

THE EXECUTIVE

14 OCTOBER 2008

REPORT OF THE PLACES OF RELIGIOUS WORSHIP AND ASSOCIATED COMMUNITY FACILITIES POLICY SCRUTINY PANEL

FINAL REPORT OF THE PLACES OF WORSHIP RELIGIOUS AND ASSOCIATED COMMUNITY FACILITIES POLICY SCRUTINY PANEL	FOR DECISION
<p>Summary</p> <p>The Council regularly and increasingly receives requests for support to religious organisations seeking premises either for religious worship or community use targeted at members of a specific religious or minority ethnic community, which may include space for religious worship. In such instances, support is requested either in terms of financial contribution and/or opportunity cost – e.g. the use of an asset for the proposed purpose, rather than for any other purpose the Council may previously have considered.</p> <p>In a diverse community such as Barking and Dagenham it is important that all religious faiths in the borough have the ability to worship in appropriate premises. It is also important that decisions related to any support for such premises are made in a clear, transparent and consistent way, informed by a policy which is designed to promote community cohesion in the borough.</p> <p>At present there is no formal policy adopted by the Council in relation to this matter and consequently there is therefore a significant risk that decisions will be taken that are either inconsistent or without consideration of all the relevant implications.</p> <p>A Scrutiny Panel was established to consider a draft policy on support for premises of religious worship in the borough. This took into account evidence from a number of relevant religious organisations, and internal and external witnesses, considering the nature and scale of demand. The panel reviewed relevant planning and other policy guidance including that relating to race equality and social cohesion. There was consideration of how places of religious worship may be provided for in future regeneration schemes, as well as the availability of council resources to meet demand, and reference was made to relevant experience from elsewhere in the UK.</p> <p>In light of its investigations and the representations received, The Scrutiny Panel recommends the adoption by the Council of the following draft policy for support to places of religious worship:</p> <ol style="list-style-type: none"> (1) The Council is proud of the borough’s diversity, and of the contributions that faith groups make to building a strong community in Barking and Dagenham. (2) The Council is committed to taking action to build connections between communities, rather than perpetuating divisions between different communities. While respecting the importance of religious observance for a significant proportion of the borough’s population, the Council is equally concerned to ensure that use of community facilities for purposes other than religious worship should be open to and accessed by the widest possible range of residents. 	

- (3) The Council has increased the flexibility of its approach to the identification of sites which may be suitable for places of religious worship, in its Planning Advice Note 4. It is anticipated that this will increase the potential number of sites which may be used for places of religious worship in the borough, while retaining due regard for the amenities of local residents.
- (4) In the context of limited financial resources and Government guidance on single group funding, the Council will not provide revenue or capital funding to support the provision of places of religious worship.
- (5) The Council may require developers to provide support in cash or in kind to enable the re-provisioning of a place of religious worship where there is a requirement to remove it in order to achieve a development consistent with the aims of the Local Development Framework. Such support may reflect part or full costs of such re-provision.
- (6) In order to maximise available resources to meet its priorities, and with reference to Government guidance on single group funding, the Council will not transfer any of its building assets on a peppercorn or discounted rate to support the provision of places of religious worship, unless a need for community facilities has been identified in the Local Development Framework, and subject to (7) below.
- (7) In its Local Development Framework, the Council will identify suitable sites for use as community facilities. The following proposal will be recommended for inclusion in the Local Development Framework:
 - (a) For development schemes identified as significant within the Site Specific Allocations, developers will be required to provide x hectares of community facilities per 1,000 homes (the actual figure to be determined via the LDF process). This provision shall be limited to the provision of shell and core of the facility, with no ongoing revenue provision.
 - (b) The Council may also, from time to time identify sites which it owns which are surplus to requirements, and which are potentially suitable for use as community facilities.
 - (c) Once such sites for use as community facilities have been identified, officers will consult with ward Members and make recommendations to the Executive for the type of use of the facility (e.g. community hall or place of worship), based on an options appraisal, considering:
 - (i.) Supply and demand for generic community space in the area (i.e. community halls)
 - (ii.) Faith profile of the local community in terms of what is known at present and what is projected for at least the next 5 years, in consultation with the Faith Forum
 - (iii.) Any particular issues such as transport or natural boundaries which affect where and how people will travel to and from to access the facility

