

CLAS CIRCULAR 2020/22 (10 July 2020)

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It would be very helpful if members could let us know of anything that appears to indicate developments of policy or practice on the part of Government or other matters of general concern that should be pursued.

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CHARITIES & CHARITY LAW

Charity Commission: transparent and accountable governance

For information

The Charity Commission has [published](#) a regulatory alert on the importance of transparent and accountable governance. The alert is aimed at:

- large charities (with an income over £9 million) with complex governance and management structures (governed by a board of trustees and run by a separate group of executives); and
- service-providing charities whose front-line staff directly serve and interact with beneficiaries – some of whom may be vulnerable – and/or provide amenities or facilities to the public: services can vary from locally provided health, education, advocacy, and transport services, to on-the-ground disaster relief overseas

[Source: Charity Commission, 25 June]

FAITH & SOCIETY

COVID-19 and the financial sustainability of places of worship

For information

In a [short debate](#) in the House of Lords on 9 July, **Lord Black of Brentwood** (Con) raised the issue of the impact of the restrictions to address the COVID-19 pandemic on the financial sustainability of places of worship, to which the Minister of State, Home Office and Ministry of Housing, Communities and Local Government, **Lord Greenhalgh**, replied that places of worship had been allowed to reopen from 4 July with social distancing in place and that faith organisations could apply for 'a range of government-backed financial packages to support charities and businesses at this time'.

The Bishop of St Albans suggested that online donations should qualify for Gift Aid, as part of the Gift Aid Small Donations Scheme, to which Lord Greenhalgh replied that 'we encourage contactless where possible. We will certainly look to see whether we should extend this to small gift aid donations online'.

Lord Griffiths of Burry Port (Lab) pointed to the need for smaller, local churches to be made fully aware of the avenues of help available to them – with which **Lord Greenhalgh** agreed, adding that MHCLG was making the information available to all faith communities and places of worship and that 'the Prime Minister has asked Danny Kruger to look into how we can support those that provide many of the community services referred to by the noble Lord, and the social action that has been so helpful during the recovery phase of Covid-19'.

Lord Shutt of Greetland (LD) asked the Government to double Gift Aid for the tax year 2020-21 – to which **Lord Greenhalgh** gave a non-committal reply: 'My Lords, that is obviously something that would have to be considered as part of the comprehensive spending review that will take place this autumn. We recognise the importance of gift aid in supporting the financial sustainability of our places of worship'.

Lord Kilclooney (CB) asked whether the Government would consider relaxing VAT on the repair and reinstatement of churches and cathedrals and ensure that any financial support went to all faiths. **Lord Greenhalgh** referred the House to the Listed Places of Worship Grant Scheme, which refunds VAT on repairs and maintenance to listed building: it would be in place until March 2021, but whether or not it would be extended was a matter for the spending review.

Baroness Sherlock (Lab) asked whether the Government had considered the request that has been made specifically for an equivalent to the small business grant fund for charities and places of worship. **Lord Greenhalgh** replied that he and the Minister for Civil Society, Baroness Barran, had looked at a small business grant fund for charities and had already had a bilateral on this 'to see how we can move forward'. He also noted that the charity support fund of some £200 million provided by the National Lottery was open to places of worship that were registered charities.

[Source: Lords *Hansard*, 9 July]

Guidance for managing a funeral during the coronavirus pandemic

For information

Public Health England has [updated](#) its guidance on managing funerals during the coronavirus pandemic. The update now reflects lockdown changes regarding overnight stays, instructions for testing and holding post-funeral rituals.

