

CLAS CIRCULAR 2020/32 (30 November 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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COVID-19 UPDATES

The *Winter Plan for England* and the tier system

Possibly **for action**

Following a statement to the Commons by the Prime Minister, the UK Government released its [COVID-19 Winter Plan](#). Under it, on **2 December** across all of England, regardless of tier:

1. The stay at home requirement will end, with domestic and international travel being permitted again subject to guidance in each tier.
2. Shops, personal care, gyms and the wider leisure sector will reopen.
3. **Collective worship, weddings** and outdoor sports can resume, subject to social distancing.
4. People will no longer be limited to seeing only one other person in outdoor public spaces - the "rule of six" will apply as it did in the previous set of tiers.'

England will move back into the regional, tiered approach. The *Winter Plan* says that, though the previous tiered system had an impact on viral transmission, SAGE has advised that stronger measures would be needed in some areas to prevent the epidemic from growing. The tiers will therefore be strengthened to keep the virus under control, as follows:

- In tier 1, the Government will reinforce the importance of working from home wherever possible.
- In tier 2, pubs and bars must close unless they are serving substantial meals (like a full breakfast, main lunchtime or evening meal), along with accompanying drinks.
- In tier 3, all hospitality will close except for delivery, takeaway and drive-through; hotels and other accommodation providers must close (except for specific exemptions, including people staying for work purposes or where they cannot return home); and indoor entertainment venues must also close.

On the same day, DHSC [published](#) guidance on the local restriction tiers (*for England*) that will be in place when the national lockdown ends on 2 December. Across all tiers, everyone:

- must [wear a face covering](#) in most indoor public settings, unless they have an exemption;
- should follow the [rules on meeting others safely](#);
- should walk or cycle where possible, plan ahead and avoid busy times and routes when travelling; and
- *must* follow the gathering limits at their tier except for in specific settings and circumstances.

The guidance for the three tiers for local restrictions are as follows:

- [Tier 1: Medium alert](#)
- [Tier 2: High alert](#)
- [Tier 3: Very High alert.](#)
- A full list of local restriction tiers, by region, can be found [here](#).

[Source: Cabinet Office & DHSC, 23 November]

Christmas COVID-19 guidelines

Possibly for action

Early yesterday morning, on 29 November, the Cabinet Office issued [Guidance for the Christmas Period](#). The new Guidance covers most aspects relevant to the period from 2 December, an overarching criterion being the guidance for each of the three tiers. It includes:

- [Visiting churches and other places of worship;](#)
- [Attending events, including performances and Christmas lighting ceremonies;](#)
- [Carol singing;](#)
- [Attending events organised by schools and other education settings, including nativity plays;](#)
and
- [Weddings, civil partnerships and funerals.](#)

Three time-periods are involved: from 2 December to 23 December; from 23 December to 27 December; and from 28 December onwards. There is also cross-referencing to other earlier guidance.

The Cabinet Office has also [published](#) guidance on making a Christmas bubble with friends and family. The core of the guidance is that between 23 and 27 December, you can form an exclusive “Christmas bubble” composed of people from no more than three households. The following points are also worth highlighting:

- You can only be in one Christmas bubble and cannot change your Christmas bubble.
- You can travel between tiers and UK nations for the purposes of meeting your Christmas bubble.
- You can only meet your Christmas bubble in private homes or in your garden, places of worship, or public outdoor spaces.

- You can continue to meet people who are not in your Christmas bubble, outside your home, according to the rules in the tier where you are staying.
- You cannot meet someone in a private dwelling who is not part of your household or Christmas bubble.
- You must not form a Christmas bubble if you have coronavirus symptoms or are self-isolating.
- Existing support bubbles count as one household towards the three-household limit.
- If someone is in your Christmas bubble, you can visit each other's homes and stay overnight, including in private rented accommodation. You can also go to a place of worship together, or meet in public outdoor spaces. You cannot meet your Christmas bubble in any other indoor setting, such as a pub, hotel, shop, theatre, or restaurant.
- You may form a different Christmas bubble from the people you live with normally. If you and the people you are living with want to be in different Christmas bubbles, you can choose to stay somewhere else with different people for this period and form a Christmas bubble with that household and one other household (this will count as three households) – guidance [here](#)
- The Guidance states that 'forming a bubble if you are vulnerable or clinically extremely vulnerable carries additional risks - [see advice for clinically vulnerable people](#)'.

[Source: Cabinet Office, 24 & 29 November]

Welsh Government updates COVID-19 guidance

Possibly **for action**

The Welsh Government has updated its guidance on three areas which are of importance to churches and faith communities:

- [Safe use of multi-purpose community centres \(COVID-19\)](#).
- [Culture and heritage destinations and venues: guidance for a phased return](#) (including historic places of worship).
- [Keep Wales Safe: guidance for tourism and hospitality](#) (including church cafés and the like).

