



www.guildford.gov.uk

Contact Officer:

John Armstrong, Democratic Services Manager

13 January 2020

Dear Councillor

Your attendance is requested at a meeting of the **EXECUTIVE SHAREHOLDER AND TRUSTEE COMMITTEE** to be held in the Council Chamber, Millmead House, Millmead, Guildford, Surrey GU2 4BB on **TUESDAY, 21 JANUARY 2020** at 6.00 pm.

Yours faithfully

James Whiteman
Managing Director

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

Authorised Substitute Members:

WEBCASTING NOTICE

This meeting will be recorded for live and/or subsequent broadcast on the Council's website in accordance with the Council's capacity in performing a task in the public interest and in line with the Openness of Local Government Bodies Regulations 2014. The whole of the meeting will be recorded, except where there are confidential or exempt items, and the footage will be on the website for six months.

If you have any queries regarding webcasting of meetings, please contact Committee Services.

QUORUM 3

THE COUNCIL'S STRATEGIC FRAMEWORK

Vision – for the borough

For Guildford to be a town and rural borough that is the most desirable place to live, work and visit in South East England. A centre for education, healthcare, innovative cutting-edge businesses, high quality retail and wellbeing. A county town set in a vibrant rural environment, which balances the needs of urban and rural communities alike. Known for our outstanding urban planning and design, and with infrastructure that will properly cope with our needs.

Three fundamental themes and nine strategic priorities that support our vision:

Place-making	Delivering the Guildford Borough Local Plan and providing the range of housing that people need, particularly affordable homes
	Making travel in Guildford and across the borough easier
	Regenerating and improving Guildford town centre and other urban areas
Community	Supporting older, more vulnerable and less advantaged people in our community
	Protecting our environment
	Enhancing sporting, cultural, community, and recreational facilities
Innovation	Encouraging sustainable and proportionate economic growth to help provide the prosperity and employment that people need
	Creating smart places infrastructure across Guildford
	Using innovation, technology and new ways of working to improve value for money and efficiency in Council services

Values for our residents

- We will strive to be the best Council.
- We will deliver quality and value for money services.
- We will help the vulnerable members of our community.
- We will be open and accountable.
- We will deliver improvements and enable change across the borough.

A G E N D A

ITEM NO.

1 APOLOGIES FOR ABSENCE AND NOTIFICATION OF SUBSTITUTES

2 DISCLOSURE OF INTERESTS

In accordance with the Councillors' Code of Conduct, a councillor is required to disclose at the meeting any disclosable pecuniary interest (DPI) that they may have in respect of any matter for consideration on this agenda. Any councillor with a DPI must not participate in any discussion or vote regarding that matter and they must also withdraw from the meeting immediately before consideration of the matter.

If that DPI has not been registered, the councillor must notify the Monitoring Officer of the details of the DPI within 28 days of the date of the meeting.

Councillors are further invited to disclose any non-pecuniary interest which may be relevant to any matter on this agenda, in the interests of transparency, and to confirm that it will not affect their objectivity in relation to that matter.

3 MINUTES (Pages 5 - 6)

To confirm the minutes of the meeting of the Committee held on 26 November 2019 as a correct record.

4 ANNUAL RETURNS FOR CHARITIES (Pages 7 - 10)

Key Decisions:

Any item on this agenda that is marked with an asterisk is a key decision. The Council's Constitution defines a key decision as an executive decision which is likely to result in expenditure or savings of at least £200,000 or which is likely to have a significant impact on two or more wards within the Borough.

Under Regulation 9 of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012, whenever the Executive intends to take a key decision, a document setting out prescribed information about the key decision including:

- the date on which it is to be made,
- details of the decision makers,
- a list of the documents to be submitted to the Executive in relation to the matter,
- how copies of such documents may be obtained

must be available for inspection by the public at the Council offices and on the Council's website at least 28 clear days before the key decision is to be made. The relevant notice in respect of the key decisions to be taken at this meeting was published as part of the Forward Plan on 24 December 2019.

