

CLAS CIRCULAR 2020/28 (29 September 2020)

Disclaimer

CLAS is not qualified to advise on the legal and technical problems of members and does not undertake to do so. Though we take every care to provide a service of high quality, neither CLAS, the Secretary nor the Governors undertakes any liability for any error or omission in the information supplied.

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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COVID-19: UPDATE

Latest advice on social distancing etc

For action

Further to the rule of six, the Prime Minister [announced](#) in Parliament that the Government has had to alter the social distancing rules in England, though the Government is not issuing a general instruction to stay at home.

Critically for members of CLAS in England, **the maximum number of people permitted at a wedding ceremony or reception is now 15. The maximum attendance at a funeral remains at 30.**

In addition, the following rules have been altered:

- First, the Government is asking office workers who can work from home to do so. In key public services – and in all professions where homeworking is not possible, such as construction or retail – people should continue to attend their workplaces.
- Second, from last Thursday all pubs, bars and restaurants had to operate table-service only, except for takeaways and close at 10pm. The same has been applied to takeaways - though deliveries can continue thereafter.
- Third, the requirement to wear face coverings has been extended to include staff in retail, all users of taxis and private hire vehicles, and staff and customers in indoor hospitality, except when seated at a table to eat or drink.
- Fourth, in retail, leisure, tourism and other sectors, the Covid-secure guidelines have become legal obligations. Businesses will be fined and could be closed if they breach these rules.
- Finally, business conferences, exhibitions and large sporting events will not be able to reopen from 1 October.

The Prime Minister said that “unless we palpably make progress, **we should assume that the restrictions I have announced will remain in place for perhaps six months.**” [emphasis added]

The devolved administrations have announced their own restrictions, all of which are more restrictive than those in England. You can find the devolved administrations' measures available via the following links: [Northern Ireland](#), [Scotland](#), and [Wales](#).

With respect to places of worship, the following applies:

- Wedding guests: Fifteen in England, 20 in Scotland, and 30 in Wales. In Northern Ireland, it is up to the venue's own risk assessment.

- Funerals: Thirty are allowed in England, 20 in Scotland, 30 in Wales. In Northern Ireland, it is up to the venue's own risk assessment.

Separately, the Church of England has [produced](#) guidance for churches.

[Source: 10 Downing Street, 22 September 2020; Northern Ireland Assembly, 22 September; Scottish Government, 23 September; Welsh Government, 24 September; Church of England, 25 September]

FAITH & SOCIETY

Brexit and Religious Orders

For information and possibly for action

With Brexit and the end of free movement fast approaching the Immigration team at Stone King has developed a [Brexit Self Audit Tool](#) to help Religious Orders assess whether they are Brexit ready and, if not, identify what actions they need to take. The tool will:

- Assist organisations that have EU nationals within them, and remind them of the steps they need to take in relation to these individuals
- Help organisations that rely on the movement of people from outside the UK
- Support organisations that have a sponsorship licence, by reminding them of their responsibilities and helping them to identify any strategic actions they need to take in relation to their licence and the EU nationals they support.

[Source: Stone King, 25 September]

Lead theft

For information

Jim Shannon MP [asked](#) the Church Commissioners, what steps the Church of England plans to take to tackle the theft of lead from churches.

Andrew Selous MP replied: 'Thefts of metal and monumental stone from churches initially fell following the introduction of the Scrap Metal Dealers Act 2013, but have begun to rise again. The Church of England submitted evidence to the Government's review of the Act and recommended legislation be updated to reflect new forms of thefts, the organised nature of the crime and smelting techniques. We await progress on that and in the meantime are working closely with the APPG for Metal Theft, Historic England and the Police, to support parishes that are impacted by this form of serious organised crime'.

[Source: Commons *Hansard*, 14 September]

Marriage and multi-purpose community facilities: updated guidance

For information **and possibly for action**

The Government has [updated](#) its guidance for small marriages and civil partnerships (in England) in light of the Prime Minister's announcement on new coronavirus restrictions (for which, see above). Similarly, the Government has also [updated](#) its guidance for those managing community centres, village halls and other community facilities on safely re-opening multi-purpose buildings.

[Source: MHCLG, 24 September]

Law Commission: wedding law in England & Wales

For information **and possibly for action**

At a teleconference last week about something else entirely, the Law Commissioner in charge of the consultation on wedding law in England & Wales, Professor Nick Hopkins, asked us if we would remind members that the Commission was anxious to hear the views of all denominations, large and small. CLAS will be sending in a response on the need, generally, to consolidate and systematise the current law (some of which still dates back to the early nineteenth century) but is unlikely to be able to comment in detail on some of the specific issues.

The consultation document is [here](#). The consultation closes on **3 December**.

[Source: CLAS, 28 September]

FUNDING

Financial support for VCSE organisations to respond to coronavirus

For information **and possibly for action**

DCMS has [updated](#) its guidance on financial support for voluntary, community and social enterprise (VCSE) organisations to respond to coronavirus, to reflect passed application deadlines; details of grants awarded; and changes to HM Treasury financial support.

