

## **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 (“the Archbishop”), having consented thereto.

### **PART I**

#### **Declaration of closure for regular public worship**

1. The church of Saint Timothy, Hemlington (the building), being the parish church of the parish of Hemlington in the diocese of York, shall be declared closed for regular public worship by this Scheme.
2. The marriage register books, if any, 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.

### **PART II**

#### **Demolition of the Building**

3. The York Diocesan Board of Finance (the Board) shall demolish the building and shall dispose of the materials arising from the demolition.

#### **Disposal of the site**

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

#### **Contents**

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

### **PART III**

#### **Coming into operation of this Scheme**

6. Part 1 of this Scheme shall come into operation upon such date as the Commissioners, after consultation with the Archbishop, shall determine.
7. Part II of this Scheme shall not come into operation until such date or dates as the Commissioners shall determine following the making of this Scheme.
8. Part III of this Scheme shall come into operation on the date on which it is made.

9. The Commissioners shall not be obliged to bring the Scheme or any part thereof into operation until such time as they are satisfied that the conditions specified in Schedule 1 have been complied with 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:

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Signature of Authorised Signatory

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Signature of Authorised Signatory

**Schedule 1: Conditions**

- (i) That an alternative place of worship has been provided.
- (ii) That the terms of the disposal have been approved by the Commissioners.





**EXPLANATORY NOTE  
MISSION AND PASTORAL MEASURE 2011  
DRAFT PASTORAL CHURCH BUILDINGS SCHEME  
HEMLINGTON ST TIMOTHY  
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 proposals for the closure of the church and has recommended to the Commissioners the demolition of the existing building. 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 and to be demolished, and for the York Diocesan Board of Finance to be empowered to sell the site. The congregation of St Timothy's is currently worshipping in the churches of nearby parishes, including the church of St Peter and Paul at Stainton. Consultations are currently taking place on a union of the parish of Hemlington and the parish of Stainton, under which the church of St Peter and Paul would become the parish church of the new parish.

The church is attached to the church hall, and it is proposed that this would be demolished along with the church. The hall is not consecrated and does not, therefore, need to be included in this draft scheme.

#### Background

The church building, and the hall to which it is attached, are suffering from severe structural problems which were inherent in the original design. The churches' inspecting architect has advised that the building is unsafe to use. Investigations have demonstrated that the structural problems are such that that it is not viable for the building to be repaired due to the substantial financial cost involved.

## The Building

The building is not listed, nor is it in a conservation area. It is a relatively large 1970s church of brick at the west end of a contemporary shopping and amenities centre (the Viewsley Centre) including a small library, serving the housing estates of this southern suburb of Middlesbrough. It is a quite ambitious design, with well-articulated tall blocky facades rising above a canted wall to the front, the main entrance set back in the middle.

The interior is functional and quite plain, with a small Lady Chapel, the main worship space and the hall (with adjacent kitchen / cafe) opening off a lobby with toilets. Floors are of woodblock or parquet, walls in pastel colours or white.

## The Views of the Statutory Advisory Committee

The Commissioners statutory advisors, The Statutory Advisory Committee of the Church Buildings Council (SAC) have been consulted and have advised that they do not object to the demolition.

## Planning

The demolition of any unlisted building is “permitted development” under class B of The Town and Country Planning (General Permitted Development) (England) Order 2015.

Prior approval of the local authority is normally required as to the method of demolition and any proposed restoration of the site. However, the demolition of a closed unlisted church building undertaken under the authority of a scheme under the Mission and Pastoral Measure 2011 is an “excluded demolition”, not subject to any prior approval requirements.

Prior approval will be required for the demolition of the church hall.

Hemlington is classified as a regeneration area under the local plan, and the Diocese are in discussion with the Local Authority about the future of the cleared site.

## Burials and the Churchyard

The church does not have a churchyard and there are no burials at the site.

## The Diocesan Rationale

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 small congregation has been struggling for some time under the challenges resulting from the condition of the building.

The Diocesan Mission and Pastoral Committee believes that the closure and demolition of the building should not be delayed and that the Parochial Church Council (PCC) should be relieved of this burden, and thus enabled to move forward in Mission.

## Making the Draft Scheme

Before they make the Scheme, the Commissioners will need to be satisfied that an alternative place of worship will be available, if required.

Banns of marriage may not be called, nor marriages solemnised in the old church building from the date of closure.

#### Correspondence

Further information on the proposed closure and demolition can be obtained from the Closed Churches Case Officer, Emma Cosgrif by e-mail at [emma.cosgrif@churchofengland.org](mailto:emma.cosgrif@churchofengland.org) or by telephone at 0113 353 0269.

#### Representations against or in support of the draft Scheme

Anyone may make a representation for or against any provision of the draft Scheme.

Representations must be made in writing or by e-mail and should be sent to:

James Davidson-Brett  
Pastoral Division, Church Commissioners  
Church House  
Great Smith Street  
London SW1P 3AZ

or by e-mail to: [james.davidson-brett@churchofengland.org](mailto:james.davidson-brett@churchofengland.org)

Any communication received after midnight on **16 November 2020** cannot be treated as a representation.

If we receive representations against the draft Scheme, we will send all representations, both for and against, to the Bishop, whose view will be sought. Individual representors will then receive copies of our correspondence with the Bishop (including copies of all the representations) and they may comment further in writing to us in light of the diocesan response if they so wish.

If no representations against the Scheme are received and all the other consents to achieve the new place of worship are in place, the Commissioners shall make the Scheme and bring it into effect as provided for in the scheme.

Information on the Mission and Pastoral Measure 2011 and its procedures can be found on the Church Commissioners' website at [www.ccpastoral.org](http://www.ccpastoral.org) where there are also links to download copies of these notes and the draft scheme.

## Notice

**Mission and Pastoral Measure 2011**  
**Draft Pastoral Church Buildings Scheme**  
**Saint Timothy, Hemlington**  
**in the diocese of York**

24/9/2020

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

The church of Saint Timothy, Hemlington to be declared closed for regular public worship and the York Diocesan Board of Finance shall demolish the building and shall dispose of the materials arising from the demolition.

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

The draft Scheme is on our website [www.churchofengland.org/consultation](http://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 **16 November 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.

- If a hearing is held, anyone may attend the meeting of the Commissioners' Committee that considers the case and representors may have an opportunity to speak to it. 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 if a hearing is to be held nearer the time.
- The Committee will decide if the draft Scheme should proceed when it considers all the representations on the basis of a paper prepared by the Commissioners' staff and any points raised at the meeting. The Commissioners will notify all representors of their decision and give a statement of the reasons for it.
- If they so decide, any representor or petitioner against the draft Scheme may seek leave from the Privy Council to appeal against the decision.
- Please see [www.churchofengland.org/consultation](http://www.churchofengland.org/consultation) for further information about the procedure.

James Davidson-Brett

Case Officer

Tel: 01403 581025

Email address: [james.davidson-brett@churchofengland.org](mailto:james.davidson-brett@churchofengland.org)

Church Commissioners, Church House, Great Smith Street, London SW1P 3AZ



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 regular public worship	The act of closing a church for public worship under the Mission and Pastoral Measure 2011.

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.