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**Date: 13th September 2017**

Dear Sir/Madam,

A meeting of the **Cabinet** will be held in the **Sirhowy Room, Penallta House, Tredomen, Ystrad Mynach** on **Wednesday, 20th September, 2017** at **2.00 pm** to consider the matters contained in the following agenda. You are welcome to use Welsh at the meeting, a minimum notice period of 3 working days is required should you wish to do so. A simultaneous translation will be provided if requested.

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.	

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.

To approve and sign the following minutes: -

3 Cabinet held on 6th September 2017.	
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1 - 4

A greener place Man gwyrddach



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

- |   |   |         |
|---|---|---------|
| 4 | Updated Anti-Fraud, Bribery and Corruption Policy and Updated Anti-Money Laundering Policy. | 5 - 22  |
| 5 | Community Centre Management Committees - CCBC Representation.                               | 23 - 38 |
| 6 | Demolition of Oakdale and Pontllanfraith Comprehensive Schools.                             | 39 - 44 |
| 7 | Proposals to Commence a Consultation Exercise to Close Pontllanfraith Leisure Centre.       | 45 - 56 |

**Circulation:**

Councillors C.J. Cuss, N. George, C.J. Gordon, Mrs B. A. Jones, P.A. Marsden, S. Morgan, L. Phipps, D.V. Poole and Mrs E. Stenner,

And Appropriate Officers.

# Agenda Item 3



## CABINET

### MINUTES OF THE MEETING HELD AT PENALLTA HOUSE, TREDOMEN ON WEDNESDAY, 6TH SEPTEMBER 2017 AT 2.00 P.M.

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#### PRESENT

Councillor D.V. Poole – Chair

#### Councillors:

C.J. Cuss (Social Care and Well Being), N. George (Neighbourhood Services), C.J. Gordon (Corporate Services), L. Phipps (Homes and Places) and Mrs E. Stenner (Environment and Public Protection).

#### Together with:

C. Burns (Interim Chief Executive), C. Harry (Corporate Director – Communities) and N. Scammell (Acting Director of Corporate Services and S151 Officer).

#### Also in Attendance:

R. Hartshorn (Head of Public Protection), M. Williams (Interim Head of Property Services), J. Carpenter (Council Tax and NNDR Manager) and C. Evans (Committee Services Officer).

#### 1. **APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillor Mrs B.A. Jones, P.A. Marsden (Education and Achievement) and S. Morgan and D. Street (Corporate Director – Social Services).

#### 2. **DECLARATIONS OF INTEREST**

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

#### 3. **CABINET – 19TH JULY 2017**

RESOLVED that the minutes of the meeting held on 19th July 2017 (minute nos. 1 - 8) be approved and signed as a correct record.

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

### **4. CAERPHILLY COUNTY BOROUGH COUNCIL (DOG CONTROL) PUBLIC SPACES PROTECTION ORDER 2017**

The report advised Cabinet of the outcome of the Council's statutory consultation on proposals included in a draft Public Spaces Protection Order to tackle irresponsible dog ownership and dog fouling and sought Cabinet approval to bring into being the draft Public Spaces Protection Order, under the Anti-Social Behaviour, Crime and Policing Act 2014 providing additional legal powers for dog control.

Public Spaces Protection Orders (PSPOs) were introduced by the Anti-social Behaviour, Crime and Policing Act 2014 and can be used to regulate activities in particular public places to ensure that the law-abiding majority can use and enjoy public spaces safe from anti-social behaviour. As such, they provide an opportunity to enhance the Council's enforcement ability to respond to public opinion regarding dog fouling. This opinion manifested itself through complaints to officers and Members, the Council's Household Survey, and concerns raised through the Your Voice process.

At its meeting on 18th January 2017 Cabinet endorsed proposals to undertake statutory consultation on various provisions which may be included in a Public Spaces Protection Order relating to Dog Control, some of which replace existing powers whilst others are new.

The overview of the consultation responses were appended to the report. The statutory public consultation provided support for action against irresponsible dog owners even though the majority of responses received were from dog owners themselves. There was a strong agreement with all of the proposals.

Cabinet thanked the Officer for the detailed report and discussed the proposals therein. Cabinet were happy to support the proposals, but emphasised the need to review the decision to omit the proposal to exclude dogs from all Council owned marked sports/playing pitches on a seasonal basis.

In addition, a Member requested that that Multi-use Games Area (MUGA) in Trelyn Park, be included in the detailed proposals.

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

RESOLVED that for the reasons contained in the Officers report:-

- (i) the outcome of the statutory consultation relating to the provisions contained in the draft Public Spaces Protection Order be noted;
- (ii) that the proposed Public Spaces Protection Order, as set out in Appendix 4 to the report be approved and adopted.

### **5. WORKS TO FACILITATE THE DISPOSAL OF PONTLLANFRAITH HOUSE SITE**

The report sought approval to procure both the demolition of Ty Pontllanfraith House and the necessary site, and other investigations to inform the disposal process and to ensure the necessary funds are made available to fund these costs.

The site was marketed and three parties were invited for a formal interview. After further analysis of the bids a preferred purchaser was selected; discussions to refine the design are continuing.

The Commercial element of the offer of purchase continues to be caveated and it is now clear that a net firm offer will not be established until a detailed ground investigation is completed. The buildings continue to incur cost and it is proposed that the Council directly procures both the demolition of the buildings, and the necessary site and other investigations to inform the disposal process.

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

RESOLVED that for the reasons contained in the Officers report, and in utilising funding from the capital earmarked reserve, the demolition of the buildings and the necessary site and other investigations be approved and all works be procured in line with the Authority's Standing Orders for contracts.

## **6. WRITE-OFF OF DEBTS OVER £20,000 – NNDR ARREARS FOR LTD COMPANIES**

On the 15th September 2009, Cabinet approved a revised write-off procedure for debts that are material, where the individual debt is greater than £20,000. Approval is sought to write-off two national non-domestic rate (NNDR), also known as business rate, debts where, in each case, the individual debt is greater than £20,000.

It was noted that due to debtors absconding, declaring themselves insolvent through bankruptcy/liquidation or other proceedings, ceasing to trade, dying with no estate, and because of limited means there are inevitably circumstances when debts cannot be collected. After all legal means have been exhausted a decision is made to write-off debts. Policy and Resources Scrutiny Committee receive a report every 6 months summarising the value of debts written off by the Authority. It should be noted that business rate is an unsecured debt in the event of bankruptcy/ liquidation.

The report detailed two cases, the first case had unpaid rates of £26,944.26 in respect of an occupied rate liability covering the period 14th June 2012 to 31st December 2014 inclusive. The Authority issued rate demands and obtained liability orders in respect of the debt, a voluntary payment plan was agreed and payments of £5,212.00 were collected. Subsequently, an enforcement agent was instructed to recover the debt but before any further sums could be recovered, the company was dissolved. The total liability (including £112.33 court costs) was £32,765.30, of which £5,933.37 has been collected, leaving an unpaid balance of £26,944.26. The company was dissolved on 21st July 2015 via voluntary 'strike off' according to Companies House records. In the unlikely event that any future payment is received in respect of these arrears, an equivalent amount of the debt will be reinstated.

The second had unpaid rates of £20,209.87 in respect of an occupied rate liability covering the period 1st September 2013 until 31st March 2016 inclusive. The Authority issued rate demands and obtained liability orders in respect of the debt. No payments were received and subsequently an enforcement agent was instructed to recover the debt. The total liability (including £171.10 court costs) was £34,898.29, of which £14,859.52 has been collected, leaving an unpaid balance of £20,209.87. The company went into liquidation on 1st April 2016 and the Authority submitted a claim for the outstanding debt to insolvency practitioners. In the unlikely event that any future payment is received in respect of these arrears, an equivalent amount of the debt will be reinstated.

In these cases the Authority has no further legal powers to recover the unpaid debts.

Members thanked the Officer for the report and sought assurance that all possible measures were taken to recover the debt. Officers outlined that, whilst the monies are collected on behalf of Welsh Government, and there is no significant impact to the Council's balances, all reasonable measures are taken to recover the debt.

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

RESOLVED that for the reasons contained in the Officers report the debts detailed in paragraphs 4.3 and 4.4 of the report be written-off on the grounds that they are irrecoverable.

## **EXEMPT ITEM**

Members considered the public interest test and concluded that on balance the public interest in maintaining the exemption outweighed the public interest in disclosing the information and it was: -

RESOLVED that in accordance with the Local Government Act 1972 the public be excluded from the remainder of the meeting because of the likely disclosure to them of exempt information as defined in paragraphs 14 of Schedule 12A of the Local Government Act 1972.

## **7. WRITE OFF OF DEBTS OVER £20,000 – NNDR ARREARS**

On 15th September 2009, Cabinet approved a revised write-off procedure for debts that are material, where the individual debt is greater than £20,000.

The report sought the approval of Cabinet to write-off a national non-domestic rate (NNDR), also known as business rate, debt where the individual debt is greater than £20,000.

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

RESOLVED that for the reasons contained in the Officers report, the recommendation contained in paragraph 10.1 of the report be approved.

The meeting closed at 2.36 p.m.

Approved and signed as a correct record subject to any corrections made at the meeting held on 20th September 2017.

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CHAIR



## CABINET – 20TH SEPTEMBER 2017

**SUBJECT: UPDATED ANTI-FRAUD, BRIBERY AND CORRUPTION POLICY AND  
UPDATED ANTI-MONEY LAUNDERING POLICY**

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

- 
- 1.1 The report, which was presented to Special Audit Committee on 25th July 2017, sought the approval of the Audit Committee for the updated Anti-Fraud, Bribery and Corruption Policy and the Anti-Money Laundering Policy, prior to consideration by Cabinet.
  - 1.2 The Authority has strived to maintain a high level of probity and integrity when carrying on its business and with corporate governance continuing to become a key business driver the need to maintain, review and update key priorities is as ever an important part of the governance toolkit.
  - 1.3 Both the Anti-Fraud, Bribery and Corruption Policy and the Anti-Money Laundering Policy are key elements within a suite of policies that focus on the prevention of fraud and wrong doing and set out the standards by which the organisation operates.
  - 1.4 The existing policies were last reviewed in 2011 and have now been updated to account for operational changes and to reflect best practice and ongoing compliance with current legislative requirements.
  - 1.5 It is unlikely that the Anti-Money Laundering Policy will be particularly relevant to our day to day activities but as a complimentary policy sitting alongside the Anti-Fraud, Bribery and Corruption Policy it will increase awareness and provide guidance to both Members and Officers should a potential situation arise with large sums of cash.
  - 1.6 Both policies act as statements of the Council's attitude towards fraud and corruption and contain the following key elements: -
    - They will apply to Members and Officers;
    - They will apply to third parties who have dealings with the Authority;
    - They will underpin the culture of the Authority;
    - The role and responsibilities of Members and Officers in contributing to a culture of honesty and openness are laid out; and
    - Training and awareness are key contributing factors.
  - 1.7 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 that for the reasons outlined in the Officers report, the updated Anti-Fraud, Bribery and Corruption Policy and updated Anti-Money Laundering Policy be approved by Cabinet.
  - 1.8 Members are asked to consider the recommendations.

Author: C.A Evans, Committee Services Officer  
Ext. 4210

Appendix:  
Report to Audit Committee dated 25th July 2017





## **AUDIT COMMITTEE – 25TH JULY 2017**

**SUBJECT:        UPDATED ANTI-FRAUD, BRIBERY AND CORRUPTION POLICY AND  
                  UPDATED ANTI-MONEY LAUNDERING POLICY**

**REPORT BY:    INTERNAL AUDIT SERVICES MANAGER**

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### **1.        PURPOSE OF REPORT**

- 1.1        To seek approval of two updated policies prior to consideration by Cabinet. The policies are the Anti-Fraud, Bribery and Corruption Policy (Appendix 1) and the Anti-Money Laundering Policy (Appendix 2).

### **2.        LINKS TO STRATEGY**

- 2.1        Strong corporate governance arrangements are an essential element of ensuring that the Council's key priorities are effectively delivered and this in turn contributes to the following Well-being Goals within the Well-being of Future Generations Act (Wales) 2015: -

- 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.