**Please contact us to request this document in an
alternative format**

This page is intentionally left blank

EXECUTIVE SHAREHOLDER AND TRUSTEE COMMITTEE

26 November 2019

- * Councillor Caroline Reeves (Chairman)
- * Councillor Fiona White (Vice-Chairman)

- * Councillor Joss Bigmore
- * Councillor Jan Harwood
- * Councillor Pauline Searle

*Present

Councillors Angela Goodwin and Patrick Sheard were also in attendance.

1 APOLOGIES FOR ABSENCE AND NOTIFICATION OF SUBSTITUTES

There were no apologies for absence.

2 DISCLOSURE OF INTERESTS

There were no disclosures of interest.

3 ALLEN HOUSE PAVILION

The Executive Shareholder and Trustee Committee was asked to consider a proposal from Guildford charity Matrix to renew its lease of the Allen House Pavillion for a 20-year term and to undertake a major refurbishment of the Pavilion using its own funding to create a social enterprise community and youth café and hub for providing enhanced youth services. This would involve improvements to the building and allow Matrix to generate an income, making Matrix more financially sustainable. The proposals would also allow Matrix to expand its youth work. Matrix had obtained planning consent for the proposed works and part change of use.

The Lead Councillor for Finance and Assets, Customer Service introduced the report and set out the recommendations.

The Committee agreed that the contribution of Matrix in the town over the years, supporting all ages, was valued and that the proposals were interesting and ambitious. The Committee

RESOLVED:

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

The meeting finished at 6.07 pm

Signed

Chairman

Date

Executive Shareholder and Trustee Committee Report

Ward(s) affected: All

Report of Director of Resources

Author: Beejal Soni, Specialist Solicitor (Projects, Corporate and Commercial)

Tel: 01483 444036

Email: beejal.soni@guildford.gov.uk

Lead Councillor responsible: Joss Bigmore

Tel: 07974 979369

Date: 21 January 2020

Annual Returns for Charities

Executive Summary

Guildford Borough Council, in its role as charitable trustee is responsible for all matters related to the following trusts:

1. The Guildford Sports Ground Charity (also known as the Woodbridge Road Sports Ground);
2. The Burpham War Memorial Recreational Grounds Charity;
3. The Public Walks and Pleasure Grounds Charity;
4. The Racks Close Open Spaces Charity
5. The Allen House Charity.

The terms of reference for the Executive Shareholder and Trustee Committee include the completion and submission of Charity Annual Account returns and the Charity Annual Trustee Report to the Charity Commission on behalf of the above-mentioned charities.

The accounts are currently being prepared by the Finance Team.

Recommendation to the Committee

- (1) That the review and approval of the charitable accounts for the Guildford Sportsground Charity be delegated to the Leader of the Council in consultation with the Lead Councillor responsible for Finance and Assets, Customer Services and the Director of Resources and the Parks and Landscape Manager.
- (2) That the review and approval of charitable accounts for:
 - The Burpham War Memorial Recreational Grounds Charity;
 - The Public Walks and Pleasure Grounds Charity;
 - The Racks Close Open Spaces Charity
 - The Allen House Charity

be delegated to the Leader of the Council in consultation with the Lead Councillor

responsible for Finance and Assets, Customer Services and the Director of Resources.

- (3) That the Specialist Solicitor (Projects, Corporate and Commercial) be authorised in consultation with the Lead Specialist (Finance) to complete any documentation pursuant to the submission of charitable accounts to the Charity Commission.

Reason for Recommendation:

To comply with the legal requirement that the Charity must submit annual accounting returns to the Charity Commission. If the Trustee fails to submit these returns, it could result in the Charity Commission removing the charity from its register and taking further action.

Is the report (or part of it) exempt from publication? No

1. Purpose of Report

- 1.1 This report notes key actions related to the proper administration of Charities administered by Guildford Borough Council. This report also explains the legal requirement to submit the Charity's Annual Trustee Report to the Charity Commission.

