

CLAS CIRCULAR

2017/15 (15 June 2017)

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GENERAL ELECTION

The new Government

For information

The Conservative Party won the largest number of seats but lost its overall majority in the House of Commons. Prime Minister Theresa May announced her intention of seeking to conclude a 'confidence and Supply' arrangement with Northern Ireland's Democratic Unionist Party. At the time of writing, talks between the Conservatives and the DUP were in progress.

On the assumption that it comes to fruition, the first major test of the arrangement will be the vote on the Queen's Speech. The State Opening of Parliament had been announced for 19 June but will now take place on Wednesday 21 June.

In the meantime, Mrs May has announced her new [Cabinet](#), which is largely the same as before but with the following changes:

- **Damian Green** – First Secretary of State and Minister for the Cabinet Office
- **David Lidington** – Lord Chancellor and Justice Secretary
- **Michael Gove** – Environment Secretary
- **David Gauke** – Work and Pensions Secretary

The majority of [ministerial announcements](#) have also been made:

- **Mel Stride** – replaces Jane Ellison as Financial Secretary to the Treasury (portfolio including strategic oversight of the UK tax system including direct, indirect, business, property and personal taxation, charities, the voluntary sector and gift aid)
- **Tracey Crouch** – takes on Rob Wilson's charities brief as Parliamentary Under Secretary of State for Sport and Civil Society (including responsibility for the Office of Civil Society)
- **John Glen** – joins the DCMS as a Junior Minister, taking on the culture and heritage brief (including tourism, heritage, museums and public libraries)
- **Lord Bourne of Aberystwyth** – remains Parliamentary Under Secretary of State for, *inter alia*, Faith and Integration

Robert Halfon, who remains MP for Harlow, has been removed from his role in charge of Apprenticeships, with no clear replacement.

On the opposition benches, Jeremy Corbyn has announced some additions to his [shadow Cabinet](#), including Andrew Gwynne as shadow Secretary of State for Communities and Local Government. Following the election, which saw the Liberal Democrats gain only four seats in the House of Commons, Tim Farron has also [announced](#) his resignation as leader. He intends to serve until the parliamentary recess begins in July.

[Source: CLAS summary – 15 June]

CHARITIES & CHARITY LAW

Charity Commission: the new Chief Executive

For information

The Charity Commission has [announced](#) that Helen Stephenson CBE has been appointed as its next Chief Executive, to succeed Paula Sussex on 18 July.

Helen Stephenson, who has been Director of Early Years and Childcare at the Department for Education since 2014, has extensive experience of senior leadership across the public and voluntary sectors. She previously served as Director and Deputy Director of the Office for Civil Society and has filled senior roles at the Big Lottery Fund and the Shaftesbury Society.

[Source: Charity Commission – 15 May]

NORTHERN IRELAND

New guidance on trustees' duties

For information

CCNI has published new [guidance](#), aimed at providing an accessible guide to support charity trustees in meeting their legal duties and calling on all charities to ask if they are “getting it right” when it comes to ensuring they are complying with the law.

As well as information on the range of legal and best practice requirements charity trustees face, the *Getting it Right* guidance includes a short, twelve-step checklist to support trustees in identifying potential issues. It asks trustees to consider if they:

- know the rules in the charity's governing document and keep them regularly under review;
- have and maintain a list of legislation that impacts on their charity;
- regularly review their charity's activities and area of operation to identify legal obligations and best practice;
- regularly review their charity's policies and procedures to ensure that they are up to date and fit for purpose;
- place legal compliance as a standing item on meetings of trustees;
- ensure that all new trustees receive an induction and are subject to trustee checks;
- have read relevant charity guidance produced by the Commission;
- seek advice from a professional or umbrella body where necessary;
- have read and comply with the Code of Good Governance;
- keep good records of trustee meetings to show how they have exercised governance over the charity; and
- keep good accounting and other records.

The guidance also provides useful information for anyone who is concerned that a charity is not complying with its legal obligations, including how to alert the Commission and what action may be taken as a result.

