

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