[Source: Public Health England, 9 July]

Guidance for the safe use of places of worship

For information

MHCLG has [updated](#) its guidance on enabling the safe re-opening of places of worship for a broader range of activities, with an updated section on singing, chanting and the use of musical instruments. The new section is as follows:

'Led devotions

- There should be no group singing inside places of worship when worshippers are present.
- From 11 July, **outside only**, small groups of professional singers will be able to sing in front of worshippers. Singing in groups should be limited to professional singers only and should be limited to a small set group of people. Both the singers and the worshippers should be outdoors.
- **Indoors** - where essential to an act of worship, one individual only should be permitted to sing or chant, and the use of plexi-glass screens should be considered to protect worshippers from them, as this will further prevent transmission and the screen can be easily cleaned. Where music plays a big part in worship, and recordings are available, we suggest you consider using these as an alternative to live singing.
- You are advised only to play musical instruments that are not blown into. Organs can be played for faith practices, as well as general maintenance, but should be cleaned thoroughly before and after use.

Broadcasting

- Groups of professional singers are now able to rehearse and record indoors for broadcast (see the [Department for Digital, Culture, Media & Sport guidance for information on how this can be done safely](#)).

Congregational activity

- Except for the limited circumstances outlined above, people should avoid singing, shouting, raising voices and/or playing music at a volume that makes normal conversation difficult or that may encourage shouting. This is because of the potential for increased risk of transmission from aerosol and droplets.
- Therefore, spoken responses during worship should also not be in a raised voice.
- Activities such as singing, chanting, shouting and/or playing of instruments that are blown into should be specifically avoided in worship or devotions. This is because there is a possible additional risk of transmission in environments where individuals are singing or chanting as a group, and this applies even if social distancing is being observed or face coverings are used.'

[Source: MHCLG, 9 July]

Places of Worship Security Funding Scheme

For information

In Parliament, Imran Hussain MP [asked](#) the Secretary of State for the Home Department, how much funding each faith has applied for under the Places of Worship Protective Security Scheme since its introduction.

The Minister, Kit Malthouse, replied that: 'In the first three years of the scheme (2016-2019), £800,000 was available each year. In the fourth year (2019-2020) this was doubled to £1.6 million. All faiths, apart from the Jewish faith, are eligible to apply for funding under this scheme. The Jewish community has access to a separate funding scheme. Over the last four years, we have allocated £1,643,732 to mosques, £869,858 to churches, £210,989 to temples, and £676,115 to gurdwaras.'

[Source: MHCLG, 4 July]

PROPERTY & PLANNING

Guidance for the safe use of multi-purpose community facilities

For information

The Government has published [COVID-19: Guidance for the safe use of multi-purpose community facilities](#), for those managing multi-use community facilities such as community centres and village halls – *and, we assume, church halls*, many of which are used for purely secular activities. Multi-use community facilities support a wide range of local activity but their communal nature also makes them places that are vulnerable to the spread of COVID-19. The guidance includes signposts to relevant guidance on a range of different activities that can take place in these spaces, in line with the Government's roadmap to ease the existing measures to tackle COVID-19.

[Source: MHCLG, 6 July]

SCOTLAND

Scotland moves to Phase 3 of lockdown route map

For information **and possibly for action**

Scottish First Minister Nicola Sturgeon has [announced](#) that Scotland will move to Phase 3 of the lockdown map. In summary, places of worship can re-open for communal prayer from 15 July, congregational service and contemplation with limited attendance numbers and physical distancing. Restrictions on attendance at services and ceremonies for funerals, weddings and civil partnerships will be eased, although full-scale gatherings are still not permitted and some mitigation measures will remain.

As of **10 July**:

- Up to three households will be able to meet indoors, up to a maximum of eight people
- Up to five different households, to a maximum of 15 people, will be able to meet outdoors
- A household can meet up to four other households per day in total. Two metre distancing between households should continue, with heightened hygiene measures to avoid creating bridges which allow the virus to spread
- Mandatory face coverings will be required in shops and while physical distancing of two metres remains the law, there will be exceptions on public transport and in retail settings once appropriate mitigations are in place.

From **13 July**:

- Organised outdoor play and contact sports can resume for children and young people under 18 (subject to guidance)
- Non-essential shops inside shopping centres can re-open
- Dental practices can see registered patients for 'non-aerosol' procedures.

