

# EXECUTIVE SHAREHOLDER AND TRUSTEE COMMITTEE

4 March 2021

- \* Councillor Joss Bigmore (Chairman)
- \* Councillor Caroline Reeves (Vice-Chairman)
- \* Councillor Jan Harwood
- \* Councillor John Redpath

\*Present

Councillors Tim Anderson, Ramsey Nagaty, John Rigg and Paul Spooner were in attendance.

**Action By**

## 5. APOLOGIES FOR ABSENCE AND NOTIFICATION OF SUBSTITUTES

There were no apologies for absence.

## 6. DISCLOSURE OF INTERESTS

There were no declarations of interest.

## 7. MINUTES

The minutes of the meeting held on 1 September 2020 were confirmed as a correct record.

## 8. ANNUAL RETURNS FOR COMPANIES

The annual set of accounts for both North Downs Housing (NDH) and Guildford Borough Council Holdings (GBCH) were presented for the year ending 31 March 2020. The Executive Shareholder and Trustee Committee was asked to review and note the accounts. The Lead Councillor for Resources was in attendance and spoke to the report.

Beejal Soni

NDH gross profit was £407,389 up £214,000 but there had been an increase in operating costs for the year of £134,575. Overall, there was a loss for the year of £374,138. This was approximately half the loss made for the previous year. The Company had over £13 million in fixed assets which was double that of the previous year and cash was four times the level of 2019. Losses before tax was also significantly less than the previous year. Over £6 million worth of new properties was added to the portfolio during the year and the Company had a net worth of just over £13 million at year end. Turnover for the year totalled just over £407,389. However, unrealised revaluation adjustments for Fair Value gave a final loss before tax of £461,900.

GBCH turnover was £407,389 and up on the previous year. There had been an increase on interest paid, administration costs and other charges resulting in a loss of £377,913 for the year and half the loss on the previous year.

The company accounts had been audited by Grant Thornton along with the Guildford Borough Council accounts.

The Executive Shareholder and Trustee Committee noted the report.

## 9. ANNUAL RETURNS FOR CHARITIES

The Executive Shareholder and Trustee Committee considered a report related to the proper administration of Charities administered by Guildford Borough Council. The report set out the legal requirement to submit the Charity's Annual Trustee Report to the Charity Commission.

Beejal Soni

The Committee was asked to review and note the accounts. The Guildford Sportsground charity was the only charity overseen by the Executive Shareholder and Trustee Committee whose income exceeded £25,000 and consequently required a separate Trustees Report to accompany the annual accounts. The Lead Councillor for Resources was in attendance and spoke to the report.

The meeting heard that the rental income for Allen House Grounds (from the Matrix Trust) and Sports Pavilion did not cover its upkeep and it was dependent upon donations. A donation of just over £63,000 had been made by the Council during the accounting period, an increase from £23,800 donated the previous year.

The Burpham War Memorial Recreational Grounds Charity had been bequeathed to the Council. The rental income was insufficient for its upkeep and a donation of £54,711 had been made by the Council during the accounting period. This was up from £4,084 donated by the Council the previous year. Total income was £61,034. This was up from £4,084 the previous year.

The Racks Close Open Spaces Charity had received no income for the accounting period apart from a donation of £514 from the Council down from £2,081 in the previous year.

The Committee observed that it would be useful for the accounting report to include some detail of the background as to how and why the Council had become responsible for the various charities. In addition, detail provided on the expenditure of the donated funds made by the Council might be included as well as why the donations varied, sometimes greatly, year on year. The Specialist Solicitor (Projects, Corporate and Commercial) was able to provide a verbal report setting out some history of the Council's role and relationship with the properties and the legacies associated with them. In all cases there were public access mandates associated with the bequest. It was noted that all the charities had been affected by the Pandemic due to the public access issues arising and this would be more significantly reflected in the accounts for 2020-21.

The Committee requested more context setting and explanation in future reports, including the legacy, location and public activities undertaken in the various locations during the accounting year. There should also be more detail in spreadsheet format drawn from the Council's own budgetary accounts to set out in what ways a capital donation to a charity had been spent.

RESOLVED:

- (i) That the review and approval of the charitable accounts for the Guildford Sportsground Charity be delegated to the Leader of the Council in consultation with the Director of Resources and the Director of Service Delivery; and
- (ii) The charitable accounts for:
  - (a) The Burpham War Memorial Recreational Grounds Charity
  - (b) The Public Walks and Pleasure Grounds Charity
  - (c) The Racks Close Open Spaces Charity
  - (d) The Allen House Charity be approved
- (iii) That the Specialist Solicitor (Projects, Corporate and Commercial) be authorised in consultation with the Director of Resources to complete any documentation pursuant to the submission of charitable accounts to the Charity Commission.

**10. UPDATE ON MANAGEMENT ARRANGEMENTS FOR WOODBRIDGE ROAD SPORTS GROUND CHARITY**

On 1 September 2020, the Executive Shareholder and Trustee Committee authorised an application for an exemption to put in place a new management structure for the Woodbridge Road Sports Ground Charity. The Committee also authorised the Director for Service Delivery, in consultation with the Leader of the Council, to take all steps necessary to implement the decision of the Charity Commission. The Committee confirmed a budget allocation of £100,000 to support the activities of the management company with a long-term aim of becoming self-sufficient. The Charity Commission had confirmed its approval in principle to the arrangements set out in that report.

The Committee considered a report providing an update on the application to the Charity Commission. The accounts for the charity were not included with the report due to a delay affecting all the Council's accounts permitted by Government due to the Pandemic. The accounts would be approved through delegated authority.

Application had been made to the Charity Commission for an Order proposing:

1. Trustees to lease the property falling within the Woodbridge Road Sports Ground Charity for a term of 75 years.
2. The terms of the lease permit either party to the lease to end the arrangement in the 50th year.
3. An initial yearly rent of a peppercorn for the first 5 years of the term, then at the yearly rent of £16,400 for 5 years, and thereafter subject to review every 7 years on an open market rent basis, even though Guildford Sportsground Management Company Limited is a connected person (as defined in section 118 of the Charities Act 2011)
4. A provision for re-entry on non-payment of the rent or non-performance of the covenants.

The Chairman of the Committee gave praise to those officers and

councillors involved in the complex and challenging negotiations that have been involved in reaching an agreeable outcome.

It was noted that a higher fence had recently been installed and a perception of exclusivity around the site. The fence was a request from those living locally for protection purposes. In addition, it was stressed that the Sportsground was very much for the use of the Guildford community and not only for cricket. For agreement from the Charity Commission charitable objectives must be met and would be included in the Order. The Committee requested an annual report demonstrating community use of the Sportsground and the Pavilion.

The Executive Shareholder and Trustee Committee noted the report.

The meeting finished at 4.45 pm

Signed .....

Date

Chairman