

CHARITY COMMISSIONERS FOR ENGLAND AND WALES

**THE STAPLEFORD FEOFFEE CHARITY
STAPLEFORD, CAMBRIDGESHIRE**

SCHEME

DATED 24 October 2022

*fully in force including new provisions on the application of the income of the charity
from 3 December 2024 following Charity Commission decision notified 3 November 2024*

Charity number: 206701

Registered address: Verger's Cottage
1 Gog Magog Way
Stapleford
Cambridgeshire
CB22 5BQ

This is the Scheme to regulate the Stapleford Feoffee Charity, in Stapleford, Cambridgeshire.

This Scheme replaces the whole of the Scheme sealed on 10th April 1986.

The following Scheme is made by the Trustees for the time being of The Stapleford Feoffee Charity.

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SCHEME OF THE CHARITY

1. The Stapleford Feoffee Charity ('the Charity') owns the property set out in the Schedule.
2. The Charity shall be administered and managed by its Trustees in accordance with this Scheme.

TRUSTEES

3. The Trustees shall consist of three Church Trustees, two Nominated Trustees, and four Co-opted Trustees.

4. Church Trustees

The Church Trustees shall be the current Parish Priest and Churchwardens of the Ecclesiastical Parish of St Andrew, Stapleford.

5. Nominated Trustees

- a. The Nominated Trustees shall be appointed by Stapleford Parish Council ('the Council').
- b. Each appointment of a Nominated Trustee shall be made for a term of four years at an ordinary meeting of the Council, and the name and contact details of the person appointed shall be notified as soon as reasonably practicable after the meeting to the Clerk to the Trustees.
- c. Those appointed may but need not be a member of the Council.

6. Co-opted Trustees

- a. The Co-opted Trustees shall be people who through residence, occupation or employment, or otherwise would be expected to have good knowledge of the Parish of Stapleford.

- b. The Co-opted Trustees shall be appointed for a term of five years by a resolution of the Trustees passed at a Special Meeting, of which at least 21 days' notice has been given.
 - c. The Special Meeting to appoint a Co-opted Trustee may take place and the appointment may be made up to one month before the term of an existing Co-opted Trustee expires, and the appointment shall take effect from the date on which the term expires.
 - d. All the Trustees may attend and vote at a Special Meeting, save that the Trustee whose term is about to expire may neither attend nor vote.
 - e. The Co-opted Trustees are each eligible to serve two consecutive terms as a Co-opted Trustee, but cannot subsequently be re-appointed as a Trustee until a year has passed since the expiry of the last term served.
7. The first Trustees following the start of the current Scheme are as follows. Their terms of office expire on 9 April in the years stated.
- a. Church Trustees
Simon Taylor, of The Vicarage, Mingle Lane, Stapleford, CB22 5SY
Alastair MacGregor, of 25 High Street, Great Shelford, CB22 5EH
 - b. Nominated Trustees
Gillian Pett, of 29 Priams Way, Stapleford, CB22 5DT, whose term of office lasts until 2026
Jeremy Raphael, of Leatherwood, Bar Lane, Stapleford, CB22 5BJ, whose term of office lasts until 2023
 - c. Co-opted Trustees
Julia Creed, of 5 Sternes Way, Stapleford, CB22 5DA, whose term of office lasts until 2023
Rebecca Whitehouse, of 35 Priams Way, Stapleford, CB22 5DT, whose term of office lasts until 2024
Thomas Robinson, of 59 Bar Lane, Stapleford, CB22 5BJ, whose term of office

lasts until 2025

Christine Spain, of Bankside Cottage, Moor End, Great Sampford, Saffron
Walden, CB10 2RQ, whose term of office lasts until 2026

8. No-one can act as a Trustee, whether on first appointment or subsequently, unless they have indicated in writing a willingness to act as a Trustee under this Scheme. To avoid any doubt, such willingness may be indicated by email.
9. No Trustee shall take or hold any interest in property belonging to the Charity otherwise than as a Trustee and for the purposes of the Charity, and no Trustee shall be paid by the Charity or have a financial interest in the supply of services or goods paid for by the Charity.
10. Trustees shall cease to be a Trustee without any further action being necessary if:
 - a. they are absent from all meetings in the period of one year,
 - b. they are declared bankrupt or make an individual voluntary arrangement with their creditors,
 - c. they lose the capacity to act as a Trustee, or
 - d. they resign or indicate a wish to resign in writing.

