

London Sri Murugan Temple
A public benefit assessment report by the Charity Commission



The Charity Commission

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The Commission provides a wide range of advice and guidance to charities and their trustees, and can often help with problems. Registered charities with an annual income of over £10,000 must provide annual information to the Commission. The Commission has wide powers to intervene in the affairs of a charity where things have gone wrong.

More information about the Commission together with a range of guidance for charities can be found on our website www.charitycommission.gov.uk, or by contacting Charity Commission Direct:

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The Charity Commission is the independent regulator of charities in England and Wales. In October 2008 we started our public benefit assessment in relation to London Sri Murugan Temple. This is a report of our findings.

Section A: The purpose of this report

This report sets out the Charity Commission's findings from its public benefit assessment for London Sri Murugan Temple ('the charity'), registered charity number 271097. You can find further information about what public benefit assessments are, how we carry them out, a glossary of terms and other details on the public benefit pages of our website.

Section B: Key details about the charity

Charity registration details

The charity was established as an unincorporated association in 1976 to build a Hindu temple and to provide a centre to cater for the religious and cultural needs of Hindus from various countries, settled in the United Kingdom. It was registered as a charity in 1976.

Location and operation

The Temple is situated in Manor Park in the London Borough of Newham. It was completed and consecrated in 1984 and continues to provide a place of worship and additional services connected with the observance of Hindu faith and traditions. The Temple is open to all 365 days a year, within the specified opening times.

Regular religious services are held every day. Outside the regular services people can attend the Temple within the specified opening times.

In addition to religious services, the charity offers cultural and educational classes relevant to Hinduism, including scripture classes and yoga classes, and distributes religious publications to the public. It also provides a meeting place for the elderly with the aim of alleviating isolation and loneliness, and to provide counselling and spiritual guidance.

The Temple has regular worshippers from the local and wider community, and also welcomes casual visitors. We are advised by the charity that each of the regular services attracts more than 50 people, with over 300 people attending the Friday evening services.

Entry requirements

Entry is not limited to Hindus but is open to all. Visitors are asked to observe certain religious practices, such as not wearing shoes in the Temple.

Opening Times

Weekdays: 8:00 am – 1:00 pm
5:00 pm – 9:30 pm
Weekends: 8:00 am – 2:00 pm
5:00 pm – 9:30 pm

Opportunities to benefit for those unable to afford the fees

Most of the services offered by the Temple are free, whilst others attract a charge of between £1 and £200, depending on the type of service. Where these charges are made to cover costs such as materials and priest's time, they are not compulsory.

Financial position: year ending 31 March 2008

	Unrestricted Funds	Restricted Funds	Total
Income	£599,717	Nil	£599,717
Expenditure	£302,581	Nil	£302,581
Net incoming/ (outgoing) resources	£297,136	Nil	£297,136
Net assets	£5,629,477	Nil	£5,629,477

Section C: Is the charity's aim capable of being charitable?

In this section we report on the charity's aim and whether it fits within the list of descriptions of purposes within section 2 (2) of the Charities Act 2006 that are capable of being charitable purposes.

The charity's objects* are as follows:

"The advancement of the Hindu Religion, and in the furtherance thereof,

- (a) to provide a Shrine (Temple) for Lord Muruga as the main deity with such other deities as Lord Vigneswara, Lord Siva, Nandi, Saneswaran and their Consorts and any other deities that the Management Committee may deem fit,
- (b) to conduct prayers and other religious functions,
- (c) to promote the educational religion (sic) spiritual and moral interest of Members and their families,
- (d) to collect, compile, print, publish and to sell or distribute freely, journals, periodicals, leaflets and books the Temple may consider desirable for the promotion of its objects,
- (e) to raise funds and to invite and receive contributions from any person or persons whatsoever by way of subscription, donation and otherwise provided that the Temple shall not undertake any permanent trading activities in raising funds for its primary charitable object,
- (f) to purchase, lease, take-on hire or in exchange or otherwise acquire any property or interest therein,
- (g) to permit the use of the temple premises and/or its other precincts and/or equipments etc for Weddings, Conferences, Religious discourses, Meetings and other functions and activities in conformity with the objects of the temple on such terms and conditions the Management Committee may from time to time decide,
- (h) to do all such other things as are necessary for the promotion of the objects of the Temple."