[Cytûn's information page](#) has been updated accordingly. Cytûn says that there is nothing especially unexpected in this new guidance, but members are reminded that the guidance is statutory and regard must be had to it in arranging activities within or outside places of worship. [*With thanks to Gethin Rhys.*]

[Source: Welsh Government, 23 November]

Suggested principles for safer singing

For information **and possibly for action**

Public Health England has published [guidance](#) outlining the available evidence on virus transmission associated with singing and suggesting actions to reduce the risk of transmission while singing.

The guidance suggests that if other national and local guidance on the control of COVID-19 is followed, singing is considered safer when the following actions are taken:

1. As required by national guidance, people with symptoms suggestive of COVID-19, or who are known to have been in recent contact with others who have COVID-19, do not participate in singing or attend singing events.
2. Singing takes place only in larger, well-ventilated spaces or outdoors.
3. Performance or rehearsal is for limited periods of time at a reduced level of loudness, using microphones for amplification if available.
4. Limited numbers of people sing together.
5. Singers are spaced at least 2 metres apart in all directions (at least 1 metre apart if the additional measures or controls recommended in [COVID-19 guidance for the performing arts](#) are applied).

[Source: Public Health England, 20 November]

CHARITIES & CHARITY LAW

Charities (Exception from Registration) Regulations 1996

For information

Following CLAS' response to the consultation on exception from registration, DCMS has e-mailed CLAS as follows:

'We have carefully reflected on all the feedback we received. DCMS intends to extend the Regulations by 10 years to give excepted charities time to prepare for registration and to allow the Charity Commission as much time as possible to register all excepted organisations in a coordinated way.

DCMS and the Charity Commission are working on a plan to phase more organisations onto the register in a manageable way over the extension period and we will share further details in early 2021.

Extending the Regulations beyond 31 March 2021 requires Parliamentary approval, through Secondary Legislation. We intend to lay the necessary Statutory Instrument in early 2021. When a date is confirmed I will write again to inform you.' [our emphasis].

We shall obviously keep a careful eye on further developments and watch out for the draft Statutory Instrument.

[Source: DCMS, 27 November]

Enabling safe and effective volunteering during coronavirus

For information

DCMS has [published](#) guidance that aims to help organisations and groups understand how to safely and effectively involve volunteers during the pandemic. This guidance is for people who run volunteer-involving organisations or groups, or who manage volunteers. If you are interested in volunteering yourself, or are an existing volunteer, read guidance on [how to volunteer during the coronavirus pandemic](#) and on [how to help others safely](#).

[Source: DCMS, 13 November]

National Fund to be redistributed

For information

The Chancery Division of the High Court has ruled that £500m from the dormant National Fund, a charity established in 1928 with the object of paying off the National Debt, could be transferred to other charitable purposes. It has made no disbursements since its establishment.

In *Attorney General v Zedra Fiduciary Services (UK) Ltd & Ors* [\[2020\] EWHC 2988 \(Ch\)](#), Zacaroli J concluded that the chances of the National Fund ever achieving its charitable aim of discharging the national debt were so remote that the courts could order its assets to be used to fund other charitable causes. This would avoid the risk that the Fund was left 'in limbo, with no benefit accruing to charity at all', which "would not be a suitable and effective method of using the property' [137]. A final decision on whether this redistribution will go ahead, or which causes may benefit, will be made at a future hearing.

[Source: BAILII, 9 November]

EMPLOYMENT

Extension of the Coronavirus Job Retention Scheme

For information and possibly for action

The Chancellor [announced](#) that the Job Retention Scheme would be extended to the end of March 2021. The Government confirmed that employees will receive 80% of their current salary for hours not worked, up to a maximum of £2,500.

Employer contributions during the retention scheme extension will be the same as in August 2020. This means that for hours not worked by their employee, employers will only be asked to cover National Insurance and employer pension contributions. The Government will review the policy in January to decide whether economic circumstances are improving enough to ask employers to contribute more.

[Source: HMRC, 5 November]

Immigration and Social Security Co-ordination (EU Withdrawal) Act 2020

For information

The [Immigration and Social Security Co-ordination \(EU Withdrawal\) Act 2020](#) has completed its passage through Parliament and has received Royal Assent. The Act legislates to:

- end of freedom of movement with the European Union come the end of 2020;
- make EU, EEA and Swiss citizens subject to UK immigration controls;
- make provision to protect Irish citizens' immigration rights; and
- provide a power to amend retained EU legislation relating to social security co-ordination.

