**The Parishes of Newton Tracey with Alverdiscott, Horwood, Huntshaw, Yarnscombe, Tawstock, Atherington, High Bickington, Roborough, St Giles in the Wood and Beaford**

**in the Diocese of Exeter**

**Scheme for a Joint Council**

Made pursuant to Section C of the Parish Governance: Model Rules

Church Representation Rules 2020

**The transfer of such property, rights, liabilities and functions  
as are specified on the scheme**

This draft 25.08.21 GO

The Special Parochial Church Meetings of the parishes of Newton Tracey with Alverdiscott, Horwood, Huntshaw, Yarnscombe, Tawstock, Atherington, High Bickington, Roborough, St Giles in the Wood and Beaford being connected parishes in the Diocese of Exeter, in exercise of the powers conferred by Section C of the Parish Governance Model Rules contained in the Church Representation Rules 2020 ("CRR"), hereby make the following scheme:

**1 New Joint Council**

The Meetings of the Parishes of Newton Tracey with Alverdiscott, Horwood, Huntshaw, Yarnscombe, Tawstock, Atherington, High Bickington, Roborough, St Giles in the Wood and Beaford being connected parishes in the Diocese of Exeter and being the Mission Community known as “The Two Rivers Mission Community“ desire to establish a Joint Council pursuant to Model Rule M37(1).

The Joint Council shall be a body corporate and Section 3 of the Parochial Church Councils (Powers) Measure 1956 shall apply as if the Joint Council were a Parochial Church Council (PCC).

This scheme shall have the legal effect of transferring from the PCC of each parish to which the scheme applies, to the Joint Council, only such property, rights, liabilities and functions as are specified in this scheme.

**2 Name of the Joint Council**

The new Joint Council shall be known as the “Two Rivers Mission Community Council” (‘The Joint Council’).

**3 Membership of the Joint Council**

(i) The Joint Council shall have the following membership:

1. The minister of each parish to which the scheme applies, ("minister" having the meaning specified in Rule 83(1) of the CRR).
2. Every clerk in Holy Orders who is beneficed or licensed in the participating parishes.
3. The designated ‘focal minister(s)’ of each parish as nominated by the Team Rector or Priest in Charge of the Benefice and agreed by the Joint Council
4. Two persons from each Parish being lay members on the electoral roll of that Parish. These shall include at least one Churchwarden of each parish church and one other lay representative (or in the absence of a churchwarden, an alternative lay representative) nominated or elected by the Annual Parochial Church Meeting of the relevant Parish.
5. The Joint Council may also co-opt up to two additional members (who may be clergy or lay) if it considers that their particular skills or experience would be of benefit to the Joint Council.

(ii) The number of lay members of the Joint Council shall exceed the number of clergy members and any meeting shall be inquorate if the number of lay members present does not exceed the number of clergy members who are present.

(iii) All elected members of the Joint Council shall hold office for a term of one year beginning on 1st June and shall be eligible for re-election.

**4 Officers of the Joint Council**

1. The Chair of the Joint Council shall be the Incumbent or Priest in Charge of the Benefice of which the connected parishes are a part. If there is no Incumbent or Priest in Charge and a Team Vicar is licensed to the Benefice then they shall be the Chair.
2. The vice-chair of the Joint Council shall be elected from amongst its lay members.
3. The Joint Council may appoint one of its members as secretary; but if it does not, it must appoint some other fit person. The secretary of the Joint Council shall have charge of all the documents relating to the current business of the Council; keep the minutes of meetings; record all resolutions passed; and monitor the actions taken on behalf of the Joint Council.
4. The Joint Council may appoint one of its members as treasurer or two or more of its members as joint treasurers; but if it does not, it must appoint some other fit person.
5. Where the person appointed as secretary or treasurer is not a member of the Joint Council, he or she does not become a member merely as a result of holding the office in question but may be co-opted under 3(iv) above.
6. If the Joint Council holds funds and therefore has to produce annual accounts, it shall appoint an Auditor or Independent Examiner. This person shall not be a member of the Joint Council or the Parochial Church Council of any connected parish and shall have access to all books and records of the Joint Council.
7. The Joint Council may appoint an Administrator upon such terms as the Council thinks fit. If this person is an employee of the Council then they must not be a member of the Joint Council or a member of the Parochial Church Council of any connected parish.
8. The posts of Administrator and Independent Examiner, may be remunerated at the Joint Council’s discretion subject always to the provisions of the Charities Act 2011 and the Church Representation Rules 2020 (or any statutory revision of them). Where the holder of the post of secretary or of treasurer is not a member of the Council or a member of the Parochial Church Council of any connected parish they may be remunerated in like manner.
9. The Joint Council shall have the power to appoint further remunerated or unremunerated officers as it thinks fit.

**5 Meetings of the Joint Council**

1. The provisions of Model Rules M23 to M30 as set out in Section B of Part 9 of the CRR 2020 shall apply to the proceedings of the Joint Council as though it was a Parochial Church Council.
2. (a) A reference to a meeting of the Joint Council includes a reference to a meeting  
    that persons may attend, speak at, vote in, or otherwise participate in without  
    all of the persons, or without any of the persons, being together in the same  
    place.

