



**CHARITY COMMISSION
FOR ENGLAND AND WALES**

Ms P Miles

The Potton Flower and
Vegetable Show
By email only

Charity Commission

PO Box 211
Bootle
L20 7YX

Our ref: DB/ 5174473/RTN

Date: 07/10/2021

Dear Ms P Miles

Thank you for your application to register The Potton Flower and Vegetable Show as a charity.

Charity registration and the legal test

The registration process and decision are described in our guidance in CC21b 'How to register your charity' and in 'How we make registration decisions', available from the 'Registering your charity' pages of our website. <https://www.gov.uk/running-charity/setting-up>

Our guidance in CC4 'What makes a charity' explains that to be a charity in England and Wales, an organisation must satisfy the definition of a charity in the Charities Act.

CC4 guidance: <https://www.gov.uk/government/publications/what-makes-a-charity-cc4/what-makes-a-charity-cc4>

The Charities Act says that a 'charity' is an institution which:

- is established for charitable purposes only and;
- is subject to the control of the High Court's charity law jurisdiction

A charitable purpose is a purpose which:

- Falls within the description of purposes at s.3 of the Charities Act 2011; and
- Is for the public benefit.

Decision

This is sent to you because you are the named contact person on the application to register The Potton Flower and Vegetable Show as a charity, on behalf of its trustees.

The Commission's decision is to refuse to register The Potton Flower and Vegetable Show as a charity because we are not satisfied that the organisation has been established for exclusively charitable purposes for the public benefit.



Purposes (expressed as ‘Objects’)

The Charity Commission has produced guidance on what are charitable purposes. This is available on our website by clicking on the following link:

<https://www.gov.uk/government/publications/charitable-purposes>

The first page lists the descriptions of purposes in the Charities Act 2011. These are not charitable purposes themselves but are descriptions or “heads” under which recognised charitable purposes fall. By clicking on the various links, you will be taken to details of the purposes that fall within each description. There are further links to more detailed guidance where available on each charitable purpose.

The objects set out in the governing document are:

‘To arrange the Potton Show and any other related activities on behalf of the people of Potton.’

The objects as presented do not express exclusively charitable purposes that fall within the 13 descriptions of purposes as set out at s.3 of the Charities Act 2011. Arranging a flower or vegetable show and/or competition is not a charitable purpose which falls within the 13 descriptions of charitable purpose.

Analysis

It is not the Commission’s role to discern a charitable purpose in an organisation where the stated purposes presented are not charitable. However, where the Commission has received an application for registration from an organisation with non-charitable purposes, we also look at the surrounding circumstances as presented in the application to see if the material presented indicates a clear underlying charitable purpose. Having done so for your application, the material does not indicate that the organisation is established for exclusively charitable purposes or that The Potton Flower and Vegetable Show would operate in a manner that furthered exclusively charitable purposes for the public benefit

Before going into detail, it might be helpful to explain that in order to be a charity in England and Wales, an organisation must be established for exclusively charitable purposes and must be able to demonstrate that it is able to carry out its purpose for the public benefit. Many organisations are set up to do things which benefit a particular community or group. Not all these organisations will be capable of being charities.

From the information submitted it would appear that The Potton Flower and Vegetable Show is established to organise and hold a flower and vegetable show in which attendees can win prizes and awards. The application also tells us the organisation will run stalls and other activities at the show to provide entertainment and to raise funds. We note for example:

‘The Committee organise a Flower and Produce show in September each year according to the classes detailed in a schedule which is printed earlier in the year. Judging is organised and prizes, vouchers and cups are presented to the winners.’

In considering organisations of this type, in the context of assessing charitable status, we must be satisfied that what is being delivered or the activities provided satisfy the test of public benefit and demonstrate that holding the show will be for the public benefit in a manner which is considered charitable for the promotion of agriculture. In order to demonstrate public benefit within the promotion of agriculture, we would expect an agricultural show to consist of activities which are predominantly of a type capable of being for the promotion of agriculture (and agricultural craftsmanship). An organisation promoting agriculture in the charitable sense should also be bringing to wider public attention ways in which agricultural operation can be made more efficient and effective.



