

CHARITY COMMISSION

SUMMARY OF THE DECISION OF THE CHARITY COMMISSION FOR ENGLAND AND WALES MADE ON 3 JANUARY 2014

APPLICATION FOR REGISTRATION AS A CHARITY BY THE PRESTON DOWN TRUST

The issue before the Commission

1. The Commission considered an application by the Preston Down Trust (PDT), a Plymouth Brethren Christian Church (PBCC) meeting hall, for registration as a charity. In reaching its determination, the Commission considered whether PDT is charitable as being an organisation:
 - (i) established for the advancement of religion; and
 - (ii) if so, whether it is established for the public benefit.
2. PDT made an application to be entered onto the register of charities in February 2009, which was refused by the Commission in June 2012 on the grounds that PDT had not demonstrated that it had sufficient beneficial impact on the wider community to meet the public benefit requirement to be a charity.
3. PDT appealed to the Charity Tribunal and the Horsforth Gospel Hall Trust (registered charity number 700960), a PBCC with identical objects, joined the appeal. A stay in the proceedings was requested by PDT, with a view to saving further significant legal costs. The parties agreed, with the consent of the Tribunal and support of the Attorney General, to the stay to see whether there was an alternative way to deal with the issues outside of the Tribunal process.
4. The Commission looked at the matter afresh as the Tribunal would have done and took into account evidence which was not available to the Commission when it refused to register PDT in June 2012. In doing so it considered and reviewed the relevant law and the full legal and factual case and comprehensive supporting documents (including expert and other evidence) which had been put to it by PDT and others. .

Conclusion

5. The Commission concluded that it is prepared to register PDT on the basis of an application for registration based on revised trusts set out in a Deed of Variation presented to the Commission and annexed to the Commission's decision document. The Deed of Variation varies the existing trust deed by declaring new trusts which contain, as an integral part of the trusts, declarations of the core religious doctrine and practice of faith of the PBCC.
6. The Commission considered the charitable status of PDT on the basis of the revised trusts. Following adoption of the Deed of Variation, the Commission is

satisfied that PDT is established for exclusively charitable purposes for public benefit and can be entered onto the register of charities. The Deed of Variation provides a framework for the future administration of the trusts in a way which is charitable and which is binding on the trustees.

7. On the basis of the revised trusts and evidence available to it, the Commission is satisfied that PDT is an organisation established for the advancement of the Christian religion in accordance with the declarations of the core religious doctrine and practice of faith of the PBCC.
8. The Commission examined the nature of the religious practices of PDT and whether they confer a benefit. On the evidence, the Commission determined that the doctrine of separation from evil, which is central to the beliefs and practices of PDT and the PBCC, resulted in (i) both a moral and physical separation from the wider community and (ii) limited interaction between the Brethren and the wider public. In addition, the Commission had regard to the disciplinary practices carried out by the PBCC which gave rise to allegations of detriment and harm.
9. Full and detailed evidence of public benefit arising from the practices of PDT was presented by PDT. Some of this evidence was new and additional to that presented prior to June 2012. It showed an organisation which was evolving and increasing its level of engagement with the public. The Commission also considered evidence from members of the public who wished to make representations and did not support the application for registration of PDT as a charity.
10. The Commission considered whether there is a genuine openness of worship to the public including the nature and level of participation in the services by the public. The evidence showed that all services are open to non-members except Holy Communion services which are ordinarily restricted to PBCC members and very occasionally attended by non-members with the consent of the congregation. However, there was evidence that it would be very rare for a non-member to attend the meeting halls and that some people had not found it easy to access services.
11. The level of engagement with the wider community was assessed because the law requires that public benefit for a religious charity is determined by the extent to which its moral and ethical teaching impacts upon the community leading to the betterment of society.
12. Having carefully considered all of the available evidence, the Commission concluded that the PBCC has a beneficial impact through its instruction and edification of the public in a Christian way of life by:
 - providing the public with access to worship. The public have an opportunity to attend and to participate to some extent in services. The requirement to be a well disposed person and adhere to their dress code does not prohibit public attendance and is common to some other religions;

- engaging in street preaching which involves distribution of religious publications and spreading the word of God; and
- engaging to a certain extent in the wider community, including through disaster relief work, encouragement of charitable giving and living out Christian beliefs in the community.

13. The Commission considered whether the benefits are conferred upon the public or a sufficient section of the public. There was some evidence that the PBCC are inwardly and strongly focussed on their nuclear and extended families (in so far as they are members of the community) and on their local meeting halls and wider PBCC fellowship. The Commission considered that the evidence, on balance, may tend to suggest that PDT operates predominantly rather than exclusively for the benefit of its members. However, it concluded, that in law this was not necessarily fatal to charitable status where there was engagement with the wider community.

14. Evidence relating to allegations of detriment, harm or disbenefit was presented to the Commission following its decision in June 2012 and considered by it in the context of assessing public benefit. The allegations related to:

- The nature of the doctrine and practices of the PBCC generally
- The nature and impact of its disciplinary practices
- The impact of the doctrine and practices on those who leave the PBCC
- The impact of the doctrine and practices on children within the PBCC.

Further detail is contained within the decision document.

15. The Commission concluded, on balance, that there were elements of detriment and harm which emanated from the doctrine and practices of the PBCC and which had a negative impact on the wider community as well as individuals so as to present a real danger of outweighing public benefit. In particular, the nature and impact of the disciplinary practices and the impact of the doctrine and practices on those who leave and on children within the PBCC may have consequences for society.

16. The PBCC acknowledged past mistakes, demonstrated a willingness to make amends and proposed to address these issues by amending its trust deed, clearly setting out its doctrine and practices, including highlighting the concept of showing compassion to others. The Commission was satisfied that the doctrine and practices are integral to the trusts; these demonstrate charitable intent and are binding on the trustees when administering the meeting hall. The Commission was further satisfied that it is able to regulate against these trusts.

17. The Commission concluded that the revised statement by the PDT of its doctrines and practices, in particular its interrelation with the wider community, was essential in enabling the Commission to accept the PDT for registration as a charity for the public benefit. Accordingly, the Commission agreed that it would register the PDT on the basis of the attached draft Deed of Variation which incorporates as part of the trust purposes the Schedules containing (i) a Statement of Core Doctrine of the Brethren and (ii) Faith in Practice.

18. The decision is made on the facts of the case in accordance with the law of England and Wales.

19. This is a summary of the decision; the full decision should be referred to for the complete reasons, terms and effects.