

## **Extracts from CLAS Circulars 2008/9 and 10.**

### **Volunteering and benefits**

*Third Sector Online* reports that the Government is to publish new guidance for the rules on volunteering and entitlement to benefits. Phil Hope, Minister for the Third Sector, made the announcement at the Volunteering England Convention. He admitted that the current rules were confusing and said that the new guidance would be released by the summer.

[Source: *Third Sector Online* – 24 April 2008]

# ODDS AND ENDS

## **Child and Adolescent Mental Health Services Review**

The Child and Adolescent Mental Health Services [CAMHS] Review has issued a call for evidence to help inform the deliberations of the review team. The independent review, established by the Department for Children, Schools and Families and the Department of Health, is examining recent progress towards improving services and will be making recommendations on the commissioning and delivery of services.

For the purposes of the review, CAMHS is defined in its broadest sense to include all services that promote emotional health and well-being or which respond to and meet the mental health needs of children and young people at targeted or specialist levels. This includes universal services, such as GPs, early years settings and schools, targeted services such as social care and specialist services such as community child and family mental health clinics and hospital based services.

The review team now wishes to hear the views of individuals and organisations on the current performance of services and what can be done better to meet the needs of children and young people who need to access them. Those wishing to submit views can do so by -mailing [CAMHS.Review@dcsf.gsi.gov.uk](mailto:CAMHS.Review@dcsf.gsi.gov.uk). There is more information about the review and how to contribute to the consultation at [www.dcsf.gov.uk/CAMHSreview/](http://www.dcsf.gov.uk/CAMHSreview/).

The consultation period will run until **4 July 2008**.

[Source: *DCSF Press Notice* – 14 April 2008]

## **Compact**

The [Compact Action Plan](#) prepared for the Compact Annual Meeting in December 2007 has now been published. The plan sets out the priorities for progressing the partnership between government and the voluntary and community sector (and parts of the wider third sector) through the Compact.

[Source: HC Deb 21 April 2008 c 98 WS]

## **Corporate Manslaughter and Corporate Homicide Act 2007**

The [Corporate Manslaughter and Corporate Homicide Act](#) came into force on 6 April 2008. It provides for the new offences of corporate manslaughter (in England and Wales and in Northern Ireland) and corporate homicide (in Scotland). Under it, both public and private corporations (*including charities*) will be liable to criminal prosecution if they are alleged to have caused death due to their gross corporate health and safety failures and will be liable on conviction on indictment to an unspecified fine.

[Source: *Home Office News Release* – 4 April 2008]

# PROPERTY AND PLANNING

## Bats in churches

Natural England has recently published [Bats in Churches: a management guide](#) as a reference-tool for churches that have bat infestations. Unfortunately (or fortunately – if you're a bat), to do anything to exclude bats or destroy their roosts is illegal without a licence from Natural England. Licences are sometimes granted when all else fails; however, the guidance makes it clear that applications for licences *involve time and expense and should be considered as an absolutely last resort, when none of the other management options is feasible*. More detailed information is also available from English Heritage and English Nature [here](#).

## Draft Heritage Protection Bill

On 2 April DCMS published the [draft Heritage Protection Bill](#). It includes plans to:

- create a single designation system, the Heritage Register, which will replace listing, scheduling and registering, and with new consultation rules designed to give the public a greater say in what gets protected;
- devolve responsibility for designating land-based assets in England from the DCMS to English Heritage;
- introduce a system for provisional registration to give 'interim protection' to historic assets while they are being considered for designation, and create new appeals procedures against land-based designation and marine licensing decisions;
- replace listed building consent and scheduled monument consent with a new Heritage Asset Consent, and merge conservation area consent with planning permission; and
- place local authorities under a duty to maintain or have access to an Historic Environment Record (HER).

The draft Bill, which extends to England and Wales, is based on the proposals set out in the White Paper, [Heritage Protection for the 21st Century](#), which was published in March 2007 and which has already been the subject of public consultation. The Government would welcome any comments on the draft Bill from interested parties during the pre-legislative scrutiny process; and comments should be sent by e-mail to [andrew.lewis@culture.gsi.gov.uk](mailto:andrew.lewis@culture.gsi.gov.uk). In addition, we understand that the House of Commons Culture, Media and Sport Committee is likely to conduct a short inquiry into the terms of the Bill.

[Source: HC Deb (2007–08) – 2 Apr 2008 c 57WS]

### **English Heritage: *Seeing the History in the View***

English Heritage is developing a method to help it assess the historical significance of views, systematically and consistently, set out in [\*Seeing the History in the View\*](#). The proposed method draws on English Heritage's *Conservation Principles for the sustainable management of the historic environment*. Part 1 describes a method of assessing the historical significance of a view that would be applicable whatever historic assets may be visible in it. Part 2 describes how English Heritage would assess the likely impact of specific development proposals on particular views.

