

## CLAS CIRCULAR 2021/08 (17 March 2021)

### Disclaimer

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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

### “Contested heritage”, the Charity Commission and the National Trust

For information **and possibly for action**

The Charity Commission has [concluded](#) its compliance case involving the National Trust, finding that there are no grounds for regulatory action against the charity, however, the Commission has welcomed the Trust’s commitment to learning lessons from its recent experience, and its ongoing commitment to take into account a wide range of views and opinions within its membership and wider society.

The Commission opened a regulatory compliance case in September 2020, after the Trust had published its [interim report examining links between its properties and histories of colonialism and slavery](#), which led to public criticism of the charity, and whether, in undertaking the work, it had acted outside its charitable purposes. The Commission concluded that the Trust had provided a well-reasoned response to the question of how the publication of the report furthered the charity’s purposes. The trustees were able to demonstrate that they explicitly considered and determined that commissioning and publishing the report was compatible with its charitable purposes, as set out in the National Trust Acts 1907 to 1971.

The Commission states that it is satisfied that the trustees recognised and carefully considered the potential negative reaction that could result from the publication of the report, though it does say that the Trust could have explained the link between the report and the Trust’s purpose more clearly. However, overall, the Commission is reassured that the Trust acted in line with its charitable purposes and that the trustees fulfilled their legal duties and responsibilities.

CLAS thought this a pertinent reminder that, no matter what action a charity does or does not take, it must always be considered against its charitable purpose(s).

[Source: Charity Commission, 11 March]

### Financial support for charities

For information **and possibly for action**

In answer to a [Written Question](#) to the Secretary of State for Housing, Communities and Local Government on financial support for community support groups that meet in premises forming part of places of worship, and support for places of worship that have lost rental income from community

groups that have continued to use their premises during the COVID-19 outbreak, the Minister of State for Housing, Communities and Local Government said that, as part of the response to COVID-19:

'The Government made available a package of support specifically for charities and businesses. Places of worship that are also registered charities have been able to apply to a number of these schemes on the basis of being impacted organisations themselves, to support their work delivering community services in response to the pandemic. This included the Government's £750 million package of support specifically for charities, social enterprises and the voluntary sector. Many places of worship who employ people have also benefited from the Government's furlough scheme, which was recently extended to the end of September 2021 where needed.

The Government continues to engage regularly with a range of faith leaders and community groups – including through our Places of Worship Taskforce and regular roundtable meetings with major faith groups – to better understand how the Government can support them to respond to the pressures they face at this time.

I encourage places of worship and community groups to monitor the Government's web pages that offer information on the schemes currently available, and new schemes when they are launched, such as: <https://www.gov.uk/guidance/financial-support-for-voluntary-community-and-social-enterprise-vcse-organisations-to-respond-to-coronavirus-covid-19>.'

[Source: Commons *Hansard*, 9 March]

## FAITH & SOCIETY

### Listed Places of Worship Grant Scheme

For information

In a message to the Historic Religious Buildings Alliance on 10 March, the Heritage Minister said:

'I am aware of the value you place on the LPWGS and I am genuinely pleased that we have been able to confirm that this will continue until March 2022. Looking even further into the future, we will continue to work with our partners including the Treasury, MHCLG and Historic England to make sure you are supported for the longer term.

The Taylor Review Pilot which concluded just before COVID has given us a great deal of insight which will inform future decisions on funding and support. And we need your advice and expertise too, so please keep talking to us.'

If this represents a longer-term commitment to retaining the Scheme, that is very good news indeed and CLAS, among others, will certainly keep making the case.

[Source: HRBA, 10 March]

## NORTHERN IRELAND

### Extending the rates holiday for a further 12 months

For information

The NI Finance Minister has [announced](#) the extension of the business rates holiday for a further 12 months for 29,000 businesses, at a cost of £230 million. Businesses in several sectors will pay no rates in 2021-22 for the second year running, including:

- Childcare;
- Hospitality, tourism and leisure;
- Retail (excluding larger food stores and off-licences).