[Source: CCNI – 31 May]

PROPERTY & PLANNING

Historic England advice on metal theft

For information and possibly for action

Historic England has produced a new guide, *Metal Theft from Historic Buildings: Prevention, response and recovery*. We are assured by officials that it is a public document but it is not yet on HE's website. Following is a summary of the main points, in a series of *verbatim* extracts from the guide.

Historic England's approach to metal theft

Historic England strongly encourages the use of appropriate and traditional materials for historic buildings, particularly on roofs. Changing the material of a building's roof could detract enormously from the building's appearance and significance and mean that it performs less well technically. This is why we start out with the position that like-for-like replacement following theft is highly desirable, with appropriate security measures.

Traditional metals, including sand-cast and rolled lead sheet, are regarded as the most appropriate for covering historic buildings due to the following reasons:

- They are the material for which the structure of the building was designed
- Their appearance
- They are virtually maintenance-free
- Their technical performance, ability to be repaired in situ and longevity
- Their contribution to the significance of the building
- Their ability to be recycled, minimising the carbon footprint of the building.

We will not support the pre-emptive removal of lead from roofs not affected by theft unless there are exceptional circumstances. Each case will need to be judged on its own merits and we appreciate that sometimes a change of material should be considered following a theft in order to ensure the long-term future of the building. We would only expect the most appropriate alternative to be used, such as a long-term durable metal with a known standard of performance, for example terne-coated stainless steel. Slates or tiles could be an alternative where these would be historically appropriate and the roof is sufficiently steep.

Any harm done to the significance of the historic building would need to be outweighed by the benefits, including ensuring wind- and weather-tightness.

Why Historic England considers traditional metal roofing to be important

The roof of an historic building is always an important element in its design, structure and appearance. Such buildings are often among the oldest, largest or most prominent buildings in the area and its roof is likely to be a major feature in the local streetscape or landscape. The roof is also fundamental to protecting the structure of a building and the fixtures and fittings inside. All these elements are part of what makes it valuable within a particular place.

A traditional metal roof such as lead, copper, or zinc is likely to make an important contribution to the character and significance of an historic building, particularly where it is visible from ground level, or surrounding higher ground or buildings.

Replacement following metal theft

Historic England advises that traditional metal, such as a lead roof covering, should be retained wherever possible. Changing the material could detract enormously from the building's appearance and significance and mean that the building performs less well technically. This is why Historic England starts out with the position that like-for-like replacement following theft is highly desirable, with appropriate security measures.

Each case will need to be judged on its own merits and we recognise that in certain circumstances following theft like-for-like replacement would not be prudent. If we are persuaded that the risk of further theft is too high we will support appropriate alternative materials. We would only expect the most appropriate alternative to be used, such as a long-term durable metal with a known standard of performance, for example terne-coated stainless steel or zinc. Slates or tiles could be an alternative where these would be historically appropriate and the roof is sufficiently steep. Any harm done to the significance of the historic building would need to be outweighed by the benefits, including ensuring wind and water tightness. Where a permanent replacement cannot be organised quickly, a short term covering of roofing felt might be appropriate.

Getting permission and advice

If your building is Listed or in a Conservation Area, you need to ensure you get any necessary permissions and do not damage the building while trying to protect it. If your building is listed and you wish to use a different material to the one that was stolen, you will need to get Listed Building Consent (or denominational equivalent) and find out if you also need planning permission from your local planning authority.

Places of worship under Ecclesiastical Exemption (i.e. Church of England, Roman Catholic Church, Methodist Church, Baptist Union and United Reformed Church) have denominational

consent systems that are equivalent to local authority Listed Building Consent. *Even if the building is a place of worship under Ecclesiastical Exemption you must still consult the local authority to see if planning permission is required for a change of roof covering* [emphasis added].

Before making decisions about replacing stolen metal, seek advice from an accredited conservation architect or building surveyor with conservation expertise as well as from the local authority or the relevant ecclesiastical advisory body.

Recovering the roof

We encourage those who care for historic buildings to take the long view when deciding which materials to use. We understand that sometimes a short-term covering will be permitted for a limited time after metal theft whilst a permanent roof covering is being identified or funds are being raised.

