

STATEMENT OF EXECUTIVE SHAREHOLDER AND TRUSTEE COMMITTEE DECISIONS

Tuesday, 26th November, 2019

The decisions summarised below were taken by the Executive Shareholder and Trustee Committee at the above-mentioned meeting and, subject to the call-in procedure referred to in Overview and Scrutiny Procedure Rule 17 and to Note (a) at the end of this document, shall have effect five working days after the meeting. Details of any recommendations to Council are also included for completeness.

Members of the Executive Shareholder and Trustee Committee

Chairman:
Councillor Caroline Reeves

Vice-Chairman:
Councillor Fiona White

Councillor Joss Bigmore
Councillor Jan Harwood
Councillor Pauline Searle

*Present

**Agenda
Item No.**

**Officer(s) to
action Item**

1. APOLOGIES FOR ABSENCE AND NOTIFICATION OF SUBSTITUTES

There were no apologies for absence.

2. DISCLOSURE OF INTERESTS

The were no disclosures of interest.

3. ALLEN HOUSE PAVILION

The Executive Shareholder and Trustee Committee agreed:

- (1) That negotiations be concluded with Matrix for a new 20-year lease, to include rights for Matrix to undertake proposed works to the Pavilion and open a community café, without the need to advertise the lease on the open market.
- (2) That a four-week public consultation be undertaken in respect of the proposed new lease and proposed use.
- (3) That a Tenancy at Will be granted to Matrix allowing continued occupation of the building from 22 December 2019 until a new lease is completed.
- (4) That the Trust authorises the procurement of a contractor to

replace the roof of the Pavilion at a cost of up to £50,000 in spring 2020.

Reasons for Recommendation:

The lease to Matrix is due to expire on 22 December 2019. The new lease will generate more rental income for the Trust, allow Matrix to improve the building and open a community café. This will make Matrix more financially sustainable and allow it to expand its youth work.

Options considered:

1. The Trust could renew the lease to Matrix for a further five years. It would still be necessary to undertake a public consultation and seek the ESTC's approval before undertaking the consultation and finalising terms with Matrix. This would not provide Matrix with a long enough term to obtain funding for the proposed works to the building. Consequently, the building would not be improved, and the change of use would not be implemented, meaning that Matrix would not be able to create an income stream to invest into the charity.
2. The Trust could advertise the opportunity to lease the building on the open market and seek best offers. Given that the 2014 Deed of Variation restricts leases granted in respect of the Pavilion to charitable uses and projects, the demand for the building is likely to be extremely limited. A report has also been obtained from an external surveyor on the market rent and the surveyor commented that there would be no advantage to the Trust in formally advertising the proposed 20-year lease term on the open market.
3. The Trust could renew the lease to Matrix for a 20-year term. This would generate more rental income for the Trust and enable Matrix to obtain grant funding and make improvements to the Pavilion. Income generated from the café use will make Matrix more financially sustainable and allow the expansion of their youth work.

Conflicts of interest:

None.

NOTES:

- (a) Any decision marked “#” means that the item was deemed by the Managing Director and agreed by the Executive Shareholder and Trustee Committee and Chairman of the Overview and Scrutiny Committee to be a matter of urgency for the reason indicated and, in accordance with Overview and Scrutiny Procedure Rule 17 (h), such decision takes effect immediately and is therefore *not* subject to the call-in procedure.
- (b) The call-in procedure is as follows:
 - (i) the Chairman of the Overview and Scrutiny Committee; or
 - (ii) a minimum of five members of the Councilmay require that a decision be referred to the Overview and Scrutiny Committee for review.
- (c) Councillors wishing to exercise their right to call-in a decision taken by the Executive Shareholder and Trustee Committee must give notice in writing to the Democratic Services Manager. The reason for a

councillor calling-in a decision shall accompany any such request and must meet one of the following criteria:

- (a) that there was insufficient, misleading or inaccurate information available to the decision-maker;
- (b) that all the relevant facts had not been taken into account and/or properly assessed;
- (c) that the decision is contrary to the budget and policy framework and is not covered by urgency provisions; or
- (d) that the decision is not in accordance with the decision-making principles set out in the Constitution.

Such notice should be marked for the attention of John Armstrong who can be contacted by e-mail on john.armstrong@guildford.gov.uk

- (d) On receipt of a call-in request, the Monitoring Officer will decide, in consultation with the chairman of the Overview and Scrutiny Committee, whether it is valid and will notify the councillors concerned accordingly.
- (e) In the case of a valid call-in, the decision shall be referred to a special Call-in meeting of the Overview and Scrutiny Committee, which shall be held within 21 days of the decision on validity referred to in paragraph (d) above.
- (f) A decision marked with an asterisk denotes that the matter is a “Key Decision” which is defined in the Council’s Constitution as an executive decision:
 - (i) which is likely to result in significant expenditure or savings (of at least £200,000) having regard to the budget for the service or function to which the decision relates; or
 - (ii) which is likely to have a significant impact on two or more wards within the Borough.