

Local Council Funding for Places of Worship

Summary

- Local (parish, town and community) councils are confused about their legal position in being able (or not) to offer grants to places of worship for community projects.
- The law relating to the powers of local councils to grant-aid places of worship needs to be clarified to support both community uses and the long-term sustainability of historic church buildings.
- As levelling up grants are disbursed through local councils, a swift resolution of this issue is needed.
- The 2017 Taylor Review into sustainability of English churches and cathedrals recommended that clarification on this point should be given.
- Change would require primary legislation to remove or amend the prohibition on councils funding places of worship.
- There is clear alignment with the levelling up agenda, and the current Levelling Up and Regeneration Bill could provide a delivery vehicle to which legal clarification could be attached.

Background

- There is confusion over whether the 1894 Local Government Act (which forbids parish, town and community councils from grant-aiding places of worship) has been superseded by the 1972 Local Government Act (which says that such grants are permissible). The 1894 Act is perceived as a barrier, preventing investment in church buildings by local councils. As the 1894 Act is primary legislation it would need primary legislation to remove or amend the prohibition on councils funding places of worship.
- The simplest way to address this would appear to be to repeal that part of the 1894 Act which forbids such donations (Section 75) so it is clear that the 1972 Act (section 137) applies without question.
- The National Association of Local Councils has issued advice that funding a place of worship might result in legal challenge, making councils very nervous about doing so as matters stand. The Historic Religious Buildings Alliance has collected evidence demonstrating that the current confusion has resulted in the cessation of long-standing grants to places of worship by local authorities.
- The Taylor Review: Sustainability of English Churches and Cathedrals (2017) proposed that clarification through guidance or change of the law was needed to make it clear that councils could donate money to a religious building for community purposes. The Review considered that this would be a major strategic move for the long-term sustainability of historic church buildings. It would bring into play bodies which have continuity, fund-raising power, democratic legitimacy, access to a range of stakeholders, and affection for and understanding of the local area.
- DCMS has been talking to MHCLG/DLUHC about sorting out the apparent contradictions between the 1894 and 1972 Acts since the Taylor Review made its recommendation in 2017, but no resolution has yet been implemented. This may be because there was no legislative vehicle to which clarification could be attached. However, now, given the Government's focus on funding for community purposes, there is clear alignment with the levelling up agenda, and the Levelling Up and Regeneration Bill provides a plausible delivery vehicle and an opportunity to move this forward.
- As levelling up grants are disbursed through local authorities a resolution on this point is urgently needed. The contribution of places of worship during the pandemic has amply demonstrated their ability to respond to local need using the deeply engrained knowledge and networks that faith communities already have.