POWERS OF THE TRUSTEES

11. The Trustees have the power to do anything intended to further the objects of the Scheme or which is conducive or incidental to doing so. In particular, the Trustee's powers include power to:
 - a. make grants and loans from the income of the Charity as set out in clauses 32 to 42 below, provided that the maximum loan or total of loans in any year shall be no more than the income of the Charity in the previous calendar year;
 - b. mortgage land, provided that they comply as appropriate with sections 124 and 125 of the Charities Act 2011;
 - c. buy, take on lease or in exchange, hire or otherwise acquire any property and to maintain and equip it for use;
 - d. sell, lease or otherwise dispose of all or any part of the property belonging to the Charity, provided that in exercising this power, the Trustees comply as appropriate with sections 117 and 119-123 of the Charities Act 2011;
 - e. deposit or invest funds, employ a professional fund-manager and arrange for the investments or other property of the Charity to be held in the name of a nominee, in the same manner and subject to the same conditions as the trustees of a trust are permitted to do by the Trustee Act 2000;
 - f. employ and remunerate such staff as are necessary for carrying out the work of the Charity, provided that the Charity may not employ or remunerate a Trustee;
 - g. work with any charitable or other organisation with similar objectives to those of the Charity.
12. Within the limits of this Scheme the Trustees may from time to time make rules for the management of the Charity and for the conduct of its business including the calling of meetings, the use of banking facilities and the keeping of Trust documents and emails.

MANAGEMENT OF THE PROPERTY OF THE CHARITY

13. The Trustees shall let and otherwise manage all the lands belonging to the Charity. Unless expressly permitted to do so by the Charity Commissioners or a competent Court, the Trustees shall not create any tenancy wholly or partly in consideration of a fine or for a term ending more than 22 years after it is granted or for less than the best rent obtainable.
14. The Trustees shall require that on the grant by them of any lease the lessee shall execute a counterpart of the lease. Every lease shall contain covenants on the part of the lessee for the payment of rent, the proper cultivation of the land and all other usual and proper covenants applicable to the property it concerns, and each lease shall contain a proviso for re-entry if rent is not paid or if the covenants are not carried out.
15. The Trustees shall keep in repair and insure any buildings of the Charity that are not required to be repaired or insured by lessees. The insurance taken out by the Trustees shall be the full value against fire and other usual risks and shall suitably insure in respect of public liability.
16. Subject to the authority of a further Order or Orders of the Charity Commissioners, the Trustees may sell the whole or any part of its land and may do anything required to put any sale into effect.
17. Unless the Charity Commissioners direct otherwise, the Trustees shall pay the proceeds of any such sale for investment in trust for the Charity in the name of the Official Custodian.

OFFICERS OF THE CHARITY

18. Chair of the Charity

The Trustees shall appoint one of their number to be the Chair of the Charity and to chair their meetings.

19. Treasurer

a. The Trustees may appoint one of their number as Treasurer to hold office for the period that the Trustees see fit. Alternatively, the Trustees may appoint and pay a Treasurer.

b. The Treasurer shall:

- i. be responsible for keeping the accounts of the Charity or, if they are kept by another, for checking the same,
- ii. monitor the Charity's bank accounts and investments and report to the Trustees at each ordinary meeting and as otherwise necessary, and
- iii. such other duties as the Trustees delegate to them

20. Clerk to the Trustees

a. The Trustees may appoint one of their number as Clerk to hold office for the period that the Trustees see fit. Alternatively, the Trustees may appoint and pay a Clerk.

b. The Clerk shall:

- i. call ordinary meetings,
- ii. produce draft agendas for meetings for approval by the Chair,
- iii. keep, circulate and produce a final draft of the minutes of any meeting,
- iv. maintain a record of the Trustees and the periods of their appointment, and draw any vacancies amongst the Trustees to their attention,

- v. keep the records of the Charity and of its Trustees up to date with the Charity Commission,
- vi. receive and deal with correspondence on behalf of the Charity,
- vii. receiving and process applications for grants and loans,
- viii. communicate decisions of the Trustees to applicants,
- ix. maintain the records of the Charity including retaining emails, and
- x. such other duties as the Trustees delegate to them.

