

Alice Park Trust Sub-Committee

Date: Thursday, 8th December, 2022

Time: 2.30 pm

Venue: Brunswick Room - Guildhall, Bath

Councillor Rob Appleyard
Councillor Sally Davis
Councillor Mark Roper
Councillor Joanna Wright
Co-opted members non-voting: Mary LaTrobe-Bateman

Chief Executive and other appropriate officers
Press and Public



Corrina Haskins

Democratic Services

Lewis House, Manvers Street, Bath, BA1 1JG

Telephone: 01225 394357

Web-site - <http://www.bathnes.gov.uk>

E-mail: Democratic_Services@bathnes.gov.uk

NOTES:

1. **Inspection of Papers:** Papers are available for inspection as follows:

Council's website: <https://democracy.bathnes.gov.uk/ieDocHome.aspx?bcr=1>

Paper copies are available for inspection at the Guildhall - Bath.

2. **Details of decisions taken at this meeting** can be found in the minutes which will be circulated with the agenda for the next meeting. In the meantime, details can be obtained by contacting as above.

3. **Recording at Meetings:-**

The Openness of Local Government Bodies Regulations 2014 now allows filming and recording by anyone attending a meeting. This is not within the Council's control. Some of our meetings are webcast. At the start of the meeting, the Chair will confirm if all or part of the meeting is to be filmed. If you would prefer not to be filmed for the webcast, please make yourself known to the camera operators. We request that those filming/recording meetings avoid filming public seating areas, children, vulnerable people etc; however, the Council cannot guarantee this will happen.

The Council will broadcast the images and sounds live via the internet www.bathnes.gov.uk/webcast. The Council may also use the images/sound recordings on its social media site or share with other organisations, such as broadcasters.

4. **Public Speaking at Meetings**

The Council has a scheme to encourage the public to make their views known at meetings. They may make a statement relevant to what the meeting has power to do. They may also present a petition or a deputation on behalf of a group.

Advance notice is required not less than two full working days before the meeting. This means that for meetings held on Thursdays notice must be received in Democratic Services by 5.00pm the previous Monday.

Further details of the scheme can be found at:

<https://democracy.bathnes.gov.uk/ecCatDisplay.aspx?sch=doc&cat=12942>

5. **Emergency Evacuation Procedure**

When the continuous alarm sounds, you must evacuate the building by one of the designated exits and proceed to the named assembly point. The designated exits are signposted. Arrangements are in place for the safe evacuation of disabled people.

6. **Supplementary information for meetings**

Additional information and Protocols and procedures relating to meetings

<https://democracy.bathnes.gov.uk/ecCatDisplay.aspx?sch=doc&cat=13505>

Decision Making Powers of the Sub-Committee:

1. To discharge the Council's role as Corporate Trustee for the Alice Park Trust, in line with Charities Commission guidance. The objects of the Alice Park Trust are for use as a public park and children's recreation ground.
2. To agree the Trust's annual budget and business plan.
3. To approve the use of any reserves.
4. To agree the Trust's annual accounts.
5. To receive and respond to the audit findings relating to the annual accounts.
6. To receive reports on the effective day to day management and financial performance of the Trust.
7. To allow interested parties to give their view on the performance and direction of the Trust.

Alice Park Trust Sub-Committee - Thursday, 8th December, 2022

at 2.30 pm in the Brunswick Room - Guildhall, Bath

A G E N D A

1. WELCOME AND INTRODUCTIONS

2. EMERGENCY EVACUATION PROCEDURE

The Democratic Services Officer will draw attention to the emergency evacuation procedure as set out on the Agenda.

3. APOLOGIES FOR ABSENCE AND SUBSTITUTION

4. DECLARATIONS OF INTEREST

At this point in the meeting declarations of interest are received from Members in any of the agenda items under consideration at the meeting. Members are asked to indicate:

(a) The agenda item number in which they have an interest to declare.

(b) The nature of their interest.

(c) Whether their interest is **a disclosable pecuniary interest** *or* **an other interest**, (as defined in Part 4.4 Appendix B of the Code of Conduct and Rules for Registration of Interests)

Any Member who needs to clarify any matters relating to the declaration of interests is recommended to seek advice from the Council's Monitoring Officer or a member of his staff before the meeting to expedite dealing with the item during the meeting.

5. TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIR

The Chair will announce any items of urgent business accepted since the agenda was prepared under the Access to Information provisions.

6. ITEMS FROM THE PUBLIC - TO RECEIVE STATEMENTS, PETITIONS OR QUESTIONS

7. MINUTES OF THE MEETING OF 20 OCTOBER 2022 (Pages 7 - 10)

8. CHAIR'S UPDATE

9. ALICE PARK TRUST SUB-COMMITTEE - ANNUAL REPORT APRIL 2021- MARCH 2022 (Pages 11 - 26)

To agree the Statement of Accounts and the Annual Report for Alice Park Trust for year ending 31 March 2022.

10. UPDATE FROM THE APPA (PLAY AREA) PROJECT STRANDS

The Democratic Services Officer for this meeting is Corrina Haskins who can be contacted on 01225 394357.

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ALICE PARK TRUST SUB-COMMITTEE**Minutes of the Meeting held**

Thursday, 20th October, 2022, 2.30 pm

Councillor Rob Appleyard, chair - Bath and North East Somerset Council
Councillor Sally Davis - Bath and North East Somerset Council
Councillor Joanna Wright - Bath and North East Somerset Council

24 WELCOME AND INTRODUCTIONS

The Chair welcomed everyone to the meeting.

25 EMERGENCY EVACUATION PROCEDURE

The Democratic Services Officer read out the emergency evacuation procedure.

26 APOLOGIES FOR ABSENCE AND SUBSTITUTION

Cllr Mark Roper was not present.

27 DECLARATIONS OF INTEREST

There were no declarations of interest.

28 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIR

There was no urgent business.

29 ITEMS FROM THE PUBLIC - TO RECEIVE STATEMENTS, PETITIONS OR QUESTIONS

There were no items from the public.

30 MINUTES OF THE MEETING OF 20 AUGUST 2022

RESOLVED that the minutes of the meeting held on 18 August 2022 be confirmed and signed as a correct record and signed by the Chair.

31 CHAIR'S UPDATE**(1) Membership Update**

The Chair welcomed Mary LaTrobe Bateman to the meeting as the new Independent Member of the Alice Park Trust Sub-Committee. Mary introduced herself and advised that she had previous experience of charity work, had supported the upgrade of a local park and was a regular

user of Alice Park.

(2) Update of Signatories

RESOLVED – that Finance Officers be authorised to update the signatories on the Charity Commission and CCLA Investment Management databases and report back to the next meeting.

(3) Community Garden

The Chair reported that following investigations from Property Services, officers recommended a 7-year lease being offered to the Community Garden at a nominal rent in line with comparable lettings and if members were minded to agree, it was suggested that officers negotiate terms with the Community Garden Trustees and produce Heads of Terms for the approval of the Sub Committee.

In response to questioning, the Legal Officer undertook to check that there would not be an automatic right for the lease to continue for a further 7 years without review.

RESOLVED that officers negotiate terms with the Community Garden Trustees and produce Heads of Terms for the approval of the Sub Committee.

32 UPDATE FROM THE APPA (PLAY AREA) PROJECT STRANDS

(1) Procurement

Cllr Joanna Wright expressed concern that she had not been invited to the meeting with officers to discuss procurement and Cllr Sally Davis undertook to ensure that she would be included in future meetings.

(2) Finance

The Chair reported that he had met with a fundraiser who worked in the local area and was interested in supporting the play project as well as a private funder who was willing to contribute. He also suggested there may be future opportunities for Community Infrastructure Levy (CIL) funding. He confirmed that the estimated cost of the project was £150k for the equipment and £200k in total including groundworks.

It was noted that there may need to be a staged approach if not all the money could be secured from the outset, but this would need to be properly managed starting with the development of a master plan.