[Source: Parliament, 11 November]

FAITH & SOCIETY

Churches: Repairs and Maintenance

For information

Lord Alton of Liverpool [asked](#) Her Majesty's Government 'what estimate they have made of the rate of closure of churches in recent years; what assessment has been made of the ability of worshipping communities to fund ongoing repairs to church buildings; and what plans they have to provide support to worshipping communities to help maintain church buildings.'

The Minister, Baroness Barran, responded that:

'Historic England works closely with faith communities on the management of historic places of worship.

When a place of worship is no longer required for regular worship it can still make a valuable contribution to the wider community; Historic England works with faith communities to develop a sustainable future when they are not used actively for worship, retaining as much of their special historical and architectural significance as possible. Only in a small minority of cases do places of worship have to close. Historic England also offers bespoke advice to those who manage places of worship on how to address repairs.

In 2016, the Taylor Review: Sustainability of English Churches and Cathedrals was commissioned to examine the funding and sustainability of listed Church of England churches. The Review considered that a more strategic approach was needed to ensure that the previous large investments of public money were protected by timely maintenance and repair of these buildings. Consequently, the DCMS-funded Taylor Review Pilot was commissioned to test some recommendations made in the Review, pairing advice and support from building conservation and community development experts with targeted grant funding for maintenance and minor repairs. The evaluation, which was published in October 2020, demonstrated the impact of this project on historic places of worship in the pilot areas, with just over £1m of grant funding for repairs allocated almost equally between both areas to 136 applicants.

The Government has set out its vision and strategy to protect the historic environment, including England's places of worship, in the 2017 Heritage Statement. Any further financial support is subject to the Spending Review, which is due to conclude later this month.'

However, so far as we can see, the Spending Review [*see below*] did not mention anything about the possible extension of the Listed Places of Worship Grant Scheme after 31 March 2021.

[Source: Parliament, 9 November]

MHCLG Independent Faith Engagement Review: call for evidence

For action

Colin Bloom, the Faith Engagement Adviser at the Ministry of Housing, Communities & Local Government, is leading a review into how best the Government should engage with faith groups in England. In support of that, MHCLG has launched an online [Independent Faith Engagement Review: call for evidence](#), which poses a series of questions on how those of all faiths, or none, perceive the Government's engagement with faith groups. MHCLG says that because the review is specifically about faith and religion, priority will be given to responses that fit within those parameters: however, space is given for respondents to share their views in a way that they feel is appropriate.

The call for evidence closes on **11 December**. *It applies to England only and can only be completed online*. The questions cover the following topics:

- Faith impact on society, including reference to the activities of faith-groups during the COVID-19 pandemic.
- Government engagement with 'people of faith' – does Government understand them.
- Could the Charity Commission give better support?
- Is freedom of religion or belief under threat in the UK? (Since this call for evidence is about England, I'm not sure why the question mentions the UK.)
- 'Faith literacy': do local and national Government and public servants, emergency services health care professionals and elected representatives 'have a good understanding of different faiths, religious practices and issues'?
- Are faith-based schools 'good for society'?
- Is religious education in schools 'comprehensive enough'?
- Do 'faith-based or religious practices in schools have a positive impact on a child's education'?
- Do 'secular or non-religious practices in schools have a positive impact on a child's education'?
- Military chaplaincy.
- Prison chaplaincy.
- A series of key definitions on 'religion', 'belief' and 'faith', for comment.
- Space for 'final thoughts'.

[Source: MHCLG, 19 November]

ODDS & ENDS

Spending Review 2020

For information

The Chancellor delivered the [Spending Review 2020](#) (SR20), which outlined the extremely high levels of Government borrowing as a result of coronavirus that is likely to necessitate future tax rises or budget cuts. At a glance:

- The Charity Commission's budget will increase to £27.3m in 2020-21 and to £28.3m in 2021-22.
- The Government is undertaking a fundamental review of the business rates system and is currently considering responses to the call for evidence. To support businesses in the near-term, the Government has decided to freeze the business rates multiplier in 2021-22. The Government has also decided not to proceed with a reset of business rates baselines in 2021-22 and will maintain the existing 100 per cent business rates pilots for a further year.
- The UK will spend the equivalent of 0.5 per cent of its national income as overseas aid in 2021.
- The Government has established funding the Levelling Up Fund and has provided funding to get those unemployed for more than a year into work.
- The National Living Wage will be raised to an hourly rate of £8.91 and will be extended to 23- and 24-year-olds .
- The Spending Review provides funding for the culture and heritage sector.

