

CLAS CIRCULAR

2023/21 (5 December)

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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CHARITIES AND CHARITY LAW

Regulators urge public to take care when donating to charity

For information

The Fundraising Regulator, the Charity Commission for England and Wales and Action Fraud have launched their [annual safer giving campaign](#) to remind people how to give safely to charities.

The campaign launch comes as new data from Action Fraud reveals fraudsters diverted more than £2.7m from charities in the last year. The data also revealed there were 501 charity fraud crime reports between 1 November 2022 and 31 October 2023.

The Charity Commission has given the following advice for people wishing to donate to charities with confidence:

- Check the charity's name and registration number on the Charity Register at www.gov.uk/checkcharity – most charities with an annual income of £5,000 or more must be registered.
- Make sure the charity is genuine before giving any financial information.
- Be careful when responding to emails or clicking on links within them.
- Contact or find out more online about the charity that you're seeking to donate to or work with to understand how they are spending their funds
- Look out for the [Fundraising Badge](#) – the logo that says 'registered with Fundraising Regulator' – and check the Fundraising Regulator's Directory of organisations which have committed to fundraise in line with the Code of Fundraising Practice.
- A face-to-face fundraiser should have a licence from the relevant Local Authority Licensing team or the Metropolitan Police (in Greater London). Never feel under pressure into donating immediately. Ask the collector for more information and if in doubt, wait and make a donation directly at a time that suits you.

[Source: Charity Commission, 29 November]

ODDS AND ENDS

Labour's new Shadow Minister for Faith

For information

Sir Keir Starmer has appointed Baroness (Maev) Sherlock as Shadow Minister for Faith. As well as being a working Labour Peer, she is also a priest in the Church of England.

[Source, Religion Media Centre, 30 November]

Non-party campaigner Code of Practice for general elections

For information

The Electoral Commission's [Non-party campaigner Code of Practice](#) came into operation on 1 December. The Code has been issued by the Secretary of State under section 100B of the Political Parties, Elections and Referendums Act 2000 ("PPERA"). It applies to UK Parliamentary general elections and Northern Ireland Assembly elections. It does *not* apply to elections to the Senedd or the Scottish Parliament unless the regulated period (the period when the spending laws apply) for either of those elections overlaps with the regulated period for a UK Parliamentary general election (a "combined regulated period").

The Code sets out:

- what a non-party campaigner is;
- what non-party campaigning is;
- the kinds of expenses which are qualifying expenses;
- the circumstances in which expenses are or are not to be regarded as incurred for the purpose of promoting or procuring electoral success;
- the kinds of expenditure which will be dealt with as notional controlled expenditure or donations;
- the circumstances which will be regarded as joint campaigning;
- the operation of the rules on targeted controlled expenditure; and
- the recording and reporting requirements (including for combined regulated periods).

Any CLAS member contemplating taking part in a non-party campaign should pay particular attention to the section on notification and reporting requirements.

Three key points:

- According to electoral law, spending on certain activities is regulated if the activity can reasonably be regarded as intended to influence people's voting choice – called “regulated campaign activities”. Therefore, such activity, which is lawful under charity law if it is not supporting a specified party or candidate, is regulated under electoral law, counting towards your spending limit.
- You will be required to register with the Electoral Commission as a non-party campaigner if your charity spends over £10,000 (previously this was over £20,000 in England) on regulated campaign activities across the United Kingdom. After the election you may then need to provide financial returns to support public transparency. *If you think you might need to register, the Electoral Commission advises you to register early.* Once an election is called, you cannot spend over the threshold until your registration is confirmed.
- The law now requires an imprint to be included on digital material that falls within the above definition of regulated campaign activities which tells voters who is responsible for publishing and promoting campaign material. This means that many types of digital material such as social media adverts and posts will require an imprint. Where a charity is paying for a digital advert, it will require an imprint if, for example, it promotes an outcome in an election or it promotes or criticises an elected officeholder.

There is more information here: [Charity Commission and Electoral Commission chairs share advice for charities engaging in public debate](#). In addition, as noted in our previous Circular, Bates, Wells and the Sheila McKechnie Foundation have produced a helpful guide: [General Election 2024: Charity Campaigning](#).

[Source: Charity Commission & Electoral Commission, 1 December]

Prevention of terrorism

For information

Counter Terrorism Policing resources:

Jon Reeves, Head of Security at Westminster Abbey, has drawn to our attention the following letter from DCS Helen Williams at Counter Terrorism Policing:

“Counter Terrorism Policing are offering a **new round of personal security briefings** delivered on Microsoft teams, **week commencing 4 December** for locally elected representatives as well as local faith leaders following increased concerns arising out the events in Israel and Gaza. Whilst the personal security briefings are broken down into geographical areas and are delivered locally, you are welcome to attend **any** session.

As before, whilst there has been a significant increase in reporting of hate crimes and incidents, at this time we have **no information to suggest** that there is a heightened threat to locally elected representatives or their staff, nor for faith communities, including those from the Jewish faith. This is under continual review, and should there be any change this will be circulated to you.

