

## THE OLD SCHOLARS' CLUB CHARITY

The main body of this report has come from Jonathan Austin, with additions from the Clerk, (as the holder of all the relevant historical and financial information).

The "Silver Band Hut" (or more correctly the Old Scholars' Club) was inherited by the Crispe Charity when it was merged with the Old Scholars' Club Charity in 2004.

The premises are at present occupied by the Birchington Silver Band for the storage of their instruments, music and stands and for their rehearsals, for which they presently pay £52 a year. This is not a 'peppercorn' rent, but was a commercial rent when it was fixed in 1976, having previously been set at £35 in 1955.

The Band holds the hut under the terms of the lease last granted to them on 29<sup>th</sup> September 1973. The term of the lease is 3 years. Unfortunately, after that one increase in rent in 1976, no further steps were taken by the Old Scholars' Trustees to grant a new lease or to increase the rent. This was probably due to their increasing age and to their diminishing numbers.

All Trustees of any charity have a duty to ensure a reasonable return on their investments. Following the Crispe Charity's acquisition of the building, which had been arranged by one of the Old Scholars' Trustees several years ago without our knowledge, we were asked by the Charity Commissioners to make better use of the property. Advice was taken from Mr Baker FRICS of Rogers & Hambidge, who advised that a reasonable commercial rental would be £3,300 per annum. The Trustees therefore instructed the solicitors in 2004 to terminate the lease, at the same time indicating that we would have no objection to the grant of a new lease at the increased figure.

As the £52 rent was, of late, paid annually (the lease states it was to be paid quarterly) the Band was given a full year's notice, which expired last September. We are in negotiation with the Band's Solicitors and have offered to submit to mediation, but indications are not hopeful that they are coming up with a figure anywhere near the £3,300 sought. Incidentally, they are in sole occupation of the premises and have use of it 24 / 7.

The Band has so far offered £624 per annum, which has been rejected. They say that is the most they can afford, which may be true. However, as Trustees, we are only allowed to exercise charity to our applicants, but not to our commercial partners. As a charity, the only income we receive is rent for the Crispe Charity Farm (£3525 per annum on a 25 year lease), plus just under £300 in interest from a small invested capital. In 2006 we gave grants to every applicant - 24 young people, 7 youth groups, 10 widows and one statutory grant of £28 for the upkeep of Quex Chapel. The youngsters and groups received

grants of between £100 and £150 each to the tune of £4,450, while the widows' grants have now been set by the Charity Commissioners to £50 each, which adds another £500 to the total. In other words, whatever money comes into the one hand of the Charity each year, always goes out to our beneficiaries with the other hand. Our bank account usually has about £500 left in it once those cheques have been cashed.

The Silver Band is not a registered charity and however generous they feel they want to be, they need to pay their own housekeeping bills first. No group can be charitable to another charity's detriment. For many years now that tiny rent has been depriving the youngsters of Birchington financial help to which they were entitled when the Old Scholars' Charity was set up.

Mr Baker has been instructed actively to market the property for letting. He is of the view that there are a number of interested parties, among them the Birchington Guild of Players, The Birchington Parish Council and at least one play group, and that the ideal solution would be to bring these people together to share the use of the premises, each contributing a proportion of the rental. This has been suggested to the Band, but we have not been told what progress they have achieved. It is not, strictly speaking, the duty of the Crispe Charity to address this problem.

Whilst well appointed and in reasonable repair, the premises are fairly limited in the kind of activity which can be carried on there. Mr Baker consulted the TDC and was advised that the premises have no development potential, by reason of their position in relation to a very busy junction with limited visibility.

Therefore, if an offer were to be forthcoming from the Band, either alone or in conjunction with other users, in the order of £2,000 to £2,500 per annum, our solicitors would be advising the Trustees to take a commercial view and accept. The money which comes from letting the Old Scholars' Club is supposed to provide grants to the young people of Birchington and Acol, and used to do so in the past, when those grants were £2 and £3 each. In these days, grants of this magnitude would be ridiculed.

In the meantime, the Silver Band remains in the hut. It has solicitors acting on its behalf.

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Looking back over the last 11 years since I became Clerk to the Crispe Charity, the Charity has made 110 grants to widows, originally at £14 each, but after much negotiation with the Charity Commissioners, they finally allowed us to increase these grants to £50 each. We have also made 11 grants of £28 to the upkeep of Quex Chapel, given grants to 283 young people and 108 youth groups.

Jennie Burgess, Clerk to the Crispe Charity  
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