**3.a The charity commission’s first response and questions to the Mid-Essex Application for CIO status**

**3.b MEBC’s response to the questions written by Gary Murray**

**3.a On 2 Mar 2017** 14:16, "RTN 7-Correspondence" <registrationapplications@charitycommission.gsi.gov.uk> wrote:

Dear Mr Murray

Thank you for your application to register The Mid Essex Buddhist Centre as a charity. We have now had the opportunity to consider this application and, having done so, we need to ask you for some further information.

In order to be eligible to register as a charity an organisation must have exclusively charitable purposes and operate for the public benefit. On the information you have provided so far, we have been unable to conclude that The Mid Essex Buddhist Centre meets these criteria because we do not have sufficient information to understand how you will operate. So, could you please provide further information as follows?

Your organisation’s purpose and operating for public benefit

Clause 3 of your constitution sets out the means by which you will advance the Buddhist religion as follows:

1. Encouraging members and others to live ethical lives in accordance with the teachings of the Buddha.

2. Supporting ordained members of the Triratna Buddhist Community and other duly ordained Buddhists, at the discretion of the Council of the CIO.

3. Maintaining close communication with and working under the guidance of the Triratna Buddhist Order and in co-operation with other groups with the same objects.

4. Using applications of the Buddha’s teaching to promote the health and well-being of all.

Your application does not provide sufficient for us to understand how the trustees will do this.

1.       **For each of the means as set out above**please provide **full details** of how it will be carried out. **In each case** we need the following information:

a)      What will the organisation actually be doing?

b)      Precisely how will it do it?

c)       How will this further a charitable purpose?

d)      What will the benefits be?

e)    Who will the beneficiaries be?

f)    How will the beneficiaries become aware of the services?

g)   Who will be providing the services, and how will the trustees satisfy themselves the persons providing them are appropriately qualified?

In addition to the information requested above we need the trustees to provide the following based on the information in the application:

2.       What does "Supporting ordained members of the Triratna Buddhist Community and other duly ordained Buddhists, at the discretion of the council of the CIO" in clause 3.2 of the objects mean? Exactly what support will be provided? How will the trustees satisfy themselves that any personal benefit is incidental to the public benefit?

3.       We note the organisation has a gift aid number but the application is to register a CIO. How has the organisation operated to date? What will become of that entity and its assets?

Governance

We have considered the changes that have been made to the constitution in particular clause 6.2 where clauses have been added. We would comment as follows:

1.       Clause 6.2(i) – this contradicts clause 6.1(c). As you will see clause 6.1 says “*unless the payment or benefit is permitted by sub-clause 2*” but this seems to be a direct contradiction. Changes will need to be made to these clauses but first we need to know what is intended.

a.       Will trustees be employed?

b.      What will they be employed to do?

c.       Why is it considered necessary for trustees to be employed?

d.      What remuneration packages are they expected to receive?

e.      How many trustees are expected to be employed?

2.       Clause 6.2(j) – this clause will need to be removed. Clause 6.2(a) allows trustees to receive a benefit from the CIO as a beneficiary provided that the benefit is available generally to the beneficiaries of the CIO. 6.2(j) could allow a benefit to trustees which goes beyond what is available to the beneficiaries generally. Clause 6.1(a) says “*No charity trustee or connected person may: buy or receive any goods or services from the CIO on terms preferential to those applicable to members of the public*” and clause 6.2(j) potentially contradicts this.

As other clauses allow the trustees to benefit under the same terms as other members of the public, clause 6.2(j) is not required and as it has potential to allow for non-incidental personal benefit, it should be removed.

a.       Please confirm that any benefit the trustees will gain will not be above what is available to other  beneficiaries.

Please do not amend your constitution yet as we also need to consider the wording of clause 6.2(i).

If we do not receive an update from you within 4 weeks, by the 31st of March, then we will assume you do not wish to continue with the application and will close our case.  If after this date the trustees decide they wish to pursue registration then a fresh application will need to be made.

