

THE CHARITY COMMISSION FOR ENGLAND AND WALES

Under the power given in the Charities Act 1993

Orders that from today, the

15 November 2010

this

SCHEME

will govern the charities

formerly known as

THE CUTBUSH AND CORRALL CHARITY (213463)

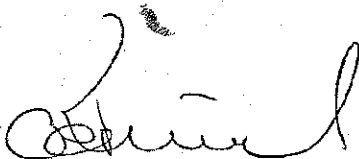
THE QUESTED ALMSHOUSE CHARITY (207442)

and now to be known as

**THE CUTBUSH AND CORRALL CHARITY (INCORPORATING THE QUESTED
ALMSHOUSE CHARITY) (213463)**

In the County of

Kent



Authorised Officer

Reference Number: 842/1011
Case Number: C-298887-OJ9S

1. Definitions

In this scheme:

"the charity" means the charity identified at the beginning of this scheme.

"the Commission" means the Charity Commission for England and Wales.

"the existing residents" means the residents living in the homes at the date of this scheme.

"home" means one of the almshouses.

"the homes" means the almshouses of the charity.

"the reserve funds" means the funds identified in clause 30 of this scheme.

"residents" means those beneficiaries of the charity who live in the homes and "resident" means one of the residents.

"the trustees" means the trustees of the charity acting under this scheme and "trustee" means one of the trustees.

ADMINISTRATION

2. Administration

The charities identified at the beginning of this scheme are to be administered as one charity in accordance with this scheme. This scheme replaces the former trusts of the charities.

3. Name of the charity

The name of the charity is The Cutbush and Corral Charity (incorporating the Quested Almshouse Charity).

4. Beneficiaries of the charity

Subject to clause 5 of this scheme the beneficiaries of the charity shall be identified as:

(1) The Cutbush and Corral beneficiaries shall be:

(a) people in need by reason of age, ill-health, disability, financial hardship or other disadvantage of not less than 50 years of age who are inhabitants of the Borough of Maidstone; and

(b) four of the beneficiaries shall be resident in the City of London or the London Boroughs of Bexley, Bromley, Lewisham and Southwark in the County of Kent with preference being given to members of the Unitarian Church; and

(2) The Quested beneficiaries shall be:

- (a) people in need by reason of age, ill-health, disability, financial hardship or other disadvantage of not less than 60 years who are resident in Harrietsham; and
- (b) six of the beneficiaries shall be Freemen of the Fishmongers Livery Company.

OBJECTS

5. Objects of the charity

- (1) The objects of the charity are:
 - (a) the relief of poverty by the provision of almshouse accommodation for the beneficiaries; and
 - (b) such charitable purposes for the benefit of the residents as the trustees decide.
- (2) The properties identified in part 1 of the schedule to this scheme must be used for the Cutbush and Corral beneficiaries and the properties identified on part 2 must be used for the Qusted beneficiaries.

6. Use of almshouse properties

The almshouse properties of the charity must be retained by the trustees for use for the objects of the charity.

7. Powers to dispose of and replace purpose property

The trustees may sell, lease or otherwise dispose of all or any part of the land identified in the schedule to this scheme provided:

- (1) they intend to replace the land disposed of with equivalent land to be used for the objects of the charity; and
- (2) they comply with the restrictions on disposal imposed by section 36 of the Charities Act 1993, unless the sale, lease or disposal is excepted from these restrictions by section 36(9)(b) or (c) or section 36(10) of that Act.

POWERS OF THE TRUSTEES

8. Powers of the trustees

In addition to any other powers which they have, the trustees may exercise the following powers in furtherance of the objects of the charity:

- (1) Power to appropriate and use the properties identified in the schedule to this scheme for the objects of the charity.
- (2) Power to make reasonable regulations consistent with this scheme for the management of the homes and the welfare of the residents.

- (3) Power to insure against public liability and, if appropriate, employers' liability; and to insure the homes to their full value against fire and all other usual risks.
- (4) Power to appoint Scheme Managers and other staff (who must not be trustees) and pay them reasonable remuneration, including pension provision for them and their dependants, and to provide a residence for the Scheme Managers in the homes or elsewhere.

