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**Date: 26th October 2016**

Dear Sir/Madam,

A meeting of the **Cabinet** will be held in the **Sirhowy Room, Penallta House, Tredomen, Ystrad Mynach** on **Wednesday, 2nd November, 2016** at **2.00 pm** to consider the matters contained in the following agenda.

Yours faithfully,

A handwritten signature in blue ink that reads 'Chris Burns'.

**Chris Burns**  
INTERIM CHIEF EXECUTIVE

## AGENDA

	Pages
1 To receive apologies for absence.	
2 Declarations of Interest.	
<p>Councillors and Officers are reminded of their personal responsibility to declare any personal and/or prejudicial interest(s) in respect of any item of business on the agenda in accordance with the Local Government Act 2000, the Council's Constitution and the Code of Conduct for both Councillors and Officers.</p>	
<p>To approve and sign the following minutes: -</p>	
3 Cabinet held on 19th October 2016.	

1 - 6

A greener place Man gwyrddach



Correspondence may be in any language or format | Gallwch ohebu mewn unrhyw iaith neu fformat

To receive and consider the following reports on which executive decisions are required: -

4	Additional Car Parking - Penallta House.	7 - 10
5	Former Nelson Boys and Girls Club.	11 - 14
6	Former Risca Collieries Workmens Institute.	15 - 20
7	Write-Off of Debt Over £20,000 – Brindavon Care Home Ltd.	21 - 24
8	To receive and consider the following reports, which in the opinion of the Proper Officer may be discussed when the meeting is not open to the public and first to consider whether the Public Interest Tests requires that the meeting should be closed to the public for consideration of these items.	25 - 26
9	Write-off of Debts Over £20,000.	27 - 30

**Circulation:**

Councillors D. Havard, Mrs C. Forehead, N. George, D.T. Hardacre, K. James, Mrs B. A. Jones, D.V. Poole, K.V. Reynolds, T.J. Williams and R. Woodyatt,

And Appropriate Officers.

# Agenda Item 3



## CABINET

### MINUTES OF THE MEETING HELD AT PENALLTA HOUSE, TREDOMEN ON WEDNESDAY, 19TH OCTOBER 2016 AT 2.00 P.M.

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#### PRESENT:

Councillor K.V. Reynolds - Chair

#### Councillors:

Mrs C. Forehead (HR and Governance/Business Manager), N. George (Community and Leisure Services), D. Hardacre (Performance and Asset Management), K. James (Regeneration, Planning and Sustainable Development), D.V. Poole (Deputy Leader and Cabinet Member for Housing), T.J. Williams (Highways, Transportation and Engineering), R. Woodyatt (Social Services).

#### Together with:

C. Burns (Interim Chief Executive) C. Harrhy (Corporate Director - Communities) and D. Street (Corporate Director – Social Services)

#### Also in Attendance:

S.J. Byrne (Wales Audit Office), S. Harris (Interim Head of Corporate Finance), T. Shaw (Head of Engineering), C. Jones (Head of Performance and Property) and C. Evans (Committee Services Officer)

#### 1. APOLOGIES FOR ABSENCE

Apologies for absence had been received from Councillors D. Havard, Mrs B. Jones and N. Scammell (Acting Director of Corporate Services and Section 151 Officer).

#### 2. DECLARATIONS OF INTEREST

There were no declarations of interest received at the beginning or during the course of the meeting.

#### 3. CABINET – 5TH OCTOBER 2016

RESOLVED that the minutes of the meeting held on 5th October 2016 (minute nos. 1 - 6) be approved and signed as a correct record.

## **MATTERS ON WHICH EXECUTIVE DECISIONS WERE REQUIRED**

### **4. WAO REVIEW OF ARRANGEMENTS TO ADDRESS EXTERNAL AUDIT, INSPECTION AND REGULATION RECOMMENDATIONS AND PROPOSALS FOR IMPROVEMENT – CAERPHILLY COUNTY BOROUGH COUNCIL**

The report provided Cabinet with the Wales Audit Office (WAO) report on its review of arrangements to address external audit, inspection and regulation recommendations and proposals for improvement of Caerphilly CBC.

In the 2015-16 Audit Plan, the WAO identified that they would assess the Council's progress in implementing recommendations from their previous work. As part of this follow-up work, they stated they would seek assurance that the Council has appropriate corporate processes for responding to their reports, tracking implementation of their recommendations and reporting this to the appropriate committee. The WAO did this by undertaking specific follow-up work to determine progress in addressing the recommendations made in areas for improvement arising from the Special Inspection Report, the Follow-up of the Special Inspection and previous audit work relating to:

- Self-evaluation
- HR and Workforce planning
- Internal Audit
- Scrutiny

The review concluded that the Council's response to their recommendations and proposals for improvements is supporting improvement in its self-evaluation and scrutiny arrangements, but further work remains to fully address weaknesses in Internal Audit and Human Resources, some of which are longstanding.

Cabinet Members thanked the Officers for the report, and discussion ensued. It was noted that, whilst the report was positive and it was evident that there have been a number of improvements made over the past 3 years, there is still some further improvement to be made and the Council is happy to work closely with the Wales Audit Office in order to meet the recommendations, as outlined within the report.

Following consideration and discussion, it was moved and seconded that the recommendation in the report be approved. By a show of hands this was unanimously agreed.

RESOLVED that for the reasons contained in the Officer's report and as outlined at the meeting : -

- (i) the Officer responses to the WAO proposal for improvement as detailed in Appendix 2 (Management Response) of the report be noted;
- (ii) the monitoring arrangements, as outlined in paragraph 4.3 of the report be endorsed, with the addition that minutes from the Corporate Governance Panel also be reported to Cabinet.

