

EXECUTIVE SHAREHOLDER AND TRUSTEE COMMITTEE

MINUTES OF MEETING HELD ON TUESDAY 25 SEPTEMBER 2018

Present:-

Councillor Paul Spooner, Lead Councillor for Partnerships, Planning and Regeneration
Councillor Matt Furniss, Lead Councillor for Infrastructure and Governance
Councillor Geoff Davis, Lead Councillor for Social Enterprise and Voluntary Sector
Councillor Graham Ellwood, Lead Councillor for Licensing, Environmental Health, and Community Safety

Councillors David Elms and Caroline Reeves were also present.

Action By

12. APOLOGIES FOR ABSENCE AND NOTIFICATION OF SUBSTITUTES

Apologies for absence were received from Councillor Nigel Manning.
Councillor Graham Ellwood was present as a substitute for Councillor Nigel Manning.

13. DISCLOSURE OF INTERESTS

There were no disclosures of interest.

14. MINUTES

The minutes of the meeting of the Executive Shareholder and Trustee Committee held on 2 May 2018 were agreed as a correct record, and signed by the Chairman.

15. CONSULTATION: MAKING THE MOST OF GUILDFORD SPORTS GROUND AT WOODBRIDGE ROAD

As Sole Trustee of the Guildford Sportsground charitable trust, the Council had undertaken a consultation in respect of the options available to manage the venue following the refurbishment of the pavilion. The Committee considered a report which set out the background to the site, the consultation undertaken and the consultation responses received. The report also invited the Committee to consider a recommendation to broaden and increase community use to further public benefit with key stakeholders committed to furthering the aims and objectives of the trust and to enable the Trustee to put in place effective controls and monitoring to ensure that public benefit was delivered.

There had been one consultation response received for the Trustee to consider. This was submitted by Guildford Sea Cadets seeking clarification that there would be no change in the status of their lease. The Committee confirmed that the proposed future management of the Sportsground would have no impact on the lease held by Guildford Sea Cadets.

RESOLVED:

That the Sportsground be leased 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:

- (1) agreement between the Trustee and company or committee; and
- (2) operation in accordance with the requirements of the Charities Act 2011.

Reasons for Recommendation:

To fulfil the role of Sole Trustee considering the vesting deed and to further the purposes of the trust.

16. FUTURE USE OF FOXENDEN DEEP SHELTER

A report concerning the future use of Foxenden Deep Shelter was before the Committee for consideration. The Shelter, which was constructed in 1941 and consisted of approximately 230 metres of 2½ - 3 metre high tunnels located 15 metres beneath Allen House Grounds, was formerly opened to the public on heritage days but closed in 2010 on safety grounds. There were various works required to make the Shelter suitable for public access and the cost of the works combined with management costs could not be justified to allow infrequent public access.

Alex Duggan

Allen House Grounds were gifted to the Council in 1914 and the Shelter was subject to the same restrictive legal covenants and charitable status as the Grounds. These restrictions included sole use as public gardens and pleasure grounds and also a prohibition on the sale, production and consumption of alcohol and could only be modified or removed if the Charity Commission approved an application for this purpose. The Charity Commission's approval would also need to be obtained for the grant of a lease of the Shelter. Any disposal must achieve best consideration and be in the best interests of the Charity. Prior to submitting the application to the Charity Commission, a 4 week public consultation in respect of the proposals must be undertaken.

The Council was the sole charitable trustee of the Shelter and Grounds and the Executive had delegated related decision-making to the Executive Shareholder and Trustee Committee. Following completion of the public consultation, the outcome of the consultation must be reported to the Committee and a decision must be taken by the Committee as to whether to proceed with the application to the Charity Commission. The process was likely to be lengthy.

If the Trust proceeded with an application to the Charity Commission then the application would be either to remove the restrictions on alcohol and use entirely or amend them so they did not apply to the Shelter. The Council's Parks and Leisure Services favoured the removal of the restrictions to enable events to take place on the Grounds.

Regardless of whether the Trust proceeded with a disposal of the Shelter, it may be necessary to address the structural issues. Any expenditure incurred by the Council on the Shelter must be treated as charity expenditure on behalf of the Trust and accounted for accordingly. Equally, any income received from leasing the Shelter must be used for the benefit of the Trust. An incoming tenant may agree to undertake the required works in return for a rent free period and there may be grant funding available from external funders to cover or contribute to the cost of works. If the Trust proceeded with an application to the Charity Commission and this application was successful then the likelihood of being able to obtain a tenant increased,

thereby creating a potential income stream for the Trust.

The future use of the Shelter had been discussed by the Place-making and Innovation Executive Advisory Board on 10 September 2018 and the Board had indicated its support for this Committee to authorise the undertaking of a public consultation concerning the removal of the restrictive covenants and the grant of a lease of the Shelter.

The Committee acknowledged that the Shelter was popular with the public who would appreciate access to it. As Allen House Grounds were also popular it would be advantageous to lift the restrictive covenants relating to both to enable the sale, production and consumption of alcohol.

RESOLVED:

That a public consultation regarding the modification or removal of the restrictive user covenants in respect of the Foxenden Deep Shelter be undertaken.

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.

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

The Committee considered a report presenting the Guildford Sports Ground Charity's Annual Account Returns for the year ending 31 March 2017 and the Annual Trustee report for approval. The report explained the legal requirement to submit the Charity's Annual Trustee Report and accounts to the Charity Commission.

The terms of reference for the Committee included the completion and submission of Charity Annual Account returns and the Charity Annual Trustee Report to the Charity Commission on behalf of the Guildford Sports Ground charity.

The Committee expressed its appreciation of the revitalised Sports Ground facility for use by the wider public.

RESOLVED:

1. That the Committee approve the Annual Trustee Report and the Annual Accounts for the year ending 31 March 2017, as set out in Appendices 1 and 2 of the report;
2. That the Committee note the report of the Independent Examiner, as set out in Appendix 4 of the report; and
3. That the Principal Corporate Services Solicitor be authorised 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.