In witness of which this Scheme has been duly executed as a deed by the Church Commissioners.

SIGNED by the Most Reverend and)

Right Honourable Stephen,)

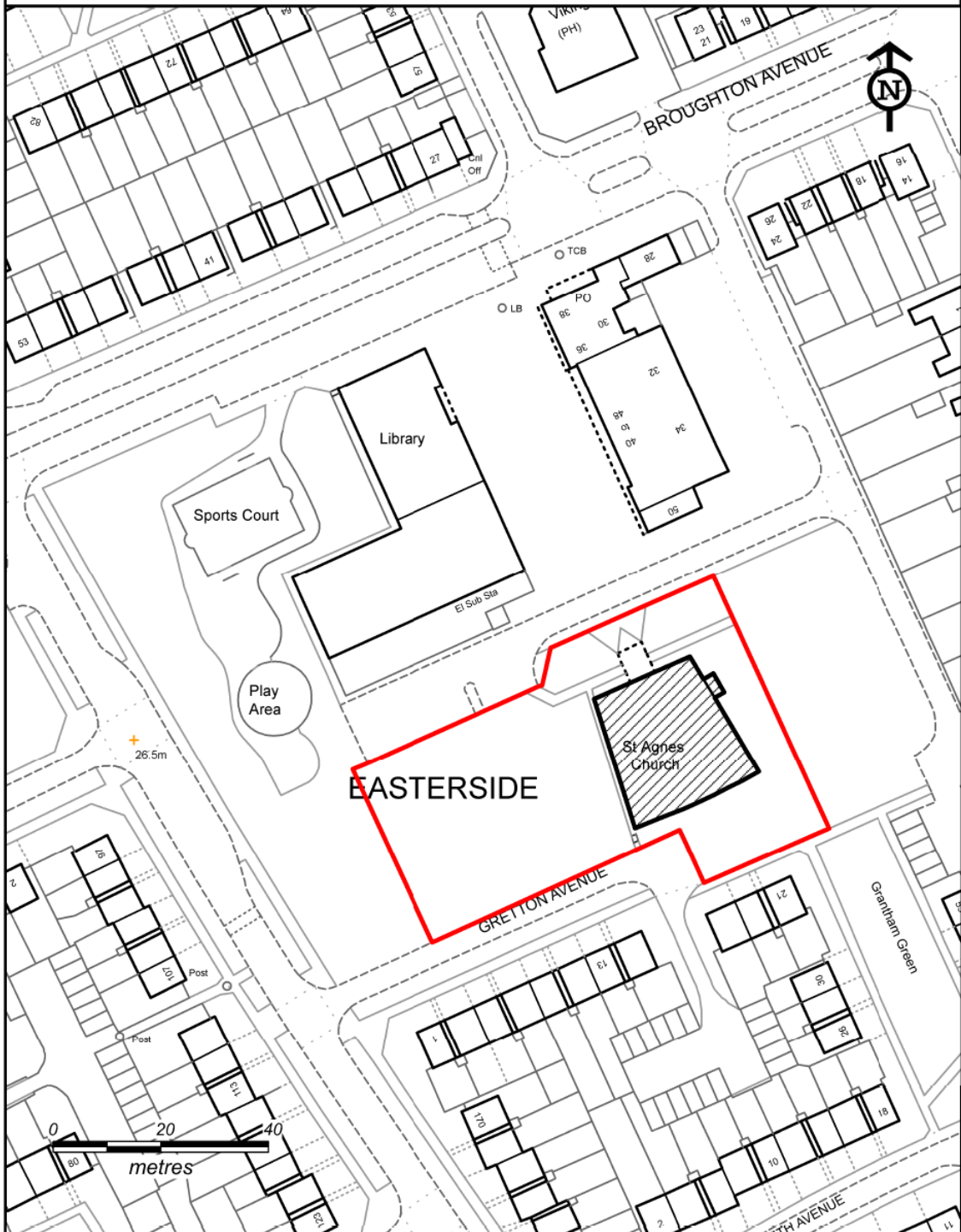
Archbishop of York)