[Source: DCMS, 16 September]

ODDS & ENDS

Chancellor announces Winter Economy Plan

For information **and possibly for action**

The Chancellor has [announced](#) the Government's Winter Economy Plan, which forms the next stage of the Government's economic response to the coronavirus. The policy paper announces:

- Job Support Scheme – The Government will be introducing a new Job Support Scheme from 1 November 2020. Employees will need to work a minimum of 33% of their usual hours. For every hour not worked, the employer and the Government will each pay one third of the employee's usual pay, and the Government contribution will be capped at £697.92 per month. Employees using the scheme will receive at least 77% of their pay, where the Government contribution has not been capped. The employer will be reimbursed in arrears for the Government contribution. The employee must not be on a redundancy notice. The scheme will run for six months from 1 November 2020 and is open to all employers with a UK bank account and a UK PAYE scheme. All Small and Medium-Sized Enterprises (SMEs) will be eligible; large businesses will be required to demonstrate that their business has been adversely affected by COVID-19, and the Government expects that large employers will not be making capital distributions (such as dividends), while using the scheme.
- Self-Employment Income Support Scheme (SEISS) Grant Extension – The grant will be limited to self-employed individuals who are currently eligible for the SEISS and are actively continuing to trade but are facing reduced demand due to COVID-19. The scheme will last for 6 months, from November 2020 to April 2021. The extension will be in the form of two taxable grants:
 - The first grant will cover a three-month period from the start of November until the end of January. This initial grant will cover 20% of average monthly trading profits, paid out in a single instalment covering 3 months' worth of profits, and capped at £1,875 in total.
 - The second grant will cover a three-month period from the start of February until the end of April. The Government will review the level of the second grant and set this in due course.
- Extending the temporary VAT reduced rate for hospitality and tourism – The Government is extending the temporary reduced rate of VAT (5%) from 12 January to 31 March 2021. This will continue to apply to supplies of food and non-alcoholic drinks from restaurants, pubs, bars, cafés and similar premises, supplies of accommodation and admission to attractions across the UK.
- Extension of access to finance schemes – The Government is extending four temporary loan schemes, to 30 November 2020 for new applications – those loans being:

- Bounce Back Loan Scheme
- Coronavirus Business Interruption Loan Scheme
- Coronavirus Large Business Interruption Loan Scheme
- Future Fund.

[Source: HM Treasury, 24 September]

Levelling up our communities: proposals for a new social covenant

For information and possibly for action

Danny Kruger MP has published his report, [*Levelling up our communities: proposals for a new social covenant*](#), which he prepared at the request of the Prime Minister. It includes a section headed 'A new deal with faith communities' in which he notes that before the welfare state, social support was provided by parishes, independent charities, foundations, friendly societies, mutuals, trades unions, cooperatives and churches and that every faith 'has charity, and particularly voluntary financial redistribution, at its heart: the Jewish and Christian tithe, the Sikh *dasvandh*, the Muslim *zakhat*, the Hindu *dana*'.

He also notes that the Churches in the UK are estimated to have five million members, have deep roots in local communities, often have big buildings in the heart of communities – including the poorest ones – and a combined annual revenue of £11 billion per year; almost 20 per cent of total charitable income. According to the last Census, there were almost 4.5 million members of non-Christian faith communities in 2011, who in 2016 together raised just over £5 billion. He further notes that faith communities generally operate outside the aegis of local government and the public services: partly intentionally, but partly also because 'many faith groups lack the professionalism and the willingness to cooperate, that are necessary for proper partnerships with the public sector'. He regards that distancing as 'a very bad thing' and suggests that public servants are often reluctant to partner with faith-based organisations, sometimes through simple ignorance but too often from what he describes as 'faith phobia': an active objection to the principle of faith communities working in partnership with government based on an assumption that religious belief belongs in the private sphere.

He proposes 'a new deal with faith communities':

'The Government should invite the country's faith leaders to make a grand offer of help on behalf of their communities, in exchange for a reciprocal commitment from the state. For each faith group, the offer would include the commitment to mobilise their congregations and commit their resources to tackling one or more besetting social problem in our society: problem debt, or children in care, or prisoner rehabilitation, or rough sleeping, or something else. This may be a national mission - to provide foster places for every child in care in England, for instance - or local places may be asked to choose, from a menu of missions, one that suits local needs and capabilities. Either

way, the faith group would work with government to agree a way of working, including where appropriate a set of proven interventions and methodologies, which it would deliver with the permission of the relevant statutory agencies. The faith group would commit to fully funding this work from its own resources.

Rather than money, the reciprocal commitment by government would consist of a direction, from the very top, to all public servants to facilitate the work of the faith group on the agreed mission or missions' [*bold in original*].

His solution: 'a coalition to tackle some of the wicked social problems that faith groups, working in partnership with the state, are best placed to tackle':

'I have held discussions with church leaders in which there was a widespread willingness to work together and with government to tackle a social challenge or challenges in the strategic way described. The resources are certainly there. I am assured that, if a deal were done with government and the call went out to the Church, a total of £500 million could be raised over the next five years. This comes on top of the £900 million committed by the Church of England from its £9 billion endowment (Queen Anne's Bounty, set up in 1708 in the wake of the worst economic crisis until this one) which is going to the poorest parishes in the country. There is potentially £1.4 billion on the table - not a penny of it from the taxpayer.