The aim of the charity is to advance the Hindu religion. The beliefs and practices of the Hindu religion have been accepted as capable of advancing religion for the purposes of charity law. Our assessment found that the charity's operation was fully within this aim.

We considered whether the reference in clause (c) to promoting the educational, religion (*sic*), spiritual and moral interest of Members (determined in accordance with limiting provisions in the constitution of the charity) and their families had any implications on the charity's ability to act for the public benefit. In practice, the charity makes no distinction between members and non-members in identifying its beneficiaries and providing its services. This is also only one of the ways by which the charity may further its aim. However, as it stands, this provision is not consistent with the charity's overall public benefit purposes.

The trustees informed us that they have already identified the membership provisions as an issue to be resolved as part of a wider constitutional review.

We concluded that the charity's aim does fall within s2 (2)(c) of the descriptions of purposes in the Charities Act 2006 - the advancement of religion - and is capable of being charitable subject to meeting public benefit requirement.

* set out in the constitution adopted on 7 March 1976

Section D: Is the charity's aim for the public benefit?

To meet the public benefit requirement, the organisation must meet the two public benefit principles. These are:

Principle 1: There must be an identifiable benefit or benefits

Principle 2: Benefit must be to the public, or section of the public

We looked at the sub-principles within each of these.

- Sections D1 and D2 set out our findings for those relating to principle 1.
- Sections D3 – D6 set out our findings for those relating to principle 2.
- Section D7 sets out our conclusions on whether the organisation meets the public benefit requirement.

Section D1

We looked at the first two sub-principles together:

- **sub-principle 1a - it must be clear what the benefits are**
- **sub-principle 1b - the benefits must be related to the aims**

Relevant benefits

The benefit provided by the charity is a place of worship for Hindus and those interested in that faith. It provides regular public services, blessings and ceremonies which are prominently advertised outside the Temple and on the internet. Access is available 365 days a year, within the specified opening times. It provides a range of cultural and educational classes to promote the Hindu religion, and distributes religious publications. It offers a regular meeting place for elderly people in the local community, and caters for their physical and spiritual needs, within the context and fundamental principles of the Hindu faith. The charity has nine priests who live at the Temple premises. Between them they provide availability 24 hours a day for those in spiritual need.

Some of the benefits offered by the charity are private and are considered in section D6.

We concluded that the benefits are sufficient to enable us to conclude that the charity does meet sub-principles 1a and 1b.

Section D2

Sub-principle 1c: Benefits must be balanced against any detriment or harm

We explain in *Charities and Public Benefit* our approach to assessing this sub-principle.

Based on this, we found no evidence or indication of detriment or harm in relation to this charity.

We concluded that there was nothing under sub-principle 1c that would affect the assessment of public benefit in this case.

Section D3

Sub-principle 2a: The beneficiaries must be appropriate to the aims

The charity is an unincorporated association and has a membership structure. Historically, the membership constituted ordinary members who paid an annual subscription of £5, and life members who paid £100 as a one-off payment. The membership list closed in 1984. Today, no membership subscriptions are collected, and the sole function of the membership is the election of trustees. There are no personal benefits to members as such that are not available to the general public.

Clause (c) of the objects, which refers to promoting the educational, religion (*sic*), spiritual and moral interest of Members and their families, is a legacy of the charity's constitutional structure which the trustees are addressing in the review of the constitution (see section C).

From the information available, it is clear that in practice the charity's beneficiaries are members of the general public. This is evidenced in the way it offers and delivers its services.

We concluded that the beneficiaries are appropriate to the aim and that this sub-principle is met.

