

Request for Grant funding from Wickhambrook All Saints Church for repairs to Memorial Clock

Each year Wickhambrook Parish Council sets aside some funds from its budget to give financial support to local organisations. The power under which a Parish Council may normally do this is s.137 of the Local Government Act 1972.

In November 2021 a request was received from the Parochial Church Council of Wickhambrook All Saints Church asking the Parish Council to pay for repairs to the Memorial Clock sited on the Wickhambrook All Saints Church Tower, together with a subsequent e-mail enclosing a copy of the estimate from Hawards Horological. The parish council resolved to award a grant of £340 towards the cost of the repairs (Report [WPC.21.11.09](#) and Min. 21.11.17 refer). This grant has not yet been paid as the Parochial Church Council, who have been managing the maintenance of the clock, reported that they did not have sufficient funds to instruct for all the work to be completed.

A further grant application and supporting covering letter (attached as **Appendix A**) has now been submitted requesting a further £340 which would cover all of the work quoted by Hawards Horological.

The installation of the Memorial Clock was funded mainly through subscription and grants raised by villagers (organised by the church) between 1944 and 1946, to commemorate the fallen of both world wars (<https://www.bansfieldbenefice.org.uk/wickhambrook/history/clock.html>).

In 2007, the All Saints Church decided that due to the frequency of the winding required to keep the clock working and chiming, and the physical effort involved in doing so, a long term solution would be to raise funds to undertake works to electrify the winding mechanism. Part of the funding to complete this work was raised from money for the restoration of All Saints Church, and a donation of £1000 towards the work was made by the Parish Council (Min. **7.2.4 May 2007** refers).

Six payments have subsequently been made by the parish council to Hawards Horological, the company which has been retained by the PCC to undertake servicing of the clock the most recent in February 2020.

A parish council is generally able to make payments for services and supplies under the powers conferred upon it by relevant legislation. Where no such power exists, (e.g. Charitable donations) then a parish council may incur expenditure either under

- the General Power of Competence in s.1 of the Localism Act 2011 (which does not apply to Wickhambrook Parish Council, it not being eligible), or
- s.137 of the Local Government Act 1972 (LGA1972), for any purpose, except one which is subject to a statutory prohibition, restriction or limitation¹.

WPC.22.02.07: Request for Financial Support

Until recently, the clerk's understanding was that the use of s.137 of LGA1972 is constrained, because the memorial clock is on Church property. When parish councils were established under s6 of the Local Government Act 1894, there was a specific provision (s.6(1) (c) of the Local Government 1894 Act) which confirmed the powers, duties and liabilities conferred on parish council included "the holding and management of parish property **not being property related to affairs of the church or held for an ecclesiastical charity**". A detailed advice note from National Association of Local Councils (NALC) on Financial Assistance to the Church is attached as **Appendix B**.

Thus, although the Memorial Clock, purchased from funds raised from local residents, is installed in All Saints Church Tower (this being the only building of sufficient height for the clock to be visible in the parish at the time of installation), it does not form part of the infrastructure of the church, does not relate to the affairs of the church, and is not understood to be held for an ecclesiastical charity. On this basis, the parish council has powers and duties under s.6(1)© of the 1894 Act and could maintain the clock under s.8 of the same Act.

Additionally, the Parish Councils Act 1957, gives a parish council powers to install and maintain clocks (and other works) for the public benefit.

The Clerk has taken advice from the Suffolk Association of Local Councils and Society of Local Council Clerks, and the best way to resolve this (until such time as any legal challenge provides a definitive answer one way or the other) is that the Wickhambrook All Saints Church applies to the Parish Council for a grant each time it needs support towards the cost of maintaining the clock (much as it did for the electrification of the clock). The Parish Council may then consider the application on its merits, and if approved, a payment can be authorised.

Funds remaining in the budget line for grant/local support are £410.00 against a budget of £750.00 for the current financial year.

Action:

- 1) Councillors are asked to consider whether to award a further grant (and if so, the value of such a grant) towards the cost of maintenance of the Memorial Clock as requested by Wickhambrook All Saints Church.**

31 JANUARY 2018

L01-18 | FINANCIAL ASSISTANCE TO THE CHURCH

Introduction

The purpose of this briefing is to consider whether a parish council or, in Wales, a community council may provide financial assistance to the church (or other religious bodies).

