

Mrs Sally Morris
By email only to:
CRGT-Secretary@morris-assocs.demon.co.uk

Charity Commission
PO Box 211
Liverpool
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T: 0300 065 1802

Your ref:
Our ref: NJ/C-478038/4058085

Date: 19/12/2018

Dear Mrs Morris

Trust for the Parishioners of Clapham Parish

Thank you for your email dated 12 November and for providing detailed information about the consultation carried out by the trustees before the Commission considers making a scheme for the charity.

The charity's purpose

I must begin by apologising, especially as I appreciate the work the trustees have put into making an application for a scheme to the Commission. This application was based on the advice provided by email dated 12 September, which was that the Commission would consider making a scheme for the charity to amend its purposes. We explained in that advice that while the entity was broadly charitable, the 1930 indenture was unsatisfactory.

However, having reviewed the matter and discussed further with senior colleagues, we do not think that a scheme is necessary.

We consider that the purpose within the 1930 Indenture is charitable, and that the entity is therefore a charity. In order for us to make a scheme, there has to be a legal basis under s.62 of the Charities Act where the trusts have fully or partially failed or stopped being useful in some other way.

The purpose of this charity is to promote such charitable purposes for the general benefit of the inhabitants of the area, which are the parishioners within Clapham Parish. The trustees can decide to further this purpose by the provision of a recreation ground which clearly falls within a charitable purpose which benefits the local inhabitants.

It is difficult to see how these purposes cannot be carried out, and therefore, there is no basis for making a scheme.

On track to meet your deadline?

Visit www.gov.uk/charity-commission for help on filing your annual return and accounts

General enquiries: 0300 066 9197

Textphone: 0300 066 9219

Website: www.gov.uk/charity-commission

Please note, if the charity's annual income is over £5000, then an application must be made to register the charity.

I should make clear that even with this wide purpose, the provision of a shop, while important for the community, does not further a charitable purpose. The guidance provided on this is still relevant.

A copy of this letter as well as the 1930 Indenture will be kept on the charity's Key Documents file, for future reference.

Leases of charity land

You have applied to the Commission for an order to dispose of most of the land to Clapham Parish Council at a peppercorn rate. It seems that the lease will ensure that the land can only be used as a recreation ground.

We have therefore attached a draft order, which when authorised would allow this disposal. However, before this could be authorised, we need a copy of the draft lease which limits the use of the property for use as a recreation ground.

In response to your email of 18 December, a Tenancy at Will is not a disposal and the Commission's consent is not needed to enter into this.

Yours sincerely,
Nia Jones

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