[Source: Legislation.gov.uk, 11 March]

## ODDS & ENDS

### Church hustings

For information **and possibly for action**

The Joint Public Issues Team has [published](#) a helpful summary of which [elections are happening in your area](#) and [why it is good for churches to host hustings](#). The page covers the following information:

- Form a coordinating group
- The rules around forming a hustings event
- Setting a date
- Choosing a form of hustings
- Taking your hustings online
- Appointing a Chair
- Inviting candidates
- Do we have to invite all the candidates?
- What if a candidate doesn't respond, declines, boycotts or fails to turn up?
- Publicising the event
- Checklists and contacts

[Source: Joint Public Issues Team, February 2021]

## PROPERTY & PLANNING

### Extension of bailiff-enforced rental evictions in England

For information **and possibly for action**

The temporary ban on bailiff-enforced rental evictions in England introduced at the start of the COVID-19 pandemic has been [extended](#) again until **31 May 2021**. The announcement means that eviction notices cannot be given until 1 June 2021.

Landlords are required to give six months' notice to tenants before starting possession proceedings, except in the most serious circumstances, such as incidents of fraud or domestic abuse – which means that most tenants served notice from 1 June 2021 onwards can stay in their homes until at least 1 December 2021.

[Source: MHCLG, 10 March]

### Religious Buildings: Planning

For information

Lord Beith asked 'Her Majesty's Government what steps they are taking to consult church organisations covered by the Ecclesiastical Exemption (Listed Buildings and Conservation Areas) (England) Order 2010 as part of the Planning for the Future consultation; and what plans they have to change the exemptions under that Order.'

In response, the Minister said that: 'Following the Planning for the Future White Paper consultation last year on changes to the planning system, the Government continues to engage with a wide range of stakeholders as we develop our detailed proposals. This includes reforms to the planning framework for listed buildings to ensure their significance is conserved while allowing, where appropriate, sympathetic changes to support their continued use and address climate change.'

[Source: Lords *Hansard*, 5 March]



## SCOTLAND

### Timetable for easing restrictions

For information

The Scottish Government has [published](#) its timetable for easing COVID-19 restrictions. CLAS members will be particularly interested that, from 26 April, weddings and funerals for up to 50 (including wakes and receptions with no alcohol permitted) may take place. A summary of the timetable is as follows.

**2 April** - lifting the 'Stay at Home' requirement and replacing it with a 'Stay Local' message (retaining the current, local authority-based travel restrictions for at least a three-week period)

**5 April** - Assuming that all goes well, the Scottish Government plans to ease a wider range of current restrictions in level 4 areas (some of these activities/settings are already permitted/open in Level 3 island communities) including:

- the resumption of outdoor contact sport for 12-17 year olds
- return of college students within the top three priority groups identified by Colleges Scotland as most likely not to complete this academic year (estimated as 29% of learners)
- reopening of non-essential 'click and collect' retail
- extending the list of retail permitted
- The prohibition of in-home socialising will continue to be kept under review at this date.

**12/19 April, depending on term times** - all children back to school full-time

**26 April** - Assuming the data allows it, the following easings (some of these activities/settings are already permitted/open in Level 3 island communities) will take place:

- extending outdoor socialising to permit up to 6 people from up to 3 households to gather
- allowing 12-17 year olds to meet outdoors in groups of 6 from up to 6 households
- travel within all of mainland Scotland permitted (subject to other restrictions that remain in place)
- remaining shops can reopen and mobile close contact services can resume
- gyms can reopen for individual exercise

- tourist accommodation to reopen (self-catering accommodation to be restricted in line with rules on indoor gathering)
- work in people's homes to resume
- weddings and funerals for up to 50 (including wakes and receptions with no alcohol permitted)
- libraries, museums, galleries re-open
- outdoor hospitality to open till 22:00 with alcohol permitted. Indoor hospitality permitted without alcohol and closing at 20:00
- social mixing in indoor public places will be subject to current maximum of 4 people from up to 2 households The prohibition of in-home socialising will continue to be kept under review at this date.

