

**THROWLEIGH**  
**Report of the Head of Business Strategy and Support****1. Recommendations**

Approve the new charitable scheme for the Throwleigh Centre that has been set out by the Charity Commission (2.7) which will allow DCC as current Trustees to dispose of the Centre and transfer the trust and the proceeds of the sale to the proposed new primary school in Okehampton.

**2. Background**

- 2.1. The Throwleigh Residential Centre has been surplus to DCC's requirements for several years now and is currently let on a short term excluded lease to North Devon Community Action (NDCA).
- 2.2. NDCA have expressed an interest in purchasing the property and have funds available.
- 2.3. However, the property is subject to an educational trust which provides expressly for the provision of education in Okehampton and the existing charitable scheme does not allow for a disposal either by long term lease or sale.
- 2.4. The authority has explored a number of options for the disposal of the property including:
  - transfer the trust to NDCA
  - transfer the trust to Okehampton United Charities
  - apply for a new scheme that allows DCC to reinvest the proceeds
- 2.5. Transfer of the Trust to NDCA was not approved by Charity Commission as their objects do not align with the objects of the Throwleigh Trust.
- 2.6. The trustees of Okehampton United Charities have discussed the possibilities of receiving either the trust or any proceeds of a sale of the property.
- 2.7. However, following advice from legal counsel and a recent meeting with the Charity Commission it has now been agreed that DCC, acting as trustees can:
  - apply for a new charitable scheme which allows for disposal of the property
  - dispose of the property on the open market for best consideration
  - transfer the trust to a portion of the proposed new Primary School to be built at Okehampton
  - apply the proceeds of the sale (which can be held in a trust account until such time as required) to the transferred trust
- 2.8. The Charity Commission have now agreed the terms of the proposed new scheme and the approval of this scheme is now sought from the West Devon Locality Committee, in their role as trustees.

Sustainability Considerations

None

Equality Considerations

None

Legal Considerations

DCC has taken extensive legal advice, including the advice of legal counsel and the Charity Commission. The proposed new scheme as proposed by the Charity Commission is in full accordance with the legal advice given.

Public Health Impact

None

Risk Management Considerations

This policy/proposal has been assessed and all necessary safeguards or actions have been taken/included to safeguard the Council's position.

*Rob Parkhouse  
Head of Business Strategy and Support*

Electoral Divisions: All

Local Government Act 1972: List of Background Papers

Who to contact for enquiries:

Name: Charlotte Reynolds; 01392 382754 [charlotte.reynolds@devon.gov.uk](mailto:charlotte.reynolds@devon.gov.uk)

Cabinet Member: Councillor John Clatworthy