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Contact Officer:

Carrie Anderson,
Senior Democratic Services Officer
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14 June 2022

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 **THURSDAY 23 JUNE 2022** at 6.00 pm.

Yours faithfully

Tom Horwood
Joint Chief Executive
Guildford & Waverley
Borough Councils

MEMBERS OF THE EXECUTIVE SHAREHOLDER AND TRUSTEE COMMITTEE

Chairman:

Councillor Joss Bigmore (Leader of the Council)

Vice-Chairman:

Councillor Julia McShane (Deputy Leader of the Council)

Councillor John Redpath

Authorised Replacement Members:

Councillor Tim Anderson

Councillor Tom Hunt

Councillor John Rigg

Councillor James Steel

Councillor Cait Taylor

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 (2021- 2025)

Our Vision:

A green, thriving town and villages where people have the homes they need, access to quality employment, with strong and safe communities that come together to support those needing help.

Our Mission:

A trusted, efficient, innovative, and transparent Council that listens and responds quickly to the needs of our community.

Our Values:

- We will put the interests of our community first.
- We will listen to the views of residents and be open and accountable in our decision-making.
- We will deliver excellent customer service.
- We will spend money carefully and deliver good value for money services.
- We will put the environment at the heart of our actions and decisions to deliver on our commitment to the climate change emergency.
- We will support the most vulnerable members of our community as we believe that every person matters.
- We will support our local economy.
- We will work constructively with other councils, partners, businesses, and communities to achieve the best outcomes for all.
- We will ensure that our councillors and staff uphold the highest standards of conduct.

Our strategic priorities:

Homes and Jobs

- Revive Guildford town centre to unlock its full potential
- Provide and facilitate housing that people can afford
- Create employment opportunities through regeneration
- Support high quality development of strategic sites
- Support our business community and attract new inward investment
- Maximise opportunities for digital infrastructure improvements and smart places technology

Environment

- Provide leadership in our own operations by reducing carbon emissions, energy consumption and waste
- Engage with residents and businesses to encourage them to act in more environmentally sustainable ways through their waste, travel, and energy choices
- Work with partners to make travel more sustainable and reduce congestion
- Make every effort to protect and enhance our biodiversity and natural environment.

Community

- Tackling inequality in our communities
- Work with communities to support those in need
- Support the unemployed back into the workplace and facilitate opportunities for residents to enhance their skills
- Prevent homelessness and rough-sleeping in the borough

AGENDA

ITEM NO.

1 APOLOGIES FOR ABSENCE AND NOTIFICATION OF REPLACEMENTS

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 - 8)

To confirm the minutes of the meeting of the Committee held on 26 May 2022 as a correct record.

4 ALLEN HOUSE GROUNDS, GUILDFORD (Pages 9 - 12)

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 26 May 2022.

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EXECUTIVE SHAREHOLDER AND TRUSTEE COMMITTEE

26 May 2022

- * Councillor Joss Bigmore (Chairman)
- * Councillor Julia McShane (Vice-Chairman)
- * Councillor John Redpath

*Present

Councillor Angela Goodwin was also in remote attendance.

Action By

1. APOLOGIES FOR ABSENCE AND NOTIFICATION OF REPLACEMENTS

There were no apologies for absence.

2. DISCLOSURE OF INTERESTS

There were no declarations of interest.

3. MINUTES

The minutes of the meeting held on 24 February 2022 were confirmed as correct. The Chairman signed the minutes.

4. SUTHERLAND MEMORIAL PARK - CRICKET PAVILION

Sutherland Memorial Park was donated as a charitable bequest in 1954 by the Duke of Sutherland as a memorial to residents of Burpham who were killed on active service during the Second World War. The Council was the sole trustee of the charitable trust for the Burpham War Memorial Trust. The Cricket Pavilion was currently used Guildford City Cricket Youth Project (GCCYP) who play cricket on the park.

On 24 August 2021, the Executive Shareholder and Trustee Committee had approved that GCCYP be permitted to continue to hire the pavilion when required and whilst respecting the hours of the other licenced user. However, GCCYP's use of the pavilion fell outside of the terms of hire arrangements and it was necessary to regularise GCCYP's use by way of a licence in order to protect the Council's interest and a lease of an area within the pavilion for storage of equipment.

