

Executive Shareholder and Trustee Committee Report

Report of Director of Environment

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Date: 26 September 2017

## **Woodbridge Road Sportsground – Variation of the Trust to remove designated land**

### **Executive Summary**

Guildford Borough Council, is the Sole Trustee of the Woodbridge Road Sportsground Charitable Trust, (Charity Number 305056) (The Trust). The Sole Trustee has undertaken a consultation in accordance with Section 121(2) of the Charities Act 2011 in respect of the disposal of the Groundsman's Cottage at Woodbridge Road Sportsground by way of variation of the Trust to remove designated land. The Cottage is surplus to requirements as there is no longer a need for a residential groundsman on the site and the cottage is restricted for this purpose.

Therefore, the cottage is a liability and burden to the Trust as it is vacant and cannot be occupied under the restrictions of the Trust. This report sets out the background to the site, consultation responses, and recommendations for the Trustee and Shareholder Committee to consider to further the purposes of the Trust.

### **Recommendation to Committee**

- (1) That the Woodbridge Road Sportsground Trust be varied to remove the restriction on keeping the Groundsman's Cottage as designated land to allow for the disposal of the property with the proceeds being subject to the terms of the Trust.
- (2) That the capital receipt be invested specifically in refurbishing the existing pavilion to provide fit for purposes changing rooms, toilets and clubroom to enable the playing of sports and other activities in accordance with the vesting deed to support current and further use by the community.

### **Reasons for Recommendations:**

To fulfil the role of sole trustee considering the vesting deed and to further the purposes of the trust.

## **1. Purpose of Report**

- 1.1 This report is to ensure that the Sole Trustee fulfils its duty under the Charities Act 2011.
- 1.2 This report provides the background to the site and seeks approval from the Committee to vary the Woodbridge Road Sportsground Trust to remove the restriction on keeping the Groundsman's Cottage as designated land. This will allow for the disposal of the property with the proceeds being subject to the terms of the Trust, specifically, that the capital receipt is invested in refurbishing the existing pavilion. This will enable the provision of fit for purpose changing rooms, toilets and clubroom to enable the playing of sports and other activities in accordance with the vesting deed to support current and further use by the community.

## **2 Background to the site**

- 2.1 A Charitable Trust of the Woodbridge Road Sportsground land was created on 9 August 1912 by a deed of conveyance and declaration of trust (the Vesting Deed) executed on that date by Sir Harry Waechter who several months earlier acquired two parcels of leasehold land from the Earl of Onslow to form the sportsground.
- 2.2 Guildford Borough Council owns the freehold of the Woodbridge Road Sportsground (including its associated land and buildings) as the sole charitable trustee under a charitable trust (registered charity number 305056). The site became an unincorporated charity, which was registered with the Charity Commission on 15 September 1964.
- 2.3 The larger part of the sportsground has been the home of Guildford Cricket Club since 1922 and a formal lease was entered into with effect from 1 April 2002 for a period of 25 years. The Club have delivered an annual cricket festival for over 75 years at the site. The Club enables players from under 9 years old right through to senior cricket for both males and females.
- 2.4 Along with a pavilion, a small number of outbuildings have been developed since the 1960s including a scorer's hut and garages for grounds maintenance equipment.
- 2.5 There has also been a groundsman's cottage on the site since the 1930s, which was occupied by a Council employee under a service occupation agreement until their recent retirement.
- 2.6 The Council continues to subsidise the charity by maintaining the site and buildings.

## **3. The Vesting Deed and Charitable Purposes**

- 3.1 The Vesting Deed stipulates a number of uses and restrictions which the trustee must comply with as follows:

*.....DO hereby covenant with the Donor his heirs executors administrators and assigns that the land hereby assured shall not at any time hereafter be used for any purposes other than as a ground for playing cricket football hockey lawn tennis or other games or pastimes or as a ground on which cycling foot racing jumping or other athletic sports may take place or on which military manoeuvres or drill may take place or on which agricultural flower or other shows or exhibitions promenade or other concerts and entertainments firework displays bazaars meetings conferences or other assemblies of a like nature and that no buildings shall at any time hereafter be erected thereon except buildings such as pavilions drill halls club rooms for territorials or other national reserve or such other buildings as may be usual or necessary on grounds devoted to outdoor recreation PROVIDED ALWAYS that such buildings shall be and remain under the control of the Trustees subject as hereinafter mentioned and in particular with the exception of an entrance lodge or dwelling accommodation for any persons employed as groundsmen or caretakers of the buildings to be erected as aforesaid no buildings to be used as a dwelling house shall be erected on the said premises or any part thereof.....*