In this case, it would appear that the main purpose of the show is to deliver a show for the benefit of the exhibitors. While organisations of this type may include trading stands and use these stands to generate funds for the organisation, the show itself must have a sole purpose principally concerned with educating the public on agriculture and promoting agriculture. However, this does not appear to be the purpose of this organisation as there is no clear information that demonstrates how the organisation educates the public on the promotion of agriculture.

In view of this we are not satisfied that The Potton Flower and Vegetable Show meets the requirements for registration as a charity.

Conclusion

From the information reviewed we cannot be satisfied that the organisation meets the requirements for charitable status. Therefore, our decision is to refuse to register The Potton Flower and Vegetable Show as a charity, and the application will be closed.

If the trustees feel that once they have reviewed our guidance, they are able to restructure the organisation to meet the requirements of charitable status then they may wish to consider a fresh application.

The trustees may wish to seek their own independent legal advice.

We have identified some additional issues which were not part of the reasons for why we are rejecting your application but would need to be addressed should you wish to restructure and re-apply.

The governing document submitted as part of the application does not appear to be suitable for the administration of a charity. This is because the document does not contain all the required clauses for effective governance of a charity and decision making.

If the trustees wish to reapply, they may wish to review our guidance on model structures and adopt one of our model templates.

Our guidance and templates can be found here: [Setting up a charity: model governing documents - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/setting-up-a-charity-model-governing-documents)

Another point to consider is providing evidence that the organisation meets the minimum income requirement for charity registration. The income statements submitted are historical statements. While we appreciate the issues the organisation faced with holding events during the Covid-19 pandemic, the organisation is still required to submit recent statements as evidence of income. Please see our 'setting up a charity' guidance above for further information.

If you disagree with this decision

The Commission's decision was made under section 30 of the Charities Act 2011.

If you disagree with the decision, you can ask for it to be reviewed. See the attached annex for guidance on how to do this

Yours faithfully

Mr David Bragg
registrationapplications@charitycommission.gov.uk



Annex A - reviewing the decision

Ask the Commission to carry out an internal review of the decision by:

- using our online form <http://forms.charitycommission.gov.uk/decision-review/>

or

- sending an email to the Commission's Litigation and Review Team at litigationandreview@charitycommission.gov.uk.

If the Commission agrees to conduct a review, someone who did not make the original decision will look at your application and any additional information and evidence you send in and take a new decision under section 30 of the Charities Act 2011.

We ask that any application for a decision review is made as soon as possible and in any event within 3 months of the date on which the notice of our decision was sent to you (which will normally be the date of this document).

Alternatively, the Commission's decision can be challenged in the First-tier Tribunal (Charity). The Tribunal is an independent legal body which has the power to look again at decisions made by the Commission and to overturn them or adjust them.

To start a case in the Tribunal, a 'Notice of Appeal' must be sent to the Tribunal within 42 days of the date on which the notice of our decision was sent to you. Weekends and bank holidays are included in the 42 days. If you miss this deadline, you will need to ask the Tribunal for an extension of time and this may not be granted.

There is no requirement that you use the Commission's decision review service before appealing to the Tribunal. However, you will not lose the chance to bring an appeal in the Tribunal because you have used the Commission's decision review service. This is because the decision that the Commission makes at the end of its review can be appealed in the same way as the decision recorded in this document.

If you wish to challenge our decision in the Tribunal, you may find it helpful to visit the Tribunal's website for more information about time limits, the form of the Notice of Appeal and how to start a case:

<https://www.gov.uk/guidance/appeal-against-a-charity-commission-decision-about-your-charity>

Further details about our decision review procedure and the Tribunal are provided in our guidance on requesting a review;

Please refer to the main section entitled "*set up and register a charity*". Please then follow the link to the guidance about "*How to register a charity (CC21b)*". Information about our decision review procedure and the Tribunal is included within this section, under the main heading "*what happens after you apply*" and sub-heading "*if your application is unsuccessful*".

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