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Contact Officer:

John Armstrong, Democratic Services Manager  
Tel: 01483 444102

24 April 2018

Dear Councillor

Your attendance is requested at a meeting of the **EXECUTIVE SHAREHOLDER AND TRUSTEE COMMITTEE** to be held in Committee Room 1 - Chantryes, Millmead House, Millmead, Guildford, Surrey, GU2 4BB on **WEDNESDAY 2 MAY 2018** at 10.30 am.

Yours faithfully

James Whiteman  
Managing Director

**MEMBERS OF THE EXECUTIVE SHAREHOLDER AND TRUSTEE COMMITTEE**

Chairman:

Councillor Paul Spooner

(Leader of the Council and Lead Councillor for Planning and Regeneration)

Vice-Chairman:

Councillor Matt Furniss

(Deputy Leader of the Council and Lead Councillor for Infrastructure and Governance)

Councillor Richard Billington, Lead Councillor for Rural Economy, Countryside, Parks and Leisure

Councillor Michael Illman, Lead Councillor for Finance and Asset Management

Councillor Iseult Roche, Lead Councillor for Project Aspire, Health, Safeguarding and Sport

**Authorised Substitute Members:**

Councillor David Bilbé, Lead Councillor for Economic Development and Tourism

Councillor Philip Brooker, Lead Councillor for Housing and Environment

Councillor Geoff Davis, Lead Councillor for Special Projects and Social Enterprise

Councillor Graham Ellwood, Lead Councillor for Licensing and Community Safety

Councillor Nikki Nelson-Smith, Lead Councillor for Social Welfare, Heritage and the Arts

**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.

### Five fundamental themes that support the achievement of our vision:

- **Our Borough** - ensuring that proportional and managed growth for future generations meets our community and economic needs
- **Our Economy** - improving prosperity for all by enabling a dynamic, productive and sustainable economy that provides jobs and homes for local people
- **Our Infrastructure** - working with partners to deliver the massive improvements needed in the next 20 years, including tackling congestion issues
- **Our Environment** - improving sustainability and protecting our countryside, balancing this with the needs of the rural and wider economy
- **Our Society** - believing that every person matters and concentrating on the needs of the less advantaged

**Your Council** – working to ensure a sustainable financial future to deliver improved and innovative 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.

### Mission – for the Council

A forward looking, efficiently run Council, working in partnership with others and providing first class services that give our society value for money, now and for the future.

## AGENDA

### 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.

#### **3 MINUTES** (Pages 1 - 4)

To confirm the minutes of the meeting of the Committee held on 26 September 2017 as a correct record.

#### **4 WOODBRIDGE ROAD SPORTSGROUND PAVILION NAMING** (Pages 5 - 8)

#### **5 EXCLUSION OF THE PUBLIC**

The reason for considering this matter in private is due to the likely disclosure of exempt information as defined in paragraph 2 of Part 1 of Schedule 12A to the Local Government Act 1972, which is information likely to reveal the identity of an individual.

The Executive is therefore asked to consider passing the following resolution:

"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 the following item of business on the grounds that it involves the likely disclosure of exempt information as defined in paragraph 2 of Part 1 of Schedule 12A to the Act."

#### **6 WOODBRIDGE ROAD SPORTSGROUND PAVILION NAMING: SUGGESTION FROM GUILDFORD CRICKET CLUB** (Pages 9 - 10)

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## EXECUTIVE SHAREHOLDER AND TRUSTEE COMMITTEE

26 September 2017

\* Councillor Paul Spooner (Chairman)  
\* Councillor Matt Furniss (Vice-Chairman)

\* Councillor Richard Billington  
\* Councillor Michael Illman  
\* Councillor Iseult Roche

\*Present

### 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 GUILDFORD SPORTS GROUND CHARITY ANNUAL RETURNS FOR YEAR ENDED 31 MARCH 2016

The Executive Shareholder and Trustee Committee was required to complete and submit Charity Annual Account returns and the Charity Annual Trustee Report to the Charity Commission on behalf of the Guildford Sports Ground charity, also known as Woodbridge Road Sports Ground ("the Charity"). The Charity Annual Account returns for the year ending 31 March 2016 were submitted on 31 May 2017.

The Committee

RESOLVED:

- (1) That the Guildford Sports Ground Charity Annual Account returns for the year ending 31 March 2016, as set out in Appendix 1 to the report submitted to the Committee, be noted.
- (2) That the Principal Corporate Services Solicitor be authorised, in consultation with the Chairman and the Parks and Landscape Manager, to draft the Charity's Annual Trustee Report for the year ending 31 March 2016.

Reason for Decision:

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.

