

## **Former Throwleigh Primary School, Okehampton**

### **Report of the Head of Business Strategy and Support**

#### **1. Recommendations**

To nominate and appoint three members of the Committee to discharge the functions of Devon County Council (‘the Trustee’) in respect of the former Throwleigh Primary School (more recently known as the Throwleigh Residential Centre), Providence, Okehampton, Devon

#### **2. Background**

Following the decision to adopt the recommendation made in the last report on this Trust to the West Devon Locality Committee in March 2013 (to delegate power to approve a new charitable scheme for the Trust to the Chair and Vice Chair of the West Devon Locality Committee), discussions with the parishes of Throwleigh, Gidleigh, Drewsteignton and Chagford (‘the Area of Benefit’) have been concluded and it has been agreed that DCC as current trustee will apply to the Charity Commission for a new charitable scheme (‘the Throwleigh Scheme’) which will:

- Provide for the Property to be an educational institution in the Area of Benefit
- Allow for a disposal of the Property if it is no longer required as an educational institution
- Vest the proceeds of sale in a grant making trust to advance the education of young people in the Area of Benefit by means of scholarships, exhibitions, bursaries, maintenance allowances or grants tenable at any Educational Institution or by providing financial assistance, outfits, clothing, tools, instruments or books to assist such persons to pursue their education (including the study of music and other arts) to undertake travel in furtherance thereof, or to prepare for or enter a profession, trade, occupation or service

The Charity Commission has finally confirmed the actions required to effect this: A statutory declaration requires to be sworn in accordance with the requirements laid down in the Reverter of Sites Act 1987 (‘the Act’). Such declaration to be sworn by local members of this Committee who have delegated authority.

DCC has taken Counsel’s Opinion on the closure of the school and the implications of the closure under the Act. The Charity Commission accept that the building ceased to be used for the purposes of a school in 1970 which constituted a qualifying reverter event.

In order to progress and formalise the making of the Throwleigh Scheme a formal resolution to nominate and appoint three members to discharge the functions of Devon County Council as trustee is required.

Once the Throwleigh Scheme has been set up and is operational and it is subsequently decided by the trustees to dispose of the Property (if it is no longer required as an educational institution) then following completion of sale, it is the intention to either:

I. transfer the sale proceeds to an existing parent charity made up of representatives, nominated by the parish councils in the Area of Benefit for a four year term of office. The parent charity will have objectives which will match those of the Throwleigh Scheme

or

II. transfer the trusteeship to those persons willing to take on the responsibilities of the Throwleigh Scheme

#### 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 course of action has been set out by the Charity Commission is in full accordance with the legal advice given.

#### 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

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