### **5. CAPITAL OUTTURN 2015/16**

The report, which was considered by the Policy and Resources Scrutiny Committee on 4th October 2016, provided information relating to the capital outturn for the 2015/16 financial year and presented details of proposals to fund overspends on specific schemes.

It was noted that the approved Capital Programme for the 2015/16 financial year totalled £49.15m, consisting of £12.86m for the General Fund and £36.29m for the Housing Revenue Account (HRA). During the year specific grants, slippage and contributions were received for various service areas taking the total available capital resources for 2015/16 to £91.11m. A summary of the 2015/16 outturn against each service area was included within the report. The 2015/16 Housing Revenue Account underspend of £7.4m will be carried forward into the 2016/17 financial year to support the ongoing programme of works to meet the Welsh Housing Quality Standard (WHQS). The General Fund variance of £22.69m can be split into £14.7m for schemes that are ongoing or have been delayed in 2015/16 (slippage), underspends on ring-fenced budgets totalling £7.6m, additional underspends totalling £868k that have now been released into capital balances and overspends against capital schemes to the value of £478k.

Officers refers to details of the overspends as at the 31st March 2016 relating to Bargoed Regeneration (£197k), Newbridge Regeneration (£75k) and the refurbishment of Hafod Deg (£67k). It was noted that these overspends remain unfunded due to expenditure which was ineligible for recovery from funding sources, and therefore the report sought the approval for the £339k overspend to be met via a number of sources from related service areas (as outlined in paragraph 4.12 of the report).

In addition, Members noted details of additional liabilities in 2016/17 for Bargoed and Newbridge regeneration schemes totalling £85k and approval was sought to fund these costs from a Revenue Contribution to Capital Outlay (RCCO).

Members thanked the Officer for the report and clarification was sought on the Ringfenced Budget for Urban Renewal, with reference to the Bargoed Cinema Development. It was noted that the funding remains in the Capital Fund at present.

Following consideration and discussion, it was moved and seconded that the recommendation in the report be approved. By a show of hands this was unanimously agreed.

RESOLVED that for the reasons contained in the Officer's report: -

- (i) the 2015/16 capital outturn position be noted;
- (ii) the overspends in relation to the Bargoed and Newbridge regeneration Schemes and Hafod Deg be funded from the sources detailed in paragraphs 4.12 and 4.13 of the officers report.

## **6. WINTER SERVICE PLAN 2016-17**

A report was presented to the Regeneration and Environment Scrutiny Committee on 28th June 2016, which outlined the background and content of the Council's Winter Service Plan and explained the process by which it is reviewed on an annual basis. Cabinet were asked to consider and approve the post-consultation Winter Service Plan.

It was noted that the Winter Service Plan has been in existence since the inception of Caerphilly County Borough Council and outlined the Council's responsibilities for maintaining the highway infrastructure network during the winter maintenance period. The Plan is annually reviewed by Members and Officers, feedback and amendments are incorporated into the final version, which is then circulated to appropriate parties and placed on the Council's website in October. It was noted that, should the plan be approved, this process would continue for the 2016-2017 winter season after the Cabinet endorsement process had been completed.

A number of sections were reviewed which cover key issues within the Winter Service Plan, which included 'Gritting Route and Road Hierarchy', 'Salt Stocks and Location', 'Weather Forecasting' and 'Salt Bin Request Process'. Cabinet were updated on the weather forecasting measures that are utilised in making the appropriate decisions for a freezing or weather event and the consultation process undertaken in order to ensure that essential routes and services were catered for during periods of inclement weather.

Members thanked the Officer and team for the extensive report and the work undertaken to ensure that the main road infrastructure is maintained during inclement weather. Cabinet discussed the detailed plan and it was noted that the schools in Aberbargoed were not listed within the report. Officers agreed to amend the report.

Discussion also took place regarding periods of inclement weather, plans for snow clearance and requests for the supply and refilling of grit bins within the county borough. Officers explained that the routes, as outlined within the plan would be gritted, should there be a requirement, the main roads would be cleared with a snow plough and JCB's would be deployed the following day to remove any excess snow over junctions etc. In reference to the Grit boxes, Members were referred to the flow chart, which highlighted priority areas, should there be a high demand for grit.

Following consideration and discussion, it was moved and seconded that the recommendation in the report be approved. By a show of hands this was unanimously agreed.

RESOLVED that for the reasons contained in the Officer's report the draft inter Service Plan be endorsed for consultation.

## **RECOMMENDATION TO COUNCIL**

### **7. CORPORATE ASSET MANAGEMENT STRATEGY**

The report, which was presented to the Policy and Resources Scrutiny Committee on 4th October 2016, sought the views of Members on a Draft Corporate Asset Management Strategy, prior to its presentation to Council for approval.

Officers explained that following a review of the Council's Asset Management (Land and Property) Strategy in 2013, Wales Audit Office (WAO) made 5 proposals for improvement, which included "developing a robust Asset Management Strategy for its property and associated infrastructure" and "developing and implementing arrangements to monitor the delivery of the strategy". In September 2014, the Policy and Resources Scrutiny Committee accepted that the development of a revised Asset Management Strategy should be delayed until the Council's financial position became clearer, a revised Medium Term Financial Plan (MTFP) was agreed and services could better plan for the future. Following discussion between the WAO and Officers at Audit Committee in December 2015, it was resolved that a Corporate Asset Management Strategy (CAMS) should be progressed.

