

The Rest Bay Convalescent Hotel: public benefit plans 2012



Background

In July 2009 the Commission published its findings from its public benefit assessment of The Rest Bay Convalescent Hotel ('the charity'). We found that the charity was not furthering its aims and could not form a conclusion about the extent to which it was operating for the public benefit unless and until the charity is operating within its aims. To address this finding we said:

'The trustees must re-examine the charitable aim and consider whether it is still capable of being furthered in the current economic and social circumstances and interests of the charity.

If they conclude that the current aim is capable of being furthered, they must undertake a review of how that aim is to be furthered in the future within the framework of charity law.

If they conclude that the current aims are not appropriate, the trustees must develop new charitable aims (within their governing provisions and the limits allowed by the law) and plans for furthering these.'

The trustees confirmed their intention to produce a plan for agreement. Their original plans were submitted in June 2010 but they were not satisfactory. They did not demonstrate that the charity's aim was charitable, or would be administered, for the public benefit. In view of the trustees' stated intention to remain as a charity we continued to work with the trustees and a further time extension for the development plans was granted. We have considered the trustees' latest submission.

Conclusion

We have analysed the latest plans submitted by the charity in the light of the Upper Tribunal's ruling on the Attorney General's reference on public benefit and fee-charging education charities. These plans demonstrate that the trustees intend to undertake a number of changes which when implemented will enable the charity to have aims which are capable of being charitable if carried out for the public benefit. The plans further indicate that the trustees are proposing to administer the charity such that the aims of the charity will be undertaken for the public benefit.