(b) A reference to a place where a meeting of the Joint Council is held, or is to be held, includes a reference to more than one place, including electronic, digital or virtual locations, web addresses or conference call telephone numbers.

(c) A person is to be regarded as present at a meeting of the Joint Council at any given time if the person is at that time able to hear and be heard, and where practicable see and be seen, by the other persons present.

(d) A reference to being present at a meeting of the Joint Council includes a reference to being present by electronic means, including by telephone conference, video conference, live webcast and live interactive streaming

1. A vote of the members of the Joint Council may be taken by such electronic or other method of voting as may be determined by the Chair and vice-chair acting jointly (or one of them if the other is absent or incapacitated).
2. The first meeting of the Joint Council taking place on or after 1st June in each year shall be designated the Annual Meeting at which time the Joint Council Officers (other than the Chair) shall be re-elected or re-appointed by simple majority.
3. The Chair shall at each meeting call for declarations of any potential conflict of interest from members. The Chair shall have the power to bar individual members from votes of the Joint Council where it is considered that a conflict of interest may arise.
4. The minutes of Joint Council meetings shall be circulated to all the members of the PCCs of all the parishes that are represented on the Joint Council.

**6 Property Rights Liabilities and Functions of the Council**

**A Introduction**

* 1. The Joint Council is subject to the Church Representation Rules and to any other rules and regulations of the Church of England in force at the time.
  2. The Joint Council shall have the power to establish a standing committee and subsidiary committees from time-to-time. The composition, financial affairs, minutes and any other proceedings and actions of such committees shall be under the direction of the Joint Council.
  3. The Joint Council may authorise the Treasurer to manage such funds as it directs.
  4. As a body corporate the Joint Council will have all powers that a PCC has including the holding of bank accounts and employment of people.
  5. The financial year of the Joint Council shall run to 31 December.
  6. Every year the Joint Council shall produce a report on its proceedings and accounts including any item listed in Rule M5 for which responsibility has been transferred to the Joint Council. This shall include a statement as to whether the Joint Council has complied with the duty under section 5 of the Safeguarding and Clergy Discipline Measure 2016 (duty to have regard to House of Bishops’ guidance on safeguarding children and vulnerable adults). A copy of the report shall be made available to every attendee at the parish meetings of the participating parishes.
  7. The Joint Council must ensure that a copy of the annual report and financial statements provided under clause (vi) are given to the Secretary of the Exeter Diocesan Board of Finance for it to retain. This shall happen no later than twenty-eight days following the Annual Meeting of the Joint Council.
  8. Any question regarding the allocation of property, rights, liabilities or functions from the Joint Council to a PCC shall be resolved by the Exeter Diocesan Board of Finance.

**B Liabilities and Functions**

1. The Joint Council shall manage for the benefit of the parishes the assets that are listed in Schedule 1.
2. IT and office provision

To identify, plan, implement and review appropriate strategies for supporting the activities of the parishes participating in the scheme through the provision of centralized office services, central purchasing, IT provision and administrative staff.

1. Parish obligations when employing staff

To determine the requirements for any staff or volunteers, to develop role descriptions and make the necessary arrangements for the appointment (in accordance with diocesan safe recruiting procedures), appraisal and management of such staff or volunteers, including where relevant responsibility for employer duties under employment and other relevant legislation including provision of employee handbooks, contracts and written policies.

1. Mission and Ministry
2. To ensure appropriate safeguarding policies, practice and records are in place across the parishes participating in the scheme and to comply with the duty under section 5 of the Safeguarding and Clergy Discipline Measure 2016 (duty to have regard to House of Bishops’ guidance on safeguarding children and vulnerable adults).
3. To develop, plan, implement and review appropriate vision documents and strategies for delivery of the whole mission of the Church across and within the Mission Community.
4. In the event of a vacancy for a Minister, to develop and coordinate the appropriate plans for appointing a new Minister, including developing a Benefice or Mission Community Profile or similar document, agreeing the appointment of parochial representatives and making any other such arrangements as may be necessary under the guidance of the Archdeacon.
5. To co-operate with the Minister in promoting the whole mission of the Church, pastoral, evangelistic, social and ecumenical in the Mission Community.
6. The consideration and discussion of matters concerning the Church of England or any other matters of religious or public interest, but not the declaration of the doctrine of the Church on any question.

**C Rights**

1. To recoup payments from each parish participating in the scheme for its share of the costs incurred by the Council in providing services to that parish.
2. To discuss matters referred by Diocesan Synod or Deanery Synod in so far as those affect the work of the Joint Council.
3. The power to make representations to the Diocesan Bishop with regard to any matter affecting the welfare of the church in the parishes represented by the Joint Council.

**D Property and other assets**

* 1. The assets listed in Part 1 of Schedule 1 shall vest in the Joint Council on the date when this Scheme comes into effect and shall be held for the general purposes of the Joint Council.
  2. The assets listed in Part 2 of Schedule 1 shall vest in the Joint Council on the date when this Scheme comes into effect and shall be held for the restricted purposes identified in Part 2 of Schedule 1.
  3. Any remaining assets held by the Parochial Church Councils of the Parishes shall remain the property in the ownership of the individual Parochial Church Councils and shall not vest in the Joint Council on the date when this Scheme comes into effect.

