

Cabinet (Livesey Trust) Committee

Tuesday 17 December 2019

2.00 pm

Ground Floor Meeting Rooms, 160 Tooley Street, London SE1 2QH

Membership

Councillor Evelyn Akoto (Chair)
Councillor Rebecca Lury (Vice-Chair)
Councillor Jasmine Ali
Councillor Richard Livingstone
Councillor Victoria Mills

INFORMATION FOR MEMBERS OF THE PUBLIC

Access to information

You have the right to request to inspect copies of minutes and reports on this agenda as well as the background documents used in the preparation of these reports.

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Contact

Tim Murtagh on 020 7525 7187 or email: tim.murtagh@southwark.gov.uk

Members of the committee are summoned to attend this meeting

Eleanor Kelly

Chief Executive

Date: 9 December 2019



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Tuesday 17 December 2019

2.00 pm

Ground Floor Meeting Rooms, 160 Tooley Street, London SE1 2QH

Order of Business

Item No.	Title	Page No.
1.	WELCOME AND INTRODUCTIONS	
2.	APOLOGIES	
3.	ITEMS OF BUSINESS THAT THE CHAIR DEEMS URGENT	
	The chair to advise whether they have agreed to any item of urgent business to be considered at this meeting.	
4.	DISCLOSURE OF MEMBERS' INTERESTS AND DISPENSATIONS	
	Members to declare any interests and dispensations in respect of any item of business to be considered at this meeting.	
5.	MINUTES	1 - 2
	To confirm as a correct record the minutes of the meeting held on 11 December 2018.	
6.	THE LIVESEY TRUST ANNUAL REPORT 2018-19	3 - 10
	Members to consider the recommendations contained in the report.	
7.	TREASURE HOUSE PRESENTATION	
	A representative of Treasure House will talk about their educational work in the community.	

EXCLUSION OF PRESS AND PUBLIC

The following motion should be moved, seconded and approved if the sub-committee wishes to exclude the press and public to deal with reports revealing exempt information:

“That the public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in paragraphs 1-7, Access to Information Procedure rules of the Constitution.”



Cabinet (Livesey Trust) Committee

Minutes of the Cabinet (Livesey Trust) Committee held on Tuesday 11 December 2018 at 2.00 pm at 160 Tooley Street, London SE1 2QH

PRESENT: Councillor Evelyn Akoto
Councillor Rebecca Lury
Councillor Victoria Mills

OFFICER SUPPORT: Aileen Cahill, Head of Culture
Norman Coombe, Head of Corporate
Tim Murtagh, Constitutional Officer

1. ELECTION OF CHAIR AND VICE-CHAIR

The clerk asked for nominations for the roles of chair and vice-chair.

RESOLVED:

Councillor Evelyn Akoto was elected chair and Councillor Rebecca Lury was elected vice-chair of the Cabinet (Livesey) Trust Committee.

2. APOLOGIES

Apologies for absence were received from Councillors Ali and Livingstone; and for lateness from Councillor Mills.

3. ITEMS OF BUSINESS THAT THE CHAIR DEEMS URGENT

There were none.

4. DISCLOSURE OF MEMBERS' INTERESTS AND DISPENSATIONS

There were none.

5. MINUTES

RESOLVED:

That the minutes of the meeting held on 14 December 2017 be agreed as a correct record of that meeting.

6. THE LIVESY TRUST ANNUAL REPORT 2017-18

Aileen Cahill presented the annual report to the committee.

Members considered the recommendations contained in the report.

RESOLVED:

1. That the progress in the negotiation of the lease with Treasure House be noted.
2. That the repairs and maintenance undertaken to the premises in the past year be noted.

7. TRANSFER OF TITLE

Norman Coombe presented the report to the committee.

Councillor Mills arrived at the meeting at 2.10pm.

Members considered the recommendations contained in the report.

RESOLVED:

It be agreed that the council enter a declaration of trust to enable the trust to irrevocably acquire from the council the equitable title in a wall at 684 – 698 Old Kent Road, London SE15 running along the south eastern boundary of 682 Old Kent Road, London SE15 1JF (the “Property”).

The meeting ended at 2.15pm

CHAIR:

DATED:

Item No. 6.	Classification: Open	Date: 17 December 2019	Meeting Name: Cabinet (Livesey Trust) Committee
Report title:		The Livesey Trust, Annual Report 2018-19	
Ward(s) or groups affected:		All	
From:		Aileen Cahill , Head of Culture	

RECOMMENDATIONS

1. That the cabinet committee notes the progress in the negotiation of the lease with Treasure House:
2. That the cabinet 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'). A copy of the scheme is attached to this report and marked Appendix 1.
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

Assets of the Livesey Trust

6. 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. Treasure House (London) CIC is a specialist education provider who work 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 and provide access to high quality tuition across a broad curriculum.
10. The proposed lease is now in an agreed form by both parties. Signing and execution of the lease should follow shortly.