Relevant legislation

s.6(1) (a) of the Local Government Act 1894 (“1894 Act”) transferred powers from the Vestry and Churchwardens to the newly formed parish councils **“except so far as relates to the affairs of the church or to ecclesiastical charities.”** s.6(1) (c) of the 1894 Act confirms the powers, duties and liabilities conferred on parish councils include “the holding and management of parish property **“not being property relating to affairs of the church or held for an ecclesiastical charity”**”.

S.8 of the 1894 Act gives parish councils further powers including the power “to execute any works (including works of maintenance or improvement) incidental to or consequential on the exercise of the powers in s.6 , **“not being property relating to affairs of the church or held for an ecclesiastical charity”** and further “to contribute towards the expense of doing any of the things above mentioned, or to agree or combine with any other parish council to do or contribute towards the expense of doing any of the things above mentioned”. It should be noted that the prohibition relates to the nature of the property concerned not to the use to which that any funding will be put. Thus funding to make a church hall suitable for meetings of the guides and scouts is still prohibited because the building is church property.

Despite references in the above provisions to parish councils, the 1894 Act applies to both England and Wales.

The powers in the 1894 Act prohibit councils’ involvement in property relating to the affairs of the church e.g. the maintenance or improvement of buildings or land or contributing to the costs. The question often asked is whether that prohibition still applies or is it overridden by legislation made after the 1894 Act. Examples of such legislation are:

- s.214(6) of the Local Government Act 1972 (“the 1972 Act”) which provides that councils which are burial authorities may contribute to another

Grant Awarding Policy

Introduction to Policy

Wickhambrook Parish Council has statutory powers to make funds available to local organisations for the overall benefit of Wickhambrook and its residents.

This document outlines Wickhambrook Parish Council's guidelines for awarding. It also formalises the application process to ensure access, openness and fairness to the groups and organisations we aim to support. We will ensure that our grant awarding activity is fair and transparent.

A grant is any payment made by the Council to be used by an organisation for a specific purpose that will benefit the Parish, or residents of the Parish, and which is not directly controlled or administered by the Council. The Council awards grants, at its discretion, to Parish organisations which can demonstrate a clear need for financial support to benefit the Parish by:

- Providing a service
- Enhancing the quality of life
- Improving the environment
- Promoting the Parish of Wonderland in a positive way

General information for applicants

It is Wickhambrook Parish Council's intention (subject to budget restrictions and available resources) to support initiatives from local community groups and organisations.

Priority will be given to applicants who have not previously received grants from Wickhambrook Parish Council. The size of any grant awarded is at the discretion of the Parish Council but will not generally exceed £500 in any one application.

Who is eligible to apply

The following organisations may apply to Wickhambrook Parish Council:

- A Wickhambrook based charity
- An organisation serving the needs of the residents of Wickhambrook
- Resident(s) of Wickhambrook requesting grant aid with a project/event, which will be for the benefit of the local community
- A Wickhambrook based club/association/charity serving a specific section of the community or the community as a whole
- A local branch of a regional or national organisation/group which serves the needs of the residents of Wickhambrook.

Who is not eligible to apply

We will normally reject applications from:

- Projects which are the prime statutory responsibility of other government bodies who would normally be funded by a local or regional authority
- Projects which improve or benefit privately owned land or property
- Support for individuals or private business projects
- Applications by "for profit" commercial organisations

- From regional and national organisations unless it can be clearly demonstrated that the grant would be used specifically for the residents served by Wickhambrook Parish Council
- From organisations with political affiliations or those established for the purpose of forwarding a party-political agenda
- Applications from organisations or for purposes which parish councils are specifically excluded by law from supporting.

Priority will be given to those applications submitted early in the financial year (which runs from April to March), however the Parish Council reserves the right to delay considering applications, funding dependent, until the end of the financial year.

What can be funded

The project should be something which will:

- make the local community a better place to live, work and play
- provide a long lasting and sustainable benefit to our local area
- improve the social, environmental and /or economic profile of Wickhambrook.

Priority will be given to those applications which add value over applications for running costs.

The following are unlikely to be considered as a grant priority

Projects where there is a large shortfall in the funding required to complete the project or projects that simply replace existing facilities with no significant improvement.

Grant Application Process

Please complete and submit the Small Grant Application form to:

The Clerk, Mrs Hilary Workman

123 York Road

Bury St Edmunds

Suffolk IP33 3EG, or e-mail to parishclerk@wickhambrook.org.uk

All questions on the application form should be fully answered and additional appropriate information, which supports an application, should be provided.

