

CLAS CIRCULAR 2023/06 (21 March 2023)

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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NORTHERN IRELAND

Prospective Scheme of Delegation for CCNI

For information

The [Charities Act \(Northern Ireland\) 2022](#) empowers the Department for Communities to make a Scheme of Delegation to allow some of the decision-making functions of the Charity Commission for Northern Ireland to be delegated to staff – as they are in other jurisdictions. This [consultation exercise](#) by the Department for Communities seeks views about the proposed Scheme from those with experience of, or an interest in, charity regulation.

The consultation ends on **15 May**.

[Source: Department for Communities, 20 March]

PROPERTY & PLANNING

Levelling-up and Regeneration Bill: powers of parish & town councils

For action

Members will no doubt be aware that the Levelling-up and Regeneration Bill, which started in the Commons, is currently in committee in the House of Lords. An amendment has been tabled to the Bill that would clarify the law in relation to the vexed issue of the powers of parish and town councils to make grants to places of worship.

Yesterday (Monday), the Department for Levelling Up, Housing and Communities initiated an e-mail consultation exercise on the issue: it can be contacted here: LURBParishCouncils@levellingup.gov.uk.

Understandably, **DLUHC does not want to be inundated and is very keen indeed that each organisation should send in just a single response**. We have already made a submission on behalf of CLAS: could recipients of this circular please bear DLUHC's wishes in mind?

[Source: DLUHC, 20 March]

Environmental Outcome Reports consultation

For information

Of possible interest to members, DLUHC has announced a [consultation](#) on Environmental Outcome Reports. In a Written Ministerial Statement, the Secretary of State said that the Levelling Up and Regeneration Bill contains powers to bring forward a new framework for environmental assessment designed to make sure that the value and rigour of environmental assessment is retained and improved, while producing better environmental outcomes.

The Government believes that the current EU-derived processes of assessment are overly bureaucratic and lack transparency. Under the proposed new system, Parliament will set clear environmental outcomes against which projects must be considered. The intention is to streamline and simplify the assessment process and address the issue of risk aversion by being clear what assessment should cover and how assessment should be carried out.

Feedback from this consultation will be used to progress the development of the new assessment framework.

[Source: DLUHC, 17 March]

Infrastructure Levy consultation

For information and possibly for action

DLUHC has [announced](#) yet another consultation on the Infrastructure Levy. The proposed Levy, which will replace planning agreements entered into under [section 106 Town and Country Planning Act 1990](#) (commonly known as “section 106 contributions”) for most developments, will prevent developers from negotiating down the amount that they contribute to the community when they bring forward new projects.

Under the proposals, the amount developers will have to pay will be calculated once a project is complete, instead of at the stage the site is given planning permission. The intention is that councils should benefit from increases in land value, which can be significant for large developments that take years to complete. Councils will also be given powers to set rates themselves. The proposed Levy will also give communities more control over how this money is spent – a portion of the money will be passed directly to communities as a ‘neighbourhood share’ to fund their infrastructure priorities, while councils will be required to engage with communities and create an infrastructure delivery strategy.

Members will be aware that we have been here before – more than once. The original proposal for what was then known as the Community Infrastructure Levy would not have provided relief for charities and seemed to suggest that building (eg) a new school was a development that would attract the Levy. The voluntary sector – CLAS included – succeeded in persuading the Government that schools were part of the *infrastructure*, not a commercial “development”, and the Levy as introduced included exemptions for buildings for charitable use. We returned to the issue when the current version of the Infrastructure Levy was proposed. We will reiterate those arguments for the third time.

[Source: DLUHC, 17 March]

Managing fuel costs: reliefs for charities

For information and possibly for action

This is an update of an earlier article – the Government has since changed the Scheme.

The Government has put in place automatic energy bill relief for non-domestic customers until **31 March 2024**, though the current level of support will be reduced after 31 March 2023, when the current [Energy Bill Relief Scheme](#) will be replaced by the [Energy Bill Discount Scheme](#). In brief:

- From 1 April 2023 to 31 March 2024, all eligible non-domestic customers who have a contract with a licensed energy supplier will see a unit discount of up to £6.97/MWh automatically applied to their gas bill and a unit discount of up to £19.61/MWh applied to their electricity bill.

- The discount will be subject to a wholesale price threshold, set with reference to the support provided for domestic consumers, of £107/MWh for gas and £302/MWh for electricity. This means that businesses whose energy costs are below that level will not receive support.
- Customers do not need to apply for their discount. As with the scheme that it replaces, suppliers will automatically apply reductions to the bills of all eligible non-domestic customers.

Additionally, charities (including places of worship) can check whether they are currently paying the correct rate of VAT on the fuel that they purchase – see [VAT for charities: What qualifies for VAT relief](#). Contact your supplier if you believe that you may qualify for a refund.

[Source: CLAS, 17 March]

Non-Domestic Alternative Fuel Payments Scheme

For action if you have properties that are affected

On 21 September 2022, the Government outlined plans to help cut energy bills for businesses: full details are available [here](#). The following information is for organisations and businesses that use alternative fuels for energy such as kerosene (aka paraffin).

The Non-Domestic Alternative Fuels Payments Scheme provides a fixed payment of £150 to UK non-domestic consumers who are off the gas grid and use alternative fuels. Most consumers that are eligible for this payment will have already received it automatically as a credit on their electricity bills, but *properties not connected to the electricity grid will not have received £150 automatically and will need to apply through the online portal*.

Higher users of heating oil (kerosene), defined as over 10,000 litres per year, will be eligible to apply for an additional payment based on the amount of kerosene they use. Please note that *the additional payments are for kerosene only and do not cover other fuels such as liquefied petroleum gas (LPG) gas oil or red diesel*. Anyone in any doubt about the fuel they are using should contact their supplier.

Who can apply? The scheme provides support for all UK non-domestic consumers using alternative fuels such as kerosene for energy that are not on the gas grid. This includes commercial businesses, voluntary sector organisations including charities and community interest companies and public sector organisations such as schools, hospitals and care homes.

How to apply: If you are connected to the electricity grid, the fixed payment of £150 will be paid to you automatically by your electricity supplier. You do not need to make an application.

If you are not connected to the electricity grid, you will need to apply for the £150 fixed payment.

If you use more than 10,000 litres of kerosene per year you may be eligible for the additional payment, and you will need to apply and provide evidence to support your claim.

Where possible, all applications should be completed on-line, [here](#).

[Source: HM Government, 20 March]

WALES

Building Regulations guidance: part L (conservation of fuel and power)

For information

The Welsh Government has [updated](#) its guidance on the Building Regulations (part L) on conservation of fuel and power.

[Source: Welsh Government, 17 March]