21. The appointment of the Chair, Treasurer and Clerk shall each be for a term of three years in the first instance. They shall be eligible to serve consecutive terms in their respective offices, save that:

- a. after two consecutive terms they cannot subsequently be re-appointed to that office until at least a year has passed since the expiry of the last term served in it, and
- b. any person holding office as Chair of the Charity, Treasurer or Clerk to the Trustees shall cease to hold that office when their term as a Trustee ends.

MEETINGS OF THE TRUSTEES

22. The Trustees shall hold at least two Ordinary Meetings in each calendar year.
23. A Special Meeting may be called at any time by the Chair or any two Trustees.
24. At least 7 days' notice of any meeting must be given to the Trustees stating the time, place and subject matter of the meeting, save that where a Special Meeting includes the appointment of a Co-opted Trustee then at least 21 days' notice must be given.
25. A Special Meeting can take place immediately after an Ordinary Meeting.
26. Meetings of Trustees may take place in person, or remotely, or by such other methods as the Trustees may approve in an Ordinary Meeting.
27. There shall be a quorum when at least four Trustees are present at a meeting.
28. All Trustees are entitled to vote on matters raised at any meeting. Every matter shall be decided by the majority of votes of the Trustees present and voting on the question. If the votes are equal the Chair of the meeting shall have a casting vote.

DECISIONS BY EMAIL

29. Decisions which need to be made between Ordinary Meetings may be made by email subject to the following provisions:
 - a. All Trustees must supply a current email address to the clerk.
 - b. Any matters requiring decision by email should be circulated by the Clerk to all Trustees, and Trustees should within a reasonable period and not more than 7 days indicate their views on the matter by an email reply to all Trustees.
 - c. Any Trustee may require that a Special Meeting is called to consider the matter if it is more than 28 days until the next Ordinary Meeting. In those circumstances the Clerk shall call a Special Meeting to take place at least 7 but not more than 14 days after being notified that a Special Meeting is required.

- d. The Clerk shall take note of the replies and summarise and communicate any decision on the matter to all Trustees by email. Once the decision is so communicated, and if no objection is made within 1 day, the decision may be put into action.
- e. Any decision and any action taken should be reported to the Trustees at the next ordinary meeting and minuted.

CHARITY RECORDS

- 30. The Trustees shall:
 - a. keep minutes of meetings whether the meeting is in person or held remotely or by any other means,
 - b. keep accounts of the Charity,
 - c. prepare and send to the Charity Commissioners an annual report and accounts in accordance with the requirements in force for the time being.
- 31. The performance of the duties in clause 30 above may be delegated by the Trustees to one of their number or to others as the Trustees see fit, but the duties shall remain those of the Trustees.

APPLICATION OF THE INCOME OF THE CHARITY

32. From the income of the Charity the Trustees shall pay the costs of maintaining any property, including the repair and insurance of any buildings and all other costs of and incidental to the administration and management of the Charity. Such payments shall be made before any other payments under the following clauses.
33. After the payment of those costs of the Charity, the Trustees shall apply the income of the Charity as follows:
 - a. Three-fifths ($3/5^{\text{th}}$) to the Parochial Church Council of the Ecclesiastical Parish of Stapleford, to be applied by it in or towards the maintenance and repair of the Parish Church of the Ecclesiastical Parish of Stapleford and the maintenance of services in the Church, and subject to that use, for furthering the religious and other charitable work of the Church of England in the ecclesiastical parish.
 - b. Two-fifths ($2/5^{\text{th}}$) to be applied by way of grants or loans as set out below.
34. Grants or loans may be of money, or by providing or paying for items, services or facilities. Grants or loans may be made to individuals. Organisations or institutions are eligible only for grants.
35. Grants or loans to individuals may be made provided that they satisfy both the geographical and purpose criteria set out in clauses 36 to 38 below.
36. The geographical criterion is satisfied if the person to whom the grant or loan is proposed to be made:
 - a. lives in Stapleford either permanently or temporarily,
 - b. lives immediately outside Stapleford,
 - c. has a present connection or association with Stapleford, whether by reason of work, schooling or otherwise, or