TRUSTEES

9. Trustees

- (1) There should be:
 - 4 nominated trustees and
 - 6 co-opted trustees
 appointed in accordance with clauses 10 and 11.
- (2) The first nominated and co-opted trustees are the persons listed in part 3 of the schedule to this scheme. Subject to clause 15 (termination of trusteeship) they will hold office for the periods shown in the schedule.

10. Nominated trustees

- (1) The nominated trustees must be appointed by Maidstone Borough Council.
- (2) Any appointment must be made at a meeting held according to the ordinary practice of the Council. The chairman of the meeting shall cause the name of each appointed person to be notified to the trustees and clerk of the charity.
- (3) Each appointment must be made for:
 - (a) 4 years; or
 - (b) if the appointment is being made to fill a casual vacancy, the unexpired term of the appointee's predecessor.
- (4) The appointment will be effective from the later of:
 - (a) the date of the vacancy; and
 - (b) the date on which the trustees or their secretary or clerk are informed of the appointment.
- (5) The person appointed need not be a member of the Council.

11. Co-opted trustees

- (1) The appointment of a co-opted trustee must be made by the trustees at a special meeting called under clause 19.

- (2) An appointment may, but need not, be made before the date on which the term of office of an existing co-opted trustee comes to an end, to take effect on that date. In these circumstances:
- (a) the appointment may not be made more than 3 months before the date on which the existing co-opted trustee's term of office is due to end; and
 - (b) any co-opted trustee whose term of office is about to come to an end must not vote in favour of their own re-appointment.
- (3) Each appointment must be for a term of 5 years.

12. New trustees

The trustees must give to each new trustee, on their first appointment:

- (1) a copy of this scheme and any amendments made to it;
- (2) a copy of the charity's latest report and statement of accounts.

13. Register of trustees

- (1) The trustees must keep a register of the name and address of every trustee and the dates on which their terms of office begin and end. Every trustee must sign the register before acting as a trustee, whether on their first appointment or on any later re-appointment.
- (2) The trustees must promptly report any vacancy in the office of nominated trustee to the Council entitled to appoint the trustee.

14. Payments to charity trustees

- (1) A trustee may receive from the charity reasonable expenses properly incurred, or to be incurred, by him or her when acting on behalf of the charity.
- (2) No trustee may:
 - (a) buy or receive goods or services from the charity on terms preferential to those applicable to other members of the public; or
 - (b) receive any payment or other financial benefit from the charity; or
 - (c) acquire or hold any interest in property of the charity (except in order to hold it as a trustee of the charity);

unless the payment or transaction is:

- (d) permitted in accordance with, and subject to the conditions in, section 73A or 73F of the Charities Act 1993 (*services including goods supplied in connection with the service provided by a charity trustee to a charity; trustee indemnity insurance*); or

- (e) permitted in accordance with, and subject to the conditions in, sub-clause 3 of this clause; or
 - (f) previously and expressly authorised in writing by the Commission.
- (3) A trustee may receive payment for goods supplied to the charity, provided that:
- (a) the sums paid to the trustee do not exceed an amount that is reasonable in all the circumstances; and
 - (b) the trustee is absent from the part of any meeting at which there is discussion of the proposal to enter into a contract or arrangement with him or her with regard to the supply of goods to the charity; and
 - (c) the other trustees are satisfied that it is in the interests of the charity to contract with that trustee, rather than with someone who is not a trustee (in reaching that decision, the trustees must balance the advantages and disadvantages of contracting with a trustee); and
 - (d) the reason for their decision is recorded by the trustees; and
 - (e) the number of trustees in receipt of any payments authorised by this clause is a minority of the trustees then in office.
- (4) In this clause:
- (a) "charity" includes any company in which the charity:
 - holds more than 50% of the shares; or
 - controls more than 50% of the voting rights attached to the shares; or
 - has the right to appoint one or more directors to the Board of the company;
 - (b) "trustee" includes any child, parent, grandchild, grandparent, brother, sister, spouse or civil partner of the trustee or any person living with the trustee as his or her partner.