In addition to the application form organisations will be required to provide the following supporting information:

- a copy of their written constitution or details of their aims and purpose
- full details of the project or activity
- demonstration that the grant will be of benefit to the local community within the Parish
- the proportion or number of beneficiaries living in the electoral area
- demonstration of a clear need for the funding
- a copy of the previous years accounts or, for new initiatives, a detailed budget and business plan.

Please submit to the Clerk any expression of interest for a possible grant application exceeding £100 by 30 September of the financial year prior to the funds being required. This is so that budget provision can be considered. Submission of applications is required by 31 November of the financial year prior to the funds being required.

Awarding Grants

The Council will make the decision on which grants to award. All applicants will be contacted following the Council's decision.

The Council has a limited budget each year and guidance can be given to applicants as to how much money is likely to be available in a specific financial year.

Each application will be assessed on its own merits, with decisions based on the following criteria

- General eligibility
- Impact on key local need
- Community support
- Value for money
- Environmental impact
- Community involvement
- Feasibility
- Likely effectiveness.

Only one application for a grant will be considered from each organisation in any one financial year. Grants will not be made retrospectively.

Ongoing commitments to award grants or subsidies in future years will not be made. A fresh application will be required each year.

Conditions of Grant

The Council may make the award of any grant or subsidy subject to such additional conditions and requirements as it considers appropriate.

The Council reserves the right to refuse any grant application which it considers to be inappropriate or against the objectives of the Council.

Wickhambrook Parish Council support must be acknowledged as appropriate on all publicity and promotional material including posters, advertisements, press releases and leaflets.

Any grant must only be used for the purpose for which it was awarded unless the written approval of the Council has been obtained for a change in use of the grant monies, and that any unspent portion of the grant must be returned to the Council by the end of the financial year in which it was awarded.

Grants must not be distributed to any other organisation and payments will not be made to third parties.

An organisation should have a bank account in its own name with two authorised representatives required to sign each cheque.

The administration of and accounting for any grant shall be the responsibility of the recipient. All awards must be properly accounted for and evidence of expenditure should be supplied to the Council as requested.

The Council may make the award of any grant or subsidy as it considers appropriate in the event of any unforeseen urgent event.

Nothing contained herein shall prevent the Council from exercising, at any time, its existing duty or power in respect of providing financial assistance or grants to local or national organisations under the provisions of the Local Government Act 1972, Section 137.

WICKHAMBROOK PARISH COUNCIL
c/o The Clerk, Mrs H Workman
123 York Road
Bury St Edmunds IP33 3EG

Tel: 07508 039810
e-mail: parishclerk@wickhambrook.org.uk
website <https://wickhambrook.org>

APPLICATION FOR A GRANT

Before competing this form, please read carefully the attached document entitled Wickhambrook Grant Awarding Policy. Copies of the form together with the **latest copy of examined accounts** must be submitted along with any supporting documentation requested.

General information for applicants

It is Wickhambrook Parish Council's intention (subject to budget restrictions and available resources) to support initiatives from local community groups and organisations. Priority will be given to applicants who have not previously received grants from Wickhambrook Parish Council. The size of any grant awarded is at the discretion of the Parish Council but will generally not exceed £500 in any one application.

If you have any queries on the completion of this form please contact the Parish Clerk, Wickhambrook Parish Council, 123 York Road, Bury St Edmunds, IP33 3EG.
Email: parishclerk@wickhambrook.org.uk **Details of Your Organisation:**

Name of Organisation	Parochial Church Council of Wickhambrook All Saints' church
Address:	All Saints' church Church Road Wickhambrook Newmarket CB8 8XH
Contact Telephone No.:	01440 821313
Email:	paul.bevan@gmail.com
Registered Charity No.:	Please see https://www.bansfieldbenefice.org.uk/notices/charitystatus.html
If you are part of a larger organisation, its name	Church of England

Principal aims and objectives:

Our vision is of a Benefice, which cherishes and nourishes its members. We believe that God loves all of His children and that all people are made in his image. Consequently there are no distinctions between who is or is not a member of the Church. We believe in a broad and central Anglican theology and spirituality, drawing on what is good in all traditions, where all Christians may feel at home.