I have described the outlines of a deal with the Christian church as it is the largest faith community and the one with the greatest reach across the country. A similar deal will be possible with each of England's faith communities, though each will look different. What they have in common is a commitment to serving mankind that transcends the dull utilities of technocratic secular liberalism, and is more powerful for it. This commitment is often regarded suspiciously as 'proselytism'. Yet the fact that most religious people wish the whole world to agree with them does not mark them as different from secular liberals, who also wish their theology to be universal. A tolerant society has space for all.'

[Source: www.dannykruger.org.uk, 24 September]

NORTHERN IRELAND

McKee & Others v Charity Commission for Northern Ireland: update

For information

CCNI has published a further statement on the Court of Appeal judgment in *McKee & Others v Charity Commission for Northern Ireland* [2020] [NICA 13](#), which upheld a legal challenge to the delegation of decision-making powers by the Commission to members of its staff.

Crucially, it includes the following statement from the Department for Communities:

'The Department accepts the Court of Appeal Judgment. The determination of the Court raises complex issues in respect to charity regulation in Northern Ireland from 2013 when the Charity Commission began registration and going forward. As such, the Minister will want to understand all of the potential impacts of the Judgment on past decisions to determine what is in the best interests of all stakeholders and to ensure that any future arrangements are fully considered as they will set the course for charity regulation in Northern Ireland and must be in the wider public interest.

The Department is assured that the Charity Commission has introduced interim procedures to ensure decisions can be taken in compliance with the Judgment. The Minister will shortly determine how the Department intends to respond to the issues raised by the Judgment. In the meantime the Department can give an assurance to those charities that were unlawfully registered that they remain charities in law and need do nothing differently in the interim.'

[Source: Charity Commission for Northern Ireland, 23 September]

Views sought on amending Building Regulations

For information **and possibly for action**

The Department of Finance has [launched](#) a consultation – closing on **9 October** - on amendments to the *The Building Regulations (Northern Ireland) 2012* (as amended) and associated technical guidance, in relation to external fire spread on buildings.

[Source: Northern Irish Department of Finance, 7 September]

SAFEGUARDING

Government response to the IICSA Westminster report

For information **and possibly for action**

The Cabinet Office has [published](#) the Government's response to the Independent Inquiry into Child Sexual Abuse's (IICSA) Westminster Investigation Report. The Government responded to all of the recommendations and pledged to keep keep the Inquiry informed of progress in this area.

[Source: Cabinet Office, 18 September]

SCOTLAND

Consultation on Short Term Lets

For information **and possibly for action**

The Scottish Government has [published](#) a consultation – closing on **16 October** – on its proposals for the regulation of short-term lets that will form the basis for secondary legislation to be laid in Parliament in December.

[Source: Scottish Government, 14 September]

Reform of Hate Crime

For information

The Scottish Government is [proposing](#) to make lodge amendments to the [Hate Crime and Public Order \(Scotland\) Bill](#) to 'balance protection of vulnerable groups affected by hate crime with people's rights to freedom of expression.' The proposed changes would mean that:

- A conviction for new offences of 'stirring up' hatred would only be possible where it is proven that an individual intended to stir up hatred through his or her actions or behaviour.
- The alternative and lower threshold for an offence to be triggered which is currently in the draft legislation – namely, if someone's behaviour was 'likely to' stir up hatred – is to be removed.
- There will be no change to the threshold for the existing stirring up of hatred offences for racial hatred. These offences have been in Scots law since 1986 and will remain in place.

[Source: Scottish Government, 23 September]

TAX

Non-Domestic Rating (Lists) (No. 2) Bill

For information

The Government has introduced the [Non-Domestic Rating \(Lists\) \(No. 2\) Bill](#) to Parliament ([explanatory notes](#)). It implements commitments made by the Government on 21 July 2020 to ensure that the next business rates revaluation takes effect from 1 April 2023. This revaluation will be based on property values as of 1 April 2021, so that it better reflects the impact of COVID-19. The Bill also moves the latest date by which draft rateable values must be published from 30 September preceding the new rating list, to 31 December preceding the new rating list, in relation to both England and Wales.

[Source: Parliament, 9 September]

VAT reverse charge

For information

HMRC has [published](#) guidance on how to use the new domestic reverse charge from 1 March 2021. Organisations must use the reverse charge from 1 March 2021, if they are VAT registered in the UK, buy building and construction industry services and:

- Payment for the supply is reported within the Construction Industry Scheme (CIS)
- The supply is standard or reduced rated
- They are not hiring either staff or workers, or both
- They are not using the end user or intermediary exclusions.

[Source: HMRC, 24 September]

WALES

Temporary increase in the notice period for eviction to be extended

For information

The Welsh Government has [announced](#) that the temporary increase in notice periods for eviction, including those announced in July, will be extended to **31 March 2021**.

[Source: Welsh Government, 15 September]