Executed as a Deed by the Church Commissioners for England
acting by two authorised signatories:

Signature of Authorised Signatory

Signature of Authorised Signatory

MIDDLESBROUGH ST AGNES



Drawn by g.odonnell	Scale 1:1000 at A4	Date 27/05/2020
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 THE CHURCH
OF ENGLAND

CHURCH
COMMISSIONERS

James Davidson-Brett
Pastoral Case Advisor

17/8/2020

Mission and Pastoral Measure 2011
Diocese of York
The benefice of Marton in Cleveland and the benefice of Saint Agnes,
Middlesbrough

The Archbishop has asked us to prepare a draft Pastoral Church Buildings Scheme in respect of pastoral proposals affecting these benefices.

I attach a copy of the draft Scheme. I am sending a copy to all the statutory interested parties, as the Mission and Pastoral Measure requires, and any others with an interest in the proposals.

Anyone may make representations **for** or **against** all or any part or parts of the draft Scheme (please include the reasons for your views) preferably by email or by post to reach me no later than midnight on **19 October 2020**. If we have not acknowledged receipt of your representation before this date, please ring or e-mail me to ensure it has been received. For administrative purposes, a petition will be classed as a single representation and we will only correspond with the sender of the petition, if known, or otherwise the first signatory for whom we can identify an address – “the primary petitioner”.

If we do not receive representations against the draft Scheme, we will make the Scheme and it will come into effect as it provides. A copy of the completed Scheme will be sent to you together with a note of its effective date.

If we receive any representations against the draft Scheme, we will send them, and any representations supporting the draft Scheme, to the Archbishop whose views will be sought. Individual representors and the primary petitioner will then receive copies of our correspondence with the Archbishop (including copies of all the representations). They and individual petitioners may comment further. Copies of all of the representations received and associated correspondence will normally be published on the Commissioners' website if the matter needs to be considered by us.

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Direct line 01403 581025 Email: james.davidson-brett@churchofengland.org
DX: 148403 Westminster 5
Website: www.ccpastoral.org

The Church Commissioners are a registered charity (number 1140097)

Those making representations should indicate whether they would like an opportunity to speak to the Commissioners regarding their representations in the event the Commissioners decide a hearing should be held. Meetings are normally held at Church House, Westminster, but during the current circumstances they may need to be held virtually via 'Zoom'. If a hearing is held, we will let you know the arrangements for attending (in person or virtually) and details will also appear on our website. Otherwise, if a hearing is not to be held, the case will be considered in private and you will be informed accordingly.

When we acknowledge representations we will let individual representors (and the primary petitioner) know the next few dates of our Committee's meetings. We will confirm the actual date of any hearing nearer the time. The Commissioners will decide if the draft Scheme should proceed when they consider all the representations on the basis of a paper prepared by their staff and any points raised at the meeting. If the Commissioners do so decide, any representor or petitioner against the draft Scheme may seek leave from the Privy Council to appeal against the decision.

You will be informed of the Commissioners' decision and the reasons for it.

Please see www.churchofengland.org/consultation for further information about the procedure.

PCC Secretaries, incumbents/priests-in-charge/rural deans, persons taking services during the Notice Period and local planning authorities should refer to the relevant notes below for important additional information concerning them.

James Davidson-Brett
Case Officer

Notes

1. PCC Secretaries

The draft Scheme is sent to you to ensure that the PCC as a body is able to make a representation on the draft if it wishes.

PCC Secretaries are required to:

- i) print and display the Notice(s) ***(to avoid spread of Covid-19, please display single-sided)*** at or near the main door of both parish churches.
- ii) make arrangements for the Announcement (see 2. below) to be made at as many services as possible at every parish church, chapel of ease or licensed place of worship in your parish where a service is held during the notice period (including any that are 'streamed').

Please e-mail or telephone me confirmation as soon as you have displayed the Notice(s) and made arrangements for the announcements to be made. Do not wait until the end of the notice period before confirming this.