In response to an issue raised at the Charitable Trust Board meeting about whether National Lottery funding could be applied for, the Legal Officer reported that registered charities, such as the Alice Park Trust, could apply for National Lottery funding. Members questioned if this would be acceptable as the Council was the sole Trustee, but it was noted that Parish and Town Councils received National Lottery funding. The Parks Manager confirmed

that the recent renovation of Sydney Gardens had benefitted from lottery funding and recommended the Chair speak to Keith Rowe, Head of Parks for more details.

33 UPDATE ON OTHER ISSUES

(1) Play Area Entrance

Members expressed concern that the quote for the path was higher than anticipated. It was agreed that the Parks Team Leader be requested to provide the Chair with the specification so that an alternative quote could be sought.

(2) Cycle Rack

Cllr Joanna Wright undertook to meet with the Parks Manager on site to discuss the installation of cycle racks in the car park and to update members of the sub-committee by email.

(3) Noticeboard

In response to a question about progress in installing the noticeboard, the Chair undertook to ensure it was in place by December.

34 DATE OF NEXT MEETING

RESOLVED that the next meeting be held on 8 December 2022 at 2.30pm.

The meeting ended at 3.04 pm

Chair

Date Confirmed and Signed

Prepared by Democratic Services

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Bath & North East Somerset Council	
MEETING/ DECISION MAKER:	Alice Park Trust Sub-Committee
MEETING/ DECISION DATE:	8 December 2022
TITLE:	Alice Park Trust Sub-Committee – Annual Report for the year ending 31st March 2022
WARD:	Lambridge
AN OPEN PUBLIC ITEM	
<p>List of attachments to this report:</p> <ol style="list-style-type: none"> 1. Statement of Accounts to 31st March 2022 (Receipts and Payments account) 2. Trustees' Annual Report to 31st March 2022 3. Draft Independent Examiners Review 4. Charity Commission Reporting – Extract of Accounting Requirements 	

1 THE ISSUE

- 1.1 To agree the Statement of Accounts for Alice Park Trust for year ending 31st March 2022. (Appendix 1)
- 1.2 To agree the Annual Report for Alice Park Trust for year ending 31st March 2022. (Appendix 2)

2 RECOMMENDATIONS

- 2.1 Agree and sign the financial statements of Alice Park Trust for year ending 31st March 2022 and their submission to the Charity Commission.
- 2.2 Agree and sign the annual report for Alice Park Trust year ending 31st March 2022 and submission to the Charity Commission.

3 RESOURCE IMPLICATIONS (FINANCE, PROPERTY, PEOPLE)

- 3.1 Expenditure incurred for Alice Park Trust in 2021/22 was £44,402; this was offset by income of £22,112.
- 3.2 The deficit of £22,290 has been subsidised from the Bath & North East Somerset Council Parks revenue budget, to ensure the Trust operates on a going concern basis. This is the same process that has been undertaken in previous years.

- 3.3 Net Assets of the Trust are valued at a cost of £189,552. Net assets include investments held, land at Alice Park, car park, cottage number one, tea chalet and storage shed, public conveniences, tennis courts, garden shelter and play equipment.
- 3.4 The accounts for 2021/22 have been prepared by the Council's Finance team and have been independently examined by One West (appendix 3). The Independent Examination has concluded and the Independent Examination Report will be signed off once the Accounts and Annual Report has been signed.
- 3.5 The accounts (appendix 1) for the Trust are prepared on a cash basis, in line with reporting requirements and guidelines issued by the Charity Commission (appendix 4)
- 3.6 An annual report for the Trust has also been prepared for submission to the Charity Commission (appendix 2).
- 3.7 Subject to Covid closures, the park was open for public access throughout the year, including use of the tennis courts and tea chalet, and has been suitably maintained. The cottage property was let and the income used in the upkeep of the park.
- 3.8 All members of the Alice Park Trust Sub-Committee during the period April 1st 2021 to 31st March 2022 are listed in the Annual Return.

4 STATUTORY CONSIDERATIONS AND BASIS FOR PROPOSAL

- 4.1 The terms of reference of the Charitable Trust Board require it to receive an annual report from the Trust Sub-Committee after submitting any annual report to the Charity Commissioners.
- 4.2 The trustees, in making decisions surrounding the objectives and activities of the charity, have regard to the Charities Commission public benefit guidance when exercising any powers or duties to which the guidance is relevant.