As a precautionary measure we have compiled below a range of open-source advice and guidance on safety and security for reassurance and ease of reference, to be disseminated to locally elected representatives and faith leaders. Should other individuals outside these groups ask for advice this can of course be shared with them. In particular I would like to **draw your attention to** the free [ACT e-Learning](#) counter terrorism awareness course for you and your staff to complete and [The Blue Book: A Guide to Personal Security | ProtectUK](#).

Reporting an emergency - Call 999 if you are reporting a crime that is in progress or if someone is in immediate danger.

Reporting non-emergencies – you can [Report crimes online](#) or by calling 101 if they are not an emergency. You can also call 101 to give information to the police or make an enquiry.

In addition, you can also link in with your local neighbourhood Inspector to discuss any concerns you have. We have asked local policing leads to ensure your local policing Inspector makes contact with you so that you have their contact details.”

Other useful resources:

Local Government Association: [guidance](#) on personal safety.

National Cyber Security Centre: [Guidance for individuals in politics](#).

NaCTSO, Home Office:

- [The Blue Book: A Guide to Personal Security | ProtectUK.](#)
- [E-Learning | ProtectUK](#)
- <https://www.protectuk.police.uk/resources/51>

NPCC, CPS, The Electoral Commission, College of Policing.

- [Joint Guidance for Candidates in Elections 2021 \(electoralcommission.org.uk\)](https://www.electoralcommission.org.uk)

Faith security training – face-to-face piloting:

The Home Office has announced the launch of piloting for the Faith Security Training project. This is a brand-new course developed by the Home Office in consultation with experts from security and policing partners, that will be a free learning resource for faith communities, with the aim of raising awareness of security risks and how to respond to them. The Home Office is ready to start piloting face-to-face delivery sessions and welcome members of faith communities, particularly people in positions of leadership or responsibility for security at places of worship, to attend and provide feedback on the content and delivery.

If you are interested in attending one of the pilot sessions, please complete the expression of interest form here <https://forms.office.com/pages/responsepage.aspx>. Alternatively, if you would like to speak with someone directly, contact 03301 75 69 62 or e-mail FaithSecurityBooking@cdsds.uk.

[Sources: Cathedral Security Group and HRBA, 30 November]

PROPERTY & PLANNING

Historic England consultation: Climate Change and Historic Building Adaptation Advice Note

For information

Historic England has opened a [consultation](#) on its new Advice Note on [Climate Change and Historic Building Adaptation](#). It aims to provide advice to local planning authorities, and others involved in the planning process, on:

- The need for planning permissions and/or other consents for some of the common changes required to decarbonise and improve the energy efficiency of historic buildings.
- Determining proposals to decarbonise and improve the energy efficiency of historic buildings to enable positive climate action.
- How local plans and other planning mechanisms can deliver a positive strategy for historic buildings that proactively supports climate action.

The consultation will close at **12 midnight on Sunday 24 December**.

[Source: Historic England, 13 November]

Leasehold and Freehold Reform Bill

For information

On 27 November, the Leasehold and Freehold Reform Bill was laid before Parliament. The Bill is intended to strengthen existing consumer rights for homeowners and introduce new ones, by:

- Making it cheaper and easier for people to extend their lease or buy their freehold so leaseholders pay less to have more security in their home.
- Increasing the standard lease extension term to 990 years for houses and flats (up from 50 years for houses and 90 years for flats), so that leaseholders can enjoy secure ownership without the hassle and expense of future lease extensions.

- Giving leaseholders greater transparency over their service charges by making freeholders or managing agents issue bills in a standardised format that can be more easily scrutinised and challenged.
- Making it easier and cheaper for leaseholders to take over management of their building and allowing them to appoint the managing agent of their choice.
- Making it cheaper for leaseholders to exercise their enfranchisement rights, because they will no longer have to pay their freeholder's costs when making a claim.
- Extending access to redress schemes for leaseholders to challenge poor practice. The Government will require freeholders who manage their building directly to belong to a redress scheme so that leaseholders can challenge them if needed – managing agents are already required to belong to such a scheme.
- Making buying or selling a leasehold property quicker and easier by setting a maximum time and fee for home buying and selling information.
- Granting homeowners on private and mixed tenure estates comprehensive rights of redress, so that they receive more information about what charges they pay and are given the ability to challenge whether or not they are reasonable.

The Bill is also intended to rebalance the housing system for leaseholders by:

- Scrapping the presumption that leaseholders must pay their freeholders' legal costs when challenging poor practice – which currently acts as a deterrent when leaseholders want to challenge their service charges.
- Banning opaque and excessive buildings insurance commissions for freeholders and managing agents, replacing them with transparent and fair handling fees.
- Banning the sale of new leasehold houses so that, other than in exceptional circumstances, every new house in England and Wales will be freehold from the outset.
- Removing the requirement for new leaseholders to have owned their houses or flats for two years before they can extend their lease or buy their freehold.

The Bill can be found [here](#).

[Source: UK Parliament, 27 November]