

## **The Mansion Trust, Totnes**

### **Recommendation**

DCC resigns as Trustee of The King Edward VI College Site Foundation and appoints Totnes Community Development Society as successor Trustee

### **Background**

The King Edward VI College Site Foundation ('the Foundation') is comprised of King Edward VI School ('the Building') being the building more commonly known as The Mansion, Totnes. The Building includes the former Youth Centre site known as the Pulse, and the modern extension housing a day nursery and the Library. DCC does not own the Building but as Trustee of the Foundation is responsible for its management within the terms of the Foundation's governing documentation.

The use of the Building is governed by the charitable objects of the Foundation which are:

*"...the premises to be used as a centre for the provision of facilities for the promotion of further education for the inhabitants of Totnes.....meetings, lectures, classes, physical exercise, and other forms of recreation and leisure – time occupation in the interests of social welfare with the object of improving the conditions of life for the said inhabitants (of Totnes)"*

As Trustee, DCC has an obligation to ensure that the Building operates in accordance with these objects. To do that the Building must be managed and maintained in a condition which allows it to be used to fulfil the charitable objects.

### **Current Management**

Until recently the Building was actively managed by Adult and Community Learning ('ACL'), a Devon County Council service. This included all day to day premises management, reception for the Building, and managing room bookings for both its own use and use by local organisations.

Over time, ACL's requirements for space have diminished significantly and the current occupying services (Devon Library Service and ACL) can no longer provide reception or any active premises management (for example to enable ad hoc hirings)

The running costs of the building (utilities, rates, cleaning, caretaking and delegated maintenance items) are met from the leases to the nursery and the café and hiring charges for ad hoc room lettings with contributions from the two occupying services making up the difference.

The property is currently managed on a temporary basis by Devon Norse, which carries out statutory compliance monitoring and delegated maintenance via its telephone help desk. However, this means there is no on site management so there is no ability to take new bookings, manage room set up for existing bookings etc. or monitor and manage safe public access. As a result DCC is only minimally discharging its responsibilities as Trustee. Despite reduced use of the Building by DCC services the dwindling external use in the form of ad-hoc

hiring (because of a lack of active management of the Building) is putting significant pressure on DCC service budgets. This is because the shortfall in income is being made up from DCC service budgets which themselves are reducing. This is clearly not sustainable.

There is a growing backlog of maintenance requirements which will become increasingly pressing over the next few years and which represent a significant liability to Devon County Council as Trustee. In order to discharge its duty as Trustee the cost of dealing with the maintenance issues will need to be met from Devon County Council's corporate maintenance budget, as the Foundation does not have any surplus funds to cover this. As it currently stands the Foundation is not in a position to fund improvements required to the Building and will require financial assistance from Devon County Council for the foreseeable future.

In order for the Foundation to become self funding and self-sustaining the Building must be managed in a much more pro-active and engaged way to maximise its potential. For various reasons Devon County Council does not have the capacity and is not best placed to manage the Building in this way. As a result it will be necessary for Devon County Council to continue to prop-up the finances of the Foundation if DCC remains as Trustee of the Foundation.

### **The Future**

Regardless of its level of use DCC as Trustee has a duty to continue to manage the Building and meet the charitable objects of the Foundation. DCC's reduction in use and withdrawal from active management of the building has led to the need to consider the options for the future of the Building and whether DCC is best placed to continue as Trustee.

Without consent from the Charity Commission the Building cannot be sold or used for any purpose other than that set out in the charitable objects of the Foundation. However, there has always been an active local interest and involvement in the Building. This has meant that DCC has not wished to pursue any such application to the Charity Commission, in the hope that a way forward for the continued use of the Building for its charitable purposes can be found.

Over the past 18 months DCC has been liaising with the Town through a steering committee led by Totnes Town Council. The aim of this was to establish whether or not there was any local appetite for taking over the Trusteeship of the Foundation in place of DCC. This discussion culminated in a public consultation event which confirmed that there was substantial support in Totnes for transferring the Trusteeship of the Foundation to a local body.

Totnes Community Development Society (TCDS) was 'nominated' by the Town Council to lead on this and the group has now come forward with a proposal that would allow DCC to step down as Trustee and appoint TCDS as the new Trustee. This proposal would ensure that the Foundation continues to be able to deliver its charitable objects and that the Building is actively and appropriately managed.

The proposal is dependent on DCC transferring £190,000.00 to TCDS. This funding represents the estimated cost that DCC would incur in managing, running and maintaining the Building over the next two years. TCDS intends to use these funds to make necessary immediate improvements to the Building to ensure its continued use for the purposes of the Foundation for years to come. To be clear this funding does not incur any element of

continued liability for the Building on DCC's part. All responsibility for the Building passes to the new trustee from the date of DCC resigning as trustee and TCDS being appointed.

This proposal provides for the current DCC services (the Library Mutual and Learn Devon) to remain in occupation under formal lease agreements the terms of which have already been agreed between TCDS and the two services. Both services meet the primary objects of the trust and are also seen as important to Totnes by the community.

TCDS's business plan (attached as appendix A) demonstrates that it is very well placed to properly manage the building, to maximize its use for its charitable objectives and to enable income generation sufficient to maintain and refurbish the Building in the future. This will ensure that it becomes a vibrant facility at the heart of Totnes, fully meeting the charitable objects of the Foundation and securing the Building's long term future. It is therefore clear that appointing TCDS as the sole trustee of The King Edward VI College Site Foundation in place of Devon County Council would be in the best interests of the Foundation.

Transferring the Trusteeship to a local organisation also fulfills DCC's aspirations to support local communities to help themselves, a fundamental precept enshrined in DCC's current strategic plan 'Better Together'.

Appendices:  
Annual Accounts