Although the following are not legal requirements, to ensure that as many of those who habitually attend public worship, as is practicable, are aware of the contents of the Notice, you are also encouraged to take (or make arrangements for), where possible, such of the following steps as is appropriate in your parish:

- i) arrange for copies of the Notice to be posted to members of the worshipping community who are shielding or self-isolating (in accordance with the general advice to parishes this should be by the postal service and not hand delivered);
- ii) insert the Notice in the parish magazine or newsletter;
- iii) use Facebook/social media posts;
- iv) send emails; and
- v) spread by word of mouth, including pastoral telephone calls.

Please make a note of what you have been able to do regarding steps i) to v) above in case the consultation process is queried.

If you are no longer the PCC Secretary, please pass this communication to the current Secretary and let me have a note of his or her name and email/postal address.

Further action required as there is a proposed church closure

In addition to the above, a copy of the draft Scheme must be made available for inspection in the locality – the arrangements for this will already have been made with the parish(es) concerned.

If you are the person doing this, will you please let me know that you have taken this additional step.

If you are no longer the PCC Secretary, please pass this communication to the current Secretary who should let me have a note of his or her name and address.

2. The Announcement

Anybody taking services (including those that are ‘streamed’) during the Notice Period should ensure that the following announcement is made.

“A Notice giving the objects of proposed pastoral reorganisation affecting this parish has or will be displayed near the main door and on the Church of England website. The Notice includes the last date by which representations regarding the proposed reorganisation may be made to the Church Commissioners.”

PCC Secretaries – please note that it is essential that:

- i) Notices are displayed; and
- ii) arrangements are made for Announcements.

3. Incumbents/priests-in-charge/rural deans

Please ensure that the required Notices are displayed and Announcements made.

If a PCC Secretary is not able to carry out these requirements, please could you arrange for these matters to be dealt with as soon as possible. Please also let me know if there has been a recent change of Secretary in any of the parishes.

4. Local planning authorities and parish councils

We serve notice on the local planning authority and parish council of the parish in which the affected church building is situated as interested parties under the Mission and Pastoral Measure. Although County and Town Councils are not defined as interested parties under this Measure, please copy this correspondence to either of these parties if you feel this would be helpful. Ward Councillors for the affected parish(es) have been sent a copy of the draft Scheme.

A fuller version is available in the Code of Recommended Practice to the Mission and Pastoral Measure 2011 <https://www.churchofengland.org/more/parish-reorganisation-and-closed-church-buildings/mission-and-pastoral-measure-2011-and-code#na>)

Archbishop	Senior bishop with authority over a Province - of Canterbury and of York.
Archdeacon	An office held by a senior clergyman appointed by the bishop with an administrative responsibility over an archdeaconry. Some of his duties are laid down by law but in other respects his duties vary according to diocesan practice: they include care for church property.
Archdeaconry	Sub-division of the diocese over which an archdeacon has administrative responsibility.
Benefice	An ecclesiastical office carrying certain duties. An incumbent's benefice is therefore not a geographical area (see parish) but the office to which (s)he is appointed and may comprise one or more parishes. A benefice may be a rectory or vicarage from which the incumbent is called rector or vicar.
Bishop	In the Church of England the bishop is the central focus of organisation and ministry within his diocese. He is the chief pastor and authority and shares the cure of souls with all the incumbents of that diocese. He is also, in his own person, the chief representative of the diocese in the work of the wider church. He may be assisted by suffragan or assistant bishops.
Common Tenure	The basis on which all Church of England offices will eventually be held under the Ecclesiastical Offices (Terms of Service) Measure 2009. Existing holders of freehold offices may decide not to opt-in to Common Tenure but new office holders will be on Common Tenure.
Chapel of Ease	A consecrated church that it is not a parish church but is within a parish that does have a parish church. Originally for the ease of parishioners who could not attend the parish church.
Church Representation Rules	Schedule 3 to the Synodical Government Measure 1969 but updated as a separate booklet. They contain the mechanism for the setting up of representative bodies in the Church of England from parochial church councils to the House of Laity of the General Synod.
Cure of Souls	'Cure' means 'care'. The bishop has the universal cure of souls in a diocese but, subject to this, the incumbent of a benefice (or team rector and team vicar(s) in a team ministry) has the exclusive cure of souls within his or her parish or parishes. The expression should not be confused with the more general phrase 'pastoral care'.
Deanery	A sub-division of an archdeaconry usually comprising between 10 and 20 parishes.
Declaration of closure for	The act of closing a church for public worship under the Mission and Pastoral Measure 2011.