In our ministry and mission we will endeavour to show ways in which we fulfil the Five Marks of Mission of the Anglican Communion:

- To proclaim the Good News of the Kingdom
- To teach, baptize and nurture new believers
- To respond to human need by loving service
- To seek to transform unjust structures of society
- To strive to safeguard the integrity of creation and sustain and renew the life of the earth

Our primary purpose is to worship God in word and deed. We seek to deepen our spirituality and awareness of God's will and purpose, individually and corporately. This will include regularly reviewing our services. As a Benefice of seven parishes we celebrate both our unity and our diversity. We seek to extend appropriate pastoral care to all, and to have particular regard to what more we can do with and for the young and the elderly.

We consider it to be essential to be relevant and accessible to the communities in which we are set and which we serve.

We acknowledge our stewardship of the good things, which God has provided from his bounty. We recognise our responsibilities to Him and to each other to regularly review that stewardship, and also to seek to encourage the communities to be responsible for their Parish Churches, as we pledge to seek ways to make the Church buildings more suitable and practical for their users, particularly for the primary use of worship.

We joyfully acknowledge the ministry of all the baptised to shine as a light in God's world. We, therefore, aim to encourage, equip and enable each Church member to fulfil their Christian discipleship according to the gifts and skills that God has given them.

We acknowledge our responsibilities as Christians in the 21st century, as we acknowledge the privilege and joy of knowing God and belonging to his Church, and the fellowship, which we enjoy in the Bansfield Benefice.

Details of Grant Requested:

Explain your need for a grant with the likely number of beneficiaries and their age Profiles:

The beneficiaries of this grant will be all the inhabitants of Wickhambrook across all age groups.

Firstly the PCC would like to thank the Parish Council for the annual support it has given the PCC to help in its role as custodians (not owners) of this war memorial to those who gave their lives in the two World Wars. (The clock was purchased and installed following fund raising after the Second World War by the village and as such it is a village war memorial in its own right - <https://www.bansfieldbenefice.org.uk/wickhambrook/history/clock.html>)

Unfortunately in early November 2021 a problem has occurred with the clock. The motor that powers the raising of the weights for the bell chiming mechanism has failed resulting with the clock being unable to chime. As the church does not have a horologist expert in its midst and as

the clock is an historic War Memorial, expert advice and craftsmanship is required to restore the clock back to full working order.

Thus the purpose of this application is twofold. The PCC as custodians, not owners, of this clock are looking to the Parish Council for a grant of financial assistance to cover in full: -

1) Repair to the clock – An estimate has been received from Haward Horological of which you have a copy. “To attend site, remove faulty motor, replace and re install to winder return to site and fully service clock and install a new strike motor at the same time.” **The cost is £680.** [A breakdown of the costs was not given in the estimate, but I believe it is as follows. The clock annual service is £250. Thus the cost of the repair and parts will be £430 (£680 - £250.)

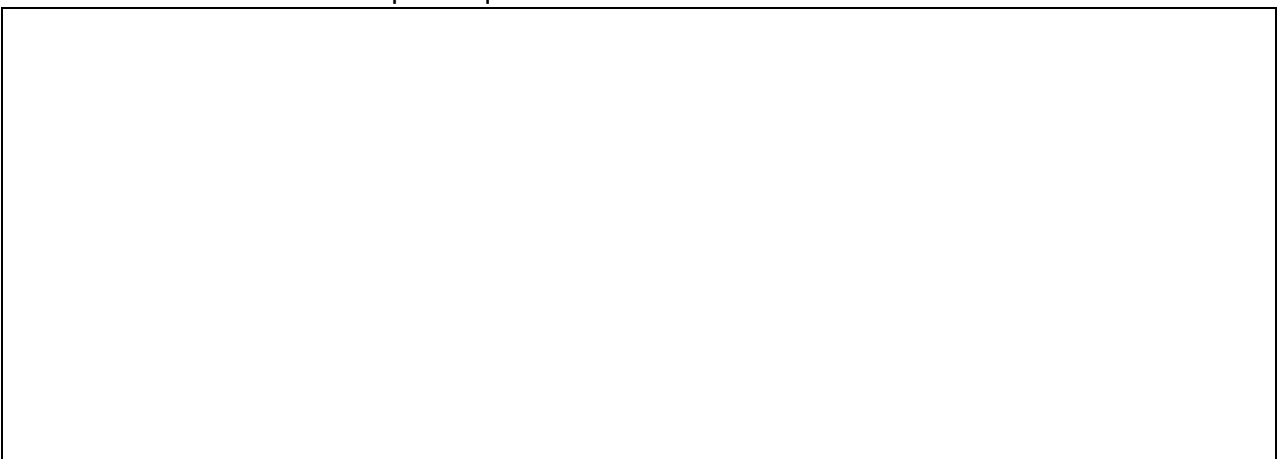
2) Annual maintenance of this war memorial in a similar fashion to the annual maintenance carried out on the war memorial in the cemetery. The regular maintenance keeps the clock in good working order and negates the need for unexpected costly repairs that happen when a component fails in the clock’s mechanism or leading off work. (This maintenance, which usually falls in February, has been met by the Parish Council in previous years.)

