from **The Historic Religious Buildings Alliance**
an independently-funded group within The Heritage Alliance

We bring together those working for a secure future
for historic religious buildings

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Baroness Scott of Bybrook, OBE
Parliamentary Under Secretary of State for Faith and Communities
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Copies:
The Bishop of Bristol
Baroness Scott of Needham Market, Chair, National Association of Local Councils

By email: psjanescott@levellingup.gov.uk 15 February 2023

Dear Lady Scott

LOCAL COUNCIL'S FUNDING FOR CHURCH PROPERTY

I am writing on behalf of the Historic Religious Buildings Alliance (HRBA). This is an independently-funded group within The Heritage Alliance, which brings together those working for a secure future for historic religious buildings.

The more than fifty corporate members of the HRBA include the faith groups and charitable trusts who between them own almost all the listed religious buildings in England, Scotland and Wales (an estimated 20,000 buildings of Christian and other faith groups). In addition, our membership includes many other bodies with a concern for the future of these buildings including, for example, grant-giving trusts.

Background to this letter

This letter is in response to yours of 27 January 2023 to All Peers (headed 'Levelling up and Regeneration Bill – Devolution'). On page 5 you responded to the concern raised by some peers that local councils were being dissuaded from funding church property by a particular interpretation of the law.

The law is, in fact, being interpreted in a way which discriminates against faith groups.

You will be aware that since your letter both the Bishop of Bristol and Baroness Scott of Needham Market, the Chair of the National Association of Local Councils (NALC), have tabled amendments to the Levelling Up and Regeneration Bill (LURB) repealing some parts of the 1894 Local Government Act so that the law cannot be interpreted in this way.

1. The scope of the problem is wider than you suggest

Both the heading of this section of your letter (p. 5), and the second paragraph of that section suggest it is only Church of England parish church property which is caught by this interpretation of the law.

I am afraid this is misleading. The Act applies to ecclesiastical property of *any* Christian denomination. This is clear in the Act itself (s75(2)). Furthermore, from the evidence we have collected we know that the ban is actually being applied to a range of denominations.

2. The solution is straightforward

We agree with you that 'only the courts are empowered to interpret the law'. The implication is that local councils will continue to cancel existing regular grants and refuse new ones (as we know they are doing at the moment) until a test case is brought by a church. This will be at some cost, and with an unknown outcome. Most grants are quite small, often less than one thousand pounds. Is this really what we want?

Both the Church of England and NALC are proposing a simple solution to clarify the law. To the best of our knowledge, it imposes no new costs or demands, and we are not aware of any organisation which opposes this. We strongly support this approach, which will remove an unnecessary obstacle from local democracy.

3. The background reasoning behind the 1894 Act is not as presented

The second paragraph in the relevant section of your letter purports to give the rationale behind the prohibition in the 1894 Act. It may be that this is to raise in the minds of peers the question whether the rationale might still apply.

We are concerned that this paragraph is misleading both in specifics and its general sense. On a minor point, the 1894 Act did *not* create a separation between parochial church councils (PCCs) and civil parishes, as PCCs, brand new bodies with a limited electorate, did not come into existence until 1921. Secondly, and more seriously, despite what is implied, it was in 1868, *more than twenty years before the 1894 Act*, that it was forbidden to raise a mandatory church rate for the maintenance and upkeep of parish church property. Finally, as already pointed out, *the Act is not limited to Church of England churches* but applies to all churches.

4. There is ample evidence that there is a problem

Your letter refers (fourth relevant paragraph) to 'limited evidence'. We would suggest the contrary. NALC and the equivalent body in Wales are actively interpreting the law as forbidding such grants, and the recent case studies we have collected and previously passed to Government (attached to this letter for your convenience) show this is having a real-world stifling effect on local democracy.

Your letter also says that 'Officials have been working closely with the sector to gather this [quantitative] evidence'. *I am afraid this is not true,* and would be grateful if some way could be found of withdrawing a claim which can only suggest to the House that the amendments put forward by the Bishop of Bristol and the Chair of NALC are premature and lack evidence – which is not the case.

In summary, the problem is specific and well-understood, and the solution simple and not contentious, and we would be very grateful if your department could consider supporting the approach of amending the 1894 Act via an amendment to LURB.

With all good wishes

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Attachment: HRBA case studies