Members of the Committee noted the valued contribution made by GCCYP to local young peoples' health and well-being and recognised the importance of regularising the arrangements between the Project and the Council. Consequently, the Committee,

RESOLVED: That the Head of Asset Management be authorised to grant a licence, outside of the Nursery operating hours, to Guildford City Cricket Youth Project in respect of their use of the Cricket Pavilion at Sutherland Memorial Park as well as a lease of a storage area within the building.

Damien
Cannell

Reason(s):

1. To regularise the usage of the pavilion, secure the ongoing community amenity and protect the Council's interests. Regularising the GCCYP's occupation will protect the Council as currently the responsibilities between the Council as Landlord and GCCYP 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.

5. GUILDFORD SPORTS GROUND CHARITY ANNUAL RETURNS FOR THE YEARS ENDING 31 MARCH 2020 & 31 MARCH 2021

The Executive Shareholder and Trustee Committee acted as the Charity's sole Trustee. The Committee considered a report that presented the Charity's Annual Account Returns year ending 31 March 2020 and 31 March 2021 and the Annual Trustee report for approval.

The Chairman introduced the report and thanked the Independent Examiner, Sue Sturgeon.

The Committee noted some minor errors in the report. The rental income for 2019-2020 carried across to 2020-21 should be corrected. The charity's annual accounts for 2020-21 on page 96 should read 31 March 2021. The errors would be corrected prior to submission. Consequently, the Committee,

RESOLVED:

1. To approve the Annual Trustee Report and the Annual Accounts year ending 31 March 2020 and 31 March 2021, as set out in Appendices 1, 3, 4 and 6;
2. To note the report of the Independent Examiner, as set out in Appendices 2 and 5; and
3. To authorise the Lead Specialist (Legal) to submit the Annual Trustee Report, Annual Accounts and the Independent examiner's report to the Charity Commission supported by the relevant department(s).

Victoria
Worsfold

Reason(s):

To comply with the legal requirement that the Charity must keep its registered details up to-date. 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.

The meeting finished at 6.10 pm

Signed

Date

Chairman

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Executive Shareholder and Trustee Committee Report

Ward(s) affected: Holy Trinity

Report of Strategic Services Director

Author: Steve Benbough, Strategy and Communications Manager

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Email: stephen.benbough@guildford.gov.uk

Lead Councillor responsible: James Steel

Tel: 07971 525298

Email: james.steel@guildford.gov.uk

Date: 23 June 2022

Allen House Grounds, Guildford

Executive Summary

Allen House Grounds were bequeathed to us over 100 years ago by the then owner for use as a public recreation ground. The land is subject to restrictive covenants prohibiting the production, sale, and consumption of alcohol and the land can only be used for the purpose of public walks and pleasure grounds which benefit the inhabitants of the borough. Due to the charitable status of the land, any income generated by Allen House Grounds must be used in the best interests of the charity and the land's purpose.

Allen House Grounds is a good location for community events that are enjoyed by, and would be of benefit to, our residents. Such events also generate income to help maintain the park to high standards for visitors. We believe that it would be in the best interests of the trust to permit events serving alcohol, subject to all necessary licencing requirements being met. As we have been unable to trace descendants of the original owner to negotiate the release of the restrictive covenants, we are recommending that we take out indemnity insurance against any potential claims relating to alcohol being served at the site.

Recommendation to Committee

- (1) That consent be given to holding events that include the sale and consumption of alcohol at Allen House Grounds, Guildford.
- (2) That indemnity insurance be taken against potential claims relating to the restrictive covenants prohibiting the sale and consumption of alcohol at Allen House Grounds.

Reason(s) for Recommendation:

To permit events involving the sale and consumption of alcohol at Allen House Grounds, which will generate income for the trust and help fund the upkeep of the park.

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

1. Purpose of Report

- 1.1 We are asking the Committee to agree that events including the sale and consumption of alcohol should be permitted in Allen House Grounds.