### **3.        THE REPORT**

- 3.1        The Authority has always strived to maintain a high level of probity and integrity when carrying out its business and with corporate governance continuing to become a key business driver the need to maintain, review and update key policies is as ever an important part of the governance toolkit.
- 3.2        Both the Anti-Fraud, Bribery and Corruption Policy and the Anti-Money Laundering Policy are key elements within a suite of policies that focus on the prevention of fraud and wrong doing and set out the standards by which the organisation operates.
- 3.3        The existing policies were last reviewed in 2011 and have now been updated to account for operational changes and to reflect best practice and ongoing compliance with current legislative requirements.
- 3.4        It is unlikely that the Anti-Money Laundering Policy will be particularly relevant to our day to day activities but as a complimentary policy sitting alongside the Anti-Fraud, Bribery and Corruption Policy it will increase awareness and provide guidance to both Members and Officers should a potential situation arise with large sums of cash.

3.5 Both policies act as statements of the Council's attitude towards fraud and corruption and contain the following key elements: -

- they will apply to Members and Officers;
- they will apply to third parties who have dealings with the Authority;
- they will underpin the culture of the Authority;
- the role and responsibilities of Members and Officers in contributing to a culture of honesty and openness are laid out; and
- training and awareness are key contributing factors.

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

4.1 Strong corporate governance arrangements are a key element in ensuring that the Well-being Goals within the Well-being of Future Generations Act (Wales) 2015 are met.

#### **5. EQUALITIES IMPLICATIONS**

5.1 There are no equalities implications.

#### **6. FINANCIAL IMPLICATIONS**

6.1 There are no financial implications.

#### **7. PERSONNEL IMPLICATIONS**

7.1 There are no personnel implications.

#### **8. CONSULTATIONS**

8.1 Any comments received have been reflected in the report.

#### **9. RECOMMENDATIONS**

9.1 Members of the Audit Committee are asked to approve the updated policies prior to their consideration by Cabinet.

#### **10. REASONS FOR THE RECOMMENDATIONS**

10.1 To ensure that both Council policies remain valid and up to date.

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Consultees: Nicole Scammell, Acting Director of Corporate Services and Section 151 Officer  
Stephen Harris, Interim Head of Corporate Finance

Appendices: -

Appendix 1 – Anti-Fraud, Bribery & Corruption Policy

Appendix 2 – Anti-Money Laundering Policy

## CAERPHILLY COUNTY BOROUGH COUNCIL

### ANTI FRAUD, BRIBERY AND CORRUPTION POLICY



# 1 INTRODUCTION

- 1.1 In carrying out its functions and responsibilities, the Authority adopts a culture of openness and fairness and expects that elected members and employees at all levels will adopt the highest standards of propriety and accountability. This is achieved by leading by example and by an understanding of and adherence to rules, procedures and agreed practices. These standards are also expected from organisations that have dealings with the Authority (e.g. suppliers/contractors). It is our policy to conduct all of our dealings in an honest and ethical manner. We take a zero-tolerance approach to bribery and corruption and are committed to acting professionally, fairly and with integrity in all our dealings and relationships wherever we operate and implementing and enforcing effective systems to counter bribery.
- 1.2 The Authority must demonstrate clearly that it is firmly committed to dealing with fraud and corruption and will deal equally with perpetrators from inside (Members and employees) and outside the Authority. In addition, there will be no distinction made in investigation and action between cases that generate financial benefits and those that do not. We will uphold all laws relevant to countering bribery and corruption and we are bound by the laws of the UK, including the Bribery Act 2010, in respect of our conduct.
- 1.3 The Anti-Fraud, Bribery and Corruption Policy, however, will not compromise the Authority's equal opportunities policy or any obligations as an employer under the code of conduct for local government employees. Bribery and corruption are punishable for individuals by up to ten years' imprisonment and if we are found to have taken part in corruption we could face an unlimited fine and face damage to our reputation. We therefore take our legal responsibilities very seriously.
- 1.4 This policy document embodies a series of measures designed to frustrate any attempted fraudulent or corrupt act and the steps to be taken if such an act occurs. For ease of understanding, it is separated into five areas:

Culture	Section 2
Prevention	Section 3
Deterrence	Section 4
Detection and Investigation	Section 5
Awareness and Training	Section 6

- 1.5 The Authority is also aware of the high degree of external scrutiny of its affairs by a variety of bodies such as the Wales Audit Office, the Public Services Ombudsman for Wales, HM Revenue & Customs and other regulatory bodies. These bodies are important in highlighting any areas where improvements can be made.
- 1.6 Fraud, corruption and bribery are defined as:

**Fraud** – *“the intentional distortion of financial statements or other records by persons internal or external to the Authority which is carried out to conceal the misappropriation of assets or otherwise for gain”.*

In addition, fraud can also be defined as *“the intentional distortion of financial statements or other records by persons internal or external to the Authority which is carried out to mislead or misrepresent”.*

**Corruption** – *“the offering, giving, soliciting or acceptance of an inducement or reward which may influence the action of any person”.*

In addition, this policy covers *“the failure to disclose an interest in order to gain financial or other pecuniary gain.”*

**Bribery** – “a bribe is an inducement or reward offered, promised or provided in order to gain any commercial, contractual, regulatory or personal advantage.”

## **2. CULTURE**

- 2.1 The culture of the Authority is one of openness and the core values of fairness, trust and value support this. The Authority’s culture therefore supports the opposition to fraud and corruption.
- 2.2 The prevention/detection of fraud, bribery and corruption and the protection of the public purse are everyone’s responsibility. Bribery and corruption are punishable for individuals by up to ten years’ imprisonment and if you are found to have taken part in corruption you could face an unlimited fine.
- 2.3 The Authority’s elected members and employees play an important role in creating and maintaining this culture. They are positively encouraged to raise concerns regarding bribery, fraud and corruption, immaterial of seniority, rank or status, in the knowledge that such concerns will, wherever possible, be treated in confidence.
- 2.4 Concerns must be raised when members or employees reasonably believe that one or more of the following has occurred, is in the process of occurring or is likely to occur:
- ◆ a criminal offence
  - ◆ a failure to comply with a statutory or legal obligation
  - ◆ improper unauthorised use of public or other funds
  - ◆ a miscarriage of justice
  - ◆ maladministration, misconduct or malpractice
  - ◆ endangering of an individual’s health and safety
  - ◆ deliberate concealment of any of the above.
- 2.5 The Authority will ensure that any allegations received in any way will be taken seriously and investigated in an appropriate manner, subject to the requirements of the Human Rights Act 1998 and Equality Act 2010. Anonymous letters or phone calls will be considered on their merit and dependent on the nature and seriousness of the allegation. The Council has a whistleblowing policy that sets out the Council’s approach to these types of allegations in more detail.
- 2.6 The Authority will deal firmly with those who defraud the Authority, or who are corrupt, or where there has been financial malpractice or bribery. There is, of course, a need to ensure that any investigation process is not misused and, therefore, any abuse (such as employees raising malicious allegations) may be dealt with as a disciplinary matter.
- 2.7 When fraud, bribery, or corruption has occurred because of a breakdown in the Authority’s systems or procedures, the Director and Head of Service responsible will ensure that appropriate improvements in systems of control are implemented to prevent a reoccurrence.

## **3 PREVENTION**

### **3.1 ELECTED MEMBERS - The Role of Elected Members**

- 3.1.1 As elected representatives, all members of the Authority have a duty to the Borough’s residents to protect the Authority from all forms of fraud, corruption and bribery.
- 3.1.2 This is met through the Anti-fraud, Bribery and Corruption Policy and compliance with the Council’s Code of Conduct for Members, the Authority’s Constitution, Financial Regulations, Standing Orders or Contracts and the relevant legislation, internal rules and regulations.

3.1.3 Elected members undertake to observe the Council's code of conduct when they take office. These conduct and ethical matters are specifically brought to the attention of members during induction and include the declaration and registration of interests. The Monitoring Officer advises members of new legislative or procedural requirements.

3.1.4 The Council's Code of Conduct for Members is based upon the following 10 principles for conduct in public life:

- (i) Selflessness
- (ii) Honesty
- (iii) Integrity and propriety
- (iv) Stewardship
- (v) Duty to uphold the law
- (vi) Objectivity in decision making
- (vii) Equality and respect
- (viii) Openness
- (ix) Accountability
- (x) Leadership

## 3.2 **EMPLOYEES - The Role of Managers**

3.2.1 Managers at all levels are responsible for the communication and implementation of this policy in their work area. They are also responsible for ensuring that their employees are aware of the Authority's Policies and Procedures, Financial Regulations and Standing Orders for Contracts, and that the requirements of each are being met in their everyday business activities. In addition, managers must make their employees aware of the requirements of the Code of Conduct for Employees through the induction process.

3.2.2 Managers are expected to strive to create an environment in which their staff feel able to approach them with any concerns they may have about suspected irregularities. Where they are unsure of the procedures they must refer to the appropriate Policies and Procedures.

3.2.3 Special arrangements may apply where employees are responsible for cash handling or are in charge of financial systems and systems that generate payments, for example payroll, the benefits system or council tax. Managers must ensure that relevant training is provided for employees. Checks must be carried out at least annually to ensure that proper procedures are being followed.

3.2.4 The Authority recognises that a key preventative measure in dealing with fraud and corruption is for managers to take effective steps at the recruitment stage to establish, as far as possible, the honesty and integrity of potential employees, whether for permanent, temporary or casual posts. The Authority's equal opportunities policy will be adhered to during this process.

3.2.5 The Authority has a formal recruitment procedure, which contains appropriate safeguards on matters such as written references and verifying qualifications held and employment history. Disclosure and Barring Service (DBS) checks are undertaken for employees and Elected Members working with or having direct contact with children or vulnerable adults.

3.2.6 The aims of vetting people before employment are;

- ◆ To ensure recruitment of the best person for the job
- ◆ To discourage dishonest people from applying for jobs
- ◆ To make sure that all staff are honest
- ◆ To show that the Council has taken all reasonable steps to prevent fraud

### 3.3 **EMPLOYEES - Responsibilities of Employees**

3.3.1 Each employee is governed in their work by the Authority's Standing Orders for Contracts and Financial Regulations and other codes of conduct and policies (health and safety, IT strategy, IT security). They are also governed by the code of conduct for local government employees. Included in these are guidelines on gifts and hospitality and codes of conduct associated with professional and personal conduct and conflicts of interest. These are issued to all employees when they join the Authority or will be provided by their manager. [N.B. Section 117 of the Local Government Act 1972 prohibits the acceptance of fees, gifts or rewards; other than by way of proper remuneration from the Council, or otherwise where this has been specifically authorised by a Director and where it has been recorded in the hospitality register maintained by the Directorate.]

3.3.2 In addition to paragraph 3.3.1, employees are responsible for ensuring that they follow the instructions given to them by management, particularly in relation to the safekeeping of the assets of the Authority. These will be included in induction training and procedure manuals. In some areas, specific training maybe required or professional responsibilities require staff to keep themselves updated in their area of work; employees in these areas are required to ensure that they are aware of the specific relevance of this to their work.

3.3.3 Employees are expected always to be aware of the possibility that fraud, corruption or theft may exist in the workplace and be able to share their concerns with management. If for any reason, they feel unable to speak to their manager they must refer the matter to one of those named below. Workers who refuse to accept or offer a bribe, or those who raise concerns or report another's wrongdoing, are sometimes worried about possible repercussions. We aim to encourage openness and will support anyone who raises genuine concerns in good faith under this policy, even if they turn out to be mistaken.

3.3.4 Concerns must be raised, in the first instance, directly with the supervisor/ manager, or, if necessary, anonymously (by letter or phone), and via other routes, in accordance with the Authority's Whistleblowing Policy which includes:

- ◆ Heads of Service, Directors, the Authority's Monitoring Officer, the S.151 Officer or the Head of Human Resources and Organisational Development.
- ◆ Alternatively additional concerns can be raised via the independent charity, Public Concern at Work.

3.3.5 Under the Code of Conduct, members have specific obligations to uphold the law, in relation to stewardship of the Council's assets and for integrity in matters of claiming expenses, and of gifts and hospitality. Our zero-tolerance approach to bribery and corruption must be communicated to all suppliers, contractors and business partners at the outset of our relationship with them and as appropriate thereafter.

3.3.6 Any allegations of benefit fraud are to be referred to the Department of Work & Pensions for investigation.

### 3.4 **Conflicts of Interest**

3.4.1 Both elected members and employees must ensure that they avoid situations where there is a potential for a conflict of interest. Such situations can arise with externalisation of services, internal tendering, planning and land issues, etc. Effective role separation will ensure decisions are made, and are seen to be made, based upon impartial advice and avoid questions about improper disclosure of confidential information.

