

Cockshutt cum Petton Parish Council

Grant Application

St. Simon & St. Jude Parish Church, Cockshutt

Committee Date: 14th March 2024

Cockshutt cum Petton Parish Council (the Parish Council) is in receipt of an application for financial assistance from Cockshutt Parish Church.

To allow the Parish Council to consider this request:

- a) In accordance with the Parish Council's Grant Policy, the application to be supported 2 or more quotes/estimates for consideration
- b) Provide bank account details to which any award can lawfully be made.

Decision Required:

- a) Whether or not the Parish Council supports the Project, and
- b) Establish the amount and method of financial support, and
- c) Conditions to be applied to any award

1. Funding Request

Following the impact of the pandemic, the Church desires to install equipment to enable live streaming of church services and events to increase connections with the community and upgrade to a better sound system for the benefit of the congregation. St. Simon and St. Jude Parish Church currently has WiFi installed and induction loop cable but no amplifier.

To achieve an improved services offer requires the installation of loop amplifier, microphone and wireless audio system upgrades together with camera and streaming facilities.

2. Financial Assistance to the Church

Previously, the Local Government Act 1894 ("1894 Act") prohibited local councils' involvement in property relating the affairs of the church, maintenance or improvement of property or buildings belonging to the church or contributing to the cost of the same.

The Government amended the position in relation to grants to ecclesiastical bodies in the Levelling Up and Regeneration Act 2023, which came into force on 23rd December 2023, by inserting into the 1894 Act a further provision that the prohibition of financial assistance to the church contained therein remains valid but does not override any later legislation which might otherwise permit such assistance. Whilst this amendment does not fully clarify whether parish council's may fund any maintenance or improvement works relating to affairs of the church or an ecclesiastical charity, or whether S137 Local Government Act 1972 can be used for such work, NALC recommends that members adopt the government's view which means that councils may use their discretionary powers to provide such financial assistance.

A general power exists under s138B Local Government Act 1972 (as amended) which permits parish councils to support or facilitate, or arrange to be represented at, any event which has a religious element. It does not contain further clarification regarding financial assistance or donations to other bodies. Given the amendment to the 1894 Act, local councils may choose to rely on this provision to assist the church.

In the absence of any other power the parish council may consider this application under s137 Local Government Act 1972 which permits contributions to the funds of any charitable body in furtherance of its work in the United Kingdom; or the funds of any body which provides any public service.

3. Legal Authority

Local Government Act 1972 s137 Power of local authorities to incur expenditure for certain purposes not otherwise authorized.

This power allows the Parish Council to incur expenditure where it considers the project to be in the interest of or direct benefit to residents of Cockshutt cum Petton Parish and the benefit accruing to their area (or any part of it or to all or some of the inhabitants of their area) will be commensurate with the expenditure to be incurred and subject to the limitations and restrictions therein.

The Parish Council may not incur expenditure to individuals and will require an application from a properly constituted organization.

Financial Assistance which may be awarded by the Parish Council in any given year under s137 is limited to the multiplier determined by the Secretary of State by the number of electors. Therefore, the maximum amount which may be awarded currently by virtue of S137 for 2023-24 is £5,898¹.

The Parish Council budgets circa £500 p.a. for s137 expenditure and holds a larger budget for community projects.