Repairs and maintenance:

11. The property is a listed building constructed in the late 1880's of traditional brick construction. The main building has been partly refurbished with new windows and interior.
12. Fire Risk Assessment works were completed on the building in 2018-19 and recommended works are 90% complete. The final works will be completed when a new electrical power supply to the building has been installed.
13. The shop artefact on the rear elevation facing the garden has been removed. This was completed following the approval from the planning department. It is due to be re-located elsewhere in the borough.

Policy implications

14. None

Community impact statement

15. 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

16. The Annual Accounts of 2018-19 indicated revenue expenditure of £642.44 incurred on legal costs.
17. The proposed lease of the Livesey Building to Treasure House is on a peppercorn rent basis.
18. 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 charge the tenant an appropriate premium.

SUPPLEMENTARY ADVICE FROM OTHER OFFICERS

Director of Law and Democracy

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 progress in the negotiation of the lease with Treasure House and to note the repairs and maintenance undertaken to the premises in the past year.
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
Appendix 1	The Livesey Trust Scheme

AUDIT TRAIL

Lead Officer	Rebecca Towers Director of Leisure		
Report Author	Aileen Cahill, Head of Culture		
Version	Final		
Dated	5 December 2019		
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			5 December 2019

THE CHARITY COMMISSION FOR ENGLAND AND WALES

Under the power given in the Charities Act 2011

Orders that from today, the

12 April 2013

this

SCHEME

will alter or affect the trusts of the charity

known as

THE LIVESEY TRUST (4038336)

in the London Borough of Southwark

Neil Robertson

A member of staff of the Charity Commission authorised to act on behalf of the
Charity Commission

1. Definitions

In this scheme:

“the area of benefit” means the area of the London Borough of Southwark.

“the charity” means the charity identified at the beginning of this scheme.

“the Commission” means the Charity Commission for England and Wales.

“the existing trusts” means the trusts in the deed of 18 October 1890.

“the property” means the property described in the schedule to this scheme.

“the trustee” means the trustee of the charity acting under this scheme.

2. Administration

(1) The charity is to be administered in accordance the existing trusts as altered or affected by this scheme.

(2) The name of the charity is The Livesey Trust.

3. Object of the Charity

(1) The object of the charity is (for the public benefit) the advancement of education of persons resident in the area of benefit in such ways as the trustee thinks fit.

(2) Subject to the provisions of this clause, the property must be appropriated and used for the object of the charity for:

(a) the provision of a library or library services; or

(b) if not required for the purpose in sub-clause (2)(a) above, such other use in furtherance of the object as the trustee may from time to time decide.

(3) Subject to the proviso, the trustee may for consideration or otherwise let the property to (or otherwise make the property available for the use of) a charity or community interest company. The proviso is that any such use is consistent with the object of the charity.

(4) The trustee must at all times take necessary steps to ensure that the property is being utilised effectively and in accordance with the object of the charity for the benefit of the public.

4. Trustee

(1) The Council of the London Borough of Southwark (‘the Council’) is the trustee of the charity.

(2) The trustee must at all times take necessary steps to ensure that:

- (a) the charity is independent and exists to pursue its own purposes and not to carry out the policies or directions of the Council or any other body; and
- (b) it has adequate systems and procedures in place to enable it to receive and respond to the views of supporters, funders, beneficiaries, potential beneficiaries and others with a legitimate interest in the charity's work. Provided that this clause shall not impose any obligation on the trustee to incur expenditure from its own resources except to the extent that the trustee in its absolute discretion thinks fit.

5. Powers of the trustee

In addition to any other powers which it has, the trustee may make rules and regulations consistent with this scheme for the management of the charity.

6. Use of income and capital

- (1) The trustee must firstly apply the charity's income (if any) in meeting the proper costs of administering the charity and of managing its assets (including the repair and insurance of its buildings).
- (2) After payment of these costs, the trustee must apply the remaining income in furthering the object of the charity.

7. 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

The Livesey Museum, 682 Old Kent Road in the London Borough of Southwark. The land is registered with HM Land Registry under title number TGL 273176.

CABINET (LIVESEY TRUST) COMMITTEE AGENDA DISTRIBUTION LIST (OPEN)
MUNICIPAL YEAR 2019-20

NOTE: Original held by Constitutional Team all amendments/queries to Tim Murtagh
 Tel: 020 7525 7187

Name	No of copies	Name	No of copies
Members of the Committee		Officers	
Councillor Jasmine Ali	1	Aileen Cahill, Head of Culture, Floor 3, Hub C	1
<u>Electronic copies only to -</u>		Norman Coombe, Head of Corporate Team, Legal Services, Floor 2 Hub 2	1
Councillor Evelyn Akoto		Allan Wells, Senior Governance Lawyer Legal Services, Floor 2 Hub 2	1
Councillor Richard Livingstone		Tim Murtagh Constitutional Team, Floor 2 Hub 2	5
Councillor Rebecca Lury			
Councillor Victoria Mills			
		Total:	9
		Dated: 29 November 2018	