

from **The Historic Religious Buildings Alliance**  
*a group within The Heritage Alliance*

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

# The Heritage Alliance

Clutha House, 10 Storeys Gate  
London SW1P 3AY

T: 0207 233 0500 F: 0207 233 0600  
mail@theheritagealliance.org.uk  
www.theheritagealliance.org.uk

Bernard Taylor DL, FRSC  
English Churches and Cathedrals Sustainability Review  
DCMS  
100 Parliament Street  
London  
SW1A 2BQ

*Copy: Gill Graham, DCMS*

23 June 2016

Dear Mr Taylor,

## **Ensuring Parish Councils have the power to provide financial support for church buildings**

I am writing to you on behalf of the Historic Religious Buildings Alliance (HRBA), which seeks to bring together those working for a secure future for historic religious buildings of all denominations and faith groups in the United Kingdom. As you will know, we are part of the Heritage Alliance, whose Chair, Loyd Grossman is a member of your Review Panel.

### **Parish Councils**

I would like to draw your attention to a degree of confusion which exists over whether or not Parish Councils may spend money on their local church building.

As you will appreciate, Parish Councils and similar bodies raise a precept that enables money to be spent on matters that are important to and benefit the local community. These bodies have continuity and democratic legitimacy, and bring on board a wide range of interest and talent.

They would therefore seem an ideal way for local commitment to a church building to be channelled in an accountable and flexible manner. The Church of England has produced a guidance note on the topic (Appendix 1).

### **The issue**

A little while ago the HRBA became aware that the Society of Local Council Clerks (SLCC) took the view that Parish Councils and similar bodies in England and Wales were prohibited from giving money to their local church building, this prohibition probably also applying to buildings used for worship by any denomination or faith group.

Our members are non-government, voluntary and private organisations that promote, conserve, study and involve the public in **our heritage**.

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The suggestion is that the Local Government Act 1894 Section 8(1)(i) prohibits such financial support, and that – unlike other aspects of this Act – no subsequent legislation overrides this prohibition. I attach as Appendix 2 an article on the subject which appeared in March this year in the *Clerk*, the organ of the SLCC.

I also attach (Appendix 3) a copy of a letter of 6 May 2014 from Brandon Lewis, MP, who was at the time Parliamentary Under Secretary of State at the Department for Communities and Local Government. This letter apparently confirms that the Government agree that the 1894 prohibition still stands, though it is notable for not providing any in depth commentary on the relationship between the 1894 Act and subsequent legislation. In his letter Mr Lewis suggested that the possibility of changing the legislation would be looked at, but as far as is known there has been no progress on the matter.

Others take a different view of the legal position. In particular the Church of England argues that Parish Councils do have the necessary powers. I understand this is on the basis that the power is provided by section 137 – either subsection (1) or subsection (3) – of the Local Government Act 1972.

I also understand that there has been an informal suggestion from another source (outside the Church of England) that the 1972 Act may give powers for money to be *spent* on a church building, but possibly not to be *put aside* for this purpose by the Parish Council, and to overcome this difficulty any money should be given to the church each year. The same person also suggested that if the Parish Council is 'eligible' and has adopted the power of general competence under the Localism Act 2011, then there would be no limit on the amount it could spend on church repairs.

In practical terms, we know of two cases where an auditor has told a Parish Council that on the basis of the 1894 Act it cannot give money to a local church despite the express wish of the Council to do so. We suspect there are other such cases, and perhaps a larger number where the Parish Clerk has sought advice in advance of any formal resolution, and been told that such financial support is not permitted.

Clearly this disagreement and uncertainty is unsatisfactory.

### **Recent developments**

The SLCC has recently raised the issue again with the Government and asked them to remove what they regard as the prohibition. I understand from private communications with a member of the SLCC that their view is that this may only require a Legislative Reform Order not primary legislation.

It is not known how the Government will respond.

### **Potential role for the Sustainability Review**

I would therefore ask the Sustainability Review to consider taking this matter up with the Government, perhaps sooner rather than later to support the moves made by the SLCC. If helpful, I can provide contact names within the SLCC.

Once it has been definitely established that Parish Councils and similar bodies do have the necessary power, you may wish to discuss with key intermediaries how this type of financial support can be promulgated and encouraged.

Finally I should add that the Church of England Church Buildings Division is content for me to be writing to you on this matter as it applies not only to Church of England buildings, but almost certainly to other religious buildings in England and Wales. The Church of England is of course represented on your Working Group.

Please do not hesitate to contact me if I can be of any assistance on this matter.

With all good wishes

Trevor Cooper, MA, MBA  
Chair, Historic Religious Buildings Alliance  
part of the Heritage Alliance

[hrbchair@theheritagealliance.org.uk](mailto:hrbchair@theheritagealliance.org.uk)  
[www.hrballiance.org.uk](http://www.hrballiance.org.uk)

## FUNDING GUIDE 13: Local Authorities and Funding

It is possible that your Local Authority will have funds to assist you with your project, whether funds are required for maintenance or repair to your church building or for assistance with your churchyard.

