



1. The Church Buildings Council is aware that the National Association of Local Councils has recently circulated a briefing note in which they re-state their belief that the 1894 Local Government Act prevents parish councils from spending money on churches. This document lays out the views of the Church Buildings Council on this matter.
2. **The Church Buildings Council, following legal advice, has concluded that the provisions of the Localism Act 2011 and the Local Government Act 1972 allow for all local authorities, including Parish Councils, to contribute to the upkeep of church property under certain circumstances – mainly related to the public benefit achieved.**
3. Our view is supported by the [2017 English Cathedral and Church Buildings Sustainability Review](#) (p.31-32), commissioned by HM Government (emphasis added):

*“The law should be clarified, whether through legislative change or the issue of guidance, to establish that **local authorities are not prohibited from awarding funding to churches.***

*Section 8 of the Local Government Act 1894 confers a number of additional powers on a parish council. Among these is the power to execute works subject to the condition that they do not relate to property relating to the affairs of the church. The Local Government Act 1972, however, permits a local authority (whether at county, district or parish council level) to contribute towards the maintenance, repair or adaptation of churches and even possibly levy a parish rate on the basis that the expenditure would be in the interests of, and bring benefits to, some or all of the inhabitants of the area. Evidence submitted to the Review suggested that there is considerable confusion as to whether the 1972 Act supersedes the Local Government Act 1894, and that the 1894 Act is still perceived as a barrier, preventing investment in church buildings by local authorities.*

*Clarification on this point should be given, whether by repealing section 8 of the 1894 Act, or by the issue of guidance. This should clarify that **local authorities can invest in church buildings in accordance with Section 137 of the Local Government Act 1972. Additionally, repeal or the issue of guidance should clarify that certain parish councils are also able to fund church buildings using powers contained in the Localism Act 2011.***

*The Act allows certain parish councils, as long as they meet certain criteria, to pass a resolution which allows them to have the benefit of the so-called “General Power of Competence”. An eligible parish council is one in which at least two-thirds of the members have been elected (i.e. not co-opted), and in which the clerk has completed one of a specified*

*range of training courses. Having passed such a resolution, the relevant parish council would have the power to fund repairs and improvements and changes to church property (albeit it would have to take such a decision in line with its proper internal processes)."*

4. The Church Buildings Council is working with the government to implement this recommendation. In the meantime, we believe the intent behind it clearly indicates that parish councils and local authorities can invest in church buildings under two separate acts, both of which supersede the 1894 Act.
5. We encourage churches to work with their local council(s) to establish a sensible local understanding of public benefits derived from any such investment. This could include clear paths through the churchyard, maintenance of an attractive green space, a building fit to provide public services such as playgroups etc.
6. Government support for local investment in churches as community assets has a long history. Back in 2009 the Church of England worked with the Government to produce [Churches and Faith Buildings: Releasing the Potential](#). In a document that strongly supported church buildings as community assets, this statement stands out:  
*"Faith communities bring distinctive resources to local communities, supporting and empowering individuals, embracing a rich diversity of experience, skills and people motivated to change their communities for the better. Typically deeply rooted, they are there 'for the long term', having unusual qualities of resilience and commitment, particularly in deprived areas."*
7. The report recognises that church property, including buildings such as church halls, and churches open for community use, form important community assets. It goes on to say:  
*"At a time of financial stringency when the green agenda is growing in significance it obviously makes sense to maintain and develop such a significant national asset. It would cost billions to replicate the country wide social infrastructure which already exists in the network of buildings the Church of England manages on behalf of the whole community. Any assistance would of course depend on a proven determination to equip the churches for wider community access but a relatively modest investment could yield large dividends."*
8. The Church Buildings Council will continue to promote the value of church buildings to their local communities, and the appropriateness of local partnerships, often involving local authorities, to open them up for community use. We know of many local authorities that already recognise the benefits of investing in and alongside their local church and do not accept any arguments for this stopping.

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