

To: Incumbents & Wardens
From: Secretary of Synod
Re: Licensing Parish Spaces – Update
Date: January, 2007

Since sending the draft template for licensing agreements with groups using parish space, several parishes have called with the same questions. Following consultation with the Chancellor, Rob Welch, and our insurance broker, David Ricketts, I want to clarify a couple of matters:

One-Time Uses

The licensing template is not intended for use with groups that will be using the church on a one-time basis. Rather, it is intended to clarify regular or frequent use of church buildings or spaces – and especially long-term arrangements with day care centres and schools.

However, the policy of Synod is still that even one-time users of church premises must provide evidence of liability insurance and sign off on a commitment to abide by the Diocese of Niagara's Sexual Abuse and Sexual Harassment policy. Attached is a form you could use to express these commitments.

Liability Insurance

The draft template was based on a similar document developed a few years ago in another diocese. It asks that outside groups carry \$5M in liability coverage. Our insurance broker has assured me that \$1M in bodily injury and property damage liability insurance should be adequate and that, in the current market, few insurance companies will write policies at the higher figure. We have revised section 5 of the template to reflect this (attached).

“Additional Insured”

The licensing template suggests that the Licensor be added as an “Additional Named Insured”. Our insurance broker says the proper terminology should be that the Licensor is added as an “Additional Insured”, but only with respect to the operations of the Named Insured”. We have revised section 5 of the template to reflect this (attached)

Scouts Canada and Girl Guides

Both national organizations already carry liability insurance. This is not the responsibility of the local group committee.

AA

For a variety of reasons, AA groups do not carry insurance. After many years of trying to set up a Group Plan for Users of the spaces in our churches the Diocese now has in place a User Group Plan which is accessible under the Diocesan Website. Therefore, parish leaders need to be aware that they are assuming a risk by having AA groups meeting in the church building unless they have some form of insurance.

Other Community Organizations

As with AA, some voluntary organizations in the community do not carry any kind of insurance. We advise parish leaders to inquire about insurance whenever entering into a licensing agreement with these organizations. However, where there is no insurance policy in effect and the group uses the church premises, the Wardens now have the option that these groups have available to them the coverage under the Diocesan User Group Plan under the Diocesan website. Failure to use it and they could be found liable for damage to persons or property caused by the outside group or its activities.

Vestry / Synod / Bishop Approval for the 4th Year

The revised Canon 4.7 (23) allows parishes to enter into agreements for the use of parish space for periods of up to three years (inclusive of all renewals). For agreements of more than three years, Canon 4.7 (22) requires the approval of the Vestry, Synod, and Bishop. The question has been raised: “What happens when an agreement moves into a fourth year?” I asked the Chancellor about this and the answer is: “In order for the agreement to enter a fourth year, the approval of Vestry, Synod, and Bishop is required.” While this is a bit of a pain, it's advantage is that it gives all the parties involved a chance to confirm that this remains a desirable and appropriate use of the property. The requirement for approval by all three parties (Vestry, Synod, and Bishop) arises from a statute of the Province of Ontario (Anglican Church of Canada Act, 1979).

A Reminder

As I said in my earlier memo about the licensing template, whether or not you use this form, you need to

remember that parishes are not permitted to allow outside groups to use their buildings on an ongoing basis without

- agreement that the parish may terminate the agreement on 60-days' notice
- the user's agreement to abide by our Diocesan Sexual Abuse Policies
- proof of liability insurance from the user group

Attached is a form you can use to have outside groups "sign off" on these issues.

Again, if you have any questions or concerns about any of this, please do not hesitate to contact me (905-528-3724) or [HYPERLINK "mailto:rickplus@gmail.com" \t "_blank" rickplus@gmail.com](mailto:rickplus@gmail.com) or for insurance questions, David Ricketts, Diocesan Insurance Broker (905-628-3687) [HYPERLINK "mailto:ricketts@interlynx.net" \t "_blank" ricketts@interlynx.net](mailto:ricketts@interlynx.net)

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