### 3.5 **Official Guidance**

3.5.1 In addition to Financial Regulations and Standing Orders for Contracts, service areas will have their own procedures to prevent and detect fraud. Where audit reports, both internal and external, recommend

methods to minimise losses to the Authority, managers and employees must be made aware of these various sources of guidance and alter their working practices accordingly.

### 3.6 Role of Internal Audit

3.6.1 Internal Audit Services is within the Head of Corporate Finance's responsibility and it plays a vital preventative role in trying to ensure that systems and procedures are in place to prevent and detect fraud and corruption. The Head of Corporate Finance and S.151 Officer must be informed of all cases of suspected irregularity, in accordance with the requirements of the Council's Financial Regulations. Internal Audit Services role is to assist management in ensuring that a comprehensive investigation is undertaken and that changes in procedures are implemented to prevent further losses to the Authority, except for benefit fraud investigations which are undertaken by the DWP.

3.6.2 Internal Audit Services has arranged and will keep under review procedures and arrangements to develop and encourage the exchange of information on national and local fraud and corruption activity in relation to local authorities with external agencies such as:

- ◆ police
- ◆ county, unitary and district groups
- ◆ the Councils external audit provider
- ◆ Wales Audit Office
- ◆ government departments.

### 3.7 The Role of External Audit

3.8.1 Independent external audit is an essential safeguard in the stewardship of public money. The external auditor has a responsibility to review the Authority's arrangements to prevent and detect fraud and irregularity, and the arrangements designed to limit the opportunity for corrupt practices. It is not the external auditor's function to prevent fraud and irregularity, but the integrity of public funds is at all times a matter of general concern. External auditors are always alert to the possibility of fraud and irregularity, and will act without undue delay if grounds for suspicion come to their notice. The Council participates in the National Fraud Initiative which is designed to cross match data obtained from a number of sources to highlight areas where there is potential fraudulent activity which are subsequently investigated.

## 4. **DETERRENCE**

### 4.1 Prosecution

4.1.1 There may be no choice about prosecution. The Criminal Law Act 1967, section 4 creates an offence of assisting offenders by committing any act without lawful authority or reasonable excuse which would impede the apprehension or prosecution of any person whom a person knows or believes to be guilty of an arrestable offence.

### 4.2 Disciplinary Action

4.2.1 Theft, fraud, bribery and corruption are serious offences against the Authority and employees may face disciplinary action if there is evidence that they have been involved in these activities. Disciplinary action will be taken in addition to, or instead of, criminal proceedings, depending on the circumstances of each individual case.

4.2.2 Members will face appropriate action if they are found to have been involved in theft, fraud, bribery or corruption against the Authority. Action will be taken in addition to, or instead of, criminal proceedings, depending on the circumstances of each individual case, but in a consistent manner. The Code of



Conduct, and regulations made by the National Assembly, govern the obligation to report a criminal offence and the way in which that may be dealt with as a breach of the Code.

#### 4.3 Publicity

- 4.3.1 The Council will optimise the publicity opportunities associated with anti-fraud, bribery and corruption activity within the Authority.
- 4.3.2 In all cases where financial loss to the Authority has occurred, the Authority will seek to recover the loss and will in, appropriate circumstances, advertise the fact.
- 4.3.3 All anti-fraud, bribery and corruption activities, including the update of this policy, will be publicised in order to make the employees and the public aware of the Authority's commitment to taking action on fraud and corruption when it occurs.
- 4.3.4 Reports will be made to the Audit Committee in respect of initiatives undertaken to counter fraud, bribery and corruption.

### 5. **DETECTION AND INVESTIGATION**

- 5.1 Internal Audit Services plays an important role in the detection of fraud, bribery and corruption. Included in their Audit Plan are reviews of systems financial controls, which include specific fraud, bribery and corruption tests.
- 5.2 In addition to internal audit, there are numerous systems controls in place to deter fraud, bribery and corruption, but it is often the vigilance of employees and members of the public that aids detection.
- 5.3 In some cases frauds are discovered by chance or 'tip-off' and arrangements are in place to enable such information to be properly dealt with, in accordance with the Council's Whistleblowing Policy and relevant legislation.
- 5.4 All suspected irregularities are required to be reported (verbally or in writing) in line with the Council's Financial Regulations and / or the "Whistleblowing Policy". This is essential to any anti-fraud, bribery and corruption strategy, and ensures the consistent treatment of information regarding fraud and corruption.
- 5.5 This process will apply to all the following areas:
  - a) internal fraud/bribery/corruption
  - b) other fraud/bribery/corruption by Authority employees
  - c) fraud/bribery/corruption by elected members
  - d) fraud by contractors or contractors' employees
  - e) external fraud (the public).
- 5.6 Cases under c), d) and e) would normally be referred directly to the Council's External Auditor, Ombudsman or the police.
- 5.7 Any decision to refer a matter to the police will be taken by the Head of Corporate Finance and S.151 Officer in consultation with the Chief Executive, Director/Head of Service, Head of Legal Services and Monitoring Officer and the Head of Human Resources & Organisational Development. The Authority will normally make the police aware of and investigate independently where financial impropriety is suspected.
- 5.8 Depending on the nature of an allegation the Internal Auditor Manager will normally work closely with the relevant Head of Service concerned to ensure that all allegations are thoroughly investigated and reported upon, and the necessary system improvements made to prevent any recurrence.

- 5.9 The Authority's disciplinary policy and procedures will be used to facilitate any further investigation of any allegations of improper behaviour by employees. The processes as outlined in paragraph 4.2.2 will cover Members.

## **6. AWARENESS AND TRAINING**

- 6.1 The Authority recognises that the continuing success of this policy and its general credibility will depend in part on the effectiveness of programmed training and an awareness of elected members and employees throughout the Authority.
- 6.2 To facilitate this, positive and appropriate provision has been made via induction for members and new employees, and, additionally for employees, via their development plans where appropriate, for the specific post held. This may include specialist training for certain elected members and employees.
- 6.3 Full copies of the "Whistleblowing Policy", the "Anti Money Laundering Policy" and the "Anti-Fraud, Bribery and Corruption Policy" are posted on the Council's intranet and website ([www.caerphilly.gov.uk](http://www.caerphilly.gov.uk)).

## **7. CONCLUSIONS**

- 7.1 The Authority has always prided itself on setting and maintaining high standards and a culture of openness, with core values of fairness, trust and value. This strategy fully supports the Authority's desire to maintain an honest Authority, free from fraud, bribery and corruption.
- 7.2 The Authority has in place a network of systems and procedures to assist it in dealing with fraud, bribery and corruption when it occurs. It is determined that these arrangements will keep pace with any future developments in techniques to both prevent and detect fraudulent or corrupt activity that may affect its operation.
- 7.3 The Authority will maintain a continuous review of all these systems and procedures through Internal Audit Services.
- 7.4 This policy will be reviewed periodically.

# CAERPHILLY COUNTY BOROUGH COUNCIL

## ANTI MONEY LAUNDERING POLICY



## 1. Introduction

Although local authorities are not directly covered by the requirements of the Money Laundering Regulations 2007, guidance from the Chartered Institute of Public Finance and Accounting (CIPFA) indicates that they should comply with the underlying spirit of the legislation and regulations.

The legislative requirements concerning money laundering procedures are lengthy and complex. Caerphilly County Borough Council is committed to the highest possible standards of conduct. This policy has been written to enable the Council to meet the legal requirements in a way that is proportionate to the Council's risk of contravening the legislation and to ensure that there are adequate safeguards and reporting arrangements to ensure that the Council is not used by 3<sup>rd</sup> parties for the purpose of money laundering.

The policy sets out the procedures which must be followed and it is suggested that this be read in conjunction with the Anti- Fraud, Bribery and Corruption Policy and the Financial Procedure Rules which govern the day to day operation of the Authority's financial administration.

## 2. Scope Of The Policy

This policy applies to:

- All Council employees (permanent, temporary or casual)
- Elected Members
- Agency Staff
- Consultants
- Contractors
- Partners

The aim of this policy is to enable officers and Members to respond to a concern they have in relation to suspicions of money laundering activity as part of their work and sets out the procedures that must be followed.

Individuals who have a concern relating to a matter outside work should contact the Police.

## 3. Definition of Money Laundering

Money laundering describes offences involving the integration of the proceeds of crime, or terrorist funds, into the mainstream economy. Such offences are defined under the Proceeds of Crime Act 2002 as the following "prohibited acts".

- Concealing, disguising, converting, transferring or removing criminal property from the UK
- Becoming involved in an arrangement which an individual knows or suspects facilitates the acquisition, retention, use or control of criminal property by or on behalf of another person
- Acquiring, using or possessing criminal property
- Doing something that might prejudice an investigation, e.g. falsifying a document
- Failure to disclose one of the offences above, where there are reasonable grounds for knowledge or suspicion.
- Tipping off a person(s) who is or is suspected of being involved in money laundering in such a way as to reduce the likelihood of, or prejudice an investigation.

Whilst the risk of the Council contravening the legislation is low, it is extremely important that all employees are familiar with their legal responsibilities as serious criminal sanctions may be imposed for breaches of the legislation.

## 4. What Are The Obligations On The Council

The main requirements of the legislation are:

- Appoint a Money Laundering Reporting Officer to receive disclosures from employees of money laundering activity
- Implement a procedure to enable the reporting of suspicions of money laundering
- Maintain client identification procedures in certain circumstances and
- Maintain record keeping procedures

The key areas covered by the Act relate mainly to Accountancy, Audit Services and property transactions undertaken by Legal Services. However, to ensure compliance with the law, all staff are required to comply with the reporting / disclosure procedure set out in section 6 below.

## 5. **The Money Laundering Reporting Officer (MLRO)**

The Council has designated the S.151 Officer as the Money Laundering Reporting Officer. She can be contacted by email: [scammn@caerphilly.gov.uk](mailto:scammn@caerphilly.gov.uk), or by telephone: 01443 863031.

The Money Laundering Reporting Officer is responsible for receiving reports of suspicious activities relating to money laundering and evaluating the information provided, before determining if a referral should be made to the National Crime Agency.

## 6. **Reporting Procedure For Suspicions Of Money Laundering**

Where you know or suspect that money laundering activity is taking/has taken place, or become concerned that your involvement in a matter may amount to a prohibited act under the Act, you must disclose this as soon as practicable to the MLRO. The disclosure should be within “hours” of the information coming to your attention, not weeks or months later.

Your disclosure should be made to the MLRO using the disclosure report, available on the Council's Intranet, via the governance link on the home page. The report should include as much detail as possible including:

- Full details of the people involved
- Full details of the nature of their/your involvement
- The types of money laundering activity involved
- The dates of such activities
- Whether the transactions have happened, are ongoing or are imminent
- Where they took place
- How they were undertaken
- The (likely) amount of money'/assets involved
- Why, exactly, you are suspicious.

Along with any other available information to enable the MLRO to make a sound judgment as to whether there are reasonable grounds for knowledge or suspicion of money laundering and to enable her to prepare her report to the National Crime Agency (NCA), where appropriate. You should also enclose copies of any relevant supporting documentation.

If you are concerned that your involvement in the transaction would amount to a prohibited act under Sections 3279-329 of the Act, then your report must include all relevant details, as you will need consent from the NCA, via the MLRO, to take any further part in the transaction – this is the case even if the client gives instructions for the matter to proceed before such consent is given. You should therefore make it clear in the report if such consent is required and clarify whether there are any deadlines for giving such consent e.g. a completion date or court deadline.

Once you have reported the matter to the MLRO you must follow any directions she may give you. You must NOT make any further enquiries into the matter yourself: any necessary investigation will be undertaken by the NCA. Simply report your suspicions to the MLRO who will refer the matter on to the NCA if appropriate. All members of staff will be required to co-operate with the MLRO and the

authorities during any subsequent money laundering investigation.

Similarly, at no time and under no circumstances should you voice any suspicions to the person(s) whom you suspect of money laundering, even if the NCA has given consent to a particular transaction proceeding, without the specific consent of the MLRO; otherwise you may commit a criminal offence of “tipping off”.

Do not, therefore, make any reference on a client file to a report having been made to the MLRO – should the client exercise their right to see the file, then such a note will obviously tip them off to the report having been made and may render you liable to prosecution. The MLRO will keep the appropriate records in a confidential manner.

## **7. Consideration of the Disclosure by the Money Laundering Reporting Officer**

Upon receipt of a disclosure report, the MLRO must note the date of receipt on their section of the report and acknowledge receipt of it. The MLRO should also advise you of the timescale within which he expects to respond to you.

