



THE SCOTTISH CHARITY REGULATOR (OSCR)

Interim report made under section 33 of the Charities and Trustee Investment (Scotland) Act 2005

SC024473 Lesbian, Gay & Bisexual Community Project Limited

On application by OSCR a judicial factor to Lesbian, Gay & Bisexual Community Project Limited has been appointed by the Court of Session to manage the affairs of the charity. This action was taken following notification that the only active charity trustee of the charity had resigned. As a result of our inquiry it appears that there has been misconduct in the administration of the charity and that it is necessary to act for the purposes of protecting the property of the charity.

Background

Lesbian, Gay & Bisexual Community Project Limited (the charity) is a Scottish registered charity. It was established as a company in Scotland on 21 February 1996 and was deemed to be a charity by HMRC on 4 March 1996. Its charity number is SC024473.

It was established with the following purposes:-

- To benefit the Community by the preservation and protection of the good health both physical and mental of gay men, lesbians and bisexual people in Scotland. To provide health education for the benefit of such persons.

On 15th June 2015 the charity submitted amended articles of association with Companies House. The charity's purposes in these articles of association were changed to; "To provide a safe meeting space for Lesbians, gay men and transgender people in the community". The charity did not apply to OSCR for consent to change its purposes as is required under section 16(2)(a) of the Charities and Trustee Investment (Scotland) Act 2005 (the 2005 Act).

In 2018 OSCR opened an inquiry into the charity under section 28 of the 2005 Act. This action was taken following the receipt of information which questioned whether the charity trustees were managing conflicts of interest appropriately, and further concerns about the use of the charity's properties and funds. OSCR carried out a review of the charity accounts for the period ending 30 June 2017 and wrote to the charity trustees in respect of matters identified from this review. These matters included loans made by the charity to a charity trustee, management charges paid to a charity trustee, the use of properties owned by the charity, and the change made to the charity's purposes in June 2015.

Regulator's Action

As a result of OSCR's inquiry, and information gathered in the course of that inquiry, OSCR reasonably believes that there is or has been misconduct in the administration of the charity and that it is necessary and desirable to act with the purpose of protecting its property and of securing the proper application of such property for its purposes.

OSCR has therefore taken the following action:

We petitioned the Court of Session for the appointment of a Judicial Factor to manage the affairs of the charity under section 34(5)(c) of the 2005 Act and to treat as having been removed the only active trustee (who has now resigned) from the management and control of the charity. An order for removal would have the effect of permanently disqualifying the individual concerned from acting as a charity trustee of any charity.

On 7 February 2020 Emma Porter of Aver Chartered Accountants was appointed as interim Judicial Factor of Lesbian, Gay & Bisexual Community Project Limited. The petition has now been served on all relevant parties.

OSCR
11 February 2020

UPDATE

On 13 March 2020 the Court of Session granted our motion to treat as having been removed the former charity trustee (referred to above) from any role in the management and control of the charity and appointed Emma Porter of Aver Accountants as permanent Judicial Factor. The order for removal has the effect of permanently disqualifying the individual concerned from acting as a charity trustee of any charity.