English Heritage has begun a consultation on its proposals after which it intends to apply this method to its own decisions in relation to developments affecting views and will recommend the same approach to local planning authorities and other interested parties.

The consultation will close on **4 July**, after which a revised document will be published in the summer of 2008. It is probably too technical an issue for CLAS itself, but it may well be a matter on which the building and planning specialists within member-churches may have a view.

[Source: *English Heritage* – 4 April 2008]

## NOT THE QUEEN'S SPEECH – CLAS 2008/10

On 14 May, the Prime Minister announced the main features of the Government's likely legislative programme for Session 2008–09. Following are the elements most likely to be of interest to members:

**Citizenship, Immigration and Borders Bill:** The avowed purpose of the Bill, which is consequent on the introduction of the Points Based System for immigration, is to replace all existing immigration legislation with a 'simplified, clear and coherent' legal framework to control borders, manage migration and reform the path to citizenship. It will

- set out the eligibility requirements for UK citizenship;
- support the establishment of the UK Border Agency;
- provide for more consistent and more flexible immigration rules; and
- consolidate and amend existing immigration law into a single statute.

In his speech, the Prime Minister also made reference to proposals that 'newcomers learn English, play by the rules and show they are making an economic contribution to the UK. Only full citizens will get full access to benefits or social housing. And ***newcomers will be required to pay into a migration impact fund*** to help local communities deal with changes in population'.

**Constitutional Renewal Bill:** *Inter alia* the Bill will:

- place the Civil Service on a statutory footing, enact core values of impartiality, integrity, honesty and objectivity and establish an Independent Commission for the Civil Service;
- provide for Parliamentary ratification of treaties by placing in statute a requirement that they be laid before Parliament for 21 days before ratification and specifying the legal effects of a negative vote by the Commons or Lords;
- reforming the role of the Attorney General; and
- reducing the role of the Lord Chancellor in judicial appointments below the level of High Court and removing the Prime Minister from the process of appointing Supreme Court judges.

The Bill will not include any immediate proposals for further reform of the House of Lords; however, the Secretary of State for Justice will be publishing a White Paper on Lords reform and bringing forward proposals for consultation on a Bill of Rights and Responsibilities.

**Coroners and Death Certification Bill:** The overall intention of the proposed Bill is to improve the system of death investigation in England and Wales to ensure that the cause of death has been properly established and that, where possible, lessons can be learned to prevent future deaths. Its main elements are:

- a new national coroner service with a new Chief Coroner at its head of the coroner service, moving towards whole-time coroners working to national minimum standards (though funding responsibility will remain with local authorities);
- improved arrangements for coroner appointments and training, with independent inspection of coroners;
- a new system of secondary certification of deaths that are not referred to the coroner, covering both burials and cremations;
- a new group of medical examiners to scrutinise independently the causes of death given by doctors on death certificates;
- new powers of investigation for coroners, including improved procedures for post mortems and inquests;
- new rights of appeal for bereaved people against coroners' decisions; and
- a Charter for the Bereaved outlining the rights for bereaved people to be informed and consulted about case progress by coroners.

**Education and Skills Bill:** Much of the Bill is about schools. However, one element is, potentially, of wider interest: a proposal to create a right for employees to request from their employer time off to undertake relevant training.

**Heritage Protection Bill:** The Bill, which has been consulted on in draft and which largely applies to England and Wales, will:

- replace the separate listing, scheduling and registering arrangements with a single system for national registration of terrestrial heritage assets;
- introduce a new heritage asset consent to replace listed building consent and scheduled monument consent, and merge conservation area consent with planning permission;
- transfer responsibility for registering land-based heritage assets in England from the Government to English Heritage;
- create a new statutory framework enabling voluntary management arrangements for owners of complex historic sites;
- oblige local authorities to maintain or have access to a Historic Environment Record; and

- broaden the range of marine historic assets that can be protected, bring greater flexibility to the marine heritage licensing system, and oblige the Receiver of Wreck to pass on information on marine historic assets to heritage bodies.

**Marine and Coastal Access Bill:** The draft Marine Bill currently out for consultation appears to have acquired a new title. The main feature likely to concern the churches remains the proposed long-distance access route around the coast of England, on which we have already submitted evidence to the Commons Environment, Food and Rural Affairs Committee in advance of its forthcoming inquiry.

Other forthcoming announcements:

- elements of the Government's economic plan will be set out in the next few weeks;
- the Business Secretary is announcing (on 15 May) the extension of the right to flexible working to parents of older children: implementation is scheduled for April 2009; and
- there will be a consultation on draft legislation implementing the recommendations of the Pitt Review into the 2007 floods.

The timing of the last is unspecified.