### 4 WOODBRIDGE ROAD SPORTSGROUND - VARIATION OF THE TRUST TO REMOVE DESIGNATED LAND

Guildford Borough Council, as the Sole Trustee of the Woodbridge Road Sportsground Charitable Trust, (Charity Number 305056) (The Trust) had undertaken a consultation in accordance with Section 121(2) of the Charities Act 2011 in respect of the disposal of the Groundsman's Cottage at Woodbridge Road Sportsground by way of variation of the Trust to remove designated land. The Cottage was surplus to requirements as there was no longer a need for a residential groundsman on the site and the cottage was restricted for this purpose.

Therefore, the cottage was a liability and burden to the Trust as it was vacant and could not be occupied under the restrictions of the Trust.

Having noted that no representations had been received, the Committee

RESOLVED:

- (1) That the Woodbridge Road Sportsground Trust be varied to remove the restriction on keeping the Groundsman's Cottage as designated land to allow for the disposal of the property with the proceeds being subject to the terms of the Trust.
- (2) That the capital receipt be invested specifically in refurbishing the existing pavilion to provide fit for purposes changing rooms, toilets and clubroom to enable the playing of sports and other activities in accordance with the vesting deed to support current and further use by the community.

Reason for Decision:

To fulfil the role of sole trustee considering the vesting deed and to further the purposes of the trust.

## **5 SHAREHOLDER GENERAL MEETING FOR NORTH DOWNS HOUSING LIMITED AND GUILDFORD BOROUGH COUNCIL HOLDINGS LIMITED**

The Committee was provided with details of the nominated Directors and Company Secretary to the boards of North Downs Housing Limited and Guildford Borough Council Holdings Limited. The Committee also received copies of the approved Business Plan for North Downs Housing Limited, and the delegation matrix.

The Committee

RESOLVED:

- (1) That the proposed appointment of the following persons as Directors, for a period of four years, be supported:

### **Guildford Borough Council Holdings Ltd**

- Adrian Maunders: Chief Executive, English Rural Housing
- Andrew Hodges: Accountant (Retired)
- Dennis Paul: Councillor, Guildford Borough Council
- James Whiteman: Managing Director, Guildford Borough Council

### **North Downs Housing Ltd**

- Sarah Creedy: Chair – Strategic Policy Direction – Lawyer (Retired)
- Gordon Jackson: Councillor, Guildford Borough Council
- Nigel Manning: Councillor, Guildford Borough Council
- Steve White: Deputy Managing Director, Guildford Borough Council
- Sue Reekie: Accountant (Retired)

- (2) That the resignation of a Director to the board of the Holding Company, be noted.
- (3) That the Delegation Matrix, as set out in Appendix 1 to the report submitted to the Committee, be noted.

- (4) That the approved Business Plan for the Housing Company, as set out in Appendices 2 and 3 of the report, be noted.

Reason for Decision:

To promote good governance by demonstrating a separation between the Council's role as the Municipal Authority and the Council's role as sole shareholder in the Companies.

The meeting finished at 6.09 pm

Signed .....

Chairman

Date .....

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Executive Shareholder and Trustee Committee Report

Report of Director of Environment

Author: Paul Stacey (Parks and Landscape Manager)

Tel: 01483 444720

Email: [Paul.Stacey@guildford.gov.uk](mailto:Paul.Stacey@guildford.gov.uk)

Lead Councillor responsible: Paul Spooner

Tel: 07970 953232

Email: [Paul.Spooner@guildford.gov.uk](mailto:Paul.Spooner@guildford.gov.uk)

Date: 2 May 2018

## Woodbridge Road Sportsground Pavilion Naming

### Executive Summary

Following completion of the refurbishment works to the Woodbridge Road Sportsground Pavilion, the Committee is asked to consider options for the naming of the Pavilion.

### Recommendation to Committee

- (1) The Committee, acting in the capacity as Trustee, is requested to advise on the following options whether:
  - (i) There is a will to name the pavilion, or leave the venue under its charitable trust name of the 'Guildford Sportsground'
  - (ii) There is a will to name the pavilion or a room after the person nominated by Guildford Cricket Club (see "Not for Publication" item 6 elsewhere on this agenda)
  - (iii) There is a will to name the pavilion or a room after Sir Harry Waechter
  - (iv) There is a will to name the pavilion:
    - (a) The Guildford Pavilion,
    - (b) Guildford Sports Pavilion
    - (c) Guildford Cricket Pavilion
    - (d) Guildford Sportsground Pavilion
    - (e) Guildford Sportsground
- (2) That the Parks and Landscape Manager be authorised, in consultation with the Leader of the Council, to approve any future change in the name of the Pavilion at Woodbridge Road Sportsground.

### Reasons for Recommendation:

To fulfil the role of sole trustee in considering a name for the refurbished Pavilion and to further the purposes of the trust.

