

Charities



*'Dedicated to understanding your
circumstances and meeting your needs'*

Formation and Constitutional Advice

Party in the Park for The Prince's Trust | Photography: Getty Images



Charity Formation

We form numerous charities, whether companies limited by guarantee, trusts or other charitable forms. Advice is given on all aspects of new charities and company secretarial services are provided where required. We have also completed “incorporation projects” for charities that were originally trusts but have decided they should incorporate.

Constitutional Reviews and Governance Advice

Perceived best practice in governance evolves, so it is important to review a charity's constitution regularly. The Charity Commission also often recommends constitutional changes following review visits. We handle constitutional reviews, and we are well-versed in the issues that may need addressing.

Trustee Duties

We regularly advise trustees about their duties, powers and liabilities.

Negotiations with the Charity Commission

Amendments resulting from a constitutional review, or other circumstances, may result in a charity negotiating with the Charity Commission before a necessary action can be taken. We have considerable experience in negotiating with the Commission.

Mergers

Charity mergers are currently encouraged. We can advise on the series of issues that could be thrown up by a merger, including employment issues, asset transfer, adoption of new objects and the best merger structure.

Trading and Commercial Advice

Commercial and Fundraising Agreements

We advise across a broad range of these agreements, including on-pack promotions and event sponsorship. Book publishing arrangements with charities have been particularly popular recently.

Information and Communication Technology (ICT)

Knowledge is power. The voluntary and community sector increasingly recognises ICT as a powerful weapon in increasing its efficiency and effectiveness. This is reflected in the prominence of the ICT Hub of Excellence in the Government Change-Up initiative. We have exceptional experience in negotiating a broad range of ICT arrangements for our clients and are able to extend this expertise to charities and the broader voluntary and community sector.

Tax and VAT Advice

It is important for charities and their trading subsidiaries to structure their tax affairs efficiently and to take advantage of any applicable Inland Revenue exemptions. We deal with these issues, and also offer VAT advice including, where appropriate, on the Cultural Services VAT Exemption.

Public Sector Delivery Contracts (PSD)

Government expects the voluntary and community sector to take an increasingly important part in the negotiation of PSD contracts. We can proportionately advise charities and broader voluntary and community sector organisations on the terms of these contracts, including the appropriateness of key performance targets and the legal issues around full cost recovery.

Our Charities Group

Harbottle & Lewis has been involved with charities and the broader voluntary and community sector since the firm was founded in 1955. Our first charity clients were typically involved in the Arts, but we now work with numerous charities, large and small across a wide range of fields within the sector.



Comic Relief Ltd | Photography: Gary Moyes

We provide a comprehensive offering and pride ourselves on making sure we get to know our clients and their issues as well as possible in order to give a more effective, tailor-made service.

The firm's emphasis on media, entertainment and communications means that we have a market-leading understanding of many emerging issues for charities, for instance on-line fundraising, data and database protection, information and communications technology, and intellectual property exploitation and protection.

Our commercial approach puts us in the perfect position to advise on commercial arrangements with trading subsidiaries, on commercial participator and professional fundraiser agreements and on fundraising contracts.

The Charities Group is dedicated to understanding your circumstances and meeting your needs.

'Harbottle & Lewis have been involved with Comic Relief and its development since our early days in 1985. Their advice and breadth of knowledge, especially in the charity and entertainment fields, has been invaluable.'

Colin Simon
Finance Director, Comic Relief.

Other areas where we are able to assist charities

Intellectual Property Rights Protection and Enforcement

Our core skills supremely enable us to advise about brands and brand protection, database rights, data protection and other intellectual property rights creation, exploitation, protection and enforcement.

Litigation

We have a thriving litigation practice, and regularly initiate and defend cases for charities. We are therefore comfortable with the issues involved, including trustee duties, Beddoe applications and the broad spectrum of other issues that litigation typically throws up.

Charity Commission Investigations

Occasionally a charity comes under direct scrutiny from the Charity Commission. We have guided a number of charities through the hazards of a "S8 investigation" and have contributed to the recent Charity Law Association Working Party on the subject.

Employment

We provide a full range of advice on all employment issues that might arise for charities and the broader voluntary and community sector, including employment and liability issues arising with volunteering.

Property

We act for a considerable number of charities with substantial property assets, including numerous theatres, advising on the broad range of property issues that might arise, including relevant compliance with the Charities Act 1993.

Legal Aspects of Media Relations

Our experience with the media and the communications industries, and our work with high-profile branded charities, gives us the ideal background to advise on legal aspects of media relations. We pride ourselves that silence often means success in this context.

Concerts and Events

We have been involved with some of the UK's most prominent fundraising events, concerts and telethons, including Comic Relief, Children in Need, NetAid, Tsunami Relief, the Queen's Golden Jubilee Concerts, the Prince's Trust's Parties in the Park, as well as the 46664 Nelson Mandela Concert in Cape Town.

Arts-Focused Organisations

Our core skills and our historic experience in the Arts world since our formation in 1955 make us a natural first choice to advise organisations with a mission in Culture and the Arts.

Serving the Broader Voluntary and Community Sector

We aim to provide legal services not only to charities but also to the broader voluntary and community sectors and social enterprises in general. We offer a "one-stop shop" of corporate, commercial and other legal services that might typically be needed. We are also familiar with the new Community Interest Company.

'With Harbottle and Lewis taking care of any legal matters, the charity can focus its attention on its wildlife conservation and animal welfare work, knowing that we are in good hands.'

Dr Barbara Maas
Chief Executive, Care for the Wild International
www.careforthewild.com



The benefits of using Harbottle & Lewis

Specialist Knowledge

We have wide-ranging experience and expertise in supporting charities and the broader voluntary and community sector and so have developed a deep compassion for and understanding of the sector. This knowledge, with our blend of legal expertise and a straightforward approach, combines to bring unrivalled legal and commercial acumen.

The Right Size

We are large enough to handle any transaction our clients might throw at us, but small enough to provide a tailor-made and caring service to every client.

Enthusiasm and Involvement

All those involved in our Charities Group care deeply about the sector. Most are charity board members themselves. We aim to provide a quarterly newsletter to all our clients called Charities News, and to hold a seminar on latest developments in the sector every six months. Our team is friendly and approachable, and will strive to solve your problems.

The Firm's Profile

Harbottle & Lewis LLP provides specialist advice to the media, entertainment and communications industries. It remains unique in having expertise right across these sectors and is consistently recognised as a leading firm by independent sources. Whilst its key practice areas continue to expand, the original values of the firm - to provide efficient legal advice, encourage originality and exceed expectations - remain constant.



The Big Life, written by: Paul Joseph and Paul Slett.
Theatre Royal – Stratford East | Photography: Johnny Munday

'Theatre Royal is renowned for its work in developing new work by new writers, as well as for its extensive education programme. Our latest production The Big Life is set to transfer into the West End, and Harbottles have been invaluable in making sure that we stay within the requirements for charities.'

Kerry Michael
Artistic Director, Theatre Royal – Stratford East.

'Harbottle & Lewis was invaluable in helping us revise the legal aspects of the latest edition of the Good Trustee Guide. And we are delighted that they have sponsored our 2005 ICT Conference.'

Nicola Thompson
Head of ICT Development, The ICT Consortium / National Council for Voluntary Organisations.