

Item No. 6.	Classification: Open	Date: 17 January 2023	Meeting Name: Cabinet (Livesey Trust) Committee
Report title:		The Livesey Trust, Annual Report 2021-22	
Ward(s) or groups affected:		All	
From:		Head of Culture	

RECOMMENDATION

1. That the Cabinet (Livesey Trust) Committee notes The Livesey Trust, Annual Report 2021-22.

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

Assets of the Livesey Trust

5. 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. 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.
10. Treasure House increased their turnover from £423k in 2020/20 to £533k in 2021/21 (Jan-Dec). In 2022 they provided full-time education and support to 15 young people between the ages of 14 and 19 and provided 13 (+1 year on year) members of staff with employment, 4 were full-time posts
11. The effects of the pandemic were evident in this year's results which were slightly below what was expected. Only A Level and Entry Level exams were taken by students. Grades in Philosophy, Sociology and Chemistry were A, B and D at A Level. All Entry Level qualifications were passed. Students worked hard and several will retake to improve their grades in 2022/23. More details on academic results can be found in Appendix 2.
12. During the period, Treasure House also undertook a considerable amount of improvements to the building with a total expenditure from their own funds of £28,064. These works included energy efficiency measures, improvements to the basement and roof, improvements to the garden and painting decorating in various areas. More details of works undertaken can be found in Appendix 2.
13. 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

14. There are a number of heritage artefacts belonging to the council's collections contained within the grounds of the site. A visual condition evaluation was undertaken by the council curator with the following findings:

- Statue of George Livesey Grade 2 listed: this statue of bronze and marble is a full figure sculpture of Sir George Livesey by George Pomeroy. It is sited at the end of the Livesey building's rear garden. The statue has had attention over the years as it is a valuable bronze and also a highly regarded piece of statuary. In the past the plinth has destabilised, causing a slight lean but this was rectified in around 2012/13, along with cutting back the extreme plant growth present at the time. In 2022 the curator had another visual assessment and is arranging a further stabilisation check and stone treatment contractor. The aim is to complete this by March 2023.
- Victorian post box: this post box was originally sited in Lewisham and added to the Livesey premises in the 1970s or 1980s. It is in very poor condition and the curator undertook research into specialist companies to repair it but none have been found as yet. It has been discussed with Treasure House that this could be a supervised in-house project to complete some basic stabilisation on the advice of a historic restorer.
- Newington tollgate: this is an original iron toll gate which would have been sited across the Newington Causeway. Toll gates formed a barrier across certain routes and people, goods and carriages could only pass through and use the road if they paid a fee, or 'toll'. The Newington Turnpike was established in 1718 and all turnpikes were abolished in 1865, so would have been abandoned. This gate may be an original 18th century one or could be a replacement. The gate was found in a scrapyards in 1968 by Mr Albert Price, who bought it for £25 and donated it to the council to preserve in the museum. As the gate is in fair condition the curator has agreed that the skilled in house staff of Treasure House, with advice from historic restorers, can undertake the refurbishment of the toll gate.
- Plaque commemorating the opening of the building: the original stone plaque from the 1891 opening of Camberwell No 1 public library, which this building was before it was named and used as the Livesey Museum and Treasure Houses facility. It is attached to a wall in the rear garden, part of the former rear elevation of the old library structure. The plaque is in reasonable condition.
- Foundation stone of Grange Road public baths and wash house from 1926: this possibly marble and granite installation is located at the front of the building under the main window and facing the street. It was installed in the 1970s after being excavated from building works. It is in reasonable condition but would benefit from the inscription lettering being refurbished as this has become hard to read. We also understand that the pipework and pump action of the fountain has stopped working, officers will look into the possibility of having this investigated.

- **Mosaics of Old Kent Road Library:** these two mosaic panels show two depictions of the stories from Chaucer's Canterbury Tales. One shows the pilgrims in the courtyard at the Tabard Inn around present day Borough High Street, a real inn, from where the fictional pilgrims embarked on their journey. The second shows a feast being given for the pilgrim who told the best tale on their journey from Old Kent Road to Canterbury. The pair were originally on the walls of the Old Kent Road library at Bricklayer's Arms, demolished in 1967 to make way for the Bricklayer's Arms flyover. They were created using over 25,000 tiles and designed by Thomas Adrian Cook, who won the chance to design the murals after a competition in 'The Studio' magazine. The murals were unveiled by the then mayor in 1910. They are still attached to the rear extension of the Livesey building and in very good condition. There are a couple of spots of missing mortar which would benefit from repair and having discussed this with the TH team the curator is satisfied they can tackle this in a sympathetic manner.
- **Cattle trough from Old Kent Road:** this is sited in the rear garden on the left hand side when facing the George Livesey statue. It is probably late Victorian. It is in reasonable condition and is full of planting material. Some checking of its fabric might be useful but it is a robust object and its use as a planter is not an issue.
- **Cannon bollard:** this bollard was missed off the original report, possibly due to the fact it was obscured by plant and undergrowth for many years and has since been uncovered. The bollard is an original ships' cannon used as street furniture (e.g. a street bollard) when no longer usable as cannon. It would benefit from some planting being trimmed or removed but is otherwise remaining in good condition.

Policy framework implications

15. None

Community, equalities (including socio-economic) and health impacts

Community impact statement

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

Equalities (including socio-economic) impact statement

17. Treasure House is a specialist education provision, working with young people with anxiety and other emotional barriers, autism, dyslexia and school phobia. The key aims of Treasure House are to support each student to feel comfortable and safe so that they can re-engage in the learning process, providing access to high quality tuition across a broad curriculum.

Health impact statement

18. As set out in paragraph 16, the service provided by Treasure House is of benefit for young people with anxiety and other emotional barriers, autism, dyslexia and school phobia.

Climate change implications

19. The update provided in this report has no climate change implications

Resource Implications

20. None

Finance Implications

21. The lease to Treasure House (London) CIC completed on 18 December 2019.
22. From this point the majority of obligations in respect of the building transfer to the tenant for the duration of the lease (initially 10 years, although subject to break options on either side and the tenant's is not operable yet).
23. The council retains responsibility for artefacts in the garden and the statue situated there.
24. The council insures the building on a reinstatement basis but the lease requires the tenant to reimburse premiums, so this head of expenditure should be neutral on the council.
25. In view of the above there are no cost to the council arising from the lease for the period 2021/22.

Consultation

26. This is an update report that does not require consultation.

SUPPLEMENTARY ADVICE FROM OTHER OFFICERS

Director of Law and Governance

27. 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.
28. 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.

29. 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.
30. 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.
31. This means that the council (acting through the Livesey Trust 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.
32. 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 (EL22/102)

33. This report is requesting Cabinet to note the Livesey Trust, Annual Report 2021-22.
34. The strategic Director of Finance and Governance notes there are no financial implications arising from this report.
35. Staffing and any other costs 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
Appendix 2	Report to the Livesey Trust December 2022

AUDIT TRAIL

Lead Officer	Toni Ainge, Director of Leisure	
Report Author	Eva Gomez, Head of Culture	
Version	Final	
Dated	4 January 2023	
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		4 January 2023