[Source: *LMSA Summary* – 14 May 2008]

# PROPERTY AND PLANNING

## Conservation Principles, Policies and Guidance

English Heritage has published a major document that setting out the fundamental propositions that serve as the foundation for the way it engages with the historic environment. [Conservation Principles, Policies and Guidance](#) is the result of four years of extensive debate and consultation within English Heritage and more than 1,000 external consultees, and is intended to serve as a what DCLG describes as a 'philosophical foundation' for the Heritage Protection Bill. One of the main sections is devoted to identifying and explaining the different values – aesthetic, evidential, communal and historical – that make historic places special to people.

The document sets out six-high level principles:

- The historic environment is a shared resource;
- Everyone should be able to participate in sustaining the historic environment;
- Understanding the significance of places is vital;
- Significant places should be managed to sustain their values;
- Decisions about change must be reasonable, transparent and consistent; and
- Documenting and learning from decisions is essential.

The Principles, which will be supported by detailed policies and guidance on how to reach decisions on a range of problems such as repair, new development, alteration and restoration, are intended primarily for use by English Heritage in guiding both the management of its own estate and its advice to others. It is hoped, however, that they will also be used by all those concerned with managing the historic environment, such as conservation and planning officers and the councillors of local planning authorities, and those proposing and influencing change, such as developers and their professional agents and the amenity societies.

[Source: *English Heritage Research & Conservation* – 30 April 2008]

## **Ecclesiastical Exemption (Listed Buildings and Conservation Areas) Order 1994: Churches subject to sharing agreements**

Jeremy Dann, Senior Policy Adviser in the Architecture and Historic Environment Division at DCLG has copied to us a letter that he has sent to John Bradley at Churches Together in England, as follows:

*S60 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 currently provides for ecclesiastical buildings in ecclesiastical use to be exempted from listed building and conservation area controls. The Ecclesiastical Exemption (Listed Buildings and Conservation Areas) Order 1994 ("the Order") limits this exemption to buildings falling within the definitions outlined in articles 4 and 6 of the Order:*

- *Article 4 covers those buildings which are subject to the internal control mechanisms in place within an exempt denomination (the Church of England, the Roman Catholic Church, the Methodist Church, the United Reformed Church and the Baptist Union).*
- *Article 6 of the Order covers those 'peculiar and special cases' which are defined in the article, including buildings subject to a sharing agreement pursuant to the Sharing of Church Buildings Act 1969, made on behalf of one or more of the Church of England, the Church in Wales, the Roman Catholic Church, the Methodist Church, the Baptist denomination or the United Reformed Church*

*Works to buildings which fall within article 6, can be undertaken without the need for either secular listed building or conservation area consent or the approval of a denominational consent system.*

*It was the intention of Government when the Order was passed in 1994 that article 6 would be only a temporary measure pending an election on the part of those buildings covered by article 6 to become subject to either denominational controls or secular listed building and conservation area controls. However, no timetable within which such an election needed to be made was set, although consultation with denominations and with those responsible for individual article 6 buildings took place in the 1990s.*

*In the case of the Church of England, it was necessary to introduce the Care of Places of Worship Measure 1999 in order to allow relevant article 6 buildings to be able to elect to be covered by the faculty jurisdiction system. Shared churches are specified in the Measure as being able to opt into the faculty system where their primary use is for worship according to the rites and ceremonies of the Church of England or for joint worship by members of the Church of England and other denominations.*

*You may be aware that the Department published in draft on 2 April the Heritage Protection Bill. A draft revised Ecclesiastical Exemption Order, code of practice and guidance were published on 2 May. Under the revised Ecclesiastical Exemption Order, listed ecclesiastical buildings in ecclesiastical use, other than Westminster Abbey and*

*St. George's Chapel, Windsor, will be covered by the Ecclesiastical Exemption only where they are subject to the control procedures of one of the exempt denominations.*

*From implementation of the new legislation, expected to be in 2010, ecclesiastical buildings covered by the current article 6 who choose not to opt in to a denominational control system will therefore become subject to secular listed building controls. It should be noted that under the new legislation, conservation area consent will be merged with planning permission. This means that planning permission will be required for works to unlisted buildings in conservation areas regardless of whether those buildings are subject to denominational controls.*

*Where a shared church meets the criteria to be covered by the Exemption and wishes to be so covered, contact should be made with the local Diocesan offices or other denominational representatives at as early a stage as is possible. The Department can supply contact details on request. We would be grateful also if decisions either to opt into a denominational system or to revert to secular systems of control could be communicated to the relevant local planning authority.*

*You have previously indicated that the proposed changes will not represent a major difficulty for the guardians of shared churches and that current guidance already advises alignment with a denominational system of control. As there is no centralised list of churches subject to a sharing agreement, the Department would be very grateful if the contents of this letter could be communicated to relevant churches.*