

Executive Shareholder and Trustee Committee Report

Ward(s) affected: Holy Trinity

Report of Strategic Services Director

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## Allen House Grounds, Guildford

### Executive Summary

Allen House Grounds were bequeathed to us over 100 years ago by the then owner for use as a public recreation ground. The land is subject to restrictive covenants prohibiting the production, sale, and consumption of alcohol and the land can only be used for the purpose of public walks and pleasure grounds which benefit the inhabitants of the borough. Due to the charitable status of the land, any income generated by Allen House Grounds must be used in the best interests of the charity and the land's purpose.

Allen House Grounds is a good location for community events that are enjoyed by, and would be of benefit to, our residents. Such events also generate income to help maintain the park to high standards for visitors. We believe that it would be in the best interests of the trust to permit events serving alcohol, subject to all necessary licencing requirements being met. As we have been unable to trace descendants of the original owner to negotiate the release of the restrictive covenants, we are recommending that we take out indemnity insurance against any potential claims relating to alcohol being served at the site.

### Recommendation to Committee

- (1) That consent be given to holding events that include the sale and consumption of alcohol at Allen House Grounds, Guildford.
- (2) That indemnity insurance be taken against potential claims relating to the restrictive covenants prohibiting the sale and consumption of alcohol at Allen House Grounds.

Reason(s) for Recommendation:

To permit events involving the sale and consumption of alcohol at Allen House Grounds, which will generate income for the trust and help fund the upkeep of the park.

**Is the report (or part of it) exempt from publication? No**

**1. Purpose of Report**

- 1.1 We are asking the Committee to agree that events including the sale and consumption of alcohol should be permitted in Allen House Grounds.

**2. Strategic Priorities**

- 2.1 The wide programme of events that takes place in the borough each year supports our business community by attracting visitors and increasing town centre footfall. Allen House Grounds is an excellent location for events and its extended use would enhance the current programme.
- 2.2 Permitting events in Allen House Grounds would also provide new fundraising opportunities for the Matrix Trust which operates a café in the park. This would support its work with vulnerable young people in the borough.

**3. Background**

- 3.1 Allen House Grounds is located in Guildford town centre, a short walk from the High Street. It comprises a multi-sports court, an open space for relaxing and picnicking and a Lewis Carroll themed garden aimed at families. The Hideaway Café, a new social enterprise café, also operates within the park. The café is an initiative of the Matrix Trust, a local charity working with vulnerable young people across Guildford.
- 3.2 Allen House Grounds was gifted to the Council in 1914. We hold the land as the sole charitable trustee. The deed of gift and our title state that the land can only be used for the purposes of public walks and pleasure grounds and the production, sale, and consumption of alcohol is prohibited. Any income generated by Allen House Grounds must be invested back into the trust and cannot be used elsewhere by the Council.
- 3.3 Prior to the pandemic, we received several applications for events in Allen House Grounds for summer 2020. However, by this time, we had become aware of the restrictions on the use of the park and were unable to grant permission for those involving alcohol.
- 3.4 Allen House Grounds is ideally located for small to medium sized events for the local community to enjoy and they generate income to help ensure

that the grounds are kept welcoming for all who visit. Permitting alcohol would extend the range of events that could be hosted in the park. The Matrix Trust has also approached us about serving alcohol at fundraising and other events at the Hideaway Café to support its charitable work with young people.

- 3.5 We have been unable to contact any descendants of the original owner to negotiate the removal of the restrictive covenants. On that basis, our preferred approach is to allow events serving alcohol in the park, but for us to take out indemnity insurance against any potential claim. We require the consent of this Committee due to the charitable status of the land and, acting as trustees, a decision must be made that is in the best interests of the trust.

#### **4. Consultations**

- 4.1 The Lead Councillor for Environment has been consulted and supports the recommendations contained in the report. Local ward councillors have been consulted and any comments received will be reported at the meeting.

#### **5. Key Risks**

- 5.1 We have been unable to contact any descendants of the original owner to negotiate removal of the restrictive covenant. The risk of enforcement of the restrictive covenants by a beneficiary seems remote and an unrelated member of the public could not make a successful claim. However, we are proposing to take out indemnity insurance against any potential claim.
- 5.2 If we allow Allen House Grounds to be used for events and for alcohol to be served, we still risk receiving complaints that the land should not be used in this way.

#### **6. Financial Implications**

- 6.1 There will be a small annual cost in the region of £200 for the indemnity insurance policy, whilst permitting events serving alcohol at Allen House Grounds is likely to generate additional income of several thousand pounds.

#### **7. Legal Implications**

- 7.1 As mentioned above, we have been unable to trace the beneficiaries to negotiate changes to the restrictive covenants contained in the deed of gift for Allen House Grounds. This means that a beneficiary could bring a claim for damages or an injunction to stop any further sale or consumption of alcohol. Therefore, we are proposing to take out indemnity insurance against any potential claim.

- 7.2 Organisers would be required to obtain the necessary licensing consents in relation to any events, including in relation to the sale of alcohol. As such, the licence holder would be required to uphold the licensing objectives on the prevention of crime and disorder, prevention of nuisance, public safety and protection of children from harm.

## **8. Human Resource Implications**

- 8.1 Any increase in the number of applications for events at Allen House Grounds would be managed within existing staffing resources.

## **9. Equality and Diversity Implications**

- 9.1 There are no equality and diversity implications arising from this report.

## **10. Climate Change/Sustainability Implications**

- 10.1 There are no climate change or sustainability implications arising from this report.

## **11. Summary of Options**

- 11.1 The options are whether events including alcohol should be permitted at Allen House Grounds or not.

## **12. Conclusion**

- 12.1 Allen House Grounds is an excellent location for small to medium sized events that would be enjoyed by the local community. Such events also generate income to help maintain the park to high standards for visitors. Therefore, we believe that it would be in the best interests of the trust to permit events serving alcohol.

## **13. Background Papers**

None

## **14. Appendices**

None