15. Termination of trusteeship

A trustee will cease to be a trustee if he or she:

- (1) is disqualified from acting as a trustee by section 72 of the Charities Act 1993; or
- (2) is not an ex officio trustee and is absent without the permission of the trustees from all their meetings held within a period of 12 months and the trustees resolve that his or her office be vacated; or

- (3) gives not less than 1 month's notice in writing of his or her intention to resign (but only if at least 6 trustees will remain in office when the notice of resignation is to take effect).

OFFICERS

16. Chairman

- (1) At their first ordinary meeting in each year the trustees must elect one of their number to be chairman of their meetings.
- (2) The trustees present at a meeting must elect one of their number to chair the meeting if the chairman is not present or the office of chairman is vacant.

17. Secretary and clerk

The trustees may appoint a secretary and clerk. These offices may be held by:

- (1) a trustee (who must not receive any reward for acting and who may be dismissed as secretary or clerk at any time); or
- (2) some other suitable person (who may be employed upon such reasonable terms, including terms as to notice, as the trustees think fit).

MEETINGS OF TRUSTEES

18. Ordinary meetings

- (1) The first meeting after the date of this scheme must be called by or, if they do not do so within 3 months from that date, by any 2 trustees.
- (2) The trustees must hold at least 2 ordinary meetings in each 12 month period.
- (3) Ordinary meetings require at least 10 days' notice.
- (4) The chairman, or any 2 trustees, may call an ordinary meeting at any time.

19. Special meetings

- (1) The chairman, or any 2 trustees, may call a special meeting at any time.
- (2) Special meetings require at least 4 days' notice, except that meetings to consider the appointment of a co-opted trustee require at least 21 days notice.
- (3) The notice calling a special meeting must include details of the business to be transacted at the meeting.
- (4) A special meeting may, but need not, be held immediately before or after an ordinary meeting.

20. Quorum

No business may be transacted at a meeting unless at least 6 trustees are present.

21. Voting

- (1) Every matter must be decided by majority decision of the trustees present and voting at a duly convened meeting of the trustees.
- (2) The chairman of the meeting may cast a second or casting vote only if there is a tied vote.

22. Recording of meetings

The trustees must keep a proper record of their meetings.

23. Trustees to act jointly

The trustees must exercise their powers jointly, at properly convened meetings.

ALMSHOUSES AND RESIDENTS

24. Existing residents

The terms on which the existing residents occupy the homes are not affected by the making of this scheme.

25. Contributions

The trustees may make it a condition of appointing a resident that the resident must:

- (1) contribute a weekly sum (which must not cause the resident hardship) towards the cost of maintaining the homes and essential services in them;
- (2) contribute towards the cost of lighting and heating the homes and providing hot water in them.

26. Applications for appointment

- (1) The trustees must give public notice of a vacancy in the homes, unless:
 - (a) the person to be appointed has been a resident; or
 - (b) notice has been given in the last 12 months.
- (2) Before making an appointment the trustees must:
 - (a) decide how applications are to be made to them;
 - (b) consider the suitability of each applicant;
 - (c) arrange for at least one of the trustees, or an officer of the charity, to meet the person to be appointed, unless they consider that special circumstances make this unnecessary.

- (3) The trustees may, in exceptional circumstances, appoint a resident who is not a beneficiary of the charity but is otherwise qualified. The trustees must record in the record of their meetings the nature of the exceptional circumstances justifying the appointment. The number of residents appointed under this sub-clause must not exceed one-third of the number of residents at any one time.

27. Records

The trustees must keep records of:

- (1) the date of each vacancy and the reason for it;
- (2) the names of persons who have applied for appointment;
- (3) the name and age of every resident and the date of their appointment.