Yours sincerely

**Mrs Val Bond
Registration Division**

**W:**[https://www.gov.uk/charity-commission](https://www.gov.uk/government/organisations/charity-commission)

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**3. b**

Dear Mrs Bond

**RESPONSE TO QUESTIONS POSED REGARDING THE CHARITABLE STATUS OF THE MID ESSEX BUDDHST CENTRE (MEBC)**

Thank you very much for your response to our application to become a CIO and I am grateful for the time and care you have taken to assist us in this application. I shall respond in turn to each point below. However, I wonder if it would also assist the decision-maker to be aware that the MEBC is part of the Triratna Buddhist Community and Order which already has 25 existing Centres in the UK registered and accepted by the Charity Commission. All Triratna Centres, including the MEBC, have the same aims and objectives. The Shrewsbury Buddhist Centre, which is part of the Triratna Buddhist Community and Order, was accepted as a CIO by the Charity Commission in March 2014, Charity Commission reference of 1157987. See: https://apps.charitycommission.gov.uk/Showcharity/RegisterOfCharities/CharityWithoutPartB.aspx?RegisteredCharityNumber=1157987&SubsidiaryNumber=0.

I apologise for not bringing this to your attention earlier as it may have assisted you in determining the questions you have without causing you this further work.

I quote in italics below the questions you have asked us, our answers are in normal font:

*Your organisation's purpose and operating for public benefit*

*Clause 3 of your constitution sets out the means by which you will advance the Buddhist religion as follows:*

*1. Encouraging members and others to live ethical lives in accordance with the teachings of the Buddha.*

*2. Supporting ordained members of the Triratna Buddhist Community and other duly ordained Buddhists, at the discretion of the Council of the CIO.*

*3. Maintaining close communication with and working under the guidance of the Triratna Buddhist Order and in co-operation with other groups with the same objects.*

*4. Using applications of the Buddha’s teaching to promote the health and well-being of all.*

*Your application does not provide sufficient for us to understand how the trustees will do this.*

1. ***For each of the means as set out above*** *please provide* ***full details*** *of how it will be carried out.*

***Encouraging members and others to live ethical lives in accordance with the teachings of the Buddha.***

*a)      What will the organisation actually be doing?*

Through a programme of classes and events, both for regular members of our group as well as for newcomers from the local community and others, the MEBC provides an understanding of Buddhism. One of the main aspects of the Buddha's teaching is a grounding in Buddhist ethics. These ethical values are expressed in both a positive and negative form in what are called The Five Precepts:

**Negative formulation:** I undertake to abstain from taking life.

 I undertake to abstain from taking the not-given.

 I undertake to abstain from sexual misconduct.

 I undertake to abstain from false speech.

 I undertake to abstain from taking intoxicants.

**Positive formulation:** With deeds of loving kindness, I purify my body.

 With open-handed generosity, I purify my body.

 With stillness, simplicity, and contentment, I purify my body.

 With truthful communication, I purify my speech.

 With mindfulness clear and radiant, I purify my mind.

The ethical precepts are central to, and are threads that run through all the Buddha's teachings. Non-Buddhists are in no way expected or required to take on or follow these precepts. Instead, they are invited to test the ethical principles in their own lives to determine their effects on themselves and others around them, for the enhancement and benefit of society as a whole.

*b)      Precisely how will it do it?*

A programme of classes and events is currently in place as follows:

* Monday mornings drop-in meditation class for parents and carers.
* Tuesdays 7.30-9.30 pm: Newcomers' Introduction to Meditation and Buddhism class.
* Wednesdays 7.30-9.30 pm: Buddhism and Meditation class for regulars.
* Thursday mornings drop-in meditation class for parents and carers.
* Saturdays 8-10 am: A 3 year programme of study: Triratna Buddhism Training for Mitras (for those who consider themselves Buddhists).
* Saturdays 10.15 am - 12.15 pm: A 1 year programme of study: The Foundations of Buddhism (open to all).
* A series of day retreats throughout the year.
* One week-end residential retreat per year.
* Meditation workshops for regulars, once a month.
* A series of classes and courses introducing Mindfulness.
* Meeting of Young Buddhists (under 35s), once a month.
* A series of one day body work and meditation sessions (Yoga and Chi Kung).
* Family Days, once a month.
* Several day retreats a year for carers.
* Coffee mornings for the local community, once a month.
* With Triratna's emphasis on the Arts as an important way to access concentration and higher mental states, MEBC is planning a series of weekly classes and monthly events to promote the Arts (Art Class, Creative Writing Class, introduction to music, introduction to poetry and literature, film nights).