Members were advised that the Corporate Asset Management Strategy is an overarching document which aligns with the corporate aims of the Council. It identifies where the Council has appropriate individual service asset plans/strategies in place. Where such asset plans/strategies are not present, the challenge will be to determine whether those assets need supporting strategies and, if so, by when they can be delivered. The CAMS establishes a set of Principles, which are aligned to the Well-Being of Future Generations (Wales) Act 2015 and has developed a number of Outcomes, namely: Compliance, Condition, Suitability, Sufficiency, Accessibility and Sustainability. The expectation is that all individual council asset plans/strategies will reflect these Principles and Outcomes to ensure the effective implementation of the CAMS. Existing individual service asset plans/strategies will be reviewed and revised to align with these Principles and Outcomes.

Members thanked the Officer for the detailed report and discussion ensued. A Member sought further information on the report and the outcome of the review conducted on Community Centres. It was noted that a Task and Finish Group conducted a review into the Community Centres across the Borough, and as a result, 1 was closed and another is to provide additional information. A further review will be required in the future, on Community Centres and many other property assets the Council holds, in order to ensure that the property portfolio held efficient and not surplus to requirement.

Following consideration and discussion, it was moved and seconded that the recommendation in the report be approved. By a show of hands this was unanimously agreed.

RECOMMENDED to Council that for the reasons contained in the Officer's report the Draft Asset Management Strategy be approved.

The meeting closed at 3.08pm

Approved and signed as a correct record subject to any corrections made at the meeting held on 19th October 2016.

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CHAIR

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## CABINET – 2ND NOVEMBER 2016

**SUBJECT:        ADDITIONAL CAR PARKING – PENALLTA HOUSE**

**REPORT BY:    ACTING DIRECTOR OF CORPORATE SERVICES AND S151 OFFICER**

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### **1.        PURPOSE OF REPORT**

- 1.1        To recommend to Cabinet that they approve extending car parking facilities at Penallta House using Corporate Service reserves to fund the cost of the works.

### **2.        SUMMARY**

- 2.1        The closure of Pontllanfraith House together with the forthcoming sale of Dyffryn House has/will result in increased occupation rates at both Penallta House and Tredomen House. Consequently demand on staff car parking is high and has reached the point where on occasions demand exceeds availability. On completion of the sale of Dyffryn House the situation will worsen. This report proposes to extend existing car parking facilities within the curtilage of Penallta House by providing circa 85 additional car parking spaces.

### **3.        LINKS TO STRATEGY**

- 3.1        Office rationalisation forms part of the Council's Asset Management (Land & Buildings) Strategy and is directly linked to the Council's Medium Term Financial Plan.
- 3.2        The Proposal links to the Strategic Equality Plan's 7 Strategic Equality Objectives in particular Equality Objective 3 – Physical Access
- 3.3        The Proposal contributes to the following Well-being Goals within the Well-being of Future Generations Act (Wales) 2016:
- A prosperous Wales
  - A globally responsible Wales.

### **4.        THE REPORT**

- 4.1        On the 20<sup>th</sup> January 2015 Policy & Resources Scrutiny supported a proposal to close Pontllanfraith House and consequently that proposal was incorporated into the Council's Medium Term Financial Plan, which was subsequently approved by Council. At that time it was proposed that staff located in Pontllanfraith House would be re-located to Dyffryn House, Tir-y-Berth, Penallta House and Tredomen Business Park.
- 4.2        Pontllanfraith House was closed on the 31<sup>st</sup> March 2016 and generally staff were re-located as described in paragraph 4.1, the exception being that Cabinet later accepted an offer for the sale of Dyffryn House which meant that the services who were scheduled to be re-located there were, in part, re-located to Tredomen House. At this moment in time Highways and Transportation are operating from Dyffryn House on a temporary basis and will re-locate to

Tredomen House on completion of the sale of Dyffryn House, which is anticipated to be on or around the 31<sup>st</sup> March 2017.

- 4.3 When opened in 2008 Penallta House had 650 workstations with 486 car parking spaces allocated for Members and Officers. It now has 960 workstations with an additional 22 officer car parking spaces provided at the adjacent Innovation Centre. Additionally the proposed increased utilisation of Tredomen House will put pressure on staff car parking on both sites. Increasing car parking provision will not resolve these pressures on its own but coupled with the Council's move towards a more flexible approach to working practices as part of its office rationalisation programme officers consider that the car parking problems currently being faced will be overcome. The State of the Estate Report (March 2016) highlighted that insufficient car parking is one of the barriers to achieving 100% occupation rates at our corporate offices.
- 4.4 The plan attached at Appendix 1 shows the proposed additional parking area. This area is within the curtilage of the Penallta House site and appropriate ecology assessments are currently being undertaken in advance of a Planning application.

## 5. WELL-BEING OF FUTURE GENERATIONS (WALES) ACT 2015

- 5.1 This report results from the council's corporate office rationalisation programme which in turn contributes to the following national well-being goals:

**More Prosperous Wales:** Savings in office running costs are utilised to protect jobs and maintain service delivery.

**A Globally Responsible Wales:** Savings in energy use from the closure of surplus offices contributes to the sustainability of the planet.

## 6. EQUALITIES IMPLICATIONS

- 6.1 All corporate offices have designated disabled car parking spaces for improving physical access. A car park extension will protect the current provision, which is adequate.
- 6.2 An EIA screening has been completed in accordance with the Council's Strategic equality Plan and supplementary guidance. No potential for unlawful discrimination has been identified therefore a full EIA has not been carried out.

## 7. FINANCIAL IMPLICATIONS

- 7.1 The Engineering Projects Group estimate the cost of the works to be between £395,000 - £438,500 depending on the type of drainage system designed and agreed with Planning Services/NRW.
- 7.2 The above figures should be read in context with the revenue savings of £1.3m already secured from office rationalisation together with additional savings that are programmed to be made in the future.
- 7.3 It is proposed that the above capital cost is funded from Corporate Service reserves. At 31<sup>st</sup> March 2016 Corporate Service reserves were £1.605m.