regular public worship	
Diocesan Board of Finance	A company constituted by the diocesan synod and regulated by the Companies Acts. A board of finance holds property for Church of England purposes, transacts business in that connection and acts as a committee of the diocesan synod. It normally also acts as the diocesan trust.
Diocesan Mission and Pastoral Committee	Statutory Committee established by the Mission and Pastoral Measure 2011. Its duty is to review the arrangement for pastoral supervision in the diocese and, as appropriate, to make recommendations to the bishop.
Diocese	One of 41 main territorial units of the Church of England over which a bishop has responsibility. Divided into archdeaconries, deaneries and parishes.
District Church Council	If a parish comprises two or more places of worship or churches then individual councils can be set up for the districts in which each place of worship or church is situated to exercise such functions as may be delegated by the parochial church council.
Glebe	Land or buildings vested in the Diocesan Board of Finance that either provides a rental income to augment the Diocesan Stipends Fund or provides housing for those involved in the cure of souls.
Group Council	Where a group ministry is established the parochial church councils of the individual parishes can form a group council to act in the area as a whole in such matters as the individual PCCs together decide.
Group Ministry	An arrangement, authorised by the Mission and Pastoral Measure 2011 whereby the clergy of two or more separate benefices can assist each other to make the best possible provision for the cure of souls in the area as a whole.
Incumbent	Holder of a benefice (which can be either a freehold or a Common Tenure office) – and can be either a rector or a vicar - with responsibility for the cure of souls. May be assisted by curate, deacon, licensed lay worker, retired priest etc.
Interested Party	One of the statutory persons or bodies that the Diocesan Pastoral Committee is required to consult in accordance with s.6 / 21 of the Mission and Pastoral Measure 2011.
Joint Parochial Church Council	Where a benefice comprises two or more parishes the parochial church councils of the individual parishes can form a joint parochial church council to act in the benefice as a whole in such matters as the individual PCCs together decide.
Leave to Appeal	Any person who makes a representation to the Commissioners against a pastoral scheme has a right to apply for leave to appeal to the Judicial Committee of the Privy Council against a decision of the Commissioners to proceed notwithstanding that representation.

Members ('Other') of a Team Ministry	May be clerical or lay (see s.34 of Mission and Pastoral Measure 2011). They share the pastoral care of the area with the team rector and team vicars, but NOT the cure of souls.
Mission and Pastoral Measure 2011	The Measure of the General Synod which authorises changes in pastoral reorganisation. Designed to "make better provision for the cure of souls". Part of the law of the land and equivalent to an Act of Parliament.
Mission, Pastoral and Church Property Committee	A Committee of the Commissioners' Board of Governors which makes decisions on representations on pastoral, church buildings, houses and glebe matters. It is chaired by the Third Church Estates Commissioner.
Parish Centre of Worship	An unconsecrated Place of Worship designated by the bishop under s.43 of the Mission and Pastoral Measure 2011 whereupon for most purposes (other than marriage) it is regarded as a parish church.
Parish Church	A consecrated building in a parish in which, subject to canon law, the statutory services must be held. Parishioners have a right to be married, baptised etc. in the parish church. S.41(2) of the Mission and Pastoral Measure 2011 requires that any new church or existing building which is to become a parish church must be approved by the bishop, subject to the bishop having consulted both the Diocesan Pastoral Committee and the Diocesan Advisory Committee.
Parochial Church Council	Representative body of parishioners elected from those on the electoral roll in accordance with the Church Representation Rules. Usually chaired by incumbent.
Parsonage House	The official place of residence of an incumbent of a benefice. The house belongs to the incumbent in right of his or her office.
Pastoral Order	A document which effects changes in pastoral reorganisation made under the Mission and Pastoral Measure 2011. Differs from a pastoral scheme mainly in that it deals with lesser matters.
Pastoral Scheme	A document which effects more complex changes in pastoral reorganisation made under the Mission and Pastoral Measure 2011.
Patron	The person or body owning an advowson (i.e. right to present a priest to a benefice) who may be a private individual or a corporation (ecclesiastical or lay).
Plurality	The holding of two or more separate benefices by one incumbent who then has the freehold of all the benefices. This can only be authorised by a scheme or order under the Mission and Pastoral Measure 2011.
Priest in Charge	A priest given charge of a benefice by licence of the bishop. (S)he has not been presented and is not the incumbent but holds office under common tenure.