The MLRO will consider the report and any other available internal information he thinks relevant, for example:

- reviewing other transaction patterns and volumes
- the length of any business relationship involved
- the number of any one-off transactions and linked one-off transactions
- any identification evidence held

The MLRO will undertake such other reasonable inquiries he thinks appropriate in order to ensure that all available information is taken into account in deciding whether a report to the NCA is required (such enquiries being made in such a way as to avoid any appearance of tipping off those involved). The MLRO may also need to discuss the report with you.

Once the MLRO has evaluated the disclosure report and any other relevant information, he must make a timely determination as to whether:

- there is actual or suspected money laundering taking place; or
- there are reasonable grounds to know or suspect that is the case; and
- whether he needs to seek consent from the NCA for a particular transaction to proceed

Where the MLRO does so conclude, then he must disclose the matter as soon as practicable to the NCA on their standard report form and in the prescribed manner, unless he has a reasonable excuse for non-disclosure to the NCA (for example, if you are a lawyer and you wish to claim legal professional privilege for not disclosing the information).

Where the MLRO suspects money laundering but has a reasonable excuse for non-disclosure, then he must note the report accordingly; he can then immediately give his consent for any ongoing or imminent transactions to proceed.

In cases where legal professional privilege may apply, the MLRO must liaise with the Council’s Monitoring Officer to decide whether there is a reasonable excuse for not reporting the matter to the NCA.

Where consent is required from the NCA for a transaction to proceed, then the transaction(s) in question must not be undertaken or completed until the NCA has specifically given consent, or there is deemed consent through the expiration of the relevant time limits without objection from the NCA.

Where the MLRO concludes that there are no reasonable grounds to suspect money laundering then he shall mark the report accordingly and give his consent for any ongoing or imminent transaction(s) to proceed.

All disclosure reports referred to the MLRO and reports made by him to the NCA must be retained by the MLRO in a confidential file kept for that purpose, for a minimum of five years.

The MLRO commits a criminal offence if he knows or suspects, or has reasonable grounds to do so, through a disclosure being made to him, that another person is engaged in money laundering and he does not disclose this as soon as practicable to the NCA.

## 8. **Client Identification**

Although there is no legal requirement for the Council to have formal procedures for evidencing the identity of those they do business with, staff should be alert to potentially suspicious circumstances. Where there may be doubt and in particular, when forming a new business relationship or considering a significant one off transaction, identification of the party to the transaction(s) should be sought.

## 9. **Record Keeping**

Each section of the Council conducting relevant business (Accountancy, Audit and certain Legal Services) must maintain appropriate records of:

- Client identification evidence obtained and
- Details of all relevant business transactions carried out for clients for at least five years. This is so that they may be used as evidence in any subsequent investigation into money laundering

The precise nature of the records to be held is not prescribed by law, however they must be capable of providing an audit trail during any subsequent investigation, for example distinguishing the party giving rise to concern and the relevant transactions and recording in what form any funds were received or paid.

## 10. **Training & Awareness**

The Council does not have any areas of activity that are considered to be especially vulnerable to money laundering. This is supported by the fact that local authorities are not included as a “relevant person” in the Money Laundering Regulations 2007 and are therefore not covered by those regulations.

Those receiving, or arranging to receive cash on behalf of the Council must ensure they are familiar with this policy. As the types of transactions which may be used by money launderers are almost unlimited, it is difficult to define a suspicious transaction.

Training will be delivered upon request.

## 11. **Further Information**

Money laundering guidance is available from professional bodies (for example ACCA, CIPFA, LLA, The Law Society) and HM Revenue and Customs.

## 12. **Review**

This policy will be reviewed and updated periodically.

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## CABINET – 20TH SEPTEMBER 2017

**SUBJECT: COMMUNITY CENTRE MANAGEMENT COMMITTEES – CCBC REPRESENTATION**

**REPORT BY: CORPORATE DIRECTOR – COMMUNITIES**

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### **1. PURPOSE OF REPORT**

- 1.1 The purpose of the report is to seek Cabinet approval of the nominations for Member representation upon the Council's Community Centre Management Committees.

### **2. SUMMARY**

- 2.1 Under the provisions of the community centre management committees constitution, the County Borough Council (and the Community or Town Council where appropriate) may nominate one representative from the ward in which the centre is located, to serve upon such committees. Such nominations are required to be completed following local elections.

### **3. LINKS TO STRATEGY**

- 3.1 The Wellbeing of Future Generations (Wales) Act 2015 is about improving the social, economic, environmental and cultural wellbeing of Wales. It requires public bodies to think more about the long term, working with people and communities, looking to prevent problems and take a more joined up approach. This will create a Wales that we all want to live in, now and in the future. The Act puts in place seven wellbeing goals and the content of this report links into three i.e. "a more equal Wales, a prosperous Wales and a Wales of cohesive communities". The Community Centre Service is a key service to the public of the County Borough which plays a crucial part in the Authority delivering a number of its service priorities.

### **4. THE REPORT**

- 4.1 The Council's Community Centre Service currently has 38 community buildings within its supported network, each one being managed on a day to day basis by voluntary management committees, to which each building is either leased, or licenced.
- 4.2 The management committees of 34 of these centres are governed by a generic constitution which has full charitable status. As such, each management committee is therefore a 'Charity', and each management committee member a 'charity trustee'. (An example Community Centre Constitution is included as Appendix 1 to this report).
- 4.3 Management committee members are elected to serve by residents of the defined 'area of benefit' served by each centre - which is (with a few exceptions) the ward in which the centre is located. Such elections are conducted each year at the centre's annual general meetings. However, in addition to these elected management committee members, the constitution allows for one County Borough Council Member and one Community (or Town) Council Member (where appropriate) to be nominated as 'ex officio' committee members with full

voting rights. This arrangement essentially acknowledges the strong links that both Councils have with community building provision generally, and nominees shall hold office until the following local election.

- 4.4 Councillors nominated as 'ex-officio' committee members will naturally therefore become charity trustees, and in doing so should be mindful that all decisions taken shall be in the interests of the charity. Centre management committees are required to meet not less than 6 times per year though most meet on a monthly basis.
- 4.5 Council nominations do not apply at Abertysswg and Deri community centres which, although charities, operate under the provisions of local community associations. Similar provisions apply at Rudry Parish Hall and Glan y Nant memorial hall, neither of which are in CCBC ownership.
- 4.6 In accordance with the provisions of the community centres constitution, the following County Borough Council Members are nominated as ex-officio committee members of the centres listed.

Abertridwr CC. – Cllr John Taylor  
Ael y Bryn CC. – Cllr Carl Cuss  
Argoed CH. – Cllr Walter Williams  
Bargoed CC. – Cllr Carol Andrews  
Cascade CC. – Cllr Ann Gair  
Cefn Fforest CC. – Cllr Tom Williams  
Cefn Hengoed CC. – Cllr Donna Cushing  
Channel View, Risca CC. – Cllr Nigel George  
Cwmfelinfach CC. – Cllr John Ridgewell  
Fleur de Lys CC. – Cllr David Poole  
Fochriw CC. – Cllr David Hardacre  
Gelligaer CC. – Cllr Wynne David  
Graig y Rhacca CC. – Cllr Lisa Phipps  
Hengoed CC. – Cllr Teresa Parry  
Llanbradach CC. – Cllr Colin Mann  
Lower Rhymney CC. – Cllr John Bevan  
Machen VH. Cllr Derek Havard  
Maesycwmmmer CC. – Cllr Vincent James  
Nelson CC. – Cllr Sean Morgan  
Oakdale CC. – Cllr Roy Saralis  
Pentwynmawr CC. – Cllr Gary Johnson  
Penybryn VH. – Cllr Wynne David  
Penyrheol CC. – Cllr Margaret Sargeant  
Phillipstown CC. – Cllr Mark Evans  
Plasmawr CC, Blackwood. – Cllr Nigel Dix  
Rhymney (St David's) CC. – Cllr David Harse  
Rhymney Day Centre. – Cllr David Harse  
Senghenydd CC. – Cllr John Taylor  
Tirphil CH. – Cllr Elenud Stenner  
Tirybeth VH. – Cllr Carmen Bezzina  
Trecenydd CC. – Cllr Jon Scriven  
Twyn CC. – Cllr James Fussell  
Van CC. – Cllr Christine Forehead

- 4.7 Each County Borough Council member will remain an ex-officio committee member of the nominated Community Centre for the period of office or until a Local Government election is held, following which nominations will be presented as outlined earlier in this report.

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

5.1 This report contributes to the Well-being Goals as set out in 3.1 above.

5.2 In respect of the seven well-being goals this report contributes specifically to;

1. **A Wales of Cohesive Communities** – Community Centres play a key role in providing opportunities for local residents to develop a well-connected, socially inclusive hub.

## **6. EQUALITIES IMPLICATIONS**

6.1 There are no equalities implications associated with this report.

## **7. FINANCIAL IMPLICATIONS**

7.1 There are no 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 report reflects the views of the listed consultees.

## **10. RECOMMENDATIONS**

10.1 That Cabinet accept and approve the nominations as listed.

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

11.1 In order to comply with the provisions of the Community Centres Constitution.

## **12. STATUTORY POWER**

12.1 Local Government Acts 1972 and 2000.

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[reynoj@caerphilly.gov.uk](mailto:reynoj@caerphilly.gov.uk)

Consultees: Christina Harrhy, Corporate Director, Communities  
Mark S Williams, Head of Community & Leisure Services  
Cllr Nigel George, Cabinet Member for Neighbourhood Services  
Steve Hawkins, Community Centre Manager  
Gail Williams, Interim Head of Legal Services & Monitoring Officer

Appendices:  
Appendix 1 – Community Centre Constitution

**XXXX COMMUNITY CENTRE  
MANAGEMENT COMMITTEE  
CONSTITUTION**

Adopted on 14th November 2007.

## INDEX

- 1 **Name of Management Committee**
  - (a) 'XXXXCommunity Centre Management Committee'
  - (b) Area of Benefit
  
- 2 **Objects of Management Committee**
  
- 3 **Management Committee powers**
  
- 4 **Use of the Community Centre**
  
- 5 **Frequency of meetings**
  
- 6
  - a) Who may serve upon the Management Committee
  - b) Co-opted Committee Members
  - c) Co-opted members – term of office
  - d) Committee Members – conflicting interests
  - e) Public attendance at committee meetings
  
- 7
  - a) Nomination procedure
  - b) Eligibility of persons for Committee Membership
  - c) Disqualification of Members
  
- 8 **Annual General Meeting requirements**
  
- 9 **Notice procedure for Annual General Meetings**
  
- 10 **Annual General Meeting procedure**
  
- 11 **Election procedure**

- 12     **Casual vacancies on the Management Committee**
  
- 13     **Election of Management Committee Officers**
  
- 14     **Disqualification through bad attendance**
  
- 15     a)     Calling of Extraordinary General Meeting  
       b)     Notice of Extraordinary General Meeting
  
- 16     **Voting at meetings**
  - a)     Quorums for meetings
  - b)     Majorities and casting votes
  - c)     Keeping of minutes
  
- 17     a)     Standing Orders  
       b)     Rules for the use of the centre
  
- 18     **Paid Employees**
  
- 19     a)     Administration of Finances  
       b)     Treasurer's Duties  
       c)     Preparation of accounts  
       d)     Appointment of Accountant / Auditor
  
- 20     **Alteration to Constitution**
  
- 21     **Dissolution of Committee**

# CONSTITUTION OF XXXX COMMUNITY CENTRE MANAGEMENT COMMITTEE

(References in this document to the “Council” shall mean the Caerphilly County Borough Council)

## **1 NAME**

- a) The name of the Committee shall be the ‘XXXX Community Centre Management Committee’ (hereinafter called “The Management Committee”).
- b) The ‘area of benefit’ shall be the XXX Ward, XXX Ward and the XXXX Community Council Ward. This shall be changed only by agreement between the Management Committee and Caerphilly County Borough Council and subsequent approval at an Annual General Meeting.

## **2 OBJECTS**

The objects of the Management Committee shall be:

- (a) To promote the benefit of the inhabitants of the ‘area of benefit’ without distinction of sex or of political, religious or other opinions, by associating the local authorities, voluntary organisations and inhabitants in a common effort to provide facilities in the interests of social welfare for recreation and leisure time occupation with the objects of improving the quality of life for the said inhabitants of the area of benefit.
- (b) To maintain and manage the XXXX Community Centre (hereinafter called “The Centre”) whether alone or in co-operation with any local authority or other person or body in furtherance of these objects.
- (c) To promote such other charitable purposes as may from time to time be determined.