## 8. PERSONNEL IMPLICATIONS

- 8.1 This proposal will have a positive impact on staff welfare as it improves car parking facilities.

## **9. CONSULTATIONS**

9.1 The report reflects the views of the consultees.

## **10. RECOMMENDATIONS**

10.1 It is recommended that Cabinet approve the proposal to increase car parking facilities at Penallta House and allocate funding from Corporate Service reserves.

## **11. REASONS FOR THE RECOMMENDATIONS**

11.1 To react positively to the increased occupation of Penallta House and Tredomen House.

## **12. STATUTORY POWER**

12.1 Local Government Acts 1974 – 2000. This is a Cabinet function.

Author: Colin Jones, Head of Property Services; jonesrc@caerphilly.gov.uk  
Consultees: Corporate Management Team  
S. Harris, Acting Head of Corporate Finance  
L. Donovan, Acting Head of HR  
Cllr D. Hardacre, Cabinet Member for Performance, Property and Asset Management.

### Background Papers:

20<sup>th</sup> January 2015: Pontllanfraith House: P&R Scrutiny

20<sup>th</sup> January 2016: Disposal of Dyffryn House (Ty Dyffryn): Cabinet

13<sup>th</sup> July 2016: Property Services-State of the Estate Report, 31<sup>st</sup> March 2016: Cabinet

### Appendices:

Appendix 1: Site Plan

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**ENGINEERING PROJECTS GROUP**  
**ENGINEERING CONSULTANCY**



Page 2

**Communities Directorate**  
 Engineering Services Division  
 Ty Penllta, Tredomen Park  
 Hengoed CF82 7PG  
**Head of Engineering Services – Terry Shaw**  
**B.Eng MBA C.Eng MICE MCI MCIHT**  
 project title

Ty Penllta Car Park Extension

drawing title

Location Plan

scale	date	drawn	checked
1:2000@A3	Oct '16	KB	
project ref.	drawing no.	rev.	
TH1167	01		
APPROVAL <input type="checkbox"/>	COMMENT <input type="checkbox"/>	INFORMATION <input checked="" type="checkbox"/>	
DRAFT <input type="checkbox"/>	TENDER <input type="checkbox"/>	CONTRACT <input type="checkbox"/>	AS CONSTRUCTED <input type="checkbox"/>







## CABINET – 2ND NOVEMBER 2016

**SUBJECT: FORMER NELSON BOYS AND GIRLS CLUB**

**REPORT BY: ACTING DIRECTOR OF CORPORATE SERVICES AND S151 OFFICER**

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### 1. PURPOSE OF REPORT

- 1.1 To inform Cabinet of actions taken in accordance with the terms of the lease of the above premises to Nelson Development Trust (NDT).

### 2. SUMMARY

- 2.1 At its meeting of the 2<sup>nd</sup> July 2014 Cabinet agreed to lease the former Nelson Boys & Girls Club to Nelson Development Trust for a minimum period of 25 years, subject to conditions. One of those conditions was that “the lease should include a time limit (18 months) after which, if adequate funding has not been secured, the lease will revert back to the council.”
- 2.2 A further decision from the same meeting was that “All former recommendations (Cabinet Meeting 4<sup>th</sup> September 2012) be retained but the time limits previously being 24 months from the date of the issue of the Letter of Intent being extended to within 18 months of the signing of the lease.
- 2.3 The NDT has failed to provide evidence of securing funding and despite two requests for a progress update from the Head of Property Services there has been no communication from the NDT and the 18 month time limit elapsed on the 25th July 2016. Consequently the lease has been terminated.

### 3. LINKS TO STRATEGY

- 3.1 This report links to the following Well-Being Goals within the Well-Being of Future Generations (Wales) Act 2015:
- A Wales of cohesive communities
  - A prosperous Wales
  - A healthier Wales

### 4. THE REPORT

- 4.1 The future of the former Nelson Boys & Girls Club has been debated by Cabinet for some time now, going back as far as 2007. On the 31<sup>st</sup> July 2007 the Trustees of the Nelson Boys & Girls Club surrendered the lease. The property has remained empty since that time.
- 4.2 The following is a snapshot of decisions taken by Cabinet since that time:  
**25<sup>th</sup> November 2008:** Cabinet agreed in principle to lease to Nelson Community Council

subject to them providing a formal proposal and Business Plan within 3 months. That 3 month period was later extended to 17<sup>th</sup> April 2009. This date was again extended to 31<sup>st</sup> December 2009 to “allow funding matters to be further explored”. No Business Plan was provided.

**2<sup>nd</sup> August 2011:** Cabinet agreed that the former Nelson Boys and Girls Club be appropriated out of the HRA for development purposes. The reason for this was to allow the site to be brought into beneficial use.

**4<sup>th</sup> September 2012:** Cabinet agreed to issue a Letter of Intent to lease the site to the Nelson Development Trust for a minimum period of 25 years subject to the Trust demonstrating that it has sufficient funding to restore the building to a condition suitable for its planned use and that its Business projections are realistic and robust and the provision of a youth facility was sustainable. A progress update was to be presented to the appropriate Cabinet Member and Head of Service within a maximum period of 24 months from the date of the Letter of Intent.

Cabinet also agreed that should the Trust fail to satisfy the Council following that period of 24 months, or are not prepared to consider alternative options for youth provision on the site, the former Boys & Girls club building will be demolished and the site offered for development in accordance with the council’s LDP.

**2<sup>nd</sup> July 2014:** Cabinet agreed to enter into a 25 year lease with the Nelson Development Trust to allow them to pursue funding opportunities. The lease to revert back to the council if adequate funding had not been secured within a period of 18 months from the date of the lease. All other former recommendations be retained but the time limits previously being 24 months from the date of issue of the Letter of Intent being extended to within 18 months of the signing of the lease.

