



E Williams <info@llanbrynsports.org>

**20190408 DW LLANGENNECH AND BRYN SPORTS ASSOCIATION : 5133367
CRM:0195264**

RTN 7-Correspondence <registrationapplications@charitycommission.gov.uk>
To: EMYR WILLIAMS <info@llanbrynsports.org>

8 April 2019 at 10:57

Dear Mr Williams

Thank you for your application to register Llangennech and Bryn Sports Association as a charity. We are sorry for the length of time it has taken to respond to you.

You may be aware that the registration and decision process is described in our guidance, 'How to register your charity' (CC21b) and in 'How we make registration decisions', available from the 'Registering your charity' pages of our website (found [here](#)).

We have now had the opportunity to assess this application. Before we can make a decision we require some further information regarding your organisation's purpose and how it carries out that purpose for the public benefit. This is set out in further detail below.

1. Purpose

In order to be a charity under the law of England and Wales an organisation must:

- be established for exclusively charitable purposes within the range of descriptions of charitable purposes set out in the Charities Act 2011; and
- demonstrate that it is able to carry out its purpose for the public benefit.

The charity's 'purpose' is what it is set up to achieve. The 'objects', as outlined in Clause 3 of the CIO Constitution, describe and identify the purpose for which your organisation has been set up. These must be worded in a way that the law regards as being exclusively charitable and must accurately reflect the charitable purpose being carried out.

Your organisation's objects were not worded in a manner that was exclusively charitable. For example, to establish sports clubs or to share ideas on improving community sporting facilities do not fall under a recognised description of charitable purpose. Rather, they describe *a means to achieve* a charitable purpose as opposed to a charitable purpose in itself.

It is established as charitable to provide facilities to promote community participation in healthy recreation. Subject to the trustees responses to the questions outlined below in Section 2, we would raise the following objects for their consideration:

'The object of the CIO is:

To promote community participation in healthy recreation for the benefit of the inhabitants of Llangennech and the surrounding area without distinction of age, sex, sexual orientation, race or of political, religious or other opinions by the provision of facilities for various sports in particular but not exclusively rugby, football, cricket, netball, cycling and badminton.'

Please note, by 'facilities' we mean not just land, buildings and equipment but also the organising of sporting activity.

If the trustees feel this does not accurately cover the work of the organisation please explain why. We can consider the suggestion further and if appropriate agree more suitable wording.

2. Carrying out the purpose for the public benefit

As you are applying to register the organisation as a charitable sports club, we would refer you to our guidance on charitable status and sport (RR11, found [here](#)). This states that for a sports club to be charitable, it should:

- a) Engage in sports that promote physical health or fitness;
- b) Be open to anyone who wants to join, regardless of ability;
- c) Be open to all and those in poverty are not precluded from joining or playing as membership or hire fees are not reasonable;
- d) Any special clothing or equipment is, where possible, provided free, or at a reduced rate, by the club or is affordable;
- e) Coaches are suitably qualified to deliver coaching/training;
- f) More or less competitive players are, as far as reasonably practicable, treated even-handedly for access to facilities and other purposes;
- g) No payments or private benefits are given to players/participants;
- h) No separate and distinct benefits (for example, social facilities) are provided for non-playing members; and
- i) Refreshment and social facilities are provided only where they are ancillary to participation in healthy recreation.

As we understand it, Llangennech and Bryn Sports Association is established as an umbrella body that acts on behalf of a variety of local sports clubs. In the main, it would appear to be set up to maintain, improve and run the community council's recreation ground. LBSA's focus is to research into and develop spaces for the local sports clubs to be able to operate, as opposed to directly acting as a sports club itself.

Please confirm if this is correct. If not, please amend as appropriate.

Please also provide answers to the following questions:

- a) On what terms and conditions will the organisation use/lease/manage the recreation ground?
- b) Precisely which organisations will LBSA work with and be an umbrella body for?
- c) What will the nature of these relationships be and how will they work in practice?
- d) Does the organisation follow any specific criteria in regards to the organisations that it works with?
- e) How are the trustees satisfied that the clubs it works with meet the criteria for charitable sports clubs as outlined above?
- f) Does the organisation work with any professional or elite sports clubs?
- g) The application form stated that the organisation will 'carry out its own projects with a view to maximising benefit for the community'. Can the trustees please explain what is meant by this?

3. CIO Association Constitution

The submitted constitution largely follows the wording of our model constitution for an Association CIO. However, we note the following issue that, subject to the trustees' responses to the above queries, will need to be actioned:

- Clause 12.3 the trustees have selected Option 1, but neither Option 1a nor Option 1b from our model constitution, found on pg. 22, [here](#). The trustees need to select either Option 1a or Option 1b declaring a policy on the maximum number of trustees.

4. Safeguarding

We note from the online application that the trustees have declared that they will not work with children or vulnerable beneficiaries.

From the information submitted in your application it appears that your organisation improves and oversees the facilities at which other organisations subsequently hold events at which vulnerable groups may be present. While it may be that your organisation is not therefore directly involved, we would recommend that the trustees' are aware of the Charity Commission's advice on safeguarding and the responsibilities and duties placed upon the trustees, found [here](#). If the trustees are directly providing activities for children and vulnerable people we will require confirmation of this and you will need to tick the relevant box in the trustee declaration form. Please note that by ticking this box the trustees are confirming that they have:

- Read and understood the Charity Commission's safeguarding guidance; and
- Carried out all trustee eligibility checks the law requires and on the basis of those checks are satisfied that the people acting as trustees are both eligible and suitable to act as trustees of this charity.

Next Steps

In order to progress the application further we require the trustees' responses regarding the organisation's:

- Purpose and activity;
- Clause 12.3; and
- Safeguarding responsibilities.

In your reply please number your responses to correspond with the query that they address.

For security reasons we cannot accept links to online storage or embedded documents. We are also unable to accept documents over 10MB. If the documents are large, you may need to lower the resolution, or split them in order to email them in.

We would be grateful for a response to this email either on or before 29th April.

Yours sincerely

Daniel Warner

Case Officer/Registration

W: <https://www.gov.uk/charity-commission>

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FOR ENGLAND AND WALES

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Want to know more about how we handle your data? See the Charity Commission's Personal information charter

<https://www.gov.uk/government/organisations/charity-commission/about/personal-information-charter>

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