### 3 POWERS

In furtherance of the said objects, but not otherwise, the committee is empowered to:

- a) Bring together in conference representatives of voluntary organisations, government departments, statutory authorities and individuals.
- b) Arrange and provide for, either alone or with others, the holding of exhibitions, meetings, lectures, classes, seminars or training courses and all forms of leisure and recreational activities.
- c) Collect and disseminate information on all matters relating to its said objects and to exchange such information with other bodies having similar objects.
- d) Write, print or publish such papers, books periodicals or pamphlets or other documents including film and recorded material and to circulate or issue the same whether for payment or otherwise.
- e) Purchase, take on lease or in exchange, hire or otherwise lawfully acquire such property or other rights and privileges as may be necessary for the promotion of its objects and to construct, maintain or alter the same.
- f) Make regulations for the proper supervision, control and management of any property, which may be so acquired.
- g) Sell, let, dispose of or turn to account all or any of its property or assets SUBJECT TO compliance with section 36 of the 1993 Charities Act (or any statutory re-enactment thereof).
- h) Raise funds and invite or receive donations and contributions, whether by subscription or otherwise, PROVIDED THAT the Management Committee shall not undertake or in any way engage in any permanent trading activities in raising funds for its charitable objects;
- i) Support any charitable trusts, associations or institutions formed for all or any of the objects.
- j) Receive money on deposit or loan or overdraft, in such manner as the Management Committee may think fit, SUBJECT TO such consents or on such conditions as may be required by law.
- k) Nothing in this constitution shall restrict or exclude the exercise by the committee of the investment powers conferred by the Trustee Act 2000.
- l) Borrow money, and SUBJECT TO compliance with section 36 of the 1993 Charities Act (or any statutory re-enactment thereof) charge all or any of the property of the Management Committee with the prepayment of money so borrowed.



- m) SUBJECT TO the provisions of clause 18 employ such persons as are necessary for the proper pursuit of the objects and make all reasonable and necessary provision for the payment of pensions and superannuation for staff and their dependants.
- n) Remunerate any member of the Management Committee for services rendered to the Committee PROVIDED THAT;
  - i) such member shall not be present at or take part in any discussions or decision relating to such remuneration;
  - ii) any decision to remunerate such member shall be taken unanimously by the other members present and voting at the meeting at which the decision is made;
  - iii) the other members are satisfied that the level of remuneration is reasonable and proper having regard to the services rendered by such member to the Management Committee;
  - iv) the other members are satisfied that the services rendered to the Management Committee are of special value to the Management Committee having regard to such member's ability, qualifications, or experience and/or to the level of remuneration for which he/she has agreed to provide them;
  - v) the number of such members for the time being in receipt of remuneration shall not exceed a minority of the members of the Management Committee.
- o) Insure and arrange insurance cover and to indemnify its employees and voluntary workers from and against all such risks incurred in the course of the performance of their duties as may be thought fit;
- p) Provide indemnity insurance for the members of the Management Committee (or any of them) out of funds of the Management Committee PROVIDED THAT any such insurance shall not extend to any claim arising from any act or omission which the members of the Management Committee (or any of them) knew to be a breach of duty or breach of trust or which was committed by members of the Management Committee (or any of them) in reckless disregard of whether it was a breach of duty or breach of trust or not;
- q) Affiliate to Community Organisations eg. Gwent Association of Voluntary Organisations) or to any other organisation with similar charitable objects;
- r) Do all such other lawful things as shall further the charitable objects of the Association.

## **4 USE OF CENTRE**

The use of the Centre should be open irrespective of nationality, religious opinion, race or colour to:-

- (a) All persons living in the area of benefit (hereinafter called “the inhabitants”).
- (b) Any person body or organisation wishing to hire the Centre for a specific purpose must do so by using the standard hire form subject to the terms and conditions contained therein.
- (c) The Management Committee may resolve to limit or restrict use of the Centre by any person, body or organisation whose conduct is adjudged to be prejudicial to their interests and objects subject to that person, body or organisation having a right to be heard by the Management Committee before a final decision is made. There shall be a right of appeal to an independent arbitrator to be appointed by mutual agreement whose decision after hearing all parties concerned will be final.

## **5 COMMITTEE STRUCTURE**

The general management of the centre shall be undertaken by the management committee, which shall meet not less than six times per year. Notice of ordinary meetings will be satisfied by the establishment of a fixed meeting cycle as an alternative to formal notification to committee members. Details of such a cycle should be displayed on notice boards at the centre. Agendas should also be posted on notice boards at the centre four days prior to committee meetings.

- 6** (a) The Management Committee (all having the right to vote) shall comprise:-
  - (i) Twelve members each eighteen years of age or over (hereinafter called “the Committee members”) elected by the habitants over the age of eighteen from candidates nominated in accordance with Clause 7 hereof
  - (ii) One County Councillor from the County Borough Ward in which the centre is situated to be appointed by Caerphilly C.B.C.
  - (iii) One Community (or Town) Councillor from the Community (or Town) Council in whose area the Centre is situated to be appointed by that Community (or Town) Council.

- (b) The Management Committee may co-opt further members (from the age of sixteen) provided that the number of co-opted members shall not exceed one-third of the total number of elected committee members as defined in clause 6 (a)(i). Co-opted members shall not be entitled to hold office or have voting rights.
  - (c) Co-opted members shall retire at the Annual General Meeting in each year, but shall be eligible to be co-opted again.
  - (d) Whenever a committee member has any kind of interest in a matter to be discussed by the committee that may conflict with the interests of the committee, that member must declare such interest and withdraw from the meeting for that item, but shall nevertheless be taken into account in calculating a quorum. For the purposes of this clause a conflicting interest or duty is a duty that may arise as a result of being a member, director, officer or employee of another organisation, including a local authority.
  - (e) The management committee if they so wish may allow a person or organisation to attend one of its meetings to speak on a particular issue, but not to take part in any debate or discussion.
- 7**
- (a) Candidates for appointment to the Management Committee shall be proposed by at least two of the inhabitants of the area of benefit. Nominations shall be submitted in writing to the Secretary of the Management Committee not later than fourteen days before the date of the Annual General Meeting. The names and addresses of candidates together with the names and addresses of their proposers shall be displayed on all notice boards at the Centre and at the same minimum 3 sites as the notification notices (as required in clause 9) for at least seven days immediately prior to the Annual General Meeting.
  - (b) Except for the first election of the Management Committee no person shall be eligible to become a Committee member unless he/she has lived within the area of benefit for at least one year immediately prior to the Annual General Meeting. Should a shortfall in nominations exist for vacancies on the Management Committee consideration may be given to allow a person/s residing outside the area of benefit (or who has not resided within it for a twelve month period) to stand for election to the Committee provided that it is the opinion of the Committee that he/she has a close connection with the social, cultural or recreational activities of the area of benefit. Such a person if elected shall serve for the normal three-year term of office whereupon they shall retire and only be eligible for re-election if a similar shortfall in nominations still exists.
  - (c) If any elected Committee Member shall -
    - i) cease to be one of the inhabitants, and
    - ii) cease to have a connection with the aforementioned activities, he/she shall forthwith cease to be a Committee Member.

## **8 ANNUAL GENERAL MEETINGS**

Once in each year, as soon as possible after March 31<sup>st</sup>, the Management Committee shall convene an Annual General Meeting for the purpose of:-

- a) receiving the Annual Report of the Management Committee.
- b) receiving the centre accounts for the preceding year and appointing an auditor or auditors;
- c) accepting resignations of members of the Management Committee;
- d) electing members of the Management Committee;
- e) whenever necessary, voting on proposals to amend this constitution subject to Clause 20 hereof.

- 9** Notice of the date, time and place of the Annual General Meeting shall be kept posted on all notice boards at the centre and in at least three other prominent locations in addition to the centre, within the area of benefit for at least twenty-eight days immediately prior to the Annual General Meeting. Such notice shall also indicate the number of vacancies to be filled and the names of the retiring elected Committee members.

## **10 AGM – PROCEDURE**

At the Annual General Meeting, inhabitants of the area of benefit over the age of eighteen present and voting shall elect Management Committee members.

- 11** At each Annual General Meeting there shall be four vacancies - (one third of the total number of elected committee members). All those who have served a term of three years shall retire. Any shortfall in vacancies shall be made up (by lot if necessary) from those who have served for two years and then from those who have served for one year. At the first and second AGMs, retiring members shall be selected by lot. Retiring members if eligible by clause 7(b) shall be allowed to stand for re-election.

- 12** Casual vacancies amongst the elected members of the Management Committee may be filled by the Management Committee provided that the person/s meet with the requirements of Clause 7(b) and that they retire from the Committee at the next Annual General Meeting.

**13** The Management Committee shall, immediately following the Annual General Meeting, elect a Chair, Vice Chair, Secretary and Treasurer, together with any other officers that the Management Committee may deem necessary. No individual may hold more than one office. All the elected officers shall remain in post until the next Annual General Meeting, but at the end of their respective terms of office, shall be eligible for re-election. If for any reason an appointed office becomes vacant then the Management Committee at one of its meetings may make a temporary appointment until the next Annual General Meeting.

**14** If any member is considered to be unfit to serve because of poor attendance under standing orders adopted in accordance with clause 17(b)(iii) then the Management Committee may at an ordinary meeting resolve to remove that member and the member shall thereupon forthwith cease to be a member of the Management Committee PROVIDED THAT no such resolution may be passed unless the member has been given seven clear days notice in writing of the intention of the Management committee to consider passing such a resolution and that the notice specifies the date and place of the meeting and notifies the member of his right to attend and speak and vote in regard to such resolution.

## **15 EXTRAORDINARY GENERAL MEETINGS**

- (a) The Chair of the Management Committee may at any time at his/her discretion (and shall within twenty one days of receiving written request so to do signed by not less than ten inhabitants over the age of eighteen, giving reasons for the request) call a Extraordinary General Meeting of the inhabitants for the purpose of a) altering the constitution in accordance with Clause 20 hereof or b) considering any matter which may be referred to them or c) for any other specified purpose.
- (b) Notice of an Extraordinary General Meeting shall be kept posted on all notice boards at the Centre and in at least three other prominent locations (in addition to the Centre) within the area of benefit for at least seven days immediately prior to the Extraordinary General Meeting. Such notice should indicate the purpose for which the meeting has been called.

## **16 VOTING AT MEETINGS**

- (a) The quorum for meetings of the Management Committee shall be four members personally present of whom at least two shall be officers. Twelve inhabitants (which number shall include members of the Management Committee present at the meeting) shall constitute a quorum at general meetings. If within thirty minutes from the time appointed for the meeting a quorum is not present, the meeting shall be reconvened to a date to be set by the Chair.

- (b) Subject to the provisions of Clause 7 hereof all questions arising at any meeting shall be decided by a simple majority of those present and entitled to vote thereat. No member of the Management Committee may exercise more than one vote and in the case of equality of votes the Chair or person presiding at the meeting shall have a second or casting vote.
- (c) A minute book shall be kept by the Management Committee and all proceedings of Committee meetings and Annual General Meetings shall be recorded therein.

## **17 STANDING ORDERS AND RULES FOR USE OF CENTRE**

- a) The Management Committee shall have power to adopt and issue standing orders for meetings and/or rules for the use of the Centre. Such standing orders and rules shall come into operation immediately PROVIDED ALWAYS that they may be subject to review at Annual General Meetings and shall not be inconsistent with the objectives and provisions of this Constitution.
- b) The rules for the conduct and use of the Community Centre may in particular refer to:
  - (i) the terms and conditions upon which the Centre may be used for entertainments, meetings, social gatherings and other purposes and the sums to be paid for such use, ensuring that nuisance will not be caused;
  - (ii) the charging of such reasonable hire fees payable by the inhabitants as may be required to provide money for carrying on the centre including fees and charges to outside organisations for the use of premises.
  - (iii) prescribing conditions under which a committee member may be considered unfit to serve because of poor attendance.

## **18 PAID EMPLOYEES**

- (a) The Management Committee shall have the sole right in the exercise of the power conferred by clause 3(m) hereof in appointing, dismissing and determining the terms and condition of service of all its employees.
- (b) An employee of the Management Committee shall not be eligible to become a member of the Management Committee or any sub-groups thereof but by invitation may attend committee meetings in a non-voting advisory capacity.