From **15 July**:

- **Places of worship can re-open for communal prayer, congregational service and contemplation with limited attendance numbers and physical distancing. Restrictions on attendance at services and ceremonies for funerals, weddings and civil partnerships will be eased, although full-scale gatherings are still not permitted and some mitigation measures will remain.**
- Indoor restaurants, cafés and pubs will be able to re-open

- Hospitality venues can be granted an exception to the 2 metre distancing requirement, however this requires mitigating measures in place such as clear information for customers, revised seating plans, and all hospitality venues are required to record contact details of customers to support Test and Protect.
- All holiday accommodation can re-open, as well as the childcare sector, hairdressers and barbers.
- Museums, galleries, cinemas and libraries can also open from Wednesday, with strict physical distancing and for many of these facilities advanced ticketing will be required.

[Source: Scottish Government, 9 July]

TAXATION

Temporary reduced rate of VAT for hospitality, holiday accommodation and attractions

For information **and possibly for action**

In the Summer Economic Update, the Chancellor announced a temporary VAT to supplies of food and non-alcoholic drinks from restaurants, pubs, bars, cafés and similar premises across the UK, as well as for accommodation and attractions. From 15 July 2020 to 12 January 2021, the reduced (5%) rate of VAT will apply to these supplies subject to meeting the criteria set out in the guidance.

Charities that provide holiday accommodation or hospitality and manage cafés and restaurants should ensure that they are aware of the planned changes. The temporary VAT reduction of admission to attractions may be relevant to some charity venues, however, **please note that if the fee you charge for admission is currently exempt that will take precedence and your supplies will not qualify for the reduced rate.**

Following the announcement, HMRC has now published:

- [Revenue and Customs Brief 10 \(2020\): temporary reduced rate of VAT for hospitality, holiday accommodation and attractions](#) - overview of the temporary VAT reductions.
- [Updated VAT Notice 709/3: Hotels and holiday accommodation](#) - Find out when you need to pay VAT if you provide holiday accommodation, caravans and camping facilities.
- [Guidance: VAT: reduced rate for hospitality, holiday accommodation and attractions](#) - If you're a VAT registered business, check if you can temporarily reduce the rate of VAT on supplies relating to hospitality, accommodation, or admission to certain attractions.
- [Guidance: VAT on admission charges to attractions](#) - Check which attractions are eligible for the temporary reduced rate of VAT from 15 July 2020.
- [Updated VAT Notice 709/5: Tour Operators Margin Scheme](#) - How to account for VAT if you buy in and resell travel facilities as a principal or undisclosed agent.
- [Updated VAT Notice 742: Land and Property](#) - Find out when transactions involving land and buildings are exempt from VAT.
- [Updated VAT Notice 701/14: Food products](#) - Find out which types of food have a temporary reduced rate for VAT purposes.
- [Updated VAT Notice 709/1: Catering, takeaway food](#) - Find out when you need to charge VAT and at what rate if you supply food and drink for the purposes of catering or as a takeaway.

[Source: HMRC, 9 July]

WALES

Stay local to be lifted in Wales

For information

The First Minister, Mark Drakeford, has [announced](#) that the stay local regulations are to be lifted and that as of **6 July**:

- The legal requirement to stay local (and the associated guidance about the 5-mile rule of thumb) no longer applies.
- There will be no limitation on travel but holiday accommodation in Wales will not be allowed to be open – self-contained accommodation is preparing to re-open from 11 July.
- People from 2 separate households will be able to join together to form one exclusive, extended household but they can only be part of one extended household.
- If one member of an extended household develops symptoms of coronavirus, the entire extended household should self-isolate, not just those living together.
- At the next review on 9 July, the Welsh Government will consider a range of specific options for re-opening the hospitality sector (bars and restaurants) outdoors from 13 July, self-contained holiday accommodation from 11 July and hairdressing by appointment.

[Source: Welsh Government, 3 July]