5 RATIONALE

- 5.1 The Trust is required to sign off accounts and an annual report prior to submission to the Charities Commission every year.

6 OTHER OPTIONS CONSIDERED

- 6.1 None.

7 CONSULTATION

- 7.1 The Section 151 and Monitoring Officer have had opportunity to review and input into this report.

8 RISK MANAGEMENT

- 8.1 A risk assessment related to the issue and recommendations has been undertaken, in compliance with the Council's decision-making risk management guidance.

Contact person	Paul Webb, Finance Manager paul_webb@bathnes.gov.uk
Background papers	None
Please contact the report author if you need to access this report in an alternative format	

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CHARITY COMMISSION
FOR ENGLAND AND WALES

Charity Name Alice Park Trust	No (if any) 304650
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CC16a

Receipts and payments accounts

For the period from	Period start date 01/04/2021	To	Period end date 31/03/2022
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Section A Receipts and payments

	Unrestricted funds to the nearest £	Restricted funds to the nearest £	Endowment funds to the nearest £	Total funds to the nearest £	Last year to the nearest £
A1 Receipts					
Rental Incomes	19,050	-	-	19,050	17,905
Tennis Court Income	-	-	-	-	46
Events Income	1,598	-	-	1,598	1,905
Investment Income	-	39	-	39	51
Income - deficit subsidised by B&NES	22,290	-	-	22,290	21,402
Community Infrastructure Levy	1,464	-	-	1,464	-
	-	-	-	-	-
	-	-	-	-	-
Sub total (Gross income for AR)	44,402	39	-	44,441	41,309
A2 Asset and investment sales, (see table).					
	-	-	-	-	-
	-	-	-	-	-
Sub total	-	-	-	-	-
Total receipts	44,402	39	-	44,441	41,309
A3 Payments					
Grounds Maintenance SLA	11,496	39	-	11,535	11,309
Play Equipment SLA	8,745	-	-	8,745	8,574
Tree Management SLA	2,438	-	-	2,438	2,390
Public Convenience Maintenance	16,359	-	-	16,359	16,002
Other Property/Parks Maintenance	3,400	-	-	3,400	2,284
Other - Audit Fees	500	-	-	500	750
Other - Legal Fees	-	-	-	-	-
Pathways Project (partly CIL funded)	1,464	-	-	1,464	-
	-	-	-	-	-
Sub total	44,402	39	-	44,441	41,309
A4 Asset and investment purchases, (see table)					
	-	-	-	-	-
	-	-	-	-	-
Sub total	-	-	-	-	-
Total payments	44,402	39	-	44,441	41,309
Net of receipts/(payments)	-	-	-	-	-
A5 Transfers between funds	-	-	-	-	-
A6 Cash funds last year end	-	-	-	-	-
Cash funds this year end	-	-	-	-	-

Section B Statement of assets and liabilities at the end of the period

Categories	Details	Unrestricted funds to nearest £	Restricted funds to nearest £	Endowment funds to nearest £
B1 Cash funds		-	-	-
		-	-	-
		-	-	-
	Total cash funds	-	-	-
	(agree balances with receipts and payments account(s))	OK	OK	OK
B2 Other monetary assets	Details	-	-	-
		-	-	-
		-	-	-
		-	-	-
		-	-	-
		-	-	-
B3 Investment assets	Details	Fund to which asset belongs	Cost (optional)	Current value (optional)
	Majedie Investments plc ordinary 10p shares	Restricted	-	538
	COIF charities deposit account 951170001C - 32911/05	Restricted	-	898
	COIF charities special range 965060001C - 32911/04	Restricted	-	4,880
	COIF charities special range 115410001C	Restricted	-	11,843
		-	-	
B4 Assets retained for the charity's own use	Details	Fund to which asset belongs	Cost (optional)	Current value (optional)
	Land at Alice Park	Unrestricted	54,000	-
	Property - cottage one	Unrestricted	33,000	-
	Tea Chalet & Storage	Unrestricted	4,000	-
	Car Park	Unrestricted	2,500	-
	Toilets - Land & Buildings	Unrestricted	27,000	-
	Tennis Courts	Unrestricted	18,750	-
	Garden Shelter	Unrestricted	14,250	-
	Play Equipment	Unrestricted	17,893	-
		-	-	
B5 Liabilities	Details	Fund to which liability relates	Amount due (optional)	When due (optional)
			-	
			-	
Signed by one or two trustees on behalf of all the trustees	Signature	Print Name	Date of approval	



