

CLAS CIRCULAR 2021/03 (19 January 2021)

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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

Charity Commission to consult on updated responsible investment guidance

For information

The Charity Commission has [announced](#) that it is to consult on revised guidance on responsible investments. It describes “responsible investments” as financial investments that align with a charity’s mission and purpose.

The announcement follows a [listening exercise undertaken by the Commission last year](#), which found that the way responsible investment is outlined in its current guidance is not giving some trustees sufficient confidence that they can consider, or that the Commission supports, this approach to investment.

The Commission plans to publish draft guidance for public consultation, supported by a refreshed interpretation of the law in this area, in the Spring. The final updated responsible investments guidance is expected this Summer.

[Source: Charity Commission, 15 January]

NORTHERN IRELAND

Reopening of Voluntary, Community and Social Economy Sector Covid Recovery Fund

For information **and possibly for action**

Communities Minister Deirdre Hargey has [announced](#) the opening of a second phase, worth £1m, of the Voluntary, Community and Social Economy Sector (VCSE) Covid Recovery Fund.

The aim of the Recovery Fund is to help to safely deliver essential services during the COVID-19 crisis and to assist with the safe reopening of the VCSE sector to maintain service delivery. Organisations who were previously successful in applying to this element of the fund can reapply to receive up to £5,000 (e.g. if an organisation was awarded £2,000 from the 1st phase of applications, it can apply for a further £3,000).

Funding will be distributed by Co-operation Ireland in partnership with Rural Community Network. Further information is available at [Cooperationireland](#).

[Source: Department for Communities, 18 January]

PROPERTY & PLANNING

“Contested heritage” and listing statuses: new proposals from MHCLG

For information and **possibly for action**

Communities Secretary Robert Jenrick has [announced](#) what he described as “new laws to protect England’s cultural and historic heritage”, which would:

- Provide new legal safeguards introduced for historic monuments at risk of removal.
- Make all historic statues, plaques and other monuments require full planning permission to be removed, ensuring due process and local consultation in every case.
- Ensure the law makes it clear that historic monuments should be “retained and explained”.

Under the proposals, Historic England and the Secretary of State will apply a new policy of “retain and explain”, meaning that historic statues will only be removed in the most exceptional circumstances. The new rules will also apply to unlisted historic plaques, memorials and monuments: removal will require planning permission and Historic England will have to be informed.

In the absence of further detail, exactly what it is that the Government is proposing and to what class of statues its proposals will apply to is unknown. So far as the Church of England is concerned, for example, the installation or removal of “statues, plaques and other monuments” – like almost everything else inside a church, *whether listed or not* – is subject to the faculty jurisdiction and, if in a churchyard, to the churchyard regulations of the diocese in question. (Cathedrals, it should be remembered, are subject to a different system of regulation.)

But the C of E – together with the other denominations listed in [The Ecclesiastical Exemption \(Listed Buildings and Conservation Areas\) \(England\) Order 2010](#) – is exempted from secular listed building controls, *not from planning law*; so if statues, specifically, are to become the subject of planning controls, that change will supersede the faculty jurisdiction.

CLAS will monitor this announcement in the hope of gaining more clarity.

[Source: MHCLG, 17 January]

Metal theft

For information

Ecclesiastical Insurance has published reminders about the need to protect [churches](#) and [schools](#) from metal theft after four men were jailed at Lincoln Crown Court on 6 January for metal thefts from more than 20 churches across Lincolnshire, Leicestershire, Wiltshire and Yorkshire. Ecclesiastical publishes a helpful [guide](#) on how to minimise the risk.

[Source: Ecclesiastical Insurance, 14 January]

WALES

Building Safety (Wales) White Paper

For information **and possibly for action**

The Welsh Government has [published](#) a consultation – closing on **12 April** – on a Building Safety White Paper. The White Paper sets out proposals for “comprehensive reform” of the legislation on building safety in Wales. It focuses on legislative change across the lifecycle of buildings as well as setting out aspirations for culture change in the way buildings are designed, constructed and managed.

[Source: Welsh Government, 12 January]

Clean Air (Wales) Bill

For information **and possibly for action**

The Welsh Government has published a [consultation](#) – closing 7 April – on the Clean Air (Wales) Bill, accompanied by a [Regulatory Impact Assessment](#) and [Integrated Impact Assessment](#).

The proposals aim to reduce air pollution and its impacts. The proposals consist of measures which are directly implemented through primary legislation and, at the same time, establish frameworks to design and implement secondary legislation.

The Government has also [published](#) a consultation – closing 7 April – on proposals to reduce emissions from domestic burning of solid fuels. The consultation forms part of the Welsh Government’s proposals on regulating domestic burning as part of the Clean Air Plan for Wales. Proposed actions in this document “will reduce air pollution and support improvements in public health and our natural environment.”

[Source: Welsh Government, 13 January]