In days gone by the PCC has been able and willing to undertake all maintenance, upkeep and operation of the clock but with both a dwindling congregation and greatly reduced church income the PCC finds itself no longer in a position where it can fund these kinds of repairs. The PCC is happy to continue to ensure the running of the clock and payment for its electricity consumption but now looks to the village to keep this war memorial in a working state honouring the people to whose memories it was installed.

As this type of repair is very specialized there are very few people qualified to undertake such repairs. The only company in Suffolk known to the PCC that is appropriate to undertake these repairs is Haward Horological - <http://www.hhlimited.co.uk>. Haward Horological has repaired and serviced the clock regularly since June 2011.

At this juncture the PCC has approached Ian Haward for quotes for the repair work and annual maintenance contract and the estimate is with you.

With the allocation of £340 already given by the Parish Council, a grant of a second £340 will allow the maintenance and repair required to be undertaken.



Grant requested: £ 340

Details of Other Grants:

Received in the last two years: £340 from Wickhambrook Parish Council

Currently applied for: None

Please use this space for any significant information about your organisation not already supplied:

This grant application is being made and submitted by the PCC of Wickhambrook on behalf of the inhabitants of the village of Wickhambrook.

I certify that the foregoing information is accurate to the best of my knowledge



Signature of applicant:

Office Held: Churchwarden

Date: 9th February 2022

- person's expenses (e.g. the PCC or synagogue) in providing a cemetery in which residents in the council's area may be buried.
- s.215 of the 1972 Act permits a council to maintain a closed churchyard.
 - s.137 of the 1972 Act which allows a council to incur expenditure for any purpose except one which is subject to a statutory prohibition, restriction or limitation.
 - s.138B of the 1972 Act empowers a parish council to support or facilitate a religious event.
 - The General Power of Competence in s.1 of the Localism Act 2011 ("the 2011 Act") is available to eligible parish councils that satisfy the conditions in Parish Councils (General Power of Competence) (Prescribed Conditions) Order 2012/965.

NALC's views

There is an accepted legal principle, applied by the courts, which is that in interpreting what an Act of Parliament means, a specific provision overrides one of a general nature. In other words, if two statutory provisions are in conflict or overlap, the detailed provision will prevail over the more general one. In applying this principle, NALC's views are as summarised below.

Ss.137 and 138B of the 1972 Act and s.1 of the 2011 Act constitute general provisions and do not override the specific prohibitions in s.8 of the 1894 Act. S.137 expressly provides that expenditure cannot be incurred purposes which are subject to a statutory prohibition, restriction or limitation.

S.2 of the 2011 Act confirms that the general power of competence does not allow an eligible parish council to get round any statutory prohibition, restriction and limitation which existed before the general power was introduced.

S.214(6) of the 1972 Act which permits a council as a burial authority to contribute to the expenses of anyone else providing a cemetery, appears to overlap with the specific provision in s.8 of the 1894 Act which prevents a council from contributing to the affairs of the church and, in NALC's view, the specific provision would prevail.

S.215 of the 1972 Act is a specific provision in respect of the responsibilities of a council (whether or not a burial authority) to maintain a closed churchyard which, in NALC's opinion, thus overrides the prohibitions in ss. 6 and 8 of the 1894 Act.

Summary

There is no current case law to resolve the question of whether or not the 1894 Act restrictions override the provisions in later Acts of Parliament and ultimately it would be for the courts to determine the extent of any prohibition from the 1894 Act. Any court action started so as to resolve this point is likely to be expensive and time consuming.

It would, of course, be possible for Parliament to clarify the point with a specific provision in new legislation, however, the Government's current view on the legal issues is that there is no need for any further legislation as they believe the 1894 Act restrictions do not override the provisions in later Acts of Parliament.

Whilst there is no consensus on this issue, a council that considers making a payment in these circumstances needs to consider whether it is prudent to take a course of action that it cannot be certain is legally valid.