Trustees' Annual Report for the period

		Period start date			Period end date		
From	01	04	2021	To	31	03	2022

Section A Reference and administration details

Charity name Alice Park Trust

Other names charity is known by Alice Park

Registered charity number (if any) 304650

Charity's principal address Bath and North East Somerset Council

Guildhall

High Street

Bath

Postcode

BA1 5AW

Names of the charity trustees who manage the charity

Bath & North East Somerset Council is the sole corporate trustee. This is administered through the Alice Park Trust sub-committee.

	Alice Park Trust sub-committee members	Office (if any)	Dates acted if not for whole year	Name of person (or body) entitled to appoint trustee (if any)
1	Cllr Rob Appleyard	Chair		
2	Cllr Sally Davis		From 12 May 2021	
3	Cllr Joanna Wright			
4	Cllr Paul Myers		Until 12 May 2021	
5	Bill Shaw			
6	Holly Dabbs		From 24 June 2021	
7				
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11				
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20				

Names of the trustees for the charity, if any, (for example, any custodian trustees)

Name	Dates acted if not for whole year

Names and addresses of advisers (Optional information)

Type of adviser	Name	Address

Name of chief executive or names of senior staff members (Optional information)

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Section B Structure, governance and management

Description of the charity's trusts

Type of governing document (eg. trust deed, constitution)	Trust Conveyance & Charity Commission Scheme dated 17 December 1973
How the charity is constituted (eg. trust, association, company)	Trust
Trustee selection methods (eg. appointed by, elected by)	The Council is the sole corporate Trustee. This is administered by the Alice Park Trust Sub-Committee. Members of the Sub-Committee are appointed by the Charitable Trust Board and Independent Members are appointed following an approved selection process consisting of a public advertisement and formal interview.

Additional governance issues (Optional information)

<p>You may choose to include additional information, where relevant, about:</p> <ul style="list-style-type: none"> • policies and procedures adopted for the induction and training of trustees; • the charity's organisational structure and any wider network with which the charity works; • relationship with any related parties; • trustees' consideration of major risks and the system and procedures to manage them. 	<p>Terms of Reference for the Sub-Committee is available on the Council's public website.</p>
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Summary of the objects of the charity set out in its governing document

The key object of the charity is that the Alice Park is to be used as a public park as a memorial to the wife of Herbert Montgomerie MacVicar of Batheaston.

Summary of the main activities undertaken for the public benefit in relation to these objects (include within this section the statutory declaration that trustees have had regard to the guidance issued by the Charity Commission on public benefit)

The trustees, in making decisions surrounding the objectives and activities of the charity, have regard to the Charities Commission public benefit guidance when exercising any powers or duties to which the guidance is relevant.

The park was open for public access throughout the year, including use of the tea chalet, and has been suitably maintained. The cottage property was let and the income used in the upkeep of the Park.

The 6 tennis courts within the park underwent refurbishment and a new operator for the courts appointed.

Additional details of objectives and activities (Optional information)

You **may choose** to include further statements, where relevant, about:

- policy on grantmaking;
- policy programme related investment;
- contribution made by volunteers.

Summary of the main achievements of the charity during the year

A large, empty rectangular box with a thin black border, occupying the majority of the page. It is intended for the user to provide a summary of the charity's main achievements during the year.

Section E Financial review

Brief statement of the charity's policy on reserves

At present the charity does not operate at a surplus to allow itself to build up reserves. The contribution from Bath & North East Somerset Council meets the in-year operational deficit for the financial year.

Should the trust have reserves in future years then the use of reserves would be managed and approved by the Alice Park Trust Sub-Committee as per its Terms of Reference.

Reserves that are restricted would be held specifically for the required purpose and unrestricted reserves would be held for the general support of the Trust.