- 4.3 The 18 month period referred to above expired on the 25th July 2016 and the Nelson Development Trust has failed to provide any update of progress on securing funding despite the Head of Property Services writing to them on two occasions asking them for an update of progress.
- 4.4 Consequently the Head of Property Services wrote to the Leaseholders giving notice of the Council’s intention to terminate the lease on the 22<sup>nd</sup> July 2016 in accordance with the terms of the lease.

## **5. WELL- BEING OF FUTURE GENERATIONS (WALES) ACT 2015**

- 5.1 This report contributes to the Well-Being Goals as set out in the Links to Strategy above. It is considered with the five ways of working as defined within the sustainable development principle in the Act in that:
- The intention of the council has been to bring this site into beneficial use
  - The Council has worked with local community organisations to bring the site into beneficial use
  - The Council has supported the principle of encouraging youth provision on the site.

## **6. EQUALITIES IMPLICATIONS**

- 6.1 An EIA screening has been completed in accordance with the Council’s Strategic equality Plan and supplementary guidance. No potential for unlawful discrimination has been identified therefore a full EIA has not been carried out.

## **7. FINANCIAL IMPLICATIONS**

- 7.1 There are no direct financial implications associated with this report.

## **8. PERSONNEL IMPLICATIONS**

8.1 there are no personnel implications associated with this report.

## **9. CONSULTATIONS**

9.1 The results of all consultations have been incorporated into this report

## **10. RECOMMENDATIONS**

10.1 In light of the termination of the lease to the Nelson Development Trust Cabinet note the contents of this report and reaffirm their previous decision of 4<sup>th</sup> September 2012 that the former Boys & Girls Club building be demolished and the site offered for development in accordance with the council's LDP.

## **11. REASONS FOR THE RECOMMENDATIONS**

11.1 To bring the site into beneficial use.

## **12. STATUTORY POWER**

12.1 Local Government Acts 1974 – 2000. This is a Cabinet function.

Author: Colin Jones, Head of Property Services; [jonesrc@caerphilly.gov.uk](mailto:jonesrc@caerphilly.gov.uk)  
Consultees: Corporate Management Team  
Cllr D. Hardacre, Cabinet Member for Performance, Property and Asset Management  
Cllr S. Morgan, Ward Member  
Cllr A. Blackman, Ward Member

### Background Papers:

25<sup>th</sup> November 2008: Former Nelson Boys & Girls Club: Cabinet Report

2<sup>nd</sup> August 2011: Former Nelson Boys & Girls Club: Cabinet Report

4<sup>th</sup> September 2012: Former Nelson Boys & Girls Club: Cabinet Report

2<sup>nd</sup> July 2014: Former Nelson Boys & Girls Club: Cabinet Report

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## CABINET - 2ND NOVEMBER 2016

**SUBJECT: FORMER RISCA COLLIERIES WORKMEN'S INSTITUTE**

**REPORT BY: ACTING DIRECTOR OF CORPORATE SERVICES**

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### 1. PURPOSE OF REPORT

- 1.1 To seek approval to dispose of the former Risca Collieries Workmen's Institute (as shown edged black on the plan – "the asset") by way of a Community Asset Transfer (CAT).

### 2. SUMMARY

- 2.1 The Council acquired the asset in June 1996, for community education purposes, with the ground floor being occupied by Oxford House Industrial History Society [OHIHS].
- 2.2 In 2014, Community Education determined that the asset was surplus to its operational purposes; officers engaged with OHIHS, which remained in occupation, to explore the possibility of a Community Asset Transfer [CAT].
- 2.3 It became apparent that OHIHS was not in a position to sustain a CAT and officers engaged with Gwent Association of Voluntary Organisations to explore whether a viable CAT could be promoted.
- 2.4 After consultations with the community, and Town Council, Newport & South Wales Railway Museum [NSWRM] emerged as a suitable prospect.
- 2.5 In line with the agreed procedure, the matter is being referred to Cabinet for a decision.

### 3. LINKS TO STRATEGY

The contents of this report link to the following key strategic objectives:

- 3.1 Under its approved Asset Management Objectives, the Authority aims to manage its land and buildings effectively, efficiently and economically and provide a safe, sustainable and accessible living and working environment for all users.
- 3.2 The Authority has a medium term financial plan (MTFP), which includes cost saving targets resulting from the disposal of assets.
- 3.3 The proposal contributes to the following Well-being Goals within the Well-being of Future Generations Act (Wales) 2015:
1. **A prosperous Wales**, in that an asset, operationally surplus to the Council, is transferred to a new holder for a new purpose (in part) thereby using resources efficiently and proportionately and facilitating educational opportunities.

2. **A healthier Wales**, because recreational opportunities, such as the one afforded by this proposal, facilitate people's mental and (in this instance to a lesser extent) physical well-being.
3. **A Wales of cohesive communities**, because recreational opportunities, such as this, can help bring communities together.