28. Occupation of homes

- (1) The trustees must set out in writing the terms on which a resident occupies their home. A copy of the document recording the terms of occupation (which may take the form of a letter of appointment) must be signed by the resident as evidence of their acceptance.
- (2) The terms must include:
 - (a) a requirement that neither the resident nor any relation or guest of theirs will be a tenant of the charity or have any legal interest in the home;
 - (b) a requirement that the resident must live in the home and not be absent from it, without the trustees' permission, for more than 28 days in any year;
 - (c) a requirement that, without the trustees' permission, the resident must not:
 - (i) allow anyone to share the home with them; or
 - (ii) give up possession of it,

in whole or in part;
 - (d) a power for the trustees to require the resident to move, temporarily or permanently, to another home;
 - (e) a power for the trustees to end the resident's appointment at any time for the reasons mentioned in clause 29 of this scheme; and
 - (f) such other provisions as the trustees think necessary for the effective running of the homes for the benefit of the residents generally.

29. Termination of appointments

The trustees may terminate the appointment of any resident who:

- (1) was appointed without the necessary qualifications or no longer has the necessary qualifications; or
- (2) persistently breaches the regulations referred to in clause 28 of this scheme; or
- (3) is no longer suited to be a resident by reason of illness or disability but only once the trustees have considered practicable reasonable adjustments and adaptations to the homes.

CHARITY PROPERTY**30. Reserve Funds**

- (1) The trustees must continue to maintain the following reserve funds:
 - (a) an Extraordinary Repair Fund to be used by them for the extraordinary repair, improvement or rebuilding of the homes and the other property of the charity.
 - (b) a Cyclical Maintenance Fund to be used by them for ordinary repair and maintenance of the homes.
- (2) They must use the charity's income to do so and they must invest the funds in trust for the charity.
- (3) The trustees must keep the size of the funds under review in the light of the demands which may be made upon the funds.

31. Use of income and capital

- (1) The trustees must firstly:
 - (a) apply:
 - (i) the charity's income; and
 - (ii) if the trustees think fit, expendable endowment; and
 - (iii) when the expenditure can properly be charged to it, its permanent endowment

in meeting the proper costs of administering the charity and of managing its assets (including the repair and insurance of its buildings);
 - (b) make such annual payments to the reserve funds as they consider necessary.

- (c) a yearly sum of £400 may be applied for the benefit of young persons under 24 in need of financial assistance who are preparing for, entering upon or engaged in any trade, occupation or profession by provision of tools or books, payment of fees for instruction or examination, payment of travelling expenses or such other means as will fit them to earn their own living or advance them in life. If the said sum is not required for application in any year in making such grants the trustees may apply the residue thereof in any subsequent year in like manner.
- (2) After making these payments, the trustees must apply the remaining income in furthering the objects of the charity.
- (3) The trustees may also apply for the objects of the charity:
 - (a) expendable endowment; and
 - (b) permanent endowment, but only:
 - (i) where it is permitted in accordance with, and subject to the conditions in, section 75, section 75A or section 75B of the Charities Act 1993 (*power of unincorporated charities to spend capital*); or
 - (ii) on such terms, including for the replacement of the amount spent, as the Commission may approve by order in advance.

GENERAL PROVISIONS

32. Questions relating to the Scheme

The Commission may decide any question put to it concerning:

- (1) the interpretation of this scheme; or
- (2) the propriety or validity of anything done or intended to be done under it.

SCHEDULE

PART 1

Land in the Borough of Maidstone and the buildings thereon known as St Faith Street almshouses located at 29-39 (odd numbers) St Faith's Street Maidstone Kent ME14 1LJ is vested in the Official Custodian by virtue of the Orders of the Commissioners of 9 June 1876 and 14 February 1888.

Land in the Borough of Maidstone lying on the south side of St Faith Street Maidstone and registered with HM Land Registry under Title K919383.

Land in the Borough of Maidstone and the buildings thereon known as College Farmhouse College Avenue Maidstone ME15 6YJ registered with HM Land Registry under Title K839152 and K332596.

