

EXECUTIVE SHAREHOLDER AND TRUSTEE COMMITTEE

MINUTES OF MEETING HELD ON TUESDAY 27 NOVEMBER 2018

Present:-

Councillor Matt Furniss, Lead Councillor for Infrastructure and Governance (Vice-Chairman)
(In the Chair)

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 Caroline Reeves was also in attendance

Action By

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

The Executive Shareholder and Trustee Committee considered a report, introduced by the Lead Councillor for Finance and Asset Management, which provided an update in respect of the outcome of the public consultation regarding the future use of Foxenden Deep Shelter and sought approval to proceed with an application to the Charity Commission.

Alex Duggan

The Committee was reminded that interest in utilising the Shelter had been received. However, the use of the Shelter was limited by covenants restricting the use to public walks and pleasure grounds and prohibitions on the production, sale and consumption of alcohol. There were also significant works required to make the Shelter safe and bring it into a usable condition.

Although the works to the Shelter could be undertaken by an incoming tenant, the covenants would need to be modified or removed in order to seek a tenant. Removal of the restrictive covenants relating to alcohol could also benefit Allen House Grounds above the Shelter by allowing activities to take place that complemented the use of the land e.g. occasional food festivals and other events during which alcohol could be sold.

Removal or modification of the restrictive covenants required consent from the Charity Commission. Prior to submitting an application to the Charity Commission, it was necessary to undertake a four week public

consultation. The consultation ran from 8 October 2018 until 5 November 2018 and asked for the public's views on the following options:

- 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 were 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.
- Option Three – remove the restrictive covenants, so that they do not apply to the Shelter or Allen House Grounds.

The Council received thirty-two responses. Fourteen of these responses were supportive of Option 3, ten were in favour of Option 2 and eight were in favour of Option 1.

A local Ward Councillor present at the meeting expressed her support for the recommendation to remove the restrictive covenants and commented that many people responding to the associated consultation had indicated their appreciation of the shelter and grounds.

RESOLVED

- (1) That the submission of an application to the Charity Commission be approved 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 for Recommendations:

- 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.

Signed Dated