#### **4. THE REPORT**

- 4.1 The Council acquired the asset in June 1996, for community education purposes, with the ground floor being occupied by Oxford House Industrial History Society [OHIHS].
- 4.2 In 2014, Community Education determined that the asset was surplus to its operational purposes; officers engaged with OHIHS, which remained in occupation, to explore the possibility of a Community Asset Transfer [CAT].
- 4.3 It became apparent that OHIHS was not in a position to sustain a CAT and officers engaged with Gwent Association of Voluntary Organisations to explore whether a viable CAT could be promoted.
- 4.4 After consultations with the community, and Town Council, Newport & South Wales Railway Museum [NSWRM] emerged as a suitable prospect.
- 4.5 Officers have reviewed the Business Plan and Financial Forecasts submitted and have concluded that NSWRM, is a sound proposition. It should form the base for an expanding community facility; in conjunction with OHIHS, NSWRM plans to approach local schools and colleges for organised combined visits believing that model railways attract an interest in budding electrical and mechanical engineers. They believe the ground floor lecture room facility (with a digital projector and screen, and having a capacity of at least 60 people) could be made available to other groups in the local area needing a regular base.
- 4.6 For the avoidance of doubt, NSWRM has been advised that the Former Risca Collieries Workmen's Institute is a Grade II Listed Building. The listing relates both to the exterior and interior of the building, to any object or structure fixed to it, and any structure within its curtilage which forms part of the land and has done so since before 1st July 1948. NSWRM has been made aware that if it proposes to undertake any works to the building, which will change the character of the building, it will need to ensure that it obtains the relevant consents, and in particular Listed Building Consent (LBC). It has been informed that queries about whether LBC is required, or any general enquiries in relation to the listed building should be directed to the Conservation & Design Officer in the Planning Division. Officers satisfied themselves that the Business Case has taken account of the listing for future maintenance costs etc as part of their review of the Business Case mentioned in paragraph 4.5.
- 4.7 The proposal is to transfer a long leasehold interest of a minimum of 25 years to safeguard our ability to meet long-term generational needs; should NSWRM, for whatever reason, no longer be capable of using the asset for a community benefit the lease will be terminated and ownership will revert to the Council unless a suitable alternative body can be found to succeed NSWRM.
- 4.8 NSWRM is currently paying a third party for the storage of its exhibits and effects. The grant of early entry to the former Risca Collieries Workmen's Institute will ease the strain on the organisation's cash flow and bring the asset into greater beneficial use in a timely manner.

#### **5. WELL-BEING OF FUTURE GENERATIONS**

- 5.1 This proposal does contribute to the Well-being Goals as set out in Links to Strategy above. Additionally, the proposal looks to the long term in that it safeguards the ability to meet long

term generational needs. Implementation of the proposal involves a diversity of the population in the decisions that affect them by offering a community facility through asset transfer. Finally, the proposal demonstrates that we are working with others in a collaborative way to find shared sustainable solutions

## **6. EQUALITIES IMPLICATIONS**

- 6.1 An Equalities Impact Assessment (EqIA) screening has been completed in accordance with the Council's Equalities Consultation and Monitoring Guidance. No potential for unlawful discrimination and/of low level or minor negative impact have been identified and, therefore, a full EqIA has not been carried out.

## **7. FINANCIAL IMPLICATIONS**

- 7.1 The Authority has a medium term financial plan (MTFP), which includes cost saving targets resulting from the disposal of assets.
- 7.2 Asset transfer will impact positively on relevant revenue budgets. Because this asset is part of Oxford House Adult Education Centre, one of five buildings, it has not been possible to separately identify its running costs, but clearly there will be a saving to the revenue budget. However the most recent condition survey (June 2014) has identified forecast works over a 5 year period totalling £200,000; asset transfer will relieve the council of this obligation. The prospective tenant has been made aware of this forecast and has made due allowance in their Business Case.

## **8. PERSONNEL IMPLICATIONS**

- 8.1 There are no personnel implications arising out of this report.

## **9. CONSULTATIONS**

- 9.1 There are no views expressed as a result of consultation that differ from the recommendation.

## **10. RECOMMENDATIONS**

- 10.1 That the former Risca Collieries Workmen's' Institute (as shown edged black on the plan) is leased to Newport & South Wales Railway Museum at a peppercorn, by way of a Community Asset Transfer.
- 10.2 That Newport & South Wales Railway Museum is granted early entry, with immediate effect.
- 10.3 Approval of the detailed terms of the lease be delegated to the Head of Property Services in conjunction with the Cabinet Member for Performance and Asset Management, for the purposes identified in the report.

## **11. REASONS FOR THE RECOMMENDATION**

- 11.1 The asset is not required operationally and is regarded as surplus.
- 11.2 The Protocol for Disposal of Property states, at paragraph 8.1(iv), that in those cases where it is possible to market a property but the Head of Property is of the opinion that this course of action may not be in the best financial or service interests of the Authority, Cabinet approval will be obtained before direct negotiations are opened with a single party, and the views of ward members will be taken into consideration.

- 11.3 The transfer of the asset will release the Council from future maintenance and financial obligations.
- 11.4 The strain on the organisation's cash flow will be eased and the asset brought into greater beneficial use in a timely manner.
- 11.5 The proposed transfer will provide an opportunity to develop and maintain a valuable community resource.