However, we continually evaluate what we offer taking into account regular feedback.

The ethical precepts are central to, and are threads that run through all of the MEBC's classes and events.

*c) How will this further a charitable purpose?*

Under the Charities Act 2011, it furthers the charitable purpose: 'The advancement of religion', in particular, 'an identifiable positive, beneficial, moral or ethical framework'.

*d)      What will the benefits be?*

Providing an ethical framework which assists Triratna members and those they come into contact with in their every day lives, and which can reduce stress, anxiety and promote general well being.

*e)    Who will the beneficiaries be?*

Those in the local community who attend the MEBC classes and events as well as those who they in turn come into contact with.

*f)    How will the beneficiaries become aware of the services?*

The MEBC has now taken possession of shop premises within the town centre of South Woodham Ferrers, at 17 Trinity Square. As a shop in a busy town centre many people attend having seen the advertising in our windows.

The MEBC has its own website and Face Book page detailing what it does and the classes and events on offer.

The MEBC actively promotes its classes and events by advertising regularly in the local papers, by distributing flyers to the local community and by emailing the 100+ members of our community on our database.

*g)   Who will be providing the services, and how will the trustees satisfy themselves the persons providing them are appropriately qualified?*

The services are provided by those Ordained within the Triratna Buddhist Order and those who are training for Ordination, under the supervision of an Ordained Buddhist (called Order Member in our tradition). Ordination is only provided to those who have attended numerous ordination retreats, completed the four year study course, have demonstrated a sound understanding of the Buddha’s teaching and have orientated their lives in line with these teachings. This must be evidenced over a sustained number of years by the Ordination training teams and/or the local Order Members who have regular and close contact with the individual who is training for Ordination.

***Supporting ordained members of the Triratna Buddhist Community and other duly ordained Buddhists, at the discretion of the Council of the CIO.***

*a)      What will the organisation actually be doing?*

Order Members and those training for Ordination who are financially independent give their time freely to running the classes and events at MEBC. However, as is the case in some other Centres, a few Order Members decide to resign from their paid employment in order to dedicate their full-time working life for the benefit of the advancement of Buddhism. These Order Members need to have some means of financial support. At this time, no Order Member attached to the MEBC receives any financial support. However, we often have visiting Order Members from other Centres who attend the MEBC to provide talks and teachings. The travel and meal expenses incurred are currently reimbursed.

*b)      Precisely how will it do it?*

It is anticipated, as is the case with many other Triratna Buddhist Centres, that as the Centre grows and the demands on the Order increases, some Order Members may devote the majority of their time to running classes and events. If this is the case, and provided that the majority of trustees do not benefit in this way, the trustees will determine to what extent their time is taken in running the Centre and offer some financial support to ensure their basic living needs are met.

With regards to expenses, all receipts are presented to the treasurer for consideration. The treasurer will reimburse the funds and make note on the financial report. The Council of Trustees review the report every quarter.

*c)       How will this further a charitable purpose?*

Under the Charities Act 2011, it furthers the charitable purpose: 'The advancement of religion', including:

* the provision of a place of worship;
* raising awareness and understanding of religious beliefs and practices;
* carrying out religious devotional acts;
* carrying out outreach work.

*d)      What will the benefits be?*

Order Members themselves will be in a better position spiritually to provide teachings and assistance by dedicating their lives to their own Buddhist practice, as well as having the time to effectively deliver the classes and events. They will also have the time to support members of our community and the general public in terms of spiritual issues. Supported Order Members will also participate in the administrative duties required to run the Centre including making available open space time within the shrine room. Having Order Members readily available at a Centre for our community and the general public when required will help advance the Buddhist religion.

