

LOCAL COUNCILS' SUPPORT FOR OPEN CHURCHYARDS: DIOCESE OF HEREFORD

Report of a survey carried out in the Diocese of Hereford in late 2021

Note produced by the Historic Religious Buildings Alliance (HRBA)

1 Background

Over the years, many Parish Councils in England have given financial grants to local places of worship, to help these buildings continue to provide benefit to the community.

In particular, grants have frequently been given to support the cost of maintaining open parish church churchyards. (The question of closed churchyards is outside the scope of this note.) The benefit that these spaces provide to the community is usually not in question: not only do they provide open space for public use, but any parishioner, of whatever faith or none, has the right to be buried in the churchyard. Many parishioners have relatives buried in the churchyard, but do not contribute directly to church funds for its upkeep.

The community case for financial support from the Parish Council is therefore strong. However it is now suggested that on the basis of s.8(1)(i) of the Local Government Act 1894, local Councils in England and Wales do not have the power to make such grants. The National Association of Local Councils (NALC) have been systematically promulgating this view of the law through their 2018 guidance note *L01-18: Financial Assistance to the Church*.

At the time of writing (February 2023) NALC are lobbying for legislation to remove the relevant section of the 1894 Act, but their current view is that it is still in force.

2 The 2021 survey

A survey of all treasurers of Parochial Church Councils in the Diocese of Hereford was carried out in late 2021. The diocese is an ancient administrative unit of the Church of England, and covers Herefordshire, South Shropshire, and some parishes in neighbouring counties. There are some 400 churches in the diocese.

These church treasurers were asked about grants from Parish Councils or equivalent to help maintain open churchyards. There were 70 replies as shown in the table. The total value of the 32 grants which has been stopped as a result of NALC advice was £14,800 per annum.

Responses by church Treasurers regarding grants for open churchyards

Grant for churchyard has been stopped on basis of NALC advice	32 (total value £14,800 p.a.)
Grant is continuing, or not known whether it will continue	38
<i>Total number of replies</i>	<i>70</i>

The 38 Parish Councils in the table which had given grants that year were then written to, asking:

‘If you are approached in 2022 to make such a grant do you have any information that would stop it being considered? Yes/No

If 'Yes' what is that information?’

The responses from the 27 Parish Councils which replied are in the table below. Almost one half of these had received advice that a grant would not be considered as it would be unlawful. The others may not have been aware of NALC's legal advice, or were ignoring it.

Responses by Parish Councils currently giving grants regarding their policy for future years

Advised grant unlawful, which will stop grant being considered	13 (total value £5,500 p.a.)
No information received to stop grant being considered	14
<i>Total number of replies</i>	<i>27</i>

Based on these figures, the *known* total annual loss to Parochial Church Councils in the Diocese of Hereford in 2022 was estimated to be of the order of at least £20,300.

3 Discussion

Something similar is probably happening in other rural areas. The Diocese of Hereford has less than 5% of the estimated 9,000 rural parish churches in England; so if typical, **it would mean about one thousand churches lost their churchyard grant in 2022 due to NALC advice.**

The grants are not large: they average rather less than £500 per annum each. But this goes a long way towards mowing and maintaining a churchyard for public benefit. Forcing these Councils to stop these grants will have pushed the cost onto congregations, which typically contain fewer than 10% of villagers, usually considerably fewer. Experience shows that in some cases congregations will not be able to afford the additional cost.

More fundamentally, this interpretation of the law has overridden local wishes, and has abruptly banned the means whereby villagers have been helping maintain a valued open space, where many of their loved ones are buried.

It is surely extraordinary that charities providing community benefit are being systematically discriminated against on the basis of their religious affiliation.

Clarification of the law was recommended five years ago in the government-sponsored Taylor Review into the *Sustainability of English Churches and Cathedrals* (DCMS, 2017). **We believe an appropriate amendment can and should be introduced into the Levelling Up Bill.**

Note: We are grateful to have been alerted to this important survey and assisted in this note by a resident of a village in the Diocese of Hereford which has lost its churchyard grant. He is known to HRBA, but wishes to remain anonymous. He assisted the diocese in carrying out the survey, which has agreed that this note clearly sets out the results.

Trevor Cooper, 17 February 2023

Chair, Historic Religious Buildings Alliance

hrbchair@theheritagealliance.org.uk

HRBAlliance.org.uk

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