Representations	The Mission and Pastoral Measure 2011 requires that any draft scheme or order be published and made available to the public. Any person can make written representations to the Commissioners either for or against what is proposed.
Team Council	Where a team ministry is established a team council can be established, either under the authority of a scheme or under the Church Representation Rules. Such a council is similar to a joint parochial church council and provides a formal structure for all the parishes in the team to discuss matters of mutual concern.
Team Ministry	A special form of ministry whereby a team of clergy and possibly lay people share the pastoral care of the area of a benefice. Can only be established by a pastoral scheme.
Team Rector	The priest in a team ministry who heads the team and owns the property of the benefice. (S)he shares the cure of souls with the team vicars.
Team Vicar	A priest of incumbent status in a team ministry, other than the team rector. (S)he shares the cure of souls with the team rector and other team vicars.



Explanatory Note
Mission and Pastoral Measure 2011
DRAFT PASTORAL CHURCH BUILDINGS SCHEME
St Agnes Easterside
DIOCESE OF YORK

This note accompanies a draft scheme under the Mission and Pastoral Measure 2011 which makes provision for the future of a church building, The Church Commissioners provide this information so that interested parties can understand the background to the proposals, make a reasoned judgement on the merits of the draft scheme and, if they see fit, a reasoned expression of support or objection to it.

The Current Proposals

The Archbishop of York has approved draft proposals providing for the closure of St Agnes Easterside and has recommended to the Church Commissioners that the existing church building be demolished.

The Commissioners, having considered the proposals for the future of the building, deem it appropriate to proceed to the next stage which is to consult on the draft Pastoral Church Buildings Scheme.

The draft scheme, which this note accompanies, contains provisions for the present church building to be closed for regular public worship, for the building to be demolished and for the site of the building and the land annexed or belonging thereto to be sold.

The draft scheme also proposes the union of the benefice of Marton in Cleveland with the benefice of St Agnes, Middlesbrough and the union of the parish of Marton in Cleveland and the parish of St Agnes, Middlesbrough.

If the draft scheme goes ahead, the parish church of the new parish will be the church of St Cuthbert, Marton in Cleveland. However, the Diocese are keen to ensure a continued Anglican presence within Easterside and are currently considering options of how this could best be provided.

Background

The Commissioners have been told by the Archbishop on the advice of his Diocesan Mission and Pastoral Committee that the rationale behind the diocesan proposals is that the Parochial Church Council of St Agnes, Middlesbrough (Easterside) has been struggling for a significant period of time with the challenges resulting from a church building with severe structural problems.

Union with the adjacent parish of Marton in Cleveland – St Agnes' mother parish - provides a way forward which the Commissioners are told is welcomed by both communities, and which will enable them to grow together in mission. The condition of the church of St Agnes is such that, with regret, it is considered that the only practical way forward is demolition.