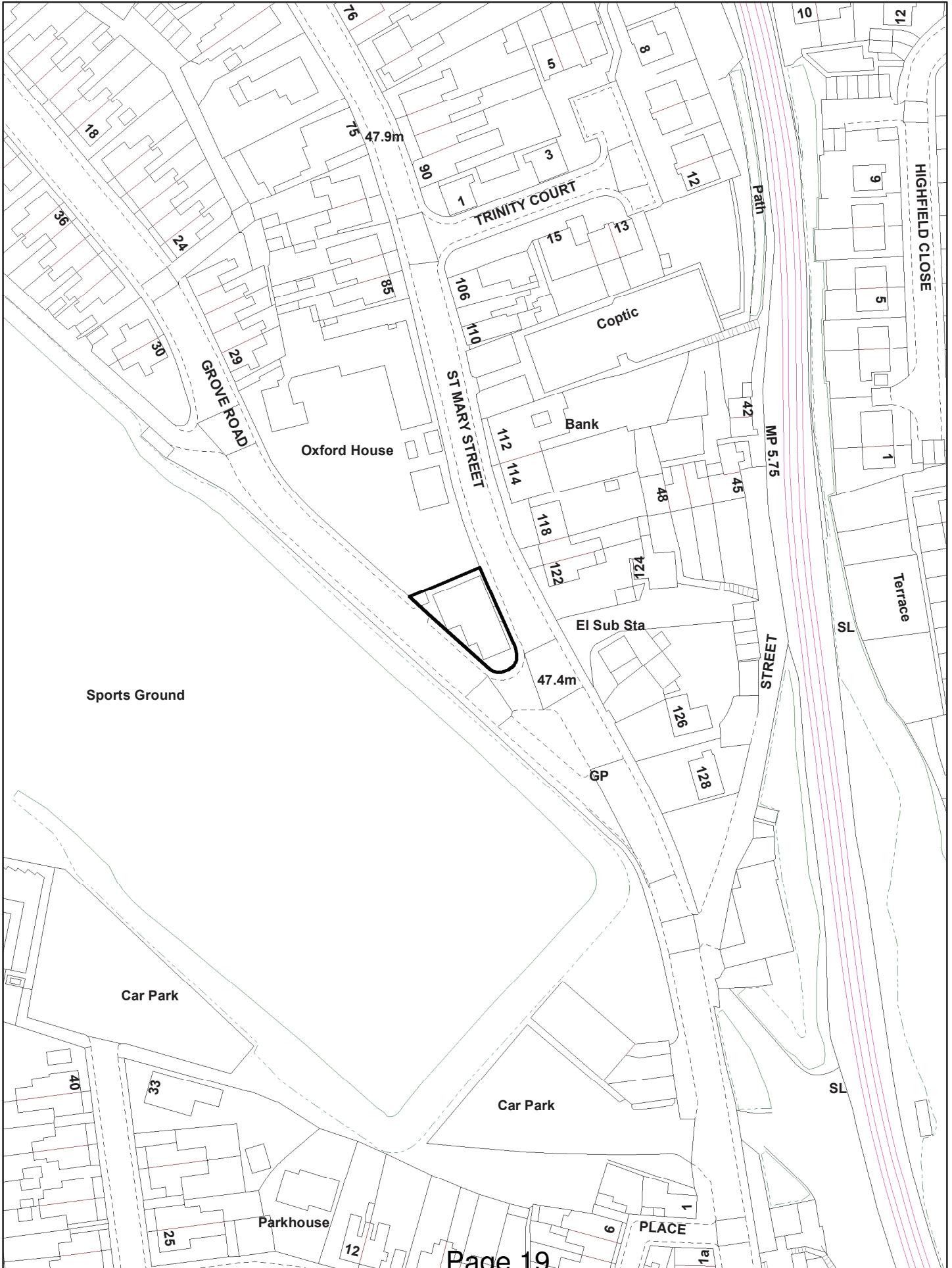
## **12. STATUTORY POWER**

- 12.1 Section 123 of the Local Government Act 1972 (as amended). Section 2 of the Local Government Act 2000. The Local Government Act 1972: General Disposal Consent (Wales) 2003.
- 12.2 This is a Cabinet function.

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Consultees: Corporate Management Team  
S. Harris: Acting Head of Corporate Finance  
R. Crane: Senior Solicitor  
Cllr D. Hardacre: Cabinet Member for Performance & Property  
Cllr P Griffiths: Ward Member  
Cllr D. Rees: Ward Member  
B. Campbell: Clerk, Risca Town Council

Appendices:  
Appendix 1: Plan showing the land



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## CABINET – 2ND NOVEMBER 2016

**SUBJECT: WRITE-OFF OF DEBT OVER £20,000 – BRINDAVON CARE HOME LTD**

**REPORT BY: ACTING DIRECTOR OF CORPORATE SERVICES & SECTION 151 OFFICER**

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### 1. PURPOSE OF REPORT

- 1.1 On the 15<sup>th</sup> September 2009, Cabinet approved a write-off procedure for debts that are material, where the individual debt is greater than £20,000.
- 1.2 This report seeks Cabinet approval to write-off an outstanding debt exceeding £20,000 for Brindavon Care Home Ltd.

### 2. SUMMARY

- 2.1 The Council collects very large sums of money from residents and local businesses each year and inevitably there are instances of non-payment. A 'firm but fair' approach has always been adopted and all legal means are pursued to recover monies owed. However, where the chances of recovery are slim and/or all legal means available have been exhausted the write-off of debts needs to be considered.
- 2.2 The regular writing-off of uncollectable debts is an important financial discipline. The Council would be criticised by External Audit if debts remained in the accounts when there is little likelihood of recovery.
- 2.3 This report seeks Cabinet approval to write-off an outstanding debt exceeding £20,000 for Brindavon Care Home Ltd.

### 3. LINKS TO STRATEGY

- 3.1 To comply with Financial Regulations.
- 3.2 The writing-off of unrecoverable debts is an important element of prudent financial management. Effective financial management contributes to the following Well-being Goals within the Well-being of Future Generations Act (Wales) 2016: -
  - A prosperous Wales.
  - A resilient Wales.
  - A healthier Wales.
  - A more equal Wales.
  - A Wales of cohesive communities.
  - A Wales of vibrant culture and thriving Welsh Language.
  - A globally responsible Wales.