**17 May** - From 17 May, the Scottish Government hopes to introduce the following easings:

- re-introducing in-home socialising for up to 4 people from up to 2 households
- further re-opening of hospitality: bars, pubs, restaurants and cafes can stay open until 22:30 indoors with alcohol permitted and 2 hour time-limited slots and until 22:00 outdoors with alcohol permitted
- adult outdoor contact sport and indoor group exercises can resume
- cinemas, amusement arcades and bingo halls can re-open subject to capacity constraints
- small scale indoor and outdoor events can resume subject to capacity constraints (to be confirmed following stakeholder engagement)
- colleges and universities can return to a more blended model of learning
- more in-person (face-to-face) support services can resume
- non-professional performance arts can resume outdoors

**June** - The Scottish Government aims for Scotland to move back to Level 1 in June. This will allow further relaxation across all areas of the economy and society, while still applying physical distancing and other non-pharmaceutical interventions and the FACTS guidance. From the end of June, we hope that we will be able to move to Level 0.

[Source: Scottish Government, 16 March]

## TAXATION

### Gift Aid Small Donations Scheme (GASDS)

For information **and possibly for action**

The Charity Tax Group (CTG) has shared that it had asked HMRC whether the concession about GASDS (allowing GASDS in cases where regular donors, particularly churchgoers, save up the cash they would have put in the collection each week and give it to the treasurer in one large cash amount) was restricted to COVID times.

HMRC confirmed that this was not unique to the pandemic and it was not a concession; provided the treasurer was satisfied that the pile of cash received was multiple small donations which happened to be in one envelope, then they could claim GASDS subject to the normal rules. This could be particularly helpful when regular donors are on holiday or required to miss events/church services for an extended period due to lockdowns or illness. Members should read para [38-39 of the minutes](#) for full details.

[Source: Charity Tax Group, 8 March]

## WALES

### COVID-19: places of worship and the latest Welsh Regulations

**For action**

Following the latest announcements by Welsh Government, the Revd Gethin Rhys, Policy Officer of Cytûn, has issued a helpful update on the position as it affects places of worship:

1. Attendance at a place of worship is a “reasonable excuse” for travelling beyond the “Stay local” restriction, as it was with regard to the previous “Stay at home” restriction.
2. The situation regarding worship outdoors is unchanged: worship outdoors beyond the curtilage of the place of worship is not permitted. While it would be possible, within the regulations, to worship in the open air on land within the curtilage of a place of worship, the Welsh Government asks that consideration should be given not only to COVID safety but also to the possible effect on community relations of being seen to meet visibly outdoors for worship when other sections of the community cannot meet at all. Cytûn and other faith communities have asked the Welsh Government to consider changing the guidance for places of worship to allow greater freedom to worship outdoors as Easter approaches, but they have not yet received a positive response from the Government.
3. The Welsh Government has announced that it hopes to permit “organised children’s activities outdoors” from 27 March. There is no further information yet as to the definition of “organised children’s activities”, nor as to which age-groups might be covered by this easing of restrictions
4. 28 March is Palm Sunday – in many parts of Wales marked as “Sul y Blodau” (Flower Sunday) with visits to cemeteries. It has been legal throughout lockdown to visit cemeteries, subject to maintaining physical distancing between households, but with the “Stay local” restrictions likely to be relaxed on 27 March to permit travel throughout Wales (but not across the border with England), many people are likely to wish to visit cemeteries on 27-28 March. There is a legal duty on those responsible for cemeteries to take all reasonable measures to ensure the maintenance of physical distance between households within the cemetery, and Cytûn would therefore urge churches to ensure that appropriate signage is clearly visible throughout the cemetery, by water taps, etc, by that weekend.

The First Minister’s statement is [here](#) and the latest amending Regulations are [here](#), but the principal Regulations have not yet been reissued with the latest amendments incorporated. The Welsh Government’s [guidance for places of worship](#) remains unchanged.

[Source: Cytûn, 15 March]