



CHARITY COMMISSION
FOR ENGLAND AND WALES

Mr Jordan Holbrook

By email only:
request-533068-
80c0e305@whatdotheyknow.com

Charity Commission
PO Box 211
Bootle
L20 7YX

Our ref: CB/1017310/c-489320/RC(TN)

Date: 3 December 2018

Dear Mr Holbrook

PRESIDENTS CLUB CHARITABLE TRUST : 1017310

Thank you for your two emails of 16 November 2018 concerning the above charity.

This email covers your requests for information under the Freedom of Information Act (the Act) in relation to the criteria that you set out in your emails below:

"I'd be grateful for copies of the evidence which the Charity Commission had or obtained and upon which the 'Presidents Club Charitable Trust: case report' (published on 12th July 2018) was based."

Our response to your requests above is as follows:

I can confirm that we do hold information which falls within your clarified request, but the information is withheld under s31(1)(g) of the Freedom of Information Act 2000 as follows:

Section 31 – Law enforcement

Section 31(1)(g) provides that the information is exempt if its disclosure would, or would be likely to, prejudice the exercise by any public authority of its functions for any of the purposes specified in section 31(2). Such purposes include:

- ascertaining whether any person has failed to comply with the law;
- ascertaining whether any person is responsible for any conduct which is improper;
- ascertaining whether circumstances which would justify regulatory action in pursuance of any enactment exist or may arise;
- protecting charities against misconduct or mismanagement in their administration.

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The information in question was received or held by the Commission in furtherance of its statutory objectives and the functions as outlined by sections 14 and 15 of the Charities Act 2011. These include (but are not limited to) increasing public trust and confidence in charities, promoting compliance by charity trustees with their legal obligations, identifying and investigating apparent misconduct or mismanagement in the administration of charities and taking appropriate remedial or protective action in connection with misconduct or management therein.

The disclosure of the information requested would be likely to prejudice these functions. If the details of all communications which may be subject to regulatory engagement by the Commission are routinely disclosed, charities, and other parties, would be reluctant to co-operate or enter into open and frank discussions with the Commission in the course of its work. In addition, disclosure would prejudice the consideration and assessment of any regulatory action the Commission might be minded to take. This would adversely affect the Commission's ability to regulate efficiently and effectively.

This is a qualified exemption which means that it requires the Commission to balance the public interest in disclosure against the public interest of non-disclosure.

In balancing the public interest of disclosure against the public interest in withholding the information, I have taken into account the factors in favour of disclosure which includes the need for the Commission as a public body to be transparent and accountable and to provide assistance to members of the public as far as possible with regard to the information held by the Commission about charities. I have also considered the very considerable public interest in the Commission being able to operate and regulate charities efficiently and effectively. It is the Commission's view that in this instance, the public interest lies in not disclosing the information.

If you think our decision is wrong, you can ask for it to be reviewed. Such requests should be submitted within three months of the date of our response and should be addressed to the Charity Commission at PO Box 211, Bootle, L20 7YX (email: RIGA@charitycommission.gsi.gov.uk). More information about our Freedom of Information Act review service can be found on the following link on our website: <https://www.gov.uk/government/organisations/charity-commission/about/complaints-procedure>.

If, after this, you remain unhappy with the decision, you may apply directly to the Information Commissioner (ICO) for a decision. Generally, the ICO cannot make a decision unless you have exhausted our review procedure. The ICO can be contacted at the Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AF (email: casework@ico.org.uk.)

I hope you will find the above helpful and satisfactory.

Yours sincerely

Claire Butler