Details of any funds materially in deficit

N/A

Further financial review details (Optional information)

You **may choose** to include additional information, where relevant about:

- the charity's principal sources of funds (including any fundraising);
- how expenditure has supported the key objectives of the charity;
- investment policy and objectives including any ethical investment policy adopted.

The Alice Park was funded through incomes raised through the activities of the charity and from contribution made by Bath & North East Somerset council.

Section F Other optional information

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Section G Declaration

The trustees declare that they have approved the trustees' report above.

Signed on behalf of the charity's trustees

Signature(s)		
Full name(s)	Rob Appleyard	
Position (eg Secretary, Chair, etc)	Chair	
Date		

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The Alice Park Trust 2021/22 Accounts – Independent Examiner’s Report

To confirm, I have:

- examined the accounts under section 145 of the 2011 Charities Act.
- followed the procedures laid down in the general Directions given by the commission under section 145(5)(b) of the 2011 Act.
- stated whether particular matters have come to my attention.

Basis of my examiner’s report

My examination was carried out in accordance with the general directions given by the Charity Commission. An examination includes a review of the accounting records kept for Alice Park and a comparison of the accounts presented with those records. It also includes consideration of any unusual items or disclosures in the accounts and seeking explanations concerning any such matters.

The objective of the review was to provide reasonable assurance that the financial statements were accurate and free from material misstatement. Reasonable assurance is a high level of assurance, but it does not guarantee detection of a material misstatement when it exists. Misstatements can arise from fraud or error and are considered material if, individually, or in the aggregate, they could reasonably be expected to influence the decisions of users taken on the basis of these financial statements.

Independent examiner’s statement

In connection with my examination, no matter has come to my attention which gives me reasonable cause to believe that in any material respect the requirements have not been met. Those such requirements were as follows:

- to keep accounting records in accordance with section 130 of the 2011 Charities Act, and;
- to prepare accounts which accord with the accounting records and comply with the accounting requirements of the 2011 Charities Act.

From my examination of the records, it is my opinion that I can provide reasonable assurance that the Alice Park Trust financial statements are free from material misstatement.

NOTE: During my examination and through my liaison with those responsible for the maintaining the accounts of the Alice Park Trust I concluded the following:

1. Alice Park Trust has a gross income of less than £250,000 and is therefore entitled to prepare the accounts on a "Receipts and Payments" basis. Correspondence with the Charity Commission received in January 2021 provided confirmation for the basis of preparation.
2. Any deficit at year end is funded from the Council's general fund, which is reflected as income in the Trust's accounts.

Independent Examiner: Tariq Rahman (Audit Manager, IT and Finance)

Address of Independent Examiner:

Audit West, Bath & North East Somerset Council, Guildhall, Bath, BA1 5AW

Date accounts examined: 24th November 2022

Tariq Rahman

Audit Manager, Finance and IT

Appendix four – Extract of accounting requirements per Charities Commission website.

4.1.2 Charities with a gross income of over £25,000 but not exceeding £250,000 in the relevant financial year (legal requirement)

Basis of preparation: accounts must be prepared either on the receipts and payments or the accruals basis; if on an accruals basis, they must be prepared in accordance with the 2008 Regulations and the applicable SORP. The commission provides packs for [receipts and payments](#) or [accrual accounting by non-company charities](#) which are available through GOV.UK. These provide a template to produce accounts in the required form.

External scrutiny: accounts must be subject to outside scrutiny but trustees may choose either independent examination or audit by a registered auditor, unless the charity's governing document stipulates one or the other. In exceptional circumstances, the commission has the power to require an audit.

Type of trustees' annual report: a trustees' annual report must be prepared but it may be simplified (see [section 7](#)).

Information to be sent to the commission: these charities must complete an annual return. The named charity contact on the commission's records will receive an annual return notification. Submission of the annual return is online.

The annual return, trustees' annual report and accounts must be filed with the commission, within 10 months of the end of the charity's financial year.

Full document details can be found here:

<https://www.gov.uk/government/publications/charity-reporting-and-accounting-the-essentials-march-2015-cc15c>

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