Section 137 of the Local Government Act 1972 permits a Local Authority (whether at county, district or parish council level) to contribute towards the maintenance, repair or adaptation of churches on the basis that the expenditure would be in the interests of, and bring benefits to, some or all of the inhabitants of the area. There is an upper limit and other conditions on the amount that local authorities can spend each year in this way but it is worth enquiring. The church is often one of the chief local cultural assets and tourist attractions, as well as a local community facility, and so you can confidently present your project as being in the interests of the community.

Parish councils (which are often responsible legally for carrying out maintenance to closed churchyards) may be prepared to make an annual grant towards the upkeep of open churchyards and, given sufficient prior warning for budgeting purposes, may be able to do the same for maintenance of the church building itself.

Local Authorities may also be prepared to fund a project if it matches one of their aims. For instance, if they want to do community work in a deprived, densely populated area and you have a building in the area that can be adapted for the purpose. In such cases you and your Local Authority become stakeholders in the project. This can be a win-win situation, where you get repairs and alterations done and the Local Authority fulfil their aims. It is, however, important that you are clear as to what they wish to do and how long they will be involved. It is wise and good practice to have properly minuted negotiations before the project begins. *It is also worth contacting your County Council and Regional Development Agency to see what funds they have available for projects in the area.*

### Statutory Grants

Statutory means that the grants come from the government or a local body such as the local or *county council*, Health Authority or Education Authority. Money is made available to voluntary groups for work that the government or local agencies have identified as necessary.

### Regeneration/Economic Development Initiatives

Other sources of funding available are those for regeneration and economic development of areas. These are usually only accessible through LSP (Local Strategic Partnerships) formed between Local Authorities and the community and business sectors.

Enquiries for funding are best preceded by some low-key lobbying as opposed to a letter addressed impersonally. A good starting point is your local district/borough councillor who will be aware of what is available. Your local CVS (Council for Voluntary Service) is also a good source of information.

Some key policies you should be aware of before approaching your local authority for funding include Best Value and Local Compacts. As well as grant opportunities, funding opportunities from local government agencies include the delivery of public services under contract and asset transfer.

## **Background to the Compact**

The Compact is an agreement that improves relations between the Government and voluntary and community groups for mutual advantage. It is a way of working in partnership in an attempt to get it right together, rather than getting it wrong alone. There are a number of mechanisms in place to ensure that it works effectively, including its own mediation scheme and Ombudsman.

Local Compacts aim to improve relationships between voluntary and community sectors and local government locally through the sector, councils and other local bodies. Typically, Local Compacts involve the Local Strategic Partnership and also sign up all local public bodies along with voluntary and community groups.

## **Themes**

All Local Compacts usually share the following themes:

1. Funding
2. Consultation
3. Volunteering
4. Black and Minority Ethnic organisations
5. Community groups

## **The Council's Timetable and Process**

Work on the preparation of capital and revenue estimates starts in September/October for the financial year commencing the following 1 April. The Government's contribution, known as 'The Rate Support Grant', is usually confirmed in December and budgets are prepared which go to the Policy & Resources Committee and/or the Finance Committee for approval and submission to the full Council in February/March. This practice will vary from authority to authority and it is wise for you to make it your business to know exactly what happens in your own authority.

For a council to include provision for a major item in its estimates, particularly a capital project, detailed information is required the previous summer/early autumn. Applications for small grants towards revenue expenditure can normally be made in writing at any time of year but an application at the beginning of the financial year is likely to stand more chance of success. Notably, many authorities have a rolling programme or priority system which, although possibly covers several years, may be amended annually if priorities or other circumstances change.

## **Help In Kind**

It is always worth remembering that local authorities may be able to provide 'help in kind' rather than financial funding. These may include; nominal rent for a community centre; mandatory and discretionary rate relief; use of equipment (such as photocopier); technical and professional help (e.g. producing publicity or legal advice).

## **SOME TIPS**

### **▪ Network with similar organisations**

You may find that there are larger groups than can act as an umbrella group for disability, age, mental health, carers, women, youth, early years, learning disability, etc.

### **▪ Know your contacts**

Know who to contact to access funding in relation to size of grant required and the nature of your project.

- **Keep up to date**

Many communities publish their own free papers and newsletters. Get your group put onto mailing lists that advertise grants and other opportunities. Your local CVS(Council for Voluntary Service), Local Authority or Rural Community Council should be able to help. Use the internet and local government websites to search for the latest information.

- **Seek guidance**

Seek help and guidance to complete applications. The funding officer with your Diocese and many CVS and local authorities will also be willing to assist. Don't be afraid to contact the funders directly and discuss your application with them.