## **19 FINANCE**

- (a) All monies raised by or on behalf of the Management Committee shall be applied to further the objects laid down in this constitution and without prejudice to the generality of the foregoing shall in any event be applied to carrying out its responsibilities under the terms and conditions of any lease or management agreement made with the Council and in obtaining insurances and in paying bills for energy consumption.
- (b) The management committee shall prepare annual financial accounts in accordance with any obligations under the Charities Act 2006 (or any statutory re-enactment thereof)
- (c) Accounts shall be prepared each year to show the financial status of the centre at the 31<sup>st</sup> March of that year. Accounts shall be prepared and certified by a qualified accountant. Alternatively accounts may be prepared by a person competent to do so and subsequently certified by a qualified accountant.
- (d) The Management Committee shall ensure that such accountants are appointed at the Annual General Meeting each year.

## **20 ALTERATION TO CONSTITUTION**

Any proposal to alter this Constitution must be delivered in writing to the Secretary of the Management committee not less than twenty-eight days before the date of the meeting at which it is first to be considered. An alteration will require the approval of

- (a) A simple majority of management Committee present and voting at a meeting of the Committee and
- (b) A two thirds majority of inhabitants present and voting at a General Meeting. No alteration made to Clause 2 (objects) Clause 21 (dissolution) or this clause, shall take effect until the approval in writing of the Charity Commissioners or other authority having charitable jurisdiction shall have been obtained; and no alteration shall be made which would have the effect of causing the committee to cease to be charitable.

**21 DISSOLUTION**

The management Committee may be dissolved by a resolution passed by a simple majority of those present and voting at an Extraordinary General Meeting convened for that purpose of which 21 days' notice shall have been given. Such resolution may give instructions for the disposal of any assets held by or in the name of the Management Committee PROVIDED THAT if any property remains after the satisfaction of all debts and liabilities such property shall be given or transferred to such other similar charitable institutions for the benefit of the inhabitants of the area of benefit or institutions having objects similar to some or all of the objects of the Management Committee as the Management Committee may determine if necessary with the prior approval of the Charity Commissioners for England and Wales or other authorities having charitable jurisdiction.

This constitution was adopted in accordance with clause 20 of the previous Constitution (adopted on 6th October 2003) at an Annual General Meeting held on 14<sup>th</sup> November 2007 having been approved at a General Committee Meeting held on 3<sup>rd</sup> September 2007.

**Signed:-**

Chair ..... Date .....

Secretary ..... Date.....





## CABINET – 20TH SEPTEMBER 2017

**SUBJECT: DEMOLITION OF OAKDALE AND PONTLLANFRAITH COMPREHENSIVE SCHOOLS**

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

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### 1. PURPOSE OF REPORT

- 1.1 To seek approval for the demolition of the vacant Oakdale and Pontllanfraith Comprehensive Schools and secure the approval of funds to cover these costs.

### 2. SUMMARY

- 2.1 The Oakdale and Pontllanfraith Comprehensive Schools were vacated at the end of June 2017 following the completion of the new Islwyn High School.
- 2.2 The buildings are surplus to operational requirements and do not readily lend themselves to an alternative use.
- 2.3 Costs, including NNDR, will continue to be incurred whilst the buildings remain.
- 2.4 It is recommended that the buildings are demolished and surveys completed to facilitate disposal of the sites.

### 3. LINKS TO STRATEGY

- 3.1 The council's Medium Term Financial Plan has identified Asset Rationalisation as a means of reducing the council's revenue budget costs.
- 3.2 Vacant sites offer potential for capital receipts.
- 3.3 Well Being of Future Generations

The proposal contributes to the following Well-being Goals within the Well-being of Future Generations Act (Wales) 2015:

- ✓ A sustainable Wales
- ✓ A prosperous Wales

### 4. THE REPORT

- 4.1 The Oakdale and Pontllanfraith Comprehensive Schools were vacated at the end of June 2017 following the completion of the new Islwyn High School. In both cases the vacated buildings are on steeply sloping sites, contain asbestos and do not readily lend themselves to an alternative use. No service need has been identified for the buildings so they are consequently surplus to requirements.

- 4.2 Ongoing security is a concern and the empty buildings have been broken into several times. The buildings are locked, alarmed, insured and are inspected weekly. Also a key holder has been nominated and is called out should there be an alarm activation. All of the foregoing incur cost and significant standing charges for utilities apply. These ongoing costs are estimated at circa £12,000 per site per annum. Furthermore NNDR liability will be incurred from 1<sup>st</sup> October at the rate of £56,387 and £50,299 per annum for Oakdale and Pontllanfraith respectively.
- 4.3 Given the foregoing it is recommend that both schools are demolished as soon as possible. Plans indicating the proposed scope of the demolition projects are included as Figures 1 & 2 attached.
- 4.4 The services that supply Pontllanfraith Leisure Centre run through the school therefore services diversion works are required prior to demolition. Estimated cost £97,000.
- 4.5 The cost of the demolition is estimated at £1.021m and £1.172m for Oakdale and Pontllanfraith respectively. These include the necessary invasive pre demolition asbestos surveys. It is confirmed that demolition notifications would need to be served under Part 31 of Schedule 2 to the Town and Country Planning Order.
- 4.6 It is proposed that following demolition both sites are disposed of and in order to facilitate this surveys, including topographic and ground investigation, will need to be completed. The cost of these surveys is estimated to be £45,000 per site.
- 4.7 For the avoidance of doubt it is confirmed that Pontllanfraith Leisure Centre is separate to the school, continues to be operational and is excluded from the proposed demolition.

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

- 5.1 This proposal does contribute to the Well-being Goals as follows.
- 5.2 A Sustainable Wales: The closure of these schools has reduced the council's carbon footprint.
- 5.3 A Prosperous Wales: Revenue savings, the closure of these two aging schools has contributed to the council's MTFP proposals.

## **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/or 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 ongoing cost of retaining the empty buildings totals circa £130,000 per annum but this will cease on demolition.
- 7.2 The cost of the demolition works is estimated to be £1.021m for Oakdale and £1.269m for Pontllanfraith. The latter includes the services diversion works necessary to maintain services to the leisure centre. Furthermore site surveys are required following demolition and the cost of these is estimated to be £45,000 per site.
- 7.3 It has been established that Welsh Government will not part fund the demolitions via the 21<sup>st</sup> Century Schools programme and it is therefore proposed that the demotion work is funded from capital earmarked reserves. These funds were not allocated to schemes

7.4 Council on 22nd February 2017 agreed a transfer of £7.469m to capital earmarked reserves at that meeting. There is currently sufficient headroom in this allocation.

## **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. RECOMMENDATION**

10.1 That approval is given to progress the demolition of the vacant schools and the subsequent site surveys at a total estimated cost of £2.380m funded from the capital earmarked reserve.

## **11. REASON(S) FOR THE RECOMMENDATION**

11.1 Continued implementation of the Council's asset rationalisation strategy.

## **12. STATUTORY POWER**

12.1 Section 123 of the Local Government Act 1972 (as amended). Local Government Act 2000. This is a Cabinet function.

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### Background Papers:

Council - 22nd February 2017 - Budget Proposals 2017/18 and Medium Term Financial Strategy 2017/18

Figure 1 Scope of demolition – Oakdale Comprehensive School

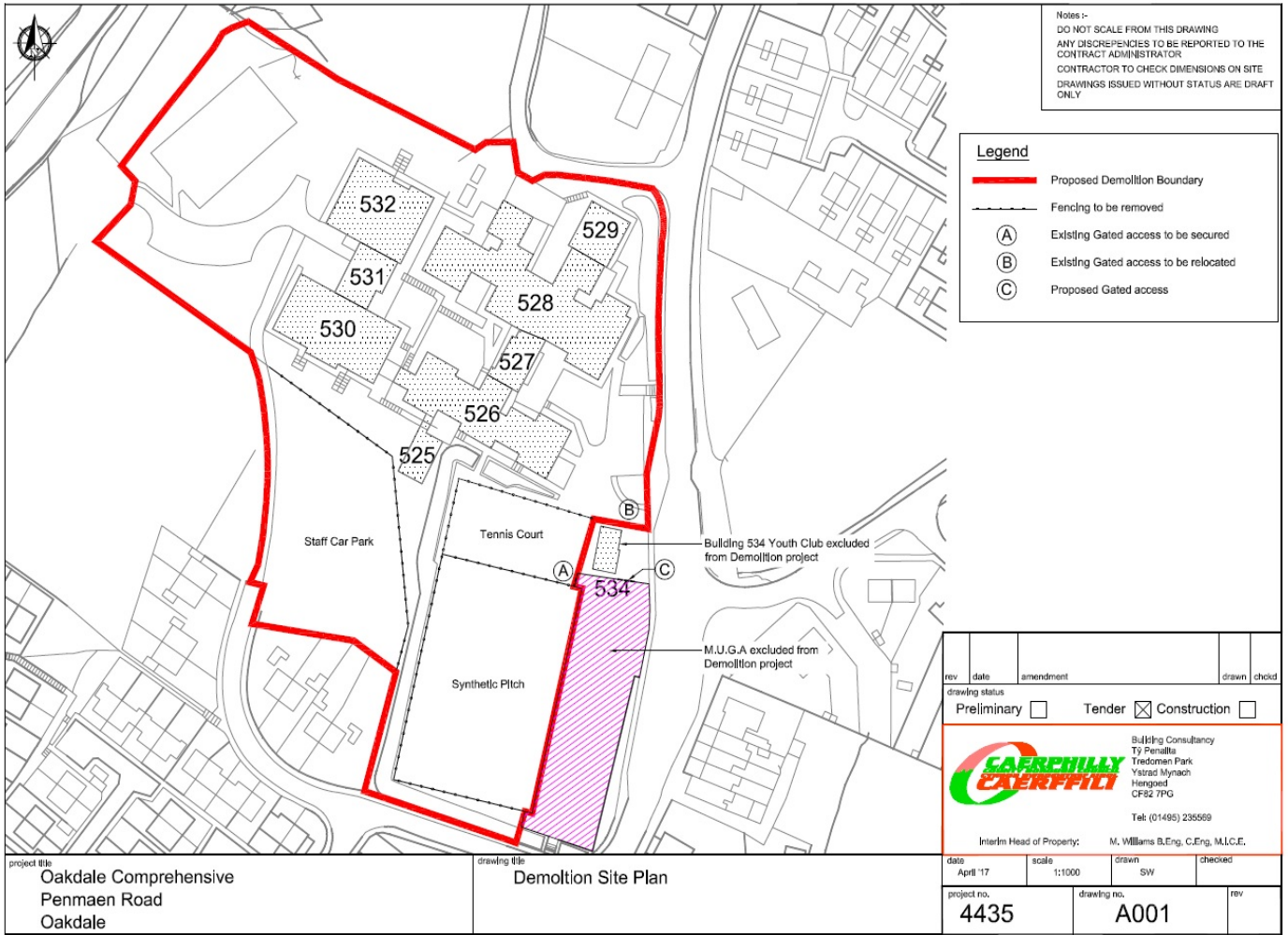
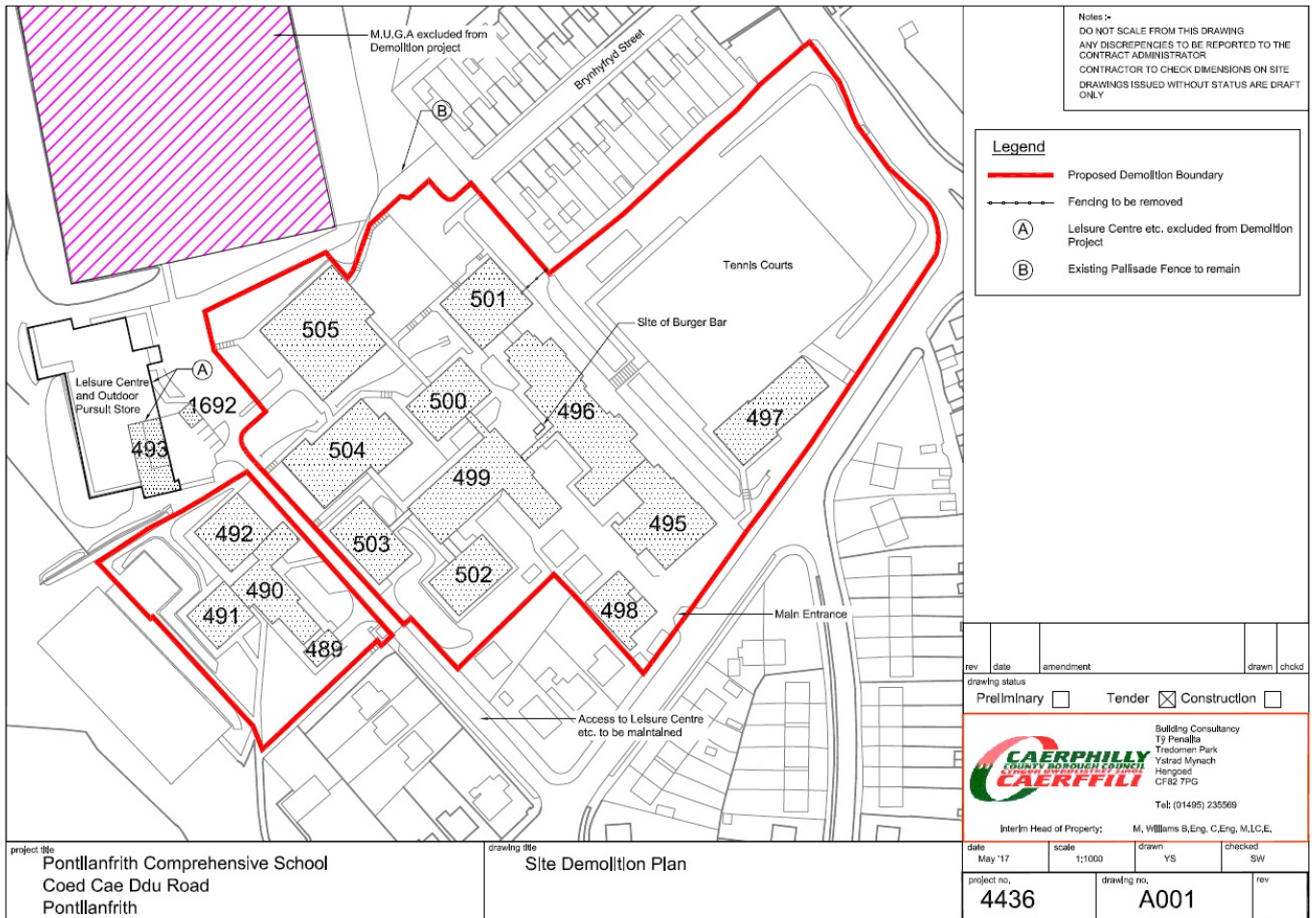