Land in the Borough of Maidstone and the buildings thereon located at 33 Church Street ME14 1EN registered with HM Land Registry under Titles K381061 and vested in the Official Custodian by virtue of Orders of the Commissioners dated 20 May 1924 and 22 November 1887 and land and buildings erected at 34-40 Church Street ME14 1EN and vested in the Official Custodian by virtue of the Orders of the Commissioners of 14 June 1870, 9 November 1888, and 23 December 1903 as affected by the Orders of the Commissioners of 22 September 1972, 17 December and 7 May 1973.

Land in the Borough of Maidstone and the buildings thereon located at Mote Road ME15 6ET registered with HM Land Registry under Titles K410368 & K521486 and land and buildings known as 52-70 (even numbers) Mote Road is vested in the Official Custodian by virtue of the Orders of the Commissioners of 9 June 1876 and 14 February 1888.

Land in the Borough of Maidstone and the buildings thereon located at 72 Mote Road registered with HM Land Registry under Title K355210.

Land in the Borough of Maidstone and the buildings thereon located at Mary Dukes Place- ME15 6EN is vested in the Official Custodian by virtue of Orders of the Commissioners of 20 May 1924 and 22 November 1887.

Land in the Borough of Maidstone and the buildings thereon located at Cutbush and Corral Court Vinters Road registered with HM Land Registry under K780885 and K517233 and K630833.

Land in the Borough of Maidstone and the buildings thereon located at 2-36a (even numbers) College Road ME15 6YF and vested in the Official Custodian by virtue of the Orders of the Commissioners of 14 June 1870, 9 November 1888, and 23 December 1903 as affected by Orders of the Commissioners of 22 September 1972, 17 December and 7 May 1973.

Land in the Borough of Maidstone and the buildings thereon located at College Walk ME15 6PA (1-10) and vested in the Official Custodian by virtue of the Orders of the Commissioners of 14 June 1870, 9 November 1888, and 23 December 1903 as affected by the Orders of the Commissioners of 22 September 1972, 17 December and 7 May 1973.

Land containing 29 acres situate at St Mary's Romney March and registered with HM Land Registry under Title K965533 and vested in the Official Custodian by virtue of Orders of the Commissioners of 20 May 1924 and 22 November 1887.

Land situate at Welling in the Borough of Bexley with the buildings thereon known as 118-122 (even numbers) High Street and registered with HM Land Registry under Title SGL165290 and vested in the Official Custodian by virtue of a Scheme of the Commissioners dated 26 February 1982.

Land in the Borough of Maidstone and the buildings thereon known as 1-8 Cutbush House College Avenue ME15 6YJ registered with HM Land Registry under Title K400104 and vested in the Official Custodian by virtue of the Orders of the Commissioners of 14 June 1870, 9 November 1888, and 23 December 1903 as affected by the Orders of the Commissioners of 22 September 1972, 17 December and 7 May 1973.

PART 2

Land in the parish of Harrietsham and the buildings thereon known as Harrietsham Almshouses located at 1 to 12 Alms Row, East Street, Harrietsham, Kent ME17 1HJ, registered with HM Land Registry under title number K927050.

PART 3

Nominated trustees

Name	Term of office
P E Oldham	3 years
J M Fenn	1 year
D.Parvin	4 years
D Naghi	2 years

Co-opted trustees

Name	Term of office
C Highwood	3 years
R J Corben	5 years
V R Darley	5 years
J Scott	1 year
S R Darbyshire	1 year
T Sheldon	2 years

