

STATEMENT OF EXECUTIVE SHAREHOLDER AND TRUSTEE COMMITTEE DECISIONS

Tuesday, 24th August, 2021

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 Joss Bigmore (Leader of the Council) *

Vice-Chairman:

Councillor Jan Harwood *

Councillor James Steel *

*Present

**Agenda
Item No.**

**Officer(s) to
action Item**

1. APOLOGIES FOR ABSENCE

Apologies were received from Councillor John Redpath who was replaced at the meeting by Councillor James Steel.

2. DISCLOSURE OF INTERESTS

There were no declarations of interest.

3. MINUTES

The minutes of the meeting held on 4 March 2021 were agreed as a correct record.

4. EXCLUSION OF THE PUBLIC

Decision:

That under Section 100A(4) of the Local Government Act 1972 (as amended) and Regulation 5 of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012, the public be excluded from the meeting for consideration of agenda item 5 on the grounds that it would involve the likely disclosure of exempt information as defined in paragraph 3 Part 1 of Schedule 12A to the Act.

5. SUTHERLAND MEMORIAL PARK - CRICKET PAVILION

Decision:

- 1) That the Head of Asset Management be authorised to grant a licence to Sunshine Nursery (Guildford) Limited in respect of their use of the Cricket Pavilion at Sutherland Memorial Park.
- 2) That the Council applies to the Charity Commission to extend the charitable objects of the Burpham War Memorial Trust to include “educational purposes”.
- 3) That Guildford City Youth Project be permitted to continue to hire the pavilion when required using existing hire arrangements, outside of the Nursery operating hours.

Reasons:

- 1) To regularise the usage of the pavilion, secure the ongoing community amenity and protect the Council’s interests. Regularising the nursery’s occupation will protect the Council as currently the responsibilities between the Landlord and the nursery are not clearly defined and as such there are risks regarding liability should an accident occur.
- 2) To fulfil the Council’s charitable trustee duties.

Other options considered and rejected by the Committee:

- 1) Do nothing – this would not address the issues related to the use of the charitable grounds by a nursery. The Council would also be in a position where it could be deemed liable in the event of an accident with no clear responsibilities defined.
- 2) Terminate the hire arrangement currently enjoyed by the Nursery and market the property for a compliant use. There would be a reputational risk to the Council for removing a popular local childcare facility and small local business, which would not be desired.

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

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 and Elections 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.