*e)    Who will the beneficiaries be?*

If and when the MEBC decide to support Order Members over and above travel expenditure, the main beneficiaries will be those members of the MEBC community and members of the general public who attend the Centre for classes and events. A supported Order Member in the future would be able to support a wide and varied programme of events, providing greater access to the shrine room for Buddhist practice and worship.

*f)    How will the beneficiaries become aware of the services?*

The beneficiaries will become aware of the services provided by Order Members through window displays, the MEBC website and Face Book page and general marketing and promotion. Additionally, the beneficiaries will be directed towards the Order Members who can provide them with overall and specific support. They will also be aware of the support being given to any Order Member through:

* The minutes of the meetings of the Council of Trustees, these are public documents and are available for any member and general public to view. Any decision to support an Order Member would be fully documented within the minutes.
* The Financial Report is also made available to the members and publicly available and, therefore, the agreed amounts being provided will be transparent and open to scrutiny. This will in turn be scrutinised and transparent at the AGM.

*g)   Who will be providing the services, and how will the trustees satisfy themselves the persons providing them are appropriately qualified?*

The services are provided by those Ordained within the Triratna Buddhist Order and those who are training for Ordination, under the supervision of an Ordained Buddhist. Ordination is only provided to those who have attended numerous ordination retreats, completed the four year study course, have demonstrated a sound understanding of the Buddha’s teaching and have orientated their lives in line with these teachings. This must be evidenced over a sustained number of years by the Ordination training teams and/or the local Order Members who have regular and close contact with the individual who is training for Ordination.

***Maintaining close communication with and working under the guidance of the Triratna Buddhist Order and in co-operation with other groups with the same objects.***

*a)      What will the organisation actually be doing?*

The MEBC is one of 25 Triratna Buddhist Centres throughout the UK, as well as part of over 60 International Centres throughout Europe, India, Africa, North and South America and Australia. There are over 2,000 Order Members throughout the world. The overall spiritual direction of the Triratna Buddhist Community and Order is overseen by the College of Preceptors. This consists of 34 senior and experienced Order Members from the UK and International Centres. The MEBC is part of this network of Buddhist Centres with the same aims and objectives, and it seeks guidance and support from the College of Preceptors as well as from Order Members from other Centres.

*b)      Precisely how will it do it?*

The Chair of the MEBC attends regular European Chairs Assemblies where the spiritual vision of the College of Preceptors is shared and discussed. The MEBC also has a President who is not part of the MEBC. He is an experienced Order Member, part of the Presidents' Assembly composed of the most senior Order Members in our Movement. The President attends MEBC a number of times throughout the year. He is available to discuss matters pertaining to the teachings provided and casts a friendly, critical view of the MEBC to ensure it remains aligned to the overall Triratna vision. There are two Order Members guiding those members of our community who are becoming increasingly involved. These Order Members regularly attend retreats where others with the same role meet to ensure consistency. The MEBC also has 12 Order Members from other Centres in the UK who have agreed to form part of the management of the MEBC, there is regular communication between these Order Members and the trustees of MEBC.

*c)       How will this further a charitable purpose?*

Under the Charities Act 2011, it furthers the charitable purpose: 'The advancement of religion', in particular, 'a degree of cogency, cohesion, seriousness and importance'.

*d)      What will the benefits be?*

A well managed Centre, sharing a common vision with the wider Triratna Buddhist Community and Order, receiving a wide range of support which provides cohesion and prevents isolation from the wider Order with the purpose of effectively disseminating the Buddha's teachings.

*e)    Who will the beneficiaries be?*

In the first instance, the beneficiaries are the trustees and the Chair of the MEBC receiving the strong level of support needed to effectively run a Buddhist Centre. In turn, members of the MEBC community and the general public at drop in classes will benefit. This will also be of benefit to those they come into contact in their sphere of influence and society as a whole.

*f)    How will the beneficiaries become aware of the services?*

Members of the our community are aware that the MEBC is part of a wider, international movement and are encouraged to attend other Centres' events, classes and retreats. Additionally, guest speakers from other Triratna Centres are invited to lead classes and events and publicity material from other Centres is readily available at MEBC.