2. Strategic Priorities

- 2.1 The filing of accounts will ensure that the Council continues to further the charitable objects for the various charities. The assistance offered by the Charities supports the Council's priority to support "older, more vulnerable and less advantaged people in our community" (Corporate Plan 2018-2023).
- 2.2 The charities also contribute to "enhancing sporting, cultural, community and recreational facilities" (Corporate Plan 2018-2023).

3. Background

- 3.1 The Trustees have overall control of the Charity and are responsible for making sure it is managed in order to promote its charitable objects.
- 3.2 In its role as Trustee, Guildford Borough Council is required to submit annual accounts and a Trustee Report within 10 months of the end of each financial year setting out, amongst other things, the charities' expenditure and income which have promoted the charitable objects. The deadline to file the annual accounts and Trustee Reports (where required) is on or before 31 January 2020.

- 3.3 The aim of account returns and Trustee Reports is to provide a clear picture of the charity's activities and financial position. A Trustee Report is required only for those charities whose gross income exceeds £25,000.
- 3.4 The Executive Shareholder and Trustee Committee acts as the Charity's sole Trustee, allowing the management of the Charity to be kept separate, as far as possible, from the usual business of the Council.
- 3.5 The terms of reference for the Executive Shareholder and Trustee Committee include the completion and submission of an Annual Account return and, where required, an Annual Trustee Report to the Charity Commission.
- 3.6 The Director of Resources has noted that the staffing resources and expertise required to satisfy external auditor queries in order to produce the accounts has increased significantly over the last two years following the increase in income received by some of the charities.
- 3.7 As a result, the Finance Team have been unable to finalise the various charitable accounts in a timely fashion to enable scrutiny by the Committee.
- 3.8 In order to meet the account filing deadline and ensure proper Trustee scrutiny, it is proposed that the accounts are reviewed by the Leader of the Council in consultation with the Lead Councillor responsible for Finance and Assets, Customer Services and the Director of Resources.
- 3.9 There has been significant capital investment in the Guildford Sportsground Charity. The Parks and Landscape Manager will provide the practical insight into the impact of this investment on the regular charitable activity as well as the long-term strategy to ensure that the charity flourishes.

4. Consultations

- 4.1 The Parks and Landscape Manager has been consulted and responded to auditor queries regarding the financial activity for the Guildford Sports Ground Charity.

5. Equality and Diversity Implications

- 5.1 The effective monitoring of charitable activities will ensure that all residents of Guildford Borough Council enjoy access to charitable support and recreational grounds.

6. Financial Implications

- 6.1 The preparation of accounts will be done in accordance with the Charity Commission's financial rules. Where required, external auditors will review accounts prior to their submission to the Executive Shareholder and Trustee Committee.
- 6.2 Charities with a gross income exceeding £25,000 must file accounts and an annual report with the Charity Commission, whereas those whose gross income exceeds £10,000 but is below £25,000 complete an online annual return only and are not required to submit annual accounts. If the gross income is £10,000 or less, charities are asked to complete only certain sections of the annual return, including trustee details.
- 6.3 Charities with a gross income of more than £25,000 in their financial year are required to have their accounts independently examined or audited.

7. Legal Implications

- 7.1 Under the Council's Constitution, authority to approve annual accounts and trustee reports lies with the Executive Shareholder and Trustee Committee.
- 7.2 The bulk of charity law is contained in the Charities Act 2011. The Charity Commission registers and regulates charities in England and Wales. The Commission is responsible for ensuring that charities meet their legal requirements, including providing information on their activities each year.

8. Human Resource Implications

- 8.1 None

9. Conclusion

- 9.1 The role of the Trustee is to manage the Charity in a manner that is clearly distinct from usual Council business. When making decisions, the Trustee has a duty to act in the Charity's best interests. There is a legal requirement to submit an Annual Trustee Report for the Charity to the Commission.

10. Background Papers

None

11. Appendices

None.