- **Give all the relevant information every time**

Do not take for granted that the funder knows your church or what you do. Read all documentation provided by funders and ensure all essential information is forwarded with the application.

- **Supply documentation**

Back up your application with documentation that provides evidence of the need for what you propose to do. If the funder allows, provide letters of support, research and survey findings, figures and statistics. Include any publicity material that you have produced about your organisation.

- **Consider partnerships** (*See also FG7*)

In order to build credibility consider working in partnership with other groups. This may improve the service you wish to offer and collaborative working demonstrates commitment, planning and your willingness to work with others. Partnership work can also show value for money in delivery projects.

- **Copy all documentation**

Before forwarding your application, copy all documentation and file for reference purposes. This will be useful when funders contact you with queries regarding your application.

- **Keep funders informed**

With successful applications gather evidence and success stories and forward these to the funder. This shows your ability to deliver what you said you would deliver and may assist you in future bids.

- **Be proactive**

Access the right people. Access the right guidance. Access the right funds.

### Some helpful Websites:

☞ [www.governmentfunding.org.uk](http://www.governmentfunding.org.uk) This site provides some relevant information and allows you to do a funding search

☞ [www.LocalGovernment4Me](http://www.LocalGovernment4Me) explains the structure, role and remit of local government in the UK

☞ [www.ncvo-vol.org.uk/](http://www.ncvo-vol.org.uk/) NCVO (National Council for Voluntary Organisations); or call 0800 2 798 798

# BURIAL MATTERS

## Grant Aid for Church Premises



Hon Vice President, Alan Fairchild MBE, takes a break from his usual advice about cemeteries and closed churchyards by answering a regular related issue of councils wanting to grant aid church premises

Local councils may, from time to time, be asked to help fund church maintenance and improvements. Such appeals can include roof and window repairs, organ restoration, new or improved heating systems, provision of toilet and kitchen facilities or even major alterations and extensions to create multi-use community halls costing many tens of thousands.

Schemes to provide better community spaces in churches than otherwise exist in many small parishes are often ones which, understandably, local councillors and residents feel should be helped. It is at this point clerks usually check to ensure councils have the power to make donations, grants or even annual contributions. But can local councils contribute to the cost of repairs and improvements to churches and church halls?

Although the Church of England's own Funding Guide 13: Local Authorities and Funding (2012) refers to county, district and parish councils being able to fund repairs and the adaptation of churches that bring benefit to all or some inhabitants of the area under Section 137 of the LGA 1972, neither this nor the more recent General Power of Competence permits councils to circumvent an existing statutory restriction.

Advice received by the Society from the Department for Communities and Local Government in 2014, clearly states that parish councils cannot contribute towards the maintenance or improvement of (Church of England) church premises or, in certain circumstances, to property held in relation to other denominations and faiths. The Minister at the time, Brandon Lewis MP, also acknowledged the pivotal role churches and

other religious buildings play in the life of communities and their unique part of the country's heritage and pledged to examine ways of removing this financial prohibition which remains unrepealed in the Local Government Act 1894.

The Society is still awaiting confirmation of the Government's intentions. In the meantime I would suggest clerks proceed with caution if their councils are asked to contribute to any scheme, no matter how laudable, relating to churches or church premises.

Alan Fairchild MBE, FILCM  
SLCC Member of MofJ Cemeteries  
Advisory Group





Department for  
Communities and  
Local Government

Nigel Adams MP  
House of Commons  
London  
SW1A 0AA

**Brandon Lewis MP**  
*Parliamentary Under Secretary of State*

**Department for Communities and Local  
Government**

Eland House  
Bressenden Place  
London SW1E 5DU

Tel: 0303 444 3430

Fax: 0303 444 3986

E-Mail: [brandon.lewis@communities.gsi.gov.uk](mailto:brandon.lewis@communities.gsi.gov.uk)

[www.gov.uk/dclg](http://www.gov.uk/dclg)

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*Dear Nigel*

Thank you for your letter of 14 April enclosing correspondence from your constituent, Mr Bryan Metcalf, of 2 Garth Lane, Hambleton, Selby, YO8 9QA, regarding concerns that a parish councils cannot donate money towards the fabric of its local Church of England Church. As Minister responsible for local government I have been asked to reply.

A parish council's powers to contribute towards the expenses of maintenance or improvement of property, does not extend to church premises. Mr Metcalf may be interested to know that I believe this prohibition extends to property held in relation to other denominations and faiths, in certain circumstances. He may wish to read section 75 to the Local Government Act 1894 which expands on definitions used in the Act.

The Government believes that churches and other religious buildings play a pivotal role in our communities and are a unique part of England's heritage. We have just released 20 million pounds of funding to support the repair costs of Roman Catholic and Church of England cathedrals and have also provided funding for Parish churches through the heritage lottery fund. It is important that communities can preserve these buildings for future use, I will therefore examine the possibilities and practicalities of removing this piece of legislation.

**BRANDON LEWIS MP**