Figure 2 Scope of demolition – Pontllanfraith Comprehensive School



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## CABINET – 20TH SEPTEMBER 2017

**SUBJECT: PROPOSALS TO COMMENCE A CONSULTATION EXERCISE TO CLOSE PONTLLANFRAITH LEISURE CENTRE**

**REPORT BY: CORPORATE DIRECTOR - COMMUNITIES**

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### 1. PURPOSE OF REPORT

- 1.1 To seek Cabinet approval to commence the closure of Pontllanfraith Leisure Centre in conjunction with the opening of Islwyn High School and support the sale and development of the Pontllanfraith High School / Leisure Centre campus.

### 2. SUMMARY

- 2.1 The new Islwyn High School opened in June 2017 to replace the existing Pontllanfraith and Oakdale High Schools. The new facility is supported by Sport & Leisure facilities that include a four court sports hall, 4 tennis courts, dual use 3G football & rugby pitch and multi-purpose dance studio.
- 2.2 The current Pontllanfraith Leisure Centre which comprises of a five court sports hall, two squash courts, small fitness suite, multi-purpose dance studio and a 3G football pitch supports the delivery of curriculum P.E. and a vibrant community programme.
- 2.3 At present the Pontllanfraith Campus is also the primary base for the Caerphilly Adventures, Caerphilly County Borough's outdoor education service.
- 2.4 Following the closure of the Pontllanfraith High School, a demolition programme has been developed to prepare the site for future use.
- 2.5 In order to continue delivery of the community use and Caerphilly Adventures programme, significant resources will be required in areas such as I.T, telephones and health & safety to maintain service provision in a safe and appropriate manner.
- 2.6 The emerging Sport & Leisure Services strategy, whilst not yet fully adopted, does not recognise Pontllanfraith as a potential strategic Leisure Centre and as such the opening of Islwyn High School provides an opportunity to transition existing user groups without any loss of service.
- 2.7 The transfer of the Caerphilly Adventures to Cwmcarn Fforest drive is subject to a separate business case. The cost of the transfer is estimated at circa £75,000 - £85,000.
- 2.8 To continue to meet community demand and provide a facility that is endorsed by the Football Association of Wales and as such supports the provision of competitive fixtures at the highest end of the competition pyramids, it is an aspiration that the 3G football pitch at Pontllanfraith Leisure Centre is "relocated" to Blackwood Comprehensive School, although no funding has been set aside for this purpose. In the event of funding not being available, officers will seek to offer some or all of this facility at the Council's Centre of Sporting Excellence in Ystrad Mynach.

### **3. LINKS TO STRATEGY**

3.1 The Wellbeing of Future Generation (Wales) Act 2015 is about improving the social, economic, environmental and cultural wellbeing of Wales. It requires public bodies to think more about the long-term, working with people and communities, looking to prevent problems and take a more joined up approach. This will create a Wales that we all want to live in, now and in the future. The Act puts in place seven well-being goals:

- 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.

The content of this report links into: A healthier Wales, A Wales of cohesive communities and a globally responsive Wales.

3.2 The Community & Leisure Services Divisional Service Plan contains specific objectives to meet a range of statutory and non-statutory targets. The plan also outlines the division's contribution to the Authority's Medium Term Financial Strategy.

### **4. THE REPORT**

4.1 Pontllanfraith Leisure Centre is a joint use facility that supports curriculum provision along with a range of community use clubs and organisations delivering a range of activities to diverse user groups. The operating cost of Pontllanfraith Leisure Centre in 2016/17 was £56,000, with usage for the financial year 2016/17 of 91,074 (split between 59,149 users of the facilities within the building and 31,925 users of the 3G pitch). At present it is estimated that there is circa £150,000 of maintenance liabilities, made up primarily by items identified as either priority 2 or priority 3 categorisation, although the last property condition survey was completed in 2012 and is now some 5 years old.

4.2 The new Islwyn High School opened in June 2017 to replace the existing Pontllanfraith and Oakdale Comprehensive Schools. The new facility is supported by Sport & Leisure facilities that include a four court sports hall, dual use 3G football & rugby pitch and multi-purpose dance studio.

4.3 Following the closure of the Pontllanfraith Comprehensive School, a demolition programme has been developed to prepare the site for future use. This programme will commence in November 2017 with an estimated timeframe of circa 30 weeks.

4.4 Over the past few months, discussions have taken place with Islwyn High School to support and prepare the school for the delivery of community leisure facilities.

4.5 Discussions initially focused upon ensuring that allocation of the 3G dual use pitch is in accordance with the booking criteria approved by Cabinet in 2012.

4.6 Further discussions have now commenced in respect of the delivery model associated with community use of the Sports Hall and Dance Studio provision, which will require a formal staff resource to ensure that facilities are provided and maintained in a safe manner.

4.7 There are currently a number of well established, long standing clubs and organisations based at Pontllanfraith Leisure Centre that can now be easily transitioned to the new Islwyn High School, benefitting from an improved facility (the level of sports hall use at the existing Pontllanfraith LC that can be transferred to Islwyn High is included at Appendix 1).



- 4.8 The existing 3G football pitch at Pontllanfraith Leisure Centre is currently one of two such facilities based within the county borough that is endorsed by the Football Association of Wales and as such is able to play host to competitive matches across a range of levels.
- 4.9 The Pontllanfraith Leisure Centre 3G is extensively used by local clubs not only as a training base but also to host competitive fixtures at Welsh League, Gwent County and Football Association of Wales Academy level. (The level of booking use for the existing 3G pitch is included at Appendix 2).
- 4.10 Cabinet will also be aware of the ongoing flooding issues in respect of the football pitch at the Centre of Sporting Excellence, Ystrad Mynach. Should the Centre of Excellence require a period of closure to resolve this issue, this would provide a particular issue in respect of there being no appropriate facility within Caerphilly County Borough with the ability to host competitive fixtures at the higher end of the Football Association of Wales competitions pyramids.
- 4.11 The new dual use 3G facility at Islwyn High School whilst appropriate as a training base and the delivery of junior competitive matches are unable to host the level of football listed above. The same position exists at the recently opened Y-Gwindy facility in the Caerphilly Basin. This does not allow for competitive fixtures above the introductory level within the Football Association of Wales (FAW) competition pyramid to be played at this facility.
- 4.12 Sport & Leisure Services in partnership with Blackwood Comprehensive School and Engineering Consultancy have commenced initial discussions to explore the possibility of developing / relocating a 3G facility at the same level within the Blackwood Comprehensive school campus.
- 4.13 The aspiration of developing of a 3G facility at Blackwood Comprehensive is estimated at circa £500,000. One option would be to “re-locate” the current Pontllanfraith 3G block booking programme to the new Islwyn facility however, this facility is currently unable to host the same level of competitive matches as the Pontllanfraith facility, although it could host the evening training bookings and junior level competitive matches (as outlined above in 4.9 and 4.10).
- 4.14 An additional complication is the fact that the expression of interest programme for new bookings at the Islwyn High 3G has commenced and to date 23 Clubs (football and rugby mix) have expressed an interest in booking (these are generally clubs that have not been accommodated on any other 3G facilities). A draft usage timetable has been drawn up as a result of these expressions of interest which results in full usage of the 3G pitch from 6pm Monday to Thursday, partial Friday evening use and use from 10am – 2pm on a Saturday. As a result, relocation of the Pontllanfraith bookings to Islwyn High would result in this draft timetable being scrapped as the facility could not accommodate both timetables. This would need to be undertaken jointly with Islwyn High, as the responsibility for community usage lies with the school.
- 4.15 Given the current level of demand that exists within the county borough and the associated level of competitive requirements, the aspiration of developing a facility within the Blackwood Comprehensive School campus will ensure that the county borough is well placed to continue to support and develop clubs, organisations and academies.
- 4.16 The development/relocation of the 3G provision within the Blackwood Comprehensive School campus will also enhance the delivery of curriculum provision at that school, providing additional opportunities for young people to engage in physically active lifestyles. However, it must be noted that no funding has been identified at this time to develop this proposal further.
- 4.17 The Caerphilly Adventures Outdoor Education Service is also currently based within an annex structure located adjacent to Pontllanfraith Leisure Centre following the sale of Ynys Hywel a number of years ago.

- 4.18 The closure and demolition of the school, along with the proposed closure and demolition of the Leisure Centre will require the Caerphilly Outdoor Adventures Service to be re-housed within a facility that is fit for purpose and provides an opportunity for the service to maximise its income potential through enhanced partnership and collaborative working.
- 4.19 A separate business case has been prepared in respect of the above and the option to relocate the Caerphilly Adventures Service to Cwmcarn Fforest Drive.
- 4.20 The cost of relocation is estimated at circa £75,000 - £85,000 which will provide the service with a fit for purpose facility that will allow for significant service developments and collaborative approaches to working. There is also the option to realise efficiency savings through shared working practices. The Business Improvement project relating to the tourism offer at Cwmcarn will include the synergy with the relocation of Caerphilly Adventures as part of its review work.
- 4.21 Should the Leisure Centre/Caerphilly Adventure's annex remain open and not be moved as part of the demolition, there is an initial cost requirement of circa £112,000 to transfer shared services, namely;

<b>Pontllanfraith L.C.:</b>	<b>£</b>
<b>Estimated cost of proposed new supplies</b>	
Gas	53,642
Electric	22,758
Water	17,213
BT [Data only]	18,000
BT Voice assume N / a	0
<b>Total: £ [excl. VAT]</b>	<b>111,613</b>

- 4.22 The transfer of these services also requires at least 8 weeks' notice to be provided to the relevant service providers prior to completion of the works.
- 4.23 There will be a further requirement for ongoing maintenance liabilities, circa £150,000 to be supported. It is also unlikely that the authority will realise the full capital receipt potential of the site should the whole of the existing facility structure not be demolished.

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

- 5.1 The report contributes to the well-being goals as set out in the Links to Strategy above.
- 5.2 In respect of the seven well-being goals this report contributes to at least three, namely;
1. **A healthier Wales:** There is significant evidence to support the view that undertaking a physically active lifestyle has significant benefits in terms of reducing the risk of cardiovascular disease along with positive impacts upon mental health and body weight control. The role of schools is significant in terms of supporting the integration of physical activity into everyday lifestyles.
  2. **A Wales of cohesive communities:** Islwyn High School have communicated a vision to place the school and its facilities at the heart of the community, ensuring its effectively placed to deliver a well-connected, socially inclusive hub.
  3. **A globally responsive Wales:** There is significant evidence to support the positive impact that leading a healthy, physically active lifestyle has upon the economic, social and cultural well-being of Welsh residents.