- d. has a past connection or association with Stapleford, whether by reason of work, schooling or otherwise, and the Trustees are satisfied that they ought for sufficient reason to be treated as if they were living in Stapleford.
37. The purpose criterion is satisfied if the proposed grant or loan is for:
- a. the relief of need, hardship or distress,
 - b. the prevention of need, hardship or distress, or
 - c. educational purposes or purposes ancillary to education and the grant or loan is intended to assist in the relief or prevention of need, hardship or distress.
38. In assessing need:
- a. in the case of grants or loans related to the needs of a child, the grant or loan shall be made to the child's parent(s) or carer(s), and the means of the child's parents or carers shall be taken into account, and
 - b. in the case of grants or loans related to the needs of an adult, only the means of the adult themselves shall be taken into account.
39. Grants to organisations or institutions may be for items, services or facilities, and may be one-off donations or subscriptions.
40. Grants to organisations or institutions may be made if the Trustees consider that the organisation's or institution's use of the grant would substantially fulfil both the geographical and purpose criteria.
41. The Trustees may undertake, subject to the availability of funds and the competing demands on the Charity, to pay a recurring grant to either an individual or an organisation or institution, save that it may undertake to do so for a maximum period of three years. Any such undertaking must be subject to the availability of funds, the competing demands on the Charity and to review by the Trustees for the time being. To avoid any doubt, such grants may subsequently be renewed once or more than once.

42. The Trustees shall not apply any part of the income of the Charity directly in relief of rates, taxes or other public funds but may apply income in supplementing relief or assistance provided out of public funds.

SCHEDULE

The property of the Charity on 31 August 2022 is:

1. About 15.5 acres of land in Haverhill Road, rented to the Magog Trust at £1,140 pa until December 2040, with three yearly rent reviews.
2. CCLA COIF Charities Ethical Fund – Income Units: 65,578.66 units valued at 276.61 pence per unit, worth £181,397.13 (formerly 9,992.09 units in the COIF Charities Investment Fund)
3. BlackRock Charities UK Bond Fund A Income: 32,891.280 units valued at 172.67 pence per unit, worth £56,793.55
4. CCLA COIF Charities Deposit Fund: £1,503.89
5. Barclays Bank plc, Sort Code 20-17-19, Account number 10849111: £12,624.90

Note. The land is vested in the Official Custodian for Charities by virtue of the Scheme set out in the Order of the Commissioners of the 6th March 1885 and the Scheme of 10th April 1986, which the present Scheme replaces, as affected by the provisions of the Charities Act 2011 and earlier enactments.

NOTE

This note has no legal force as part of the Scheme but indicates ways in which income may properly be applied for the relief of people in need. It is based on the Charity Commission's guidance on *The Prevention or Relief of Poverty*. It does not relate to the relief of hardship or distress, except where they arise as the result of need.

In the past, the courts have tended to define 'poverty' by reference to financial hardship or lack of material things but, in current social and economic circumstances, poverty includes many disadvantages and difficulties arising from, or which cause, the lack of financial or material resources.

There can be no absolute definition of what 'poverty' might mean since the problems giving rise to poverty are multi-dimensional and cumulative. It can affect individuals and whole communities. It might be experienced on a long or short-term basis.

Poverty can both create, and be created by, adverse social conditions, such as poor health and nutrition, and low achievement in education and other areas of human development.

The prevention or relief of poverty is not just about giving financial assistance to people who lack money; poverty is a more complex issue that is dependent upon the social and economic circumstances in which it arises. The commission recognises that many charities that are concerned with preventing or relieving poverty will do so by addressing both the causes (prevention) and the consequences (relief) of poverty.

Not everyone who is in financial hardship is necessarily poor, but it may still be charitable to relieve their financial hardship under the description of purposes relating to 'the relief of those in need.'

In most cases, the commission will treat the relief of poverty and the relief of financial hardship the same. Generally speaking, it is likely to be charitable to relieve either the poverty or the financial hardship of anyone who does not have the resources to provide themselves, either on a short or long-term basis, with the normal things of life which most people take for granted.

Examples of ways in which charities might relieve poverty include:

- grants of money
- the provision of items (either outright or on loan) such as furniture, bedding, clothing, food, fuel, heating appliances, washing machines and fridges
- payment for services such as essential house decorating, insulation and repairs, laundering, meals on wheels, outings and entertainment, child-minding, telephone line, rates and utilities
- the provision of facilities such as the supply of tools or books, payments of fees for instruction, examination or other expenses connected with vocational training, language, literacy, numerical or technical skills, travelling expenses to help the recipients to earn their living, equipment and funds for recreational pursuits or training intended to bring the quality of life of the beneficiaries to a reasonable standard

The provision of money management and debt counselling advice are examples of the ways in which charities might help prevent poverty.