

STATEMENT OF EXECUTIVE SHAREHOLDER AND TRUSTEE COMMITTEE DECISIONS

Tuesday, 25th September, 2018

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 Paul Spooner (Lead Councillor for Partnerships, Planning and Regeneration)

• Vice-Chairman:

* Councillor Matt Furniss (Lead Councillor for Infrastructure and Governance)

* Councillor Geoff Davis, Lead Councillor for Social Enterprise and Voluntary Sector
Councillor Nigel Manning, Lead Councillor for Finance and Asset Management
Councillor Iseult Roche, Lead Councillor for Community Health, Wellbeing, and Project
Aspire

*Present

Councillors David Elms and Caroline Reeves were also in attendance.

**Agenda
Item No.**

**Officer(s) to
action Item**

1. **APOLOGIES FOR ABSENCE AND NOTIFICATION OF SUBSTITUTES**
Apologies for absence were received from Councillor Nigel Manning. Councillor Graham Ellwood attended as his substitute.
2. **DISCLOSURE OF INTERESTS**
There were no disclosures of interest.
3. **MINUTES**
the minutes of the meeting of the Committee held on 2 May 2018 were agreed as a correct record.
4. **CONSULTATION: MAKING THE MOST OF GUILDFORD SPORTS GROUND AT WOODBRIDGE ROAD**

The Trustee and Shareholder Committee agreed:

To lease the Sportsground to a management company or committee to deliver its day to day management responsibilities in accordance with the charitable objects of the site, subject to:

- i) agreement between the trustee and company or committee,

and,

ii) in accordance with the requirements of the Charities Act 2011.

Reasons for Recommendations:

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

Alternative Options:

None.

5. FUTURE USE OF FOXENDEN DEEP SHELTER

The Executive Shareholder and Trustee Committee gave approval to undertaking a public consultation regarding the modification or removal of the restrictive user covenants in respect of the Foxenden Deep Shelter.

Alex Duggan

Reason(s) for Recommendation:

The Shelter is currently disused and may require expenditure to avoid structural failure. If the Trust proceeds with an application to the Charity Commission and this application is successful, the likelihood of being able to obtain a tenant increases, thereby creating a potential income stream for the Trust.

Alternative Options:

1. The Trust could leave the Shelter in its current state but it is likely that works will be required in future to prevent structural failure.
2. If the Trust proceeds with the public consultation and is successful in applying to the Charity Commission then it could market the Shelter. Given the previous interest expressed in the Shelter and the requirements of the Charities Act 2011 on achieving best consideration for the charity, it would be prudent to offer the Shelter on the open market before entering into a lease.

6. GUILDFORD SPORTS GROUND CHARITY ANNUAL RETURNS YEAR ENDING 31 MARCH 2018

The Executive, Shareholder and Trustee Committee:

1. Agreed that the Annual Trustee Report was approved and also the Annual Accounts year ending 31 March 2017, as set out in Appendix 1 & 2;
2. Noted the report of the Independent Examiner, as set out in Appendix 4; and
3. Authorised the Principal Corporate Services Solicitor to submit the Annual Trustee Report, Annual Accounts and the Independent examiner's report to the Charity Commission supported by the relevant department(s).

Reason for Recommendation:

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.

Alternative Options:
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 Council
- may 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.