

Toby Manning has asked three questions of LGC trustees. We are grateful for the opportunity to respond and hope to work with him to resolve any further difficulties he has.

Before we reply we consider it important that everyone knows that our core intention is to ensure that T Mark Hall's legacy is correctly and carefully preserved. We believe the central aim of T Mark was to enable creation of something comparable to the original London Go Centre and this is what we have done.

As a charity LGC and its trustees are bound by strong framework which is a key component of safeguarding T Mark Hall's legacy. There are six legal duties:

- ensuring the charity is carrying out its purposes for the public benefit;
- complying with the charity's governing document and the law;
- acting in the charity's best interests;
- managing the charity's resources responsibly;
- acting with reasonable care and skill; and
- ensuring the charity is accountable.

We do not think there is another Go related organisation with comparable governance provisions nor on pain of legal sanction.

We think is worthwhile recording here John Fairbairn's latest communication on the subject (previously circulated to TMHF members):

“Mark's bequest was very specifically for a London Go Centre, and the other items in his will were just included as a sort of long stop on his solicitor's advice. Everything [Alex Rix] say seems to point to that becoming a reality, and so has to be welcomed. In the same vein, I would have thought that any extra funds that could be allocated to the LGC probably should be. We don't want to spoil the ship for a ha'porth of tar.”

(1) Please could the LGC Trustees explain why the proposed new constitution of the LGC nowhere refers to "London" (with the exception of the title of the Charity), the "London Go Centre", the "London MindSports Centre" the "T Mark Hall Library" or "T Mark Hall".

We do not fully understand the point being made here but are working hard to assure the TMHF.

The Charity Commission guidance (OG 330 Names of Charities) is clear:

“Names are very important to charities as they are the key means by which the public identify them”

Furthermore under s.42(2) of the Charities Act 2011 the name must not be misleading.

We run a London Go Centre, which enables us to deliver our objects. The Charity Commission know that. The objects clause is about our purpose. The way we accomplish that purpose is to run a London Go Centre, obviously running it in a way conducive to that purpose.

At a practical level it has been agreed with other shareholders of MPL that one of the rooms in LMC has been named the T Mark Hall Room and will be the “Go” room. It will house the T Mark Hall library.

As soon as the London Go Centre was created (even before it became a charity) we established an annual tournament with a suitable trophy celebrating T Mark Hall’s preference for rapid play Go.

Our website acknowledges T Mark Hall and we have been given a collection of photographs of T Mark Hall which will enable us to expand our efforts to ensure that he is remembered appropriately.

However to increase reassurance to the TMHF we researched other London based charities looking for guidance, for example: the *London Library*, established in 1841.

The London Library does not ever seem to have moved home in the past 170 years but neither do its objects refer to a specific building. We assume it was either considered unnecessary or that it allowed for the possibility that one day the charity might have to move or it might be advantageous for the charity to move (but as we have already explained a charity can only dispose of land in circumstances where it is replaced by an as good or better option).

Following that research against a background in which previous criticisms levelled at LGC included it was too London centric, we have further revised our draft constitution confident that the Charity Commission will find the changes acceptable and designed to further increase assurance levels to TMHF.

The revised draft is attached to our reply however the pertinent amendments are reproduced here:

The objects of the CIO are, for the public benefit:

(1) The advancement of the game of Go by the provision of premises in London for the learning, teaching and playing of Go.

(2) The advancement of the education of children and young people by providing or assisting in the provision of premises in London for the teaching, development, and supervision of the playing of Go.

(3) The provision of a library in support of objects (1) and (2)

As we have previously shared with TMHF members the second object was inserted explicitly to acknowledge the provisions in T Mark’s will to disburse money for youth study and development.

The new agreement with YCBC will see LGC offering club Go on two days a week and the opportunity for casual Go in the social areas on other days whenever the LMC is open for other activities, so moving closer to T Mark’s vision of Go seven days a week.

Regarding your specific point about “London Mindsports Centre” Mindsports as a concept has no standing under the Charities Act 2011 (*R (English Bridge Union) v Sport England* [2015] EWHC 2875 (Admin)) so it is difficult to see how we could refer to it in our constitution.

(2) If the TMHF makes a donation of assets to the LGC, then this means that none of T Mark's wishes will be preserved as any sort of legal requirement.

We didn't really understand what this meant. The trustees have a duty to actively deliver on the objects of the charity. We will have a binding contractual arrangement with YC. And members of LGC will be able to hold its trustees directly to account. The scope for deviancy both legally and practically seems limited if it exists at all.

Furthermore TMHF has already expressed confidence that LGC is delivering T Mark Hall's wishes as it has already made a donation of assets to LGC.

We would be grateful to understand what else we could be asked to do that is Charity Law compliant.

(3) As written, the proposed new constitution seems to generate an organisation to largely replicate the BGA. It should surely be an organisation to run and promote the LGC.

We do run and promote LGC. However any charity has wide ranging powers to further its objects. The key clause in the Charity Commission template in both the existing LGC constitution and the draft constitution reads as follows:

The CIO has power to do anything which is calculated to further its objects or is conducive or incidental to doing so.

The clause continues

In particular, the CIO's powers include power to:

and the original template gave three generic examples including the power to own land.

We expanded the list of examples to give an idea of what we could do. However the key point is that all these powers can only be exercised in furtherance of the charitable objects.

The relationship with the BGA is already covered in our original submission, but, in summary, the BGA is the national body with international recognition as such. Most fundamentally, the BGA is not a charity. That means it can do many things that LGC can never do, for example political lobbying to change the law to recognise Go as a sport eligible for Sports Council Grants etc.

LGC is an important national resource due to its scale and activities (e.g. hosting the LOGC, the premier UK event in terms of numbers and international participation) and so works to enhance the reputation of BGA (e.g., enabling BGA to cost effectively host EGF tournaments in the UK).

The BGA has its own section on LGC's YouTube channel. All the content has been created with the help of LGC. We help BGA Youth and we will be pleased to help and advise the BGA online committee with its plans to start its own YouTube channel.

The revised LGC Constitution will allow for a member of BGA Council to become a trustee to improve liaison and oversight. Three of the four existing LGC trustees have served on BGA council (two of them currently) at various times for several years.