- (d) Where Executive agrees that the space should be used as a place of worship, the Faith Forum will invite interested parties to submit a proposal with detailed business case for its use. Officers will assist the Faith Forum to develop a robust appraisal of the various proposals, continuing to consult with ward Members, and including:
 - (i.) Analysis of the robustness of proposals for the organisation to meet capital and revenue funding requirements
 - (ii.) Consideration of the appropriateness of the proposed faith or denomination in relation to current and projected communities in the relevant geographical area of the borough and use and availability of existing facilities
 - (iii.) Potential impact on local residents in terms of parking, noise etc
 - (iv.) Assessment of the impact of the proposal in terms of equalities and community cohesion
 - (v.) The assumption that properties will be transferred on a long lease either to the organisation in question or to a community-based management organisation which would manage it on the organisation's behalf.
 - (vi.) Potential to maximise use of the premises, including the potential for their dual use, both for faith- and non-faith purposes, but also for more than one faith and/or denomination.
- (e) The Faith Forum will present a recommendation to the Executive for the use of the space, based on the appraisal, and the Executive will take this into account when deciding how the space should be allocated.
- (8) The Council will provide support to religious organisations in the borough including (but not limited to):
 - (a) Advice on how to establish and manage groups so that applications to be commissioned to provide services, and funding applications to outside organisations will be successful
 - (b) Notification (via the Faith Forum) of sites which are due to become available for disposal on the open market which may be suitable for use as places of religious worship
 - (c) Advice from planning officers to support religious groups to understand which sites may be suitable as places of religious worship, and advice to support religious groups to prepare planning applications
 - (d) Retention or removal of restrictive covenants as applicable, where consistent with considerations of residents amenities, to facilitate the provision of places of religious worship

- (e) Advice and support to religious groups to identify and approach shared use venues in the borough for the purposes of use as places of religious worship (such as community halls, schools etc)
- (f) Advice and support to religious groups in the management of premises and services (addressing issues such as health and safety, child protection etc)
- (g) Financial support to the Faith Forum to enable it to fulfil its role in relation to this policy

Wards Affected: All

Recommendation

The Executive is asked to:

Consider the Places of Religious Worship and Associated Community Spaces Policy Scrutiny Panel's draft final report and, if appropriate, respond in a separate report or verbally to the Assembly on 10 December 2008.

Reason(s)

The proposed policy will, if adopted, assist in achieving the Community Priority of promoting equal opportunities and celebrating diversity. It will also assist in achieving the corporate priority of delivering value for money services by assisting to align financial planning to deliver corporate priorities.

Implications:

Financial:

A policy is proposed which will clearly states that the Council will not provide revenue or capital funding to support the provision of places of religious worship. If this policy is adopted, there will be no financial implications to the Council. A policy framework is also proposed in relation to the provision of places of religious worship as part of major new developments in the borough.

Where the appraisal process proposed leads to a decision that a place of religious worship should be provided on a new development, this would be provided as part of a s106 agreement. Use of developer contributions for that purpose will mean that the same amount cannot be spent on meeting other Council priorities as part of the same development.

Financial support to the Faith Forum to enable it to fulfil its role in relation to the proposed policy can be provided within existing resources.

Legal:

The Race Relations (Amendment) Act 2000 amended Local Authorities duties under the Race Relations Act 1976. Section 71 (a) establishes a duty to eliminate unlawful racial discrimination; and (b) to promote equality of opportunity and good relations between persons of different racial groups. The Local Government Act 2000 section 2 empowers a local authority to take measures to promote the social well-being of the community. The policy set out in this Report accords with these obligations and sets out a creditable plan to move forward the Councils vision of greater community cohesion.