¹ £9.93 x 594 based on the revised no of electors as at January 2024

4. Project Summary

Applicant :	St. Simon & St. Jude Parish Church, Cockshutt	Ref:
Project Title:	Audio – Visual Live Streaming Equipment and loop system for the hard of hearing & redecoration	
Project Cost:	Audio – Visual work £7,093 Decorating £2,790	
Total Project Cost	£9,883	
Project Summary:	<p>Increase the congregation by live streaming Sunday service and more online activities.</p> <p>Increase connections between Church and the community.</p> <p>Live streaming weddings, funerals, baptisms and special events.</p> <p>For the benefit of the community in the Parish of Cockshutt.</p>	
Background Papers	<ol style="list-style-type: none"> 1. Grant application form 2. Audited accounts for years 2022 and 2023 3. Decorating quote from J M Roberts £2,790 4. Estimate - Sound Innovations for Audio visual work £5674.40 plus VAT 5. Minutes of PCC Meeting January 2024 	
Amount Requested:	Donation	
Legal Authority:	<p>Local Government Act 1972</p> <p>s137 Power of local authorities to incur expenditure for certain purposes not otherwise authorised.</p> <p>(1) A local authority may, subject to the provisions of this section, incur expenditure which in their opinion is in the interests of, and will bring direct benefit to, their area or any part of it or all or some of its inhabitants, but a local authority shall not, by virtue of this subsection, incur any expenditure</p> <ol style="list-style-type: none"> a. Where they are subject to any other limitation or condition in this or any other enactment nor b. unless the benefit accruing is commensurate with the expenditure incurred; and c. subject to the limitation on expenditure <p>S138B Involvement with religious events and events connected with a belief</p> <p>(1)A local authority in England may support or facilitate, or make arrangements to be represented at, any of the following—</p> <ol style="list-style-type: none"> (a)a religious event, (b)an event with a religious element, (c)an event connected with a religious or philosophical belief, or (d)an event with an element connected with such a belief. <p>(2)Subsection (1) does not limit other powers.</p>	

	<p>(3)Any powers of a local authority in England that are given otherwise than under subsection (1) may be exercised—</p> <p>(a)for the purpose of supporting or facilitating any event mentioned in subsection (1), or</p> <p>(b)for purposes that include that purpose.</p> <p>(4)Subsection (3) does not limit the generality of those powers.]</p>
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137 Power of local authorities to incur expenditure for certain purposes not otherwise authorised.

(1)A local authority may, subject to the provisions of this section, incur expenditure which in their opinion is in the interests of, and will bring direct benefit to, their area or any part of it or all or some of its inhabitants, but a local authority shall not, by virtue of this subsection, incur any expenditure—

(a)for a purpose for which they are, either unconditionally or subject to any limitation or to the satisfaction of any condition, authorised or required to make any payment by or by virtue of any other enactment; nor

(b)unless the direct benefit accruing to their area or any part of it or to all or some of the inhabitants of their area will be commensurate with the expenditure to be incurred.

(1A)In any case where—

(a)by virtue of paragraph (a) of subsection (1) above, a local authority are prohibited from incurring expenditure for a particular purpose, and

(b)the power or duty of the authority to incur expenditure for that purpose is in any respect limited or conditional (whether by being restricted to a particular group of persons or in any other way),

the prohibition in that paragraph shall extend to all expenditure to which that power or duty would apply if it were not subject to any limitation or condition.

(2)It is hereby declared that the power of a local authority to incur expenditure under subsection (1) above includes power to do so by contributing towards the defraying of expenditure by another local authority in or in connection with the exercise of that other authority’s functions.

F2(2A)(2B).

(2C)A local authority may incur expenditure under subsection (1) above on publicity only by way of assistance to a public body or voluntary organisation where the publicity is incidental to the main purpose for which the assistance is given; but the following provisions of this section apply to expenditure incurred by a local authority under section 142 below on information as to the services provided by them under this section, or otherwise relating to their functions under this section, as they apply to expenditure incurred under this section.

F3(a).

(2D)In subsection (2C) above—

- “publicity” means any communication, in whatever form, addressed to the public at large or to a section of the public; and
- “voluntary organisation” means a body which is not a public body but whose activities are carried on otherwise than for profit.

