



STATEMENT OF DECISIONS TAKEN BY THE LEADER OF THE COUNCIL

Tuesday 24 March 2020

The matters referred to below were due to be considered by the Executive Shareholder and Trustee Committee at its meeting on 24 March 2020. Due to the coronavirus crisis, the meeting was cancelled. Under Section 9E (2) (a) of the Local Government Act 2000, the Leader of the Council may take executive decisions.

The decisions summarised below were taken by the Leader of the Council on 24 March 2020 and, subject to the call-in procedure referred to in Overview and Scrutiny Procedure Rule 17 and to the Notes at the end of this document, shall have effect five working days after the date on which this statement was published. Details of any recommendations to Council are also included for completeness.

Other members of the Executive, councillors and members of the public were invited to submit any representations in writing that they would have made at the meeting, which the Leader took into account when making these decisions.

**Agenda
Item No.**

**Officer(s) to
action Item**

1. APOLOGIES FOR ABSENCE AND NOTIFICATION OF SUBSTITUTES

Not applicable

2. DISCLOSURE OF INTERESTS

There were no declarations of interest by the Leader.

3. MINUTES

Not applicable.

4. ALLEN HOUSE PAVILLION

Decision:

That the Director of Strategic Services be authorised to complete the lease to the Matrix Trust for a new 20-year term, in accordance with the Heads of Terms set out in the report submitted to the Committee, including rights for Matrix to undertake proposed works to the Pavilion and open a community café.

Simon
Goldsworthy

Reason(s):

The lease to Matrix expired on 22 December 2019, the tenant is currently occupying the Allen House Pavilion on a tenancy at will. 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 and rejected by the Leader of the Council:

Option 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.

Option 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.

Details of any conflict of interest declared by the Leader and any dispensation granted:

None

Details of any written submissions received and considered by the Leader from other members of the Executive, councillors or public:

Cllr Patrick Sheard (non-Committee member):

I have no issue with this.

Cllr Deborah Seabrook Sheard (non-Committee member):

Agreed. Matrix are a brilliant organisation and this proposal will enable them to increase their youth work. Thanks to Simon Goldsworthy for a clear report and presenting genuine options.

5. NORTH DOWNS HOUSING LTD AND GUILDFORD BOROUGH COUNCIL HOLDINGS LTD

The Leader of the Council NOTED:

Peter
O'Connell

- (1) that the Board of North Downs Housing have approved the annual report and accounts at Appendix 1 of the committee report and submitted them to Companies House
- (2) that the Board of Guildford Borough Council Holdings Ltd have approved the annual report and accounts at Appendix 2 and submitted them to Companies House
- (3) the resignation of Adrian Maunders from the Board of the Holding Company

- (4) the appointment of Councillor Tom Hunt to the Board of the Holding Company
- (5) the appointment of Directors of North Downs Housing as set out in paragraph 3.7 of the committee report

Reason:

To fulfil the Council's corporate governance duties in respect of its subsidiary companies.

Options considered and rejected by the Leader of the Council:

None

Details of any conflict of interest declared by the Leader and any dispensation granted:

None

Details of any written submissions received and considered by the Leader from other members of the Executive, councillors or public:

Cllr Patrick Sheard (non-Committee member):

I have no issue with this.

Cllr Deborah Seabrook Sheard (non-Committee member):

Agreed.

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.