**7 Disputes**

Any dispute on any matter relating to Joint Council business shall, in the first instance, be raised with the Chair. Thereafter it shall be raised as necessary with the Archdeacon. The Archdeacon shall have the power to arbitrate and the power to convene a meeting of the Joint Council at which (s)he shall act as Chair. In the event that the Archdeacon holds an ecclesiastical office to or within any of the connected parishes then this power shall vest in The Bishop or such other person as The Bishop shall direct.

**8 Date of coming into force**

1. This scheme was approved by the constituent parishes in accordance with Model Rule M42 of the Church Representation Rules 2020 by at least two-thirds of the persons present and voting at a Parochial Church meeting of each parish being either an Annual or a Special meeting called for this purpose on the dates specified in Schedule 2.
2. This scheme shall come into effect on the first day of the month following ratification of the scheme by the Bishop’s Council and Standing Committee of the Diocese of Exeter.

**9 Termination**

(i) If an individual Parish wishes to withdraw from this Scheme, following the necessary resolution at the APCM or a SPCM convened for the purpose, then it may do so upon giving not less than six months written notice to the Joint Council of its intention to do so and the Joint Council will enter into a variation of this scheme under Rule M38(4) to reflect the change and to record the transfer of property, rights, liabilities and functions to the outgoing parish. The variation will be subject to the same approval by the Bishop’s Council and Standing Committee as the original Scheme.

(ii) In the event that all of the individual Parishes that are participating in this Scheme resolve to withdraw in accordance with Clause 9(i) above then this Scheme may be brought to an end by a written Special Resolution put forward by two members of the Joint Council and agreed by 75% of the members of the Joint Council who are present at the meeting. Thereafter the Joint Council will enter into a Revocation Deed in accordance with Rule M38(5) to reflect the transfer of rights liabilities and assets from the Joint Council to each of the participating parishes.

**10 Acknowledgements**

(i) The parishes participating in this scheme acknowledge Rule M38(7): “Any gift which is expressed as a gift to the PCC of a parish to which a Scheme under Rule M37 applies, and which takes effect on or after the relevant transfer date, takes effect as a gift to the Joint Council unless all the purposes for which the gift was made relate to functions which continue to be exercisable by the PCC.”

The parishes participating in this Scheme hereby exclude the operation of Rule M38(7) and M38(8) in so far as they affect this Scheme and confirm that all gifts made to a PCC after this Joint Council Scheme comes into force shall belong to the participating parish.

(ii) The Joint Council shall have no power or right to elect members to act as Deanery Synod representatives and the election of such representatives shall continue to be carried out by the parishes at their Annual Parochial Church Meetings.

**Schedule 1**

**Part 1 – Assets vesting in the Joint Council for its General Purposes**

|  |  |
| --- | --- |
| **Parish** | **Asset** |
| Parish of Newton Tracey with Alverdiscott | none |
| Parish of Horwood | none |
| Parish of Huntshaw | none |
| Parish of Yarnscombe | none |
| Parish of Tawstock | none |
| Parish of Atherington | none |
| Parish of High Bickington | The Mission Community Funds currently held by the PCC of High Bickington in Bank Account xxxxxxxxx |
| Parish of Roborough | none |
| Parish of St Giles in the Wood | none |
| Parish of Beaford | none |

**Part 2 – Assets vesting in the Joint Council for Restricted Purposes**

|  |  |  |
| --- | --- | --- |
| **Parish** | **Asset** | **Restricted Purpose** |
| Parish of Newton Tracey with Alverdiscott | none | Not applicable |
| Parish of Horwood | none | Not applicable |
| Parish of Huntshaw | none | Not applicable |
| Parish of Yarnscombe | none | Not applicable |
| Parish of Tawstock | none | Not applicable |
| Parish of Atherington | none | Not applicable |
| Parish of High Bickington | none | Not applicable |
| Parish of Roborough | none | Not applicable |
| Parish of St Giles in the Wood | none | Not applicable |
| Parish of Beaford | none | Not applicable |

**Schedule 2**

Dates when Scheme approved by Parishes

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **Parish** | **Date Approved** | **Numbers Voting** | | |
|  |  | **For** | **Against** | **Abstained** |
| Parish of Newton Tracey with Alverdiscott |  |  |  |  |
| Parish of Horwood | 8th August 2021 | 6 | 0 | 0 |
| Parish of Huntshaw |  |  |  |  |
| Parish of Yarnscombe |  |  |  |  |
| Parish of Tawstock |  |  |  |  |
| Parish of Atherington |  |  |  |  |
| Parish of High Bickington |  |  |  |  |
| Parish of Roborough |  |  |  |  |
| Parish of St Giles in the Wood |  |  |  |  |
| Parish of Beaford |  |  |  |  |

Approved by the Bishop’s Council and Standing Committee of the Diocese of Exeter

Signed ……………………………………………………….

Secretary to the Council

Dated ………………………………………………………..