

# Pecyn Dogfennau Cyhoeddus

Penallta House,  
Tredomen Park,  
Ystrad Mynach,  
Hengoed CF82 7PG

Ty Penallta,  
Parc Tredomen,  
Ystrad Mynach,  
Hengoed CF82 7PG



[www.caerphilly.gov.uk](http://www.