#### **4. THE REPORT**

- 4.1 Brindavon Care Home Ltd was a private care home of 32 residential rooms in Commercial Street, Aberbargoed. The home had been utilised by Caerphilly Social Services for the placement of residential care clients since its' opening in July 2009 but was placed into liquidation on the 24<sup>th</sup> June 2014.
- 4.2 Individuals placed in care homes by Social Services are subject to a means-tested financial assessment to determine what, if any, affordable contributions can be made to the cost of their care. The Authority 'tops up' the remainder of the actual cost due to the home.
- 4.3 Periodically many social care clients go through a health and needs assessment and some are found to be entitled to Continuing Healthcare (CHC) funding under the NHS. This CHC status meets the full cost of care and is often back-dated due to the length of time some assessments and appeals take. In these cases, all financial contributions that have been paid by the client are refunded by the Local Health Board and the care home fees are also retrospectively paid to the homes by the Health Board. In many cases Social Services may have already funded all (or a proportion of) the care home fees during this back-dated period and in these circumstances the Authority will invoice care providers to recover the charges that have been paid.
- 4.4 Historically, Brindavon Care Home Ltd always repaid the Authority for backdated CHC contributions. However, it was noted throughout 2013 that the company appeared to be experiencing cash flow problems. Instalment plans were therefore agreed with the company to repay some invoices and payments were initially received in accordance with the agreed payment plans.
- 4.5 However, in early 2014, the company stopped paying invoices. Numerous reminder letters were issued and several telephone calls were made, both by the Sundry Debtors Team in Corporate Finance and Social Services finance staff. On the 24<sup>th</sup> June 2014, the company was placed into liquidation.
- 4.6 Outstanding debts owed to the Authority amount to £40,510.97 in respect of 7 service users that were awarded CHC status and these debts were not recoverable during the liquidation process. It is therefore recommended to Cabinet that the outstanding debt of £40,510.97 is written-off.

#### **5. WELL-BEING OF FUTURE GENERATIONS**

- 5.1 Effective financial management is a key element in ensuring that the Well-being Goals within the Well-being of Future Generations Act (Wales) 2016 are met. The process of setting aside financial provisions for bad debts and writing-off unrecoverable debts ensures that financial liabilities are recognised as they occur and are not deferred as potential future liabilities.

#### **6. EQUALITIES IMPLICATIONS**

- 6.1 An EIA screening has been completed in accordance with the Council's Strategic Equality Plan and supplementary guidance. No potential for unlawful discrimination and/or low level or minor negative impact has been identified regarding this report; therefore a full EIA has not been carried out.

#### **7. FINANCIAL IMPLICATIONS**

- 7.1 A bad debt provision has previously been established for the outstanding debt in relation to Brindavon Care Home Ltd. The proposed write-off will not therefore have any impact in the current financial year.



## **8. PERSONNEL IMPLICATIONS**

8.1 There are no personnel implications arising from this report.

## **9. CONSULTATIONS**

9.1 There are no consultation responses that have not been reflected in this report.

## **10. RECOMMENDATIONS**

10.1 It is recommended for the reasons set out in the report that Cabinet approves the write-off of the outstanding debt of £40,510.97 in respect of Brindavon Care Home Ltd.

## **11. REASONS FOR THE RECOMMENDATIONS**

11.1 To ensure that unrecoverable debts are dealt with in accordance with the Council's write-off procedure.

## **12. STATUTORY POWER**

12.1 Local Government Act 1972.

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Consultees: Nicole Scammell, Acting Director of Corporate Services & S151 Officer

Gail Williams, Interim Head of Legal Services & Monitoring Officer

Craig Verrier, Senior Income Officer, Corporate Finance

Rachel Morris, Principal Income and Assessment Officer, Social Services Finance

Background Papers:

Cabinet Report (15/09/2009) – Write-off of Debts

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# Agenda Item 8



## CABINET – 2ND NOVEMBER , 2016

### PUBLIC INTEREST TEST – EXEMPTION FROM DISCLOSURE OF DOCUMENTS PARAS 12 AND 14 SCHEDULE 12A LOCAL GOVERNMENT ACT 1972

**SUBJECT: WRITE OFF OF DEBTS OVER £20,000**

**REPORT BY: ACTING DIRECTOR OF CORPORATE SERVICES**

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I have considered grounds for exemption of information contained in the report referred to above and make the following recommendations to the Proper Officer:-

#### **EXEMPTIONS APPLYING TO THE REPORT:**

Information relating to a particular individual (paragraph 12). Information relating to the financial or business affairs of any particular person (including the Authority holding that information) (Paragraph 14).

#### **FACTORS IN FAVOUR OF DISCLOSURE:**

There is a public interest in the way in which the Council recovers monies owed.

#### **PREJUDICE WHICH WOULD RESULT IF THE INFORMATION WERE DISCLOSED:**

The report contains detailed information about the financial affairs of various debtors, disclosure of such information would be in contravention of the principles of the Data Protection Act 1998.

#### **MY VIEW ON THE PUBLIC INTEREST TEST IS AS FOLLOWS:**

That paragraph 12 and 14 should apply. I am mindful of the need to ensure the transparency and accountability of public authorities for decisions taken by them in relation to the recovery of monies owed to them. However disclosure of the information contained in the report would be in contravention of the Data Protection Act 1998.

The information is not affected by any other statutory provision which requires the information to be publicly registered.

On that basis I feel that the public interest in maintaining the exemption outweighs the public interest in disclosing the information. Members are asked to consider these factors when determining the public interest test, which they must decide when considering excluding the public from this part of the meeting.

#### **RECOMMENDED DECISION ON EXEMPTION FROM DISCLOSURE:**

On the basis set out above I feel that the public interest in maintaining the exemption outweighs the public interest in disclosing the information, and that the report should be exempt.

Signed:



Dated: 25<sup>th</sup> October 2016

Post: Interim Head of Legal Services/Monitoring Officer

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I accept the recommendation made above.

Signed:



Proper Officer

Date:

29/10/16

# Agenda Item 9

By virtue of paragraph(s) 12, 14 of Part 1 of Schedule 12A of the Local Government Act 1972.

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