*g)   Who will be providing the services, and how will the trustees satisfy themselves the persons providing them are appropriately qualified?*

We have referred above to the rigorous training required to be Ordained in the Triratna Buddhist Community and Order. This section refers to maintaining close communication with the senior members of our Order, some of whom have been Ordained 40+ years. It is not always a case of longevity either, some Order Members in the College of Preceptors, The Presidents' Assembly and the European Chairs Assembly may have been Ordained 10+, 20+ or 30+ years but have been recognised to have a deep understanding of the Buddha's teachings and to be faithfully embodying these teachings in their every day life, for the benefit of all.

***Using applications of the Buddha’s teaching to promote the health and well-being of all.***

*a)      What will the organisation actually be doing?*

One of the main aspects of the Buddha’s teaching is Mindfulness and Metta (the development of universal loving kindness). The Triratna Buddhist Community and Order promotes two meditation practices: The Mindfulness of Breathing and The Metta practice, as well as leading preparation to meditation based on Mindfulness approaches.

It is well documented that Mindfulness and Metta greatly assist in the reduction of stress, anxiety, depression and can support those dealing with chronic pain and overcoming and dealing with addiction. The ethical framework described above allows members of our community to recognise the areas within their lives that increase stress and anxiety. At MEBC we actively give support to our community in understanding the cause of their suffering and how to positively face them in order to reduce their level of stress and anxiety.

Classes and events at MEBC promote and give direct experience of these two meditation practices as well as to Mindfulness approaches to life.

*b)      Precisely how will it do it?*

Please see our programme of classes and events at 1b) above.

As well as these in-house classes and events, we are frequently approached by outside agencies (eg schools) to lead sessions on Mindfulness. We are beginning to venture into outreach work of this nature.

*c)       How will this further a charitable purpose?*

Under the Charities Act 2011, it furthers the charitable purpose: 'The advancement of religion', in particular, 'an identifiable positive, beneficial, moral or ethical framework'.

Also, under the Charities Act 2011, it furthers the charitable purposes: 'The advancement of health', 'The advancement of education' and 'The promotion of mental improvement'.

*d)      What will the benefits be?*

Improved health, well-being and relationships for those who attend the classes and for the people who in turn come into contact with those who practice meditation, follow the Precepts and other core Buddhist teachings.

*e)    Who will the beneficiaries be?*

Those in the local community who attend the MEBC classes and events or who benefit from outreach work, as well as those who they in turn come into contact with.

*f)    How will the beneficiaries become aware of the services?*

The beneficiaries will become aware of the services through window displays, the MEBC website and Face Book page and general marketing and promotion.

*g)   Who will be providing the services, and how will the trustees satisfy themselves the persons providing them are appropriately qualified?*

The services are provided by those Ordained within the Triratna Buddhist Movement and those who are training for Ordination under supervision of the Ordained person. Ordination is only provided to those who have attended numerous ordination retreats, completed the four year study course and have demonstrated a sound understanding of the Buddha’s teaching and have orientated their lives in line with these teachings. This must be eveidenced over a sustained number of years by the Ordination training teams and/or the local Order members who have regular and close contact with the individual who is training for Ordination.

*In addition to the information requested above we need the trustees to provide the following based on the information in the application:*

*2. What does 'Supporting ordained members of the Triratna Buddhist Community and other duly ordained Buddhists, at the discretion of the council of the CIO' in clause 3.2 of the objects mean? Exactly what support will be provided? How will the trustees satisfy themselves that any personal benefit is incidental to the public benefit?*

At the time of writing, no Order Member attached to the MEBC receives any financial support. However, we often have visiting Order Members from other Triratna Centres who attend MEBC as guest teachers. The travel and meal expenses incurred are currently reimbursed. All receipts are presented to the Treasurer for consideration. The Treasurer reimburses the expenses and makes a note on the financial report. The Council of Trustees review the Treasurer's report every quarter.

Some Triratna Centres do employ trustees in our Charities (permitted in our Constitution provided that the majority of the trustees do not benefit in this way). In Triratna, we tend to talk of offering them 'support', this means they get financial remuneration for their basic living expenses and retreats. This is quite different to a salary because it varies with the needs of the recipient. It is only meant to cover living expenses and is not to accrue money.

