

Item No. 6.	Classification: Open	Date: 19 January 2021	Meeting Name: Cabinet (Livesey Trust) Committee
Report title:		The Livesey Trust, Annual Report 2019-20	
Ward(s) or groups affected:		All	
From:		Aileen Cahill , Head of Culture	

RECOMMENDATION

1. That the Cabinet (Livesey Trust) Committee notes The Livesey Trust, Annual Report 2019-20.

BACKGROUND INFORMATION

2. 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.
3. 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'). A copy of the scheme is attached to this report and marked Appendix 1.
4. 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

5. **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).

6. The building dates from 1890 was originally a public library and a Children's Museum.

The building is used by Treasure House a Community Interest Company which occupies it under lease on a peppercorn rent basis.

7. The tenant is responsible for the internal and external repairs and the Council as Trustee of the Livesey Trust, will insure the property and charge the tenant an appropriate premium
8. Treasure House (London) CIC is a specialist education provider who works with young people with anxiety and other emotional barriers, autism, dyslexia and school phobia.
9. The key aims of Treasure House are to re-engage students in the learning process in a safe and comfortable environment and provide access to high quality tuition across a broad curriculum. Information regarding the work of Treasure House can be found on their website. <http://www.thlcic.org.uk/>
10. Their approach provides students with the skills and qualifications that are required to allow them to move into the world of work or to progress into further education and ultimately higher education. They have a maximum of 15 pupils enrolled at any one time.
11. Treasure House was inspected by Ofsted in November 2019 and assessed as Good.
12. Further information regarding the company status of Treasure House can be found at <https://find-and-update.company-information.service.gov.uk/company/07467487>

Heritage Artefacts

13. There are a number of heritage artefacts belonging to the councils collections contained within the grounds of the site.
14. These include
 - Statue of George Livesey Grade 2 listed
 - Victorian post box
 - Newington tollgate
 - Plaque commemorating the opening of the building.
 - Foundation stone of Grange Road public baths and wash house from 1926.
 - Mosaics of Old Kent Road Library

- Cattle trough from Old Kent Road
15. A condition evaluation of the artefacts should be conducted by the Heritage Service in 2021.

Policy implications

16. None

Community impact statement

17. 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

18. The Annual Accounts of 2019- 20 indicated revenue expenditure of £1542.10 incurred on legal costs associated with the letting of the property.

SUPPLEMENTARY ADVICE FROM OTHER OFFICERS

Director of Law and Governance

19. 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.
20. 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.
21. 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.
22. 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.
23. 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.
24. 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

25. This report seeks the cabinet committee to note the Livesey Trust, Annual Report 2019-20.
26. 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	Rebecca Towers, Director of Leisure	
Report Author	Aileen Cahill, Head of Culture	
Version	Final	
Dated	December 2020	
Key Decision	No	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER		
Officer Title	Comments Sought	Comments Included
Director of Law and Governance	Yes	Yes
Strategic Director of Finance and Governance	Yes	Yes
Date final report sent to Constitutional Team		29 December 2020