

Item No. 6.	Classification: Open	Date: 14 December 2017	Meeting Name: Cabinet (Livesey Trust) Committee
Report title:		The Livesey Trust, Annual Report 2016 - 17	
Ward(s) or groups affected:		All	
From:		Aileen Cahill , Head of Culture	

RECOMMENDATIONS

1. That the cabinet (Livesey Trust) committee notes the progress in the negotiation of the lease with Treasure House.
2. That the cabinet (Livesey Trust) committee notes the repairs and maintenance undertaken to the premises in the past year.

BACKGROUND INFORMATION

3. The Livesey building was bequeathed by George Livesey a local benefactor to the Commissioners for Public Libraries and Museums for the Parish of Camberwell in 1890 as a free public library for the beneficiaries of the trust. The council became the legal owner and trustee of the building by way of statutory devolution. Over time the original objects of the trust have become defunct and the council therefore worked with the Charity Commission to expand the objects of the trust to include wider educational benefit for people in the local area.
4. On 12 April 2013 the Charity Commission approved the scheme for the Livesey Trust (No. 4038336). Under paragraph 4 of the scheme the trustee of the charity is the Council of the London Borough of Southwark ('the Council').
5. The administration of the trust is an executive function. This is based on the fact that the relevant regulations, the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 provide that any function of the council is to be the responsibility of the executive (cabinet) unless specified otherwise by those regulations. There is nothing in the 2000 Regulations which states that the administration of a charity is not to be a function of the cabinet.

KEY ISSUES FOR CONSIDERATION

6. **Assets of the Livesey Trust.** The only assets of the Trust are the land and building at 682 Old Kent Road (formerly known as the Livesey Museum for Children)
7. The building is used by a Community Interest Company Treasure House. Who occupy it under a tenancy at will at present.
8. The council has been in negotiation with Treasure House for the past year to finalise the conditions of the lease.

9. The draft lease is currently being considered by Treasure House. There is one unresolved matter in the lease that is being queried by Treasure House.
10. The Head of Property is confident that the remaining unresolved matter in the draft lease will be resolved in the next few weeks and the lease signed.

Repairs and maintenance

11. The property is a listed building constructed in the late 1880s of traditional brick construction. The main building has been partly refurbished with new windows and interior.
12. The garden is enclosed by a large brickwork perimeter wall that separates the property from a Kwik Fit garage and a wall shared with the Christ Church.
13. There are listed remains of a previous building in the rear garden.
14. Repair works to all the brick boundary walls and the 'ruins' in the middle of the garden have been completed. Due to the condition of some of the brickwork to the ruins some additional repairs have been carried out to make safe and the cost of these works will be reflected in the 2017/18 accounts.
15. A site survey identified that repairs were needed to the shop folly on the rear external wall. These have been undertaken and are awaiting inspection. The cost for these works, estimated to be £61k will appear in 2017/18 report.

Committee visit to the Livesey

16. On 4 July 2017 members of the committee visited Livesey where they had a tour of the building and grounds and met with staff of Treasure House.

Policy implications

17. None

Community impact statement

18. The proposals set out in this report have no adverse impact on the community, nor do they disadvantage any equalities group or protected characteristic.

Financial Implications

19. The annual accounts of 2016-7 indicated revenue expenditure (cost code – LH209) of £1,234.09 building repairs and maintenance, £1804 on legal costs and £8,913 on depreciation, totaling £10,042.41 in 2016-17.
20. The proposed lease of the Livesey Building to Treasure House is on a peppercorn rent basis.
21. Under the proposed terms of the lease, the tenant is responsible for the internal and external repairs and the Council as Trustee of the Livesey Trust, will insure the property and the charge the tenant the appropriate premium.

SUPPLEMENTARY ADVICE FROM OTHER OFFICERS

Director of Law and Democracy

22. The object of the Livesey Trust is set out in the Charity Commissioner's scheme referred to in the background information above. This is for the advancement of education of persons resident in the area of benefit in such ways as the trustee thinks fit.
23. In summary, the property must be used for the provision of a library or library services or if not required for these purposes for any other use in furtherance of the object as the council as trustee may from time to time decide.
24. The scheme requires the council as trustee to ensure that the property is being utilised effectively and in accordance with the object of the charity for the benefit of the public.
25. The scheme includes the requirement for the council as trustee at all times to take necessary steps to ensure that the charity is independent from the council and exists to pursue its own purposes and not to carry out the policies or directions of the council or any other body.
26. This means that the committee is required to give consideration to the operation of the trust solely in its role as corporate trustee and in accordance with the object and interests of the trust.
27. As corporate trustee the council, in accordance with common law, has an overriding duty to promote the charitable purposes of the charity. It must carry out its responsibilities with reasonable diligence and conduct its affairs in the same manner as an ordinary prudent business person would conduct his/her own affairs. A trustee must also take all reasonable and proper measures to maintain and secure any trust property.

Strategic Director of Finance and Governance

28. This report is requesting the cabinet committee to note the progress in the negotiation of the lease with Treasure House and to note the repairs and maintenance undertaken to the premises for the 2016/17 period.
29. The strategic director of finance and governance notes that the proposed Head of Terms of the lease is based on a peppercorn rent basis and the tenant (Treasure House) will be responsible for the internal and external repairs and liable for the insurance premium for the property.
30. It is noted the cost of revenue repairs was contained within existing departmental budgets for 2016/17 accounts and the cost of additional works being carried out will be reflected in the 2017/18 accounts.
31. Staffing and any other cost connected with this report to be contained within existing departmental revenue budgets.

BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
None		

APPENDICES

No.	Title
None	

AUDIT TRAIL

Lead Officer	Fiona Dean Director of Leisure	
Report Author	Aileen Cahill, Head of Culture	
Version	Final	
Dated	1 December 2017	
Key Decision	No	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER		
Officer Title	Comments Sought	Comments Included
Director of Law and Democracy	Yes	Yes
Strategic Director of Finance and Governance	Yes	Yes
Date final report sent to Constitutional Team		4 December 2017