#### **4. The Groundsman's Cottage**

- 4.1 The Sportsground site includes a Groundsman's Cottage, which can only be occupied by a groundsman that works on this charitable site under provisions of the Vesting Deed. Subsequent to the retirement of the previous incumbent, this property is no longer required, as the whole site is now managed by mobile and non-resident staff.
- 4.2 Following on from discussion and advice from the Charity Commission, it was agreed that it could be appropriate to dispose of the property to provide funding to the Trust subject to undertaking a public consultation in accordance with Section 121 (2) of the Charities Act, and for any representations made to be considered by the Trustee before removing the cottage from the designated land to enable its disposal.
- 4.3 That consultation has now been undertaken through signage and plans displayed on site and advertisement in the local press (see Appendix 1). This occurred between 22 August 2017 and 22 September 2017.

#### **5. Consultation Responses**

- 5.1 There have been no consultation responses received for the Trustee to consider.

#### **6. Trustee Implications**

- 6.1 The cottage now has no purpose in furthering the Woodbridge Road Sportsground Trust and is a liability for the Trust to maintain as there is no longer a requirement for a residential groundsman on the site. The cottage no longer has a role in delivering public benefit.

- 6.2 As the Trustee has received no consultation responses, it is recommended that the Trustee agrees to vary the Woodbridge Road Sportsground Trust to remove the restriction on keeping the Groundsman's Cottage as designated land to allow for its disposal with the proceeds being subject to the terms of the Trust.
- 6.3 To further the purposes of the Trust, it is recommended that the capital receipt is invested in refurbishing the existing pavilion to provide fit for purposes changing rooms, toilets and clubroom to enable the playing of sports and other activities in accordance with the Vesting Deed to support current and further use by the community.

## **7. Human Resource Implications**

- 7.1 There are no human resource implications arising from this report.

## **8. Financial Implications**

- 8.1 It is estimated that the Trust will receive a capital receipt of between £575,000 and £650,000, which must be wholly reinvested in the Trust.
- 8.2 To retain a vacant building will cost the Trust approximately between £3,000 and £12,000 per annum in maintenance and security costs. On top of lost rent of approximately £8,000 per annum through no longer having an occupier, the Trust will have to bear new costs of up to £20,000 per annum, for which it would have to find funding from the Council or other sources.

## **9. Legal Implications**

- 9.1 The bulk of charity law is contained in the Charities Act 2011. The Charity Commission registers and regulates charities in England and Wales. The Commission is responsible for ensuring that charities meet their legal requirements, including providing information on their activities each year.
- 9.2 The Commission has powers to take enforcement action against charities where there is malpractice or misconduct.

## **10. Summary of Options**

### Option 1:

- 10.1 To agree to vary the Woodbridge Road Sportsground Trust to remove the restriction on keeping the Groundsman's Cottage as designated land to allow for the disposal of the property with the proceeds being subject to the terms of the Trust.
- 10.2 To invest the capital receipt specifically in refurbishing the existing pavilion to provide fit for purpose changing rooms, toilets and clubroom to enable the playing of sports and other activities in accordance with the Vesting Deed to support current and further use by the community.

## Option 2:

- 10.3 To not agree to vary the Trust leaving the Trust with the liability of maintaining a vacant cottage which it would not be able to be let due to the restriction on the cottage being occupied by a groundsman for the site. This would require the Trust to find a further £20,000 per annum to keep it safe and secure or to let it fall into disrepair. This would severely compromise the Trust's ability in delivering its charitable purposes.
- 10.4 The Committee is recommended to pursue Option 1 as it is in the best interests of the Trust and furthering the objects of the Trust and public benefit.

## **11. Conclusion**

- 11.1 Option 1 is in the best interests of the Trust. It would not be prudent to burden the trust with the liability of a vacant cottage, as this would detract from the Trustee's ability to deliver the objects of the Trust and public benefit.
- 11.2 The pavilion is in poor condition unable to meet the needs of modern society, sport and recreational activity and to further public benefit and it is recommended the funding is specifically reinvested in this to encourage and improve community access and use.

## **12. Background Papers**

Charities Act 2011

[http://www.legislation.gov.uk/ukpga/2011/25/pdfs/ukpga\\_20110025\\_en.pdf](http://www.legislation.gov.uk/ukpga/2011/25/pdfs/ukpga_20110025_en.pdf)

Charity Commission Guidance

Sales leases transfers or mortgages: what trustees need to know about disposing of charity land

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/622147/CC28.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/622147/CC28.pdf)

## **13. Appendices**

Appendix 1: Consultation Advertisement