2. Strategic Priorities

- 2.1 The wide programme of events that takes place in the borough each year supports our business community by attracting visitors and increasing town centre footfall. Allen House Grounds is an excellent location for events and its extended use would enhance the current programme.
- 2.2 Permitting events in Allen House Grounds would also provide new fundraising opportunities for the Matrix Trust which operates a café in the park. This would support its work with vulnerable young people in the borough.

3. Background

- 3.1 Allen House Grounds is located in Guildford town centre, a short walk from the High Street. It comprises a multi-sports court, an open space for relaxing and picnicking and a Lewis Carroll themed garden aimed at families. The Hideaway Café, a new social enterprise café, also operates within the park. The café is an initiative of the Matrix Trust, a local charity working with vulnerable young people across Guildford.
- 3.2 Allen House Grounds was gifted to the Council in 1914. We hold the land as the sole charitable trustee. The deed of gift and our title state that the land can only be used for the purposes of public walks and pleasure grounds and the production, sale, and consumption of alcohol is prohibited. Any income generated by Allen House Grounds must be invested back into the trust and cannot be used elsewhere by the Council.
- 3.3 Prior to the pandemic, we received several applications for events in Allen House Grounds for summer 2020. However, by this time, we had become aware of the restrictions on the use of the park and were unable to grant permission for those involving alcohol.
- 3.4 Allen House Grounds is ideally located for small to medium sized events for the local community to enjoy and they generate income to help ensure

that the grounds are kept welcoming for all who visit. Permitting alcohol would extend the range of events that could be hosted in the park. The Matrix Trust has also approached us about serving alcohol at fundraising and other events at the Hideaway Café to support its charitable work with young people.

- 3.5 We have been unable to contact any descendants of the original owner to negotiate the removal of the restrictive covenants. On that basis, our preferred approach is to allow events serving alcohol in the park, but for us to take out indemnity insurance against any potential claim. We require the consent of this Committee due to the charitable status of the land and, acting as trustees, a decision must be made that is in the best interests of the trust.

4. Consultations

- 4.1 The Lead Councillor for Environment has been consulted and supports the recommendations contained in the report. Local ward councillors have been consulted and any comments received will be reported at the meeting.

5. Key Risks

- 5.1 We have been unable to contact any descendants of the original owner to negotiate removal of the restrictive covenant. The risk of enforcement of the restrictive covenants by a beneficiary seems remote and an unrelated member of the public could not make a successful claim. However, we are proposing to take out indemnity insurance against any potential claim.
- 5.2 If we allow Allen House Grounds to be used for events and for alcohol to be served, we still risk receiving complaints that the land should not be used in this way.

6. Financial Implications

- 6.1 There will be a small annual cost in the region of £200 for the indemnity insurance policy, whilst permitting events serving alcohol at Allen House Grounds is likely to generate additional income of several thousand pounds.

7. Legal Implications

- 7.1 As mentioned above, we have been unable to trace the beneficiaries to negotiate changes to the restrictive covenants contained in the deed of gift for Allen House Grounds. This means that a beneficiary could bring a claim for damages or an injunction to stop any further sale or consumption of alcohol. Therefore, we are proposing to take out indemnity insurance against any potential claim.

- 7.2 Organisers would be required to obtain the necessary licensing consents in relation to any events, including in relation to the sale of alcohol. As such, the licence holder would be required to uphold the licensing objectives on the prevention of crime and disorder, prevention of nuisance, public safety and protection of children from harm.

8. Human Resource Implications

- 8.1 Any increase in the number of applications for events at Allen House Grounds would be managed within existing staffing resources.

9. Equality and Diversity Implications

- 9.1 There are no equality and diversity implications arising from this report.

10. Climate Change/Sustainability Implications

- 10.1 There are no climate change or sustainability implications arising from this report.

11. Summary of Options

- 11.1 The options are whether events including alcohol should be permitted at Allen House Grounds or not.

12. Conclusion

- 12.1 Allen House Grounds is an excellent location for small to medium sized events that would be enjoyed by the local community. Such events also generate income to help maintain the park to high standards for visitors. Therefore, we believe that it would be in the best interests of the trust to permit events serving alcohol.

13. Background Papers

None

14. Appendices

None