



**STATEMENT OF EXECUTIVE SHAREHOLDER AND TRUSTEE COMMITTEE DECISIONS**

Tuesday 27th November 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

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

Vice-Chairman:

\* Councillor Matt Furniss (In the Chair)

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

\* Councillor Philip Brooker, Lead Councillor for Housing and Development Management

\* 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

Councillor Caroline Reeves was 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 Paul Spooner.  
Councillor Philip Brooker was present as a substitute for Councillor Paul Spooner.

**2. DISCLOSURE OF INTERESTS**

There were no declarations of pecuniary or non-pecuniary interests.

**3. MINUTES**

The minutes of the meeting of the Executive Shareholder and Trustee Committee held on 25 September 2018 were confirmed as a correct record, and signed by the Chairman.

**4. FUTURE USE OF FOXENDEN DEEP SHELTER**

Decision:

- (1) That the Executive Shareholder and Trustee Committee approves the submission of an application to the Charity

Alex Duggan

Commission to:

- (a) remove the restrictive covenants relating to alcohol so that they do not apply to Allen House Grounds or to Foxenden Deep Shelter; and
  - (b) modify the restrictive user clause relating to public walks and pleasure grounds, so that it only applies to Allen House Grounds and does not apply to Foxenden Deep Shelter.
- (2) That, should the application referred to in paragraph (1) (a) above fail, the Director of Community Services be authorised to submit a further application to the Charity Commission to seek approval to modify the covenants, so that they do not apply to Foxenden Deep Shelter.

Reasons:

- To allow the Council to seek a tenant of Foxenden Deep Shelter on behalf of the Trust.
- To allow activities such as events to take place on Allen House Grounds.
- To generate an income for the Trust and help fund works to take place to preserve Foxenden Deep Shelter.

Alternative options considered and rejected by the Executive Shareholder and Trustee Committee:

- Option One – Do not proceed with an application to the Charity Commission. The Shelter would remain closed and the Council would undertake any structural works that are required on behalf of the Trust.
- Option Two – modify the restrictive covenants, so that they do not apply to the Shelter. The restrictive covenants would still apply to Allen House Grounds but would no longer apply to the Shelter, which would increase the opportunity to let the Shelter.

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 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](mailto: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.