Permanent replacement

Replacing a traditional metal roof covering with another metal roof covering will usually have less of an impact on the appearance, character and significance of a historic building than synthetic non-metal materials.

Most roofs intended to be covered by lead have a shallow pitch and are not suitable for tiles or slates. Tiles or slates may also not be appropriate where a roof has a slightly steeper pitch but was designed for lead. In some cases where a roof is steep enough and was designed for slate or tiles they are likely to be a suitable alternative.

In some parts of the country where there are traditional local materials these may be long-term options. In all cases it is strongly recommended that alternative roof coverings must be long lasting and give reliable service and be relatively maintenance-free.

As well as looking attractive and contributing to the character and significance of an historic building, traditional metals perform very well, particularly where the historic roof structure was designed for them.

[Source: Historic England e-mail, 14 June]

Safety and security in church buildings

For information and possibly for action

The Church of England has put up a new webpage, [Safety and security in church buildings](#). It is mainly a list of publicly available resources to help prevent and minimise the impact of attacks or hate crimes and is relevant to church buildings generally, not just to C of E ones.

- [Run, Hide, Tell](#): information about what to do in the event of an incident: resources include a leaflet and an information film.
- [CitizenAID](#): resources for the general public to be prepared in the event of an attack: particularly focused on how to react following an incident in order to protect yourself and help save lives of others affected.
- [Action Counters Terrorism](#): the campaign, 'Make nothing happen', focuses on the critical role the public can play in defeating terrorism.
- [National Counter Terrorism Security Office \(NaCTSO\)](#): the latest guidance includes a section (page 19) on places of worship. The introduction says: 'This guide is intended to give protective security advice to those who are responsible for security in places of worship. It is aimed at those places where there may be a risk of a terrorist attack either because of the nature of the place of worship or the number of people who congregate in it. The guide seeks to reduce the risk of a terrorist attack and limit the impact an attack might cause.'
- [Centre for the Protection of National Infrastructure](#): the Centre provides resources, guidance and expert advice to help protect and keep businesses secure from external threats: its latest guidance note was published following the London Bridge and Borough Market attack.
- [CSSC - helping businesses to remain safe](#): the Cross-sector Safety & Security Communications (CSSC) hub is a partnership between law enforcement agencies, local and national government organisations and private sector businesses which aims to help businesses remain safe and secure by providing information that will assist them to develop robust resilience and emergency preparedness plans. Currently operational in London, Scotland and the Eastern Region, it is set to expand across the UK in the future.

The website suggests that, in addition to public campaigns, church officers may wish to reach out to their local Police and regional counter terrorism units. Since the 7/7 attacks the UK has put in place a national counter terrorism network with 10 regional units with dedicated resources. NaCTSO is keen for places of worship to engage with the dedicated Counter Terrorism Security Advisor (CTSA) in their police force area, who can provide tailored guidance and advice, for instance when large events are planned. This is likely to be most relevant to sizeable churches and cathedrals. Contact details for CTAs are [here](#).

[Source: Church of England, 13 June]

SCOTLAND

OSCR guide to incorporation in Scotland

For information

OSCR has published a [A Guide to Incorporation](#), setting out the information that charities might need to know before they start the process of incorporation.

There are many reasons why a charity might want to change its structure to become a Scottish Charitable Incorporated Organisation (SCIO) or a company. The charity may want to have legal personality or to employ staff, or it may be looking to secure funding streams.

A charity seeking to incorporate must apply to the OSCR to create a new charity and apply for consent to wind up the existing charity. Once status and consent are granted, the 'old charity' can then transfer the assets and liabilities to the 'new charity'.

In this new guidance, the OSCR has put together a series of factsheets containing expert information from a range of organisations, covering:

- Accounting requirements
- Pension fund considerations
- Early Years Charities
- Care Inspectorate requirements
- Transferring assets and liabilities
- Banks, Investments, Insurance and Licenses
- Tax matters.

[Source: OSCR – 24 May]