OUTSIDE BODIES – JOB SPECIFICATION FORM

DATE	19 th November, 2013-11-19
NAME OF ORGANISATION	Maidstone Area Arts Partnership
TYPE OF ORGANISATION, eg Charity	Charity
CONTACT DETAILS	<p>NAME: Linda Anderson</p> <hr/> <p>ADDRESS 12 Cavendish Way, Bearsted Maidstone Kent ME15 8PN</p> <hr/> <p>TELEPHONE NO: 01622 631586</p> <hr/> <p>EMAIL: 1@linjoy12.plus.com</p> <p>WEBSITE: www.maidstineareaartspartnership.org.uk</p>
Mission and Objectives of Organisation	<p>OUR VISION Individuals and communities in Maidstone flourishing through the contribution of Arts and Culture</p> <p>OUR MISSION To represent and promote arts and culture in Maidstone and participate as a proactive partner in its artistic and cultural development</p> <p>KEY OBJECTIVES</p> <ul style="list-style-type: none"> • Help members flourish • Fully represent arts organisation in the Maidstone area • Improve public awareness of artistic and cultural activities and its benefits to individuals and communities • Contribute to development of artistic and cultural initiatives for individual and wider community benefit • Partner with key agencies to implement artistic and cultural initiatives for individual and wider community benefit • Secure financial viability
Role and responsibility of the Council representative eg Observer, Trustee, Director	<p>Observer +</p> <p>To report to the partnership activities proposed or being undertaken by MBC that are pertinent to the aims and objectives of MAAP.</p> <p>To provide feedback and where appropriate take action on issues raised by MAAP members.</p> <p>To advise MAAP on proposed actions so that they are mutually beneficial to MBC, the wider community and MAAP</p>
What do you hope to achieve through the relationship?	Recognition of the role that the arts can make to realising the aspirations of MBC and its residents.

	Mutual support in realising each others aims and objectives
How often does the Organisation meet?	Quarterly, plus ad hoc meetings of working parties
Desirable skills and experience from the Council's representative	Knowledge of a range of MBC activities including but not limited to community development and economic regeneration. Ability to communicate MBC position to partner organisations Support for the arts and an Aability and desire to present MAAP concerns effectively within MBC Ability to attend evening meetings
Terms of Reference Attached?	NO – Do not exist
Any other information the Organisation wishes to add?	MAAP take an active role in the Town Team, supporting all sub teams and taking a lead on most projects. MAAP are also promoting the use of the arts to enhance individual and community wellbeing. They are doing this in consultation with other voluntary groups and with MBC support(Sarah Robson and Zena Cooke)

OUTSIDE BODIES – JOB SPECIFICATION FORM

DATE	8 October 2013
NAME OF ORGANISATION	Maidstone Relief in Need Charities
TYPE OF ORGANISATION, eg Charity	Charity
CONTACT DETAILS	<p>NAME: Debbie Snook – Clerk to the Trustees</p> <hr/> <p>ADDRESS Maidstone Borough Council Maidstone House King Street Maidstone Kent ME15 6JQ</p> <hr/> <p>TELEPHONE NO: 01622 602030</p> <hr/> <p>EMAIL: debbiesnook@maidstone.gov.uk</p> <hr/> <p>WEBSITE: N/A</p>
Mission and Objectives of Organisation	<p>To relieve either generally or individually persons resident in the former Borough of Maidstone who are in conditions of need, hardship or distress. The former Borough is the Borough as constituted prior to local government reorganisation in 1974.</p> <p>The main activity in relation to this objective is the making of grants of money to individuals and organisations.</p>
Role and responsibility of the Council representative eg Observer, Trustee, Director	Trustee
What do you hope to achieve through the relationship?	The relationship is historic and governed by the Scheme for the Regulation of the Charities. Persons nominated by the Borough Council should bring special knowledge of the area of benefit to the body of Trustees.
How often does the Organisation meet?	Two or three times a year, usually at 10.30 a.m. on a Friday.
Desirable skills and experience from the Council's representative	<ul style="list-style-type: none"> • Knowledge of the system of State benefits – desirable but not essential. • Knowledge of the law and financial procedures relating to and governing charities - desirable but not essential.
Terms of Reference Attached?	See above.
Any other information the Organisation wishes to add?	The Scheme for the Regulation of the Charities states that the Trustees shall be persons who through residence, occupation or employment, or otherwise, have special knowledge of the former Borough of Maidstone. The Nominative Trustees may be but need not be Members of the Council.