## **1. Purpose of Report**

- 1.1 To ask the Committee, acting on behalf of the Council in its role as Sole Trustee, to agree a name for the refurbished Pavilion at Woodbridge Road Sportsground.

## **2. Background**

- 2.1 Guildford Borough Council acting as the Sole Trustee for the Woodbridge Road Sportsground Charity has recently completed the refurbishment and extension of the pavilion on the Woodbridge Road Sportsground Charitable Trust (Registered Charity Name, 'Guildford Sportsground', Registered Charity Number: 305056). The original pavilion was built in 1938.

- 2.2 A Charitable Trust of the Woodbridge Road Sportsground land was created on 9 August 1912 by a deed of conveyance and declaration of trust (the Vesting Deed) executed on that date by Sir Harry Waechter who, several months earlier, acquired two parcels of leasehold land from the Earl of Onslow to form the sportsground. The second recital of the vesting deed is in the following terms and recognises that the site had long been used for recreational purposes:

*'Whereas said lands have been for some years used and occupied for the purpose of playing cricket, football, hockey, lawn tennis and other pastimes and the Donor being interested in the welfare of the said borough has had the same conveyed and assured to him as hereinafter mentioned with the sole object and purpose of effectually securing that such user shall continue for the benefit of the inhabitants of the said borough...'*

- 2.3 Guildford Borough Council (GBC) owns the freehold of the Woodbridge Road Sportsground (including its associated land and buildings) as the sole charitable trustee under a charitable trust (registered charity number: 305056). The site became an unincorporated charity, which was registered with the Charity Commission on 15 September 1964.

- 2.4 The larger part of the sportsground has been the home of Guildford Cricket Club since 1922 and a formal lease was entered into from 1 April 2002 for a period of 25 years. The Club, together with Surrey County Cricket Club, have delivered an annual cricket festival for 75 years at the site. Along with a pavilion, a small number of outbuildings have been developed since the 1960s including a scorers hut and garages for grounds maintenance equipment.

## **3. Issues arising**

- 3.1 The Council needs to evaluate this in its duty as the sole trustee and not the Council, primarily acting in the best interests of the charity which is to deliver public benefit to the area of benefit (the borough of Guildford), in accordance with the charitable objects which is to manage the venue for outdoor sports, recreation and ancillary activities and to further the charity.
- 3.2 The pavilion has sponsorship potential, which the Council is exploring with its sponsorship partner, SNAP; therefore the name needs to be attractive to a potential sponsor for example 'The Kia Oval'.
- 3.3 The name needs to support the identification of the charitable trust and its objects and gives the opportunity for a number of name combinations relating to the charitable trust's registered name of the 'Guildford Sportsground'.

- 3.4 Currently, our operating partner Oval Events Limited are marketing the venue as the Guildford Cricket Pavilion under similar branding to their other operations at the Oval and University College London as shown below.

# THE GUILDFORD CRICKET PAVILION



- 3.5 Clearly, Cricket has a long history with the site, along with Guildford Cricket Club's occupation and use, and the development of the festival, which has seen first class cricket played in Guildford for many years.
- 3.6 In terms of significance, if there is a will to name after a person, consideration needs to be given to Sir Harry Waechter, the original donor of the site.

#### 4. Options and decision required

- 4.1 The Committee, acting in the capacity as Trustee, is requested to advise on the following options whether:
- (i) There is a will to name the pavilion, or leave the venue under its charitable trust name of the 'Guildford Sportsground'
  - (ii) There is a will to name the pavilion or a room after the person nominated by Guildford Cricket Club (see "Not for Publication" item 6 elsewhere on this agenda)
  - (iii) There is a will to name the pavilion or a room after Sir Harry Waechter
  - (iv) There is a will to name the pavilion:
    - (a) The Guildford Pavilion,
    - (b) Guildford Sports Pavilion
    - (c) Guildford Cricket Pavilion
    - (d) Guildford Sportsground Pavilion
    - (e) Guildford Sportsground
- 4.2 Officers recommend that either options 4(a) **The Guildford Pavilion**, 4(b) **Guildford Sports Pavilion** or 4(e) **Guildford Sportsground** are used as these reflect the charitable trust's purposes and give flexibility with a potential major sponsor to add their company to the name in the future.

- 4.3 In that regard, it is also proposed to delegate authority to the Parks and Landscape Manager, in consultation with the Leader of the Council, to approve any future change in the name of the Pavilion at Woodbridge Road Sportsground

**5. Human Resource Implications**

- 5.1 There are no human resource implications arising from this report.

**6. Financial Implications**

- 6.1 There are no financial implications arising from this report.

**7. Legal Implications**

- 7.1 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, and has powers to take enforcement action against charities where there is malpractice or misconduct.

**8. Background Papers**

None

**9. Appendices**

None

By virtue of paragraph(s) 2 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

Agenda item number: 6

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