## 6. EQUALITIES IMPLICATIONS

- 6.1 An Equalities Impact Assessment (EIA) will be required to ensure that the requirements of specific groups and individuals are fully and appropriately considered.

## 7. FINANCIAL IMPLICATIONS

- 7.1 At present the net cost of Pontllanfraith Leisure Centre is £81,502 which can be realised as a Medium Term Financial Plan saving from 2018/19 and beyond.
- 7.2 The sale of the land within the Pontllanfraith High School / Leisure campus could see the authority realise the full capital receipt potential for the site.
- 7.3 Should the Leisure Centre remain open, there is an initial cost requirement of circa £112,000 to transfer shared services such as utilities, telephone and I.T. lines. There will be a further requirement for ongoing maintenance liabilities to be supported and the maintenance backlog for the Leisure Centre is estimated at £150,000.
- 7.4 The indicative cost of relocating the Caerphilly Adventures Service to Cwmcarn Fforest Drive is circa £75,000 - £85,000. In 2015/16 the service generated an income of circa £300,000 with an overall operating cost of £158,000
- 7.5 The indicative cost of relocating the current 3G football pitch to Blackwood Comprehensive School is still to be determined; however it is estimated to be in the region of £500,000. However, no funding has been identified at this time to fund this proposal. If the 3G facility remains at Pontllanfraith then it is possible that the "Carpet" would need replacing in the period 2020 – 2022.
- 7.6 There is a one-off cost of demolition of the Leisure Centre complex which is estimated at £325,000. (In terms of demolition, the contract for demolishing the school is due to commence in November 2017 and the Leisure Centre demolition could be added as a contract variation).
- 7.7 There may also be some voluntary severance costs associated with the closure. These are covered in the Personnel Implications section below and total circa £9,000.
- 7.8 A summary of the costs of closure/demolition and resultant savings/avoided costs is included in the table below:-

One-Off Cost of Closure/Demolition (£)		Savings/Avoided Costs (£)	
325,000	Demolition	56,000	Annual Running Cost Saving
75,000 – 85,000	Relocation of Caerphilly Adventures Service to Cwmcarn.	112,000	Services Diversion Costs Avoidance
		150,000	Maintenance Backlog Cost Avoidance
11,250	Potential HR Costs (Voluntary Severance, etc.).	200,000	Replacement of existing 3G "Carpet" in 2020 – 2022
Total: £411,250 - £421,250		Total: £518,000	

- 7.9 In addition to the costs/savings outlined above, there would be a cost of circa £500,000 should the aspiration to relocate the 3G at Blackwood Comprehensive School be realised.

## 8. PERSONNEL IMPLICATIONS

8.1 There are a number of personnel implications that will require consideration and implementation.

8.2 The Pontllanfraith Leisure Centre current staff structure is as follows;

<b>Role</b>	<b>Full Time Equivalents</b>	<b>Grade</b>
Centre Shift Supervisor	0.4	9
Leisure Centre Attendants	1.31	4
Fitness Suite Instructors	0.6	5
Receptionists	1.02	4

8.3 The structure is further supported by a pool of casual staff that supports absences and additional work along with a team of class tutors who support the delivery of a fitness class provision.

8.4 Discussions are currently being undertaken with Islwyn High School in respect of an appropriate delivery model to support community use of the school facilities. It is expected that this will include the option to transfer the Leisure Attendant role to the school.

8.5 Sport & Leisure Services are reviewing existing structures and associated vacancies to support the relocation of the Fitness Suite and an element of the Reception staff.

8.6 There may be an element of voluntary severance required for 2 staff that cannot be accommodated by Sport & Leisure Services or Islwyn High. These staff would be over the age of 60 and one of them is not in the Local Government Pension fund. It is not anticipated that there would be any pension costs associated with the other member of staff although confirmation has been sought from Torfaen Pensions. It is anticipated that the cost of voluntary severance would be circa £10,000 for both staff plus one payment of the Rhymney Valley District Council loyalty bonus (£1,285).

## 9. CONSULTATIONS

9.1 Consultation has taken place with the Authority's communications unit and it is envisaged that consultation on the closure could be completed in a 6 – 8 week period and would comprise:-

- Targeted consultation with sports hall users about their relocation to Islwyn High. This will be via face-to-face contact followed by a letter and supported by notices within the centre.
- Targeted consultation with other regular users (eg: fitness suite) via the Sport & Leisure smartcard database. This will also be a combination of face-to-face contact and letter supported by notices within the centre.
- Targeted consultation with users of the 3G pitch. This will be a combination of face-to-face and written contact.
- More general consultation via the Authority's website and social media platforms.
- Local ward members – initial e-mail contact supported by the offer of meetings if desired.
- E-mail or letters to Community/Town Councils & Community Partnerships
- Regeneration and Environment Scrutiny Committee will also formally consider the proposals.

9.2 The consultees listed below have been consulted on the report and their views have been incorporated accordingly.

## 10. RECOMMENDATIONS

10.1 It is recommended that Cabinet:

- (i) Agrees that consultation on the closure of Pontllanfraith Leisure Centre commences in accordance with the business case set out in this report as detailed in the table at paragraph 7.8.
- (ii) Considers a further report on the outcome of the consultation in late Autumn of 2017.

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

- 11.1 To allow the authority to realise the full capital receipt potential in respect of the land sale of Pontllanfraith Comprehensive School/Leisure Centre campus.
- 11.2 To allow for the smooth transition of current users of Pontllanfraith leisure Centre to Islwyn High School without a loss of service.
- 11.3 To support the opportunity to develop the Caerphilly Adventures Outdoor Education Service in a fit for purpose site/facility.

## **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  
Jeff Reynolds, Sport & Leisure Services Facilities Manger  
Lynne Donovan, Acting Head of Human Resources and Organisational Development  
Mark Williams, Interim Head of Property Services  
Jared Lougher, Sport & Leisure Services, Development Manager  
Sian Jones, Area Team Leader, Sport & Leisure Services  
Bob Keep, Caerphilly Adventurers, Team Leader  
Tim Williams, Head Teacher, Islwyn High school  
Emma Jayne Paskell, Business Manager, Islwyn High School  
Stephen Harris, Interim Head of Corporate Finance  
Keri Cole, Chief Education Officer  
Ravi Pawar, Head Teacher, Blackwood Comprehensive School  
Liz Sharma, Research Officer

Appendices:

Appendix 1 – Pontllanfraith Leisure Centre Sports Hall Users

Appendix 2 – Pontllanfraith Leisure Centre 3G Pitch User Programme

**APPENDIX 1 - PONTLLANFRAITH LEISURE CENTRE – SPORTS HALL USERS**

<b><u>DAY</u></b>	<b><u>CLUB</u></b>	<b><u>TIME</u></b>	<b><u>Area</u></b>	<b><u>Date</u></b>
Monday	Andrew Goodenough - Police football	5.00 to 6.00	Full Hall	52 weeks
	Oakdale Junior Badminton	7.00 to 8.00	2 courts	Sept to May
	Oakdale Senior Badminton	8.00 to 10.00	3 courts	52 weeks
	Michelle O'Hanlon Church Badminton Club	8.00 to 9.00	1 court	52 weeks
	Pont Badminton Club	8.00 to 10.00	1 court	52 weeks
	Craig Andrews Badminton Club	8.00 9.00	1 court	52 weeks
Tuesday	Blackwood Netball Club	6.00 to 8.00	Full Hall	Aug 15 to Mar 27
	Ystrad Fawr Badminton Blub	8.00 to 9.00	1 court	52 weeks
Wednesday	Crusaders Junior football	5.00 to 6.00	Full Hall	52 weeks
	Suzanne Pritchard Badminton Club	6.00 to 7.00	1 court	52 weeks
	Jack Mullen walkin football ( 20 weeks from July 26)	7.00 to 8.00	Full Hall	July 26 to Dec 6
Thursday	Luke Brown  ( from Oct 19th)	5.00 to 6.00	Full time	Oct 19 to Mar 29
	Pontllanfraith Karate Club	6.00 to 8.00	2 courts	52 weeks

Friday	Oakdale Badminton Club	8.00 to 10.00	3 courts	52 weeks
	Colin Harrison-oap badminton	8.00 to 10.00	1 court	52 weeks
Saturday	Pontllanfraith Karate Club	10.00 to 12.00	2 courts	52 weeks
Sunday	Wayne Jones soccer skills	5.00 to 6.00	Full Hall	Sep 3 to Mar 25

**APPENDIX 2 - PONTLLANFRAITH LEISURE CENTRE - 3G USAGE PROGRAMME**

<u>DAY</u>	<u>CLUB</u>	<u>TIME</u>	<u>AREA</u>	<u>DATE</u>
Monday	Pengam Junior afc	5.00 to 6.00	half 3G	52 weeks
	Pengam Junior afc	6.00 to 7.00	half 3G	52 weeks
	Pengam Junior afc	7.00 to 8.00	half 3G	52 weeks
	Cascade Juniors	6.00 to 7.00	half 3G	Oct 2 to Mar 26
	Treowen Stars Juniors	7.00 to 8.00	half 3G	52 weeks
	Stuart Verrier	8.00 to 9.00	half 3G	52 weeks
	Ynysddu Youth afc	8.00 to 9.00	half 3G	Sep 9 to Mar 26
	Ynysddu Senior afc	9.00 to 10.00	half 3G	Sep 9 to Mar 26
Tuesday	Treowen Stars Junior girls	5.00 to 6.00	half 3G	52 weeks
	Blackwood Juniors rfc Bruce Penfold	6.00 to 7.00	half 3G	Sep 5 to Mar 27
	Blackwood Juniors rfc Chris Stebbins	6.00 to 7.00	half 3G	Sep 5 to Mar 27
	Treowen Stars-Jo Greene	7.00 to 8.00	half 3G	Sep 5 to Mar 27
	Newbridge Mini rugby	7.00 to 8.00	half 3G	Sep 5 to Mar 27
	Wattsville afc	8.00 to 9.00	half 3G	Oct 10 to Mar 27
	Cwmfelinfach Crusaders youth	8.00 to 9.00	half 3G	Sep 5 to Mar 27
	Wednesday	Fleur De Lys Junior	5.00 to 6.00	half 3G
Treowen Stars Juniors		6.00 to 7.00	half 3G	Sep 6 to May 30
Treowen Stars Youth		6.00 to 7.00	half 3G	Sep 6 to May 30
Treowen Stars Seniors		7.00 to 8.00	half 3G	Sep 6 to Mar 28
Blackwood Senior rfc		7.00 to 8.00	half 3G	Sep 6 to Mar 28
David Franklin		8.00 to 9.00	half 3G	Sep 6 to Mar 28



Thursday	Blackwood Boys and Girls	5.00 to 6.00	half 3G	Sep 7 to Mar 29
	Pengam mini	5.00 to 6.00	half 3G	Sep 7 to Mar 29
	Ynysddu junior rfc	6.00 to 7.00	half 3G	Sep 7 to Mar 29
	Blackwood rfc juniors	6.00 to 7.00	half 3G	Sep 7 to Mar 29
	Pengam Boys and Girls	7.00 to 8.00	half 3G	Oct 5 to Mar 29
	Coed Duon Dragons ladies	8.00 to 9.00	half 3G	Sep 28 to Dec 14
	Steve Jenkins	8.00 to 9.00	half 3G	Sep 7 to Mar 29
	Soccer Sixes	9.00 to 10.00	Full 3G	52 weeks
Friday	Disability Sports- Sian Theobald	5.00 to 6.00	half 3G	52 weeks
	Newbridge mini rugby	6.00 to 7.00	half 3G	Sep 1 to Mar 30
	Friday night boys	7.00 to 8.00	half 3G	52 weeks
	Jon Gadd	7.00 to 8.00	half 3G	52 weeks
Saturday	Treowen Stars Junior girls	10.00 to 11.00	half 3G	52 weeks
	Ynysddu/Wattsville afc	3.00 to 5.00 2.00 to 4.00 3.00 to 5.00	Full 3G	Aug 19 to Oct 28 Nov 4 to Feb 24 Mar 3 to Mar 10
Sunday	Islwyn Junior league	10.00 to 12.00	Full 3G	Sep 10 to April 29

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