The Building

The small but visually striking 1960s church is of an interesting design showing clear Scandinavian influences. It is given vertical emphasis by the rocket-like open concrete and steel campanile and the tall half-pyramid design of the church. The design is accentuated by the fact that it stands apart from the surrounding buildings. Unlike most similar designs there are no windows along the rooflines, only at the glazed apex to let in natural light. Sloping side walls contain side rooms including a vestry to the south side with canted roof. The west end is cleared and can be used for meetings, coffee etc. The roof has been failing for a long period and localised repairs have simply moved the leaks to other areas. Water damage has significantly affected the internal structure.

The Views of the Statutory Advisory Committee

The Commissioners statutory advisors, The Statutory Advisory Committee of the Church Buildings Council (SAC) have been consulted on the proposals. In 2016 they advised that that demolition of the building would be regrettable in light of its local

significance and in the broader context of the increasing attrition of buildings of this period of architectural interest across the country but that ultimately the Committee would not oppose the demolition of the building. Since this time efforts have been made to raise the funding necessary to repair the building, but this has not proved possible.

Burials and the Churchyard

The church building is set within a grassed area of land which has not been used for burials.

Planning

The local authority is seeking to regenerate the area and the church site is strategically placed to provide land for new housing development. The Diocese are in discussion with Middlesbrough Council about the possible residential redevelopment of the site and surrounding area, should the demolition of the building go ahead.

Transfer of parsonage house

Discussions are taking place with the Order of the Holy Paraclete for the use of the former parsonage house by the Order.

Correspondence

Further information on the proposed closure and the proposed demolition of the church building can be obtained from the Closed Churches Case Officer, Emma Cosgrif by e-mail at emma.cosgrif@churchofengland.org or by telephone at 0113 3530269.

Notice

Mission and Pastoral Measure 2011 Draft Pastoral Church Buildings Scheme The benefice of Marton in Cleveland and the benefice of Saint Agnes, Middlesbrough in the diocese of York

17/8/2020

The Church Commissioners have prepared a draft Scheme in respect of proposals sent to them by the Archbishop for:

- *the union of the benefice of Marton-in-Cleveland and the benefice of Saint Agnes, Middlesbrough and their constituent parishes in the diocese of York;*
- *for the selection of the first incumbent of the new benefice;*
- *for his parsonage house to be that of the benefice of Marton in Cleveland;*
- *for the transfer of the parsonage house of the benefice of Saint Agnes, Middlesbrough to the York Diocesan Board of Finance for diocesan purposes;*
- *for the future patronage arrangements for the new benefice; and*
- *for the church of Saint Agnes, Middlesbrough to be closed for regular public worship and be demolished, the site vested in the York DBF for disposal.*

A copy of the draft Scheme may be inspected at either church.

The draft Scheme is on our website www.churchofengland.org/consultation or you may obtain a copy from me. **Large print and/or audio copies are available on request.** Anyone may make representations **for** or **against** all or any part of the draft Scheme (please include the reasons for your views) preferably by email or by post to reach me no later than midnight on **19 October 2020**. If I have not acknowledged its receipt, please ring or e-mail me. For administrative purposes, a petition will be classed as a single representation and we will only correspond with the sender of the petition, if known, or otherwise the first signatory for whom we can identify an address – “the primary petitioner”.

- When making a representation, please indicate the nature of your interest in the proposals (e.g. parishioner, member of parochial church council, etc) and whether you would like an opportunity to speak to the Commissioners regarding your representation if they decide a hearing should be held regarding the case.
- If we receive representations against the draft Scheme, we will send them, and any representations supporting the draft Scheme, to the Archbishop whose views will be sought. Individual representors and the primary petitioner will then receive copies of the correspondence with the Archbishop (including copies of all the representations) and will be told whether a hearing is to be held. They and individual petitioners may comment further to the Commissioners. Copies of all of the representations received and associated correspondence will be published on the Commissioners’ website if the matter needs to be considered by the Commissioners.

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- Please see www.churchofengland.org/consultation for further information about the procedure.

James Davidson-Brett
Case Officer

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Email address: james.davidson-brett@churchofengland.org

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