*3. We note the organisation has a gift aid number but the application is to register a CIO. How has the organisation operated to date? What will become of that entity and its assets?*

The MEBC began its existence as a home study group in 2011. In 2013 it became the Dengie Buddhist Meditation Centre. In the autumn of 2015, The Dengie Buddhist Meditation Centre joined together with a Buddhist group who originate from the Hockley area to form The MEBC (MEBC). Both groups were part of the Triratna Buddhist Community and Order.

The income for the accounting years until and including 2015-2016 was below £5,000; it was our understanding that groups with this level of turnover are not required to register with the Charity Commission. However, they may register with HMRC and, where appropriate, gain the benefits of Gift Aid support. This was the route adopted by the MEBC (HMRC Number EW11249). It is clear that in the accounting year 2016-2017 the income of the MEBC will exceed £5,000; thus this registration with the Charity Commission.

It is intended that the existing entity which is the Mid Essex Buddhist Centre will be superseded by an organisation with the same name, but effectively having the additional attribute of being registered with and under the control of the Charity Commission.

Its pre-registration assets are minimal (less than £2,000) and are currently under the control of its trustees who are Ana Maria Bishop (also known by her Buddhist name of Dharmacharini Vanaraji), Christine Truss (also known by her Buddhist name of Dharmacharini Upekshadhi) and Gary Nelson Murray. These assets will be transferred to the post-registration organisation. The three trustees of the pre-registration organisation will continue as trustees post registration, augmented by David Dean Whiting (also known by his Buddhist name of Dharmachari Ksantivajra).

*Governance*

*We have considered the changes that have been made to the constitution in particular clause 6.2 where clauses have been added. We would comment as follows:*

*1. Clause 6.2(i) – this contradicts clause 6.1(c). As you will see clause 6.1 says “unless the payment or benefit is permitted by sub-clause 2” but this seems to be a direct contradiction. Changes will need to be made to these clauses but first we need to know what is intended.*

*a. Will trustees be employed?*

*b. What will they be employed to do?*

*c. Why is it considered necessary for trustees to be employed?*

*d. What remuneration packages are they expected to receive?*

*e. How many trustees are expected to be employed?*

*2. Clause 6.2(j) – this clause will need to be removed. Clause 6.2(a) allows trustees to receive a benefit from the CIO as a beneficiary provided that the benefit is available generally to the beneficiaries of the CIO. 6.2(j) could allow a benefit to trustees which goes beyond what is available to the beneficiaries generally. Clause 6.1(a) says “No charity trustee or connected person may: buy or receive any goods or services from the CIO on terms preferential to those applicable to members of the public” and clause 6.2(j) potentially contradicts this.*

*As other clauses allow the trustees to benefit under the same terms as other members of the public, clause 6.2(j) is not required and as it has potential to allow for non-incidental personal benefit, it should be removed.*

*a. Please confirm that any benefit the trustees will gain will not be above what is available to other beneficiaries.*

We would like to point out that with one exception (which we list below), the contents of Section 6 of the MEBC Constitution has been taken word for word from the Constitution of another Triratna Buddhist Centre (see the attached CIO Constitution of the Shrewsbury Buddhist Centre). In effect, we used their CIO as it had already been accepted. The Shrewsbury Buddhist Centre Constitution was accepted by the Charity Commission in 2014 and has a Charity Commission reference of 1157987. (See:https://apps.charitycommission.gov.uk/Showcharity/RegisterOfCharities/CharityWithoutPartB.aspx?RegisteredCharityNumber=1157987&SubsidiaryNumber=0.)

The exception is the second half of clause 2a:

Mid Essex: 'A charity trustee or connected person may receive a benefit from the CIO as a beneficiary *provided that it is available generally to the beneficiaries of the CIO.*'

Shrewsbury: 'A charity trustee or connected person may receive a benefit from the CIO as a beneficiary *provided that the majority of the trustees do not benefit in this way.'*

Should the Mid Essex version not be appropriate we are content to adopt the Shrewsbury wording. Please let us know which version we should use.

I hope that the above responses meet with your approval and I look forward to hearing from you soon.

Yours sincerely

**Gary Murray**