Section D4

Sub-principle 2b: Where benefit is to a section of the public, the opportunity to benefit must not be unreasonably restricted

In this section we consider geographical and other restrictions. In section D5 we consider restrictions arising as a result of the fees charged.

Geographical restrictions

There is no geographical restriction in the stated objects applied to the opportunity to benefit.

Religious restrictions

The stated objects do not contain any religious restrictions on who may benefit, nor are any restrictions applied in practice.

Membership restrictions

There is an express restriction in clause 2(c) which relates to the educational, religion (*sic*), spiritual and moral interest of Members and their families. As described in section D3, clause 2 (c) is a legacy of the constitutional structure under which the charity was established. In practice, the charity does not apply this restriction when carrying out its aim and it has no bearing on how the charity actually delivers its benefits.

We concluded that the opportunity to benefit is not unreasonably restricted by geographical or other factors outlined above and that the charity does meet sub-principle 2b in relation to restrictions other than fees.

Section D5

We considered the following related sub-principles together:

- **sub-principle 2b (the opportunity to benefit must not be unreasonably restricted by ability to pay any fees charged); and**
- **sub-principle 2c (people in poverty must not be excluded from the opportunity to benefit)**

Taken together, these sub-principles mean that the charity must be able to show that there is sufficient opportunity to benefit in a material way that is related to the charity's aim for those who cannot afford the fees, including those in poverty.

We describe in section C of *Public Benefit and Fee-charging* the principal factors derived from case law which we use to assess this.

Our assessment of these sub-principles looked at whether the level at which fees are set has the effect of preventing people who are unable to pay the fees from benefiting from the services or facilities.

Access to the Temple and participation in religious services are free, although the charity does have guidance on charges for some services which are calculated on the basis of actual cost to the charity. These charges range from £1 for an Archana (which is a personalised abbreviated puja performed by Temple priests) to £200 for a simple wedding service, and may be paid at the discretion of the individual. People generally make their contribution at the guided amount but there is no requirement to do so, and those unable to pay would not be denied access on that basis. The Temple is open both to casual visitors and regular worshippers.

Some of the services charged for are undertaken on a private basis, rather than for the public benefit (see section D6 below).

The fees (where paid) are affordable by most people and would therefore fit within the definition of 'low fees' in *Public Benefit and Fee-charging*. This means that the fees do not prevent people from having the opportunity to benefit from the charity's services.

We concluded that, taking into account what is reasonable and appropriate in the circumstances of this charity, it does provide sufficient opportunity to benefit in a material way for those who cannot afford the fees and that the charity does therefore fully meet sub-principles 2b (in relation to fees) and 2c.

Section D6

Principle 2d: Any private benefits must be incidental

The charity has nine priests, of whom eight are provided with accommodation at the Temple. This is a part of the employment terms offered to priests on appointment. These are legitimate expenses in furthering the aims of the charity. There is a priest available at all times. Contributions towards services go directly to the charity. No fees are paid directly to priests.

Private benefits (limited to individuals or a private class) also include use of the Temple's function room for private hire (which, if confined to times when the function room is not required for use for the charitable purposes, would be an appropriate use of resources to raise funds for application for the charitable purposes). The priests also engage in private blessings and services that take place in individual homes. The private celebration of religious rites is not charitable. However, the private blessings and services form only a very small part of the activities of the charity, do not appear to involve anything other than minimal or no use of charitable resources and do not prejudice – and may serve to bring to wider notice – the pursuit of the charitable aim for the public benefit, and can be disregarded on that basis.

We concluded that private benefits are incidental and that this sub-principle is met.

Section D7

Conclusion: Is the public benefit requirement met?

We concluded that all of the sub-principles are fulfilled and that the public benefit requirement is met.

Section E: Overall conclusions and required or recommended actions

We concluded that London Sri Murugan Temple is a charity and is operating for the public benefit.

We recommend the trustees complete their review of the charity's governing document as a whole so that it reflects more accurately the charity's aim and practice.

This publication can also be accessed at the Charity Commission's website: www.charitycommission.gov.uk

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