(3)A local authority may, subject **[F4]**, in the case of a parish or community council, to the following provisions of this section, incur expenditure on contributions to any of the following funds, that is to say—

- (a)the funds of any charitable body in furtherance of its work in the United Kingdom; or
- (b)the funds of any body which provides any public service (whether to the public as a whole or to any section of it) in the United Kingdom otherwise than for the purposes of gain; or
- (c)any fund which is raised in connection with a particular event directly affecting persons resident in the United Kingdom on behalf of whom a public appeal for contributions has been made by the Lord Mayor of London or the chairman of a principal council or by a committee of which the Lord Mayor of London or the chairman of a principal council is a member or by such a person or body as is referred to in section 83(3)(c) of the Local Government (Scotland) Act 1973.

(4)The expenditure of a local authority under this section in any financial year shall not exceed the amount produced by multiplying—

- (a)such sum as is for the time being appropriate to the authority under **[F5]**Schedule 12B to this Act, by
- (b)the relevant population of the authority’s area.

(4AA)**F6**.

(4AB)For the purposes of subsection (4)(b) above the relevant population of a local authority’s area shall be determined in accordance with regulations made by the Secretary of State; and a statutory instrument containing such regulations shall be subject to annulment in pursuance of a resolution of the House of Commons.

(4A)For the purpose of determining whether a local authority have exceeded the limit set out in subsection (4) above, their expenditure in any financial year under this section shall be taken to be the difference between their gross expenditure under this section for that year and the aggregate of the amounts specified in subsection (4B) below.

(4B)The amounts mentioned in subsection (4A) above are—

- (a)the amount of any expenditure which forms part of the authority’s gross expenditure for that year under this section and in respect of which any grant has been or is to be paid under any enactment by a Minister of the Crown, within the meaning of the Ministers of the Crown Act 1975 (whether or not the grant covers the whole of the expenditure);
- (b)the amount of any repayment in that year of the principal of a loan for the purpose of financing expenditure under this section in any year;
- (c)so much of any amount raised by public subscription as is spent in that year for a purpose for which the authority are authorised by this section to incur expenditure;
- (d)any grant received by the authority for that year out of the European Regional Development Fund or the Social Fund of the European Economic Community, in so far as the grant is in respect of an activity in relation to which the authority incurred expenditure in that year under this section;
- (e)the amount of any repayment in that year of a loan under this section made by the authority in any year; and
- (f)the amount of any expenditure—
- (i)which is incurred by the authority in that year in circumstances specified in an order made by the Secretary of State;

or

- (ii) which is incurred by the authority in that year and is of a description so specified; or
- (iii) which is defrayed by any grant or other payment to the authority which is made in or in respect of that year and is of a description so specified.

(4C) **F7**

(5) A statutory instrument containing an order under this section may apply to all local authorities or may make different provision in relation to local authorities of different descriptions.

(6) Any such instrument shall be subject to annulment in pursuance of a resolution of either House of Parliament.

(7) The accounts of a local authority by whom expenditure is incurred under this section shall include a separate account of that expenditure **F8**

F9(7A) In relation to England, **F10** section 25 of the Local Audit and Accountability Act 2014 (inspection of statements of accounts etc)] applies in relation to a separate account included in a local authority's accounts by virtue of subsection (7) above as it applies in relation to a statement of accounts prepared by the authority pursuant to **F11** section 3(3)] of that Act.

(7B) In relation to Wales, section 29 of the Public Audit (Wales) Act 2004 (rights of inspection) applies in relation to a separate account included in a local authority's accounts by virtue of subsection (7) above as it applies in relation to a statement of accounts prepared by the authority pursuant to regulations under section 39 of that Act.]

F12(8)

F13(9) Subject to subsection (10) below, in this section "local authority" **F14** means—

- (a) a parish council which is not an eligible parish council for the purposes of **F15** Chapter 1 of Part 1 of the Localism Act 2011 (general power of competence)], or
- (b) a community council]

(10) In subsection (3) above "local authority" means—

- (a) in relation to England, a county council, a district council, a London borough council, the Common Council or a parish council,
- (b) in relation to Wales, a county council, a county borough council or a community council.]]