Departmental settlements

Announcements from the Spending Review 20 (SR20) that may be of interest to CLAS members include:

- 6.47: The UK will spend the equivalent of 0.5 per cent of its national income as overseas aid in 2021.
- 6.57: The Government is launching a new Levelling Up Fund worth £4 billion for England, to invest in local infrastructure that has a visible impact on people and their communities. Moving away from a fragmented landscape with multiple funding streams, this new cross-departmental Fund for England will invest in a broad range of high value local projects up to £20 million, or more by exception, including bypasses and other local road schemes, bus lanes, railway station upgrades, regenerating eyesores, upgrading town centres and community infrastructure, and local arts and culture. SR20 makes available up to £600 million in 2021-22.

The Government will publish a prospectus for the Fund and launch the first round of competitions in the New Year.

- 6.69: The Government is undertaking a fundamental review of the business rates system and is currently considering responses to the call for evidence. A final report setting out the full conclusions of the review will be published in spring 2021. To support businesses in the near-term, the Government has decided to freeze the business rates multiplier in 2021-22, saving businesses in England an estimated £575 million over the next five years. Local authorities will be fully compensated for this decision.
- 6.70: Earlier this year, the Government announced that it would delay the move to 75 per cent Business Rates Retention and the implementation of the fair funding review. This decision allowed local authorities to focus on meeting the public health challenge posed by the pandemic. In order to provide further stability to the sector, the Government has decided not to proceed with a reset of business rates baselines in 2021-22 and will maintain the existing 100 per cent business rates pilots for a further year. The Government will consult on reforms to the New Homes Bonus shortly, with a view to implementing reform in 2022-23.
- 6.79: To support the response to Covid-19, BEIS's settlement includes over £500 million to support the continued delivery of Covid-19 loans, including paying for the 12-month interest-free period on the Bounce Back Loans and Coronavirus Business Interruption Loan Schemes
- 6.81: To support the Government's Ten Point Plan to accelerate the UK's progress towards Net Zero, ahead of hosting COP26 in 2021, BEIS have been allocated over £3 billion of new funding. This includes:
 - Confirmation of over £1 billion to make further progress towards delivering the Government's commitment to invest in the energy efficiency and heat decarbonisation of schools, hospitals and homes
 - £240 million to support industry to produce low-carbon hydrogen at scale and over £80 million to test its use in heating buildings
- 6.87: To support the world-leading culture and heritage sectors, SR20 includes:
 - Over £150 million to continue to strengthen our cultural and heritage infrastructure, including through the Cultural Investment Fund and Museums Infrastructure Fund, enabling the development of British Library North and continued investment in the Heritage High Streets programme
 - More than £100 million of capital investment for DCMS-supported bodies working across culture, heritage, and sports
 - Over £320 million for our internationally renowned galleries and museums.
- 6.89: The Government will achieve efficiencies in the Office for Civil Society by rationalising work to better deliver the Government's priorities for the sector.

- 6.92: SR20 includes a doubling of the Government's flood and coastal defence investment to £5.2 billion over six-years, commencing next year
- 6.111: SR20 confirms an additional £4.7 billion to the devolved administrations through the Barnett formula in 2021-22:
 - The Scottish Government will receive an additional £2.4 billion through the Barnett formula, with £1.1 billion of core funding and £1.3 billion in relation to Covid-19
 - The Welsh Government will receive an additional £1.3 billion through the Barnett formula, with £560 million of core funding and £770 million in relation to Covid-19
 - The Northern Ireland Executive will receive an additional £0.9 billion through the Barnett formula, with £380 million of core funding and £540 million in relation to Covid-19.

[Source: HM Treasury, 25 November]

PROPERTY & PLANNING

Local Restriction Support Grants (England)

For information

The [Local Restrictions Support \(Closed\) Addendum](#) and [Local Restrictions Support Grant \(Closed\)](#) in England apply due to the national lockdown. The grants function as follows:

- Businesses occupying hereditaments appearing on the local rating list with a rateable value of exactly £15,000 or under on the date of the commencement of the local restrictions will receive a payment of £667 per 14-day qualifying restriction period.
- Businesses occupying hereditaments appearing on the local rating list with a rateable value over £15,000 and less than £51,000 on the date of the commencement of the local restrictions will receive a payment of £1,000 per 14-day qualifying restriction period.
- Businesses occupying hereditaments appearing on the local rating list with a rateable value of exactly £51,000 or above on the commencement date of the local restrictions, will receive £1,500 per 14-day qualifying restriction period.

However, the guidance is clear that no further help will be given to charities which have used up all the payments under the *De Minimis* and the UK Covid-19 Temporary State Aid Framework.

[Source: BEIS, November 2020]