<p>Risk Management: A policy in relation to places of religious worship is proposed in order to mitigate and minimise the risk of decisions being made without a clear logic or transparency, and with no reference to Council priorities.</p>		
<p>Social Inclusion and Diversity: It has been recognised that this policy will have implications for BME groups and faith groups. The policy proposes measures to mitigate the implications for these groups through non-financial support, while at the same time ensuring that best practice in terms of community cohesion is delivered. Further details can be found in section 6 of the report.</p>		
<p>Crime and Disorder: No specific implications.</p>		
<p>Options Appraisal: In hearing evidence to inform the development of the proposed policy, the Panel has reviewed a number of possible alternative options:</p> <ul style="list-style-type: none"> a) To provide revenue and capital funding support to places of religious worship: this option is not proposed in the context of limited financial resources, and in light of emerging Government guidance in relation to single group funding. b) To relax planning guidelines in relation to places of religious worship: this option is not proposed in light of the need to protect the amenities of all borough residents and in the interests of community cohesion. c) To provide no support whatever to places of religious worship: this option is not proposed in light of the importance of religious worship to significant numbers of the population, and the particular challenges and opportunities offered by Thames Gateway. 		
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1. Introduction

- 1.1 The Scrutiny Management Board at their meetings held on 17 October and 7 November 2007 agreed to set up a scrutiny panel to consider developing a Council policy on support for new premises of religious worship in the borough. The terms of reference for the Panel were agreed as follows:

- To review good practice and emerging thinking in relation to support for places of religious worship by local authorities.
- To analyse the nature of local demand for places of religious worship in Barking and Dagenham, both now and in the medium-term.
- To hear and consider evidence from interested parties to inform the development of the policy.
- To identify partner organisations who may assist the Council in the achievement of its objectives in relation to this policy.
- To draft a policy in relation to Council support for places of religious worship, for recommendation to the Executive for adoption.

2. Membership

- 2.1 Membership of the Scrutiny Panel comprised Councillors J McDermott (Lead Member), R Bailey, N Gill, W Northover, L Rustem and J White. Major Nigel Schultz, Chair of the Faith Forum, and Frances Jones, an officer from Tower Hamlets Council were co-opted to provide external support and advice to the Panel.
- 2.2 The Independent Scrutiny Support Officer was Christine Shepherd, former Head of Human Resources and the Lead Client Officer was Heather Wills, Head of Community, Heritage Services and Libraries. Democratic Services Support was provided by John Dawe and Tina Robinson.

3. Work programme

- 3.1 The Panel established a work programme based on the terms of reference, across a range of meetings held between January and May 2008, the detail of which is set out in **Appendix A**.

4. Visits and evidence gathering

- 4.1 From the outset it was felt important to ensure that a wide range of religious and other organisations should get the opportunity to submit evidence in writing and orally to the Panel. It was also agreed to undertake visits to a number of religious venues to get an understanding of the religious needs of various sections of the community. These visits were also used to hear evidence from the religious lead of the venues.
- 4.2 The visits were undertaken to the following venues:
- Salvation Army, Barking
 - Singh Sabha Gurdwara, Barking
 - Al Madina Mosque, Barking
- 4.3 The summary of the discussions from these meetings is set out in **Appendix A**.

5. Policy considerations

5.1 There are a number of contexts which a policy on new premises for religious worship should take into account:

- Individual religious group(s) approaching the Council seeking funding for premises wholly or partly for religious worship.
- Individual religious group(s) approaching the Council seeking to use an asset owned by the Council wholly or partly for religious worship.
- In the context of demand for places of religious worship in the community, and opportunity arises for the provision of community space as part of a new development, and a decision is required as to which group should benefit from that opportunity.

5.2 In addition any new policy will need to take into account good and emerging practice elsewhere in the country as well as the wider policies relating to the development of social and community infrastructure.

5.3 When considering the development of a policy in relation to places of religious worship, the Panel has identified the following issues which the Council should address:

- Minority ethnic communities which have come to the borough comparatively recently do not have the benefits of land and buildings which were developed by established communities decades or even hundreds of years ago.
- Places of religious worship can be a valuable focus for local community activity, support and identity.
- The Council is required, when considering how to spend or allocate its resources, to identify what will best deliver value for money, within the context of achieving its priorities.
- The Council is legally required to promote race equality and community cohesion in the borough, in addition to its commitment to these priorities through the community strategy.
- In the context of many requests for support, can the Council ever meet demand? If not, how can it avoid making invidious choices?

5.4 The Government has recently conducted a consultation programme related to proposed guidance in relation to 'single group funding'. The five guiding principles of the proposed guidance are as follows:

- there is a clear link between equality and cohesion and it is necessary to work with particular groups to tackle evidenced need amongst particular communities or groups experiencing inequalities
- all groups need to consider how they can promote cohesion and integration as well as meeting the diverse needs of the community

- the evidence shows that building relationships between people promotes cohesion- Government is therefore keen for funders to use their resources to promote activities which help to build relationships wherever appropriate.
- to meet goals on integration and cohesion, funders should seek to find the appropriate balance between bridging activities, building relationships and links between people from different backgrounds, and activities which support particular groups alone.
- all of this will be driven by the local context and specific local needs at the time of funding.

5.5 The guidance therefore identifies key questions to be considered when local authorities and other funders are making funding decisions:

- Is there a clear case for this activity to be funded even though it will only involve one group or community? Or can we harness this funding to contribute to wider goals on integration and cohesion?
- Can the organisation delivering this activity include, in its project plans, plans for future interaction across groups?
- Is there a need for a particular communications plan for this funding decision?
- Is this funding aligned with the area's wider community cohesion strategy?

5.6 The Government is currently considering responses received to the consultation period, and a final version of the guidance is anticipated before the end of the summer.

5.7 In light of the above, the draft policy proposed by the Panel appears in the recommendations of this report.

6. Social Inclusion and Diversity implications

6.1 The Panel recognised that in drafting a new policy there will be potential implications for the following groups:

- Black and Minority Ethnic (BME) groups: the groups in the borough which do not have adequate premises for religious worship are predominantly BME communities, particularly Pentecostal churches and Muslim communities. It is therefore these groups which are primarily affected by any continuing lack of provision of places of religious worship.
- Faith groups: by definition, this policy relates to faith groups.

6.2 It is also the Council's policy to consider implications in terms of community cohesion when considering new policies. Emerging best practice in terms of community cohesion, as identified by the Commission on Integration and Cohesion, and the Department for Communities and Local Government, suggests that, when deciding how to allocate resources, funders should seek to find the appropriate balance between bridging activities - building relationships and links between

people from different backgrounds - and activities which support particular groups alone.

- 6.3 The Council is legally required to provide many services, such as social care for adults and children, and education. In a context where resources are limited, the Council will prioritise those services which it is legally obliged to deliver.
- 6.4 The vast majority of places of religious worship in the borough were and are funded by the religious communities themselves: both in the case of established communities, such as the Church of England, and for newer communities such as Islamic and Sikh faiths. In this context, financial provision to support particular faith groups and not those who have already provided their own could be seen as discriminatory as well as invidious.
- 6.5 In this context, financial support for the provision of places of religious worship for single groups would:
- Run counter to best practice guidance relating to community cohesion.
 - Divert limited Council funds from other services which are Council priorities/ statutory duties.
- 6.6 This draft policy formalises a practice which has, on the whole, always been the case, so there will be no withdrawal of existing provision. It is therefore questionable whether a decision not to provide something which has not been provided before can be considered a 'negative impact' on religious or BME groups. Nevertheless, the Council will take positive action to mitigate the impact on groups who do not have adequate premises for religious worship through a range of interventions designed to assist religious groups to put themselves in the best position to find and afford suitable premises.

7. Consultees

- 7.1 The following were consulted in the preparation of this report:

Panel members of Places of Religious worship and associated community facilities policy Scrutiny Panel
Portfolio Holder, Neighbourhood Services and Communities
Head of Spatial Regeneration
Chief Executive
Corporate Director Adult & Community Services
Corporate Director Childrens Services
Corporate Director Customer Services
Corporate Director Regeneration
Corporate Director Resources

Background Papers Used in the Preparation of the Report

- *Race Relations (Amendment) Act 2000*
- *Our Shared Future*, Commission for Integration and Cohesion, 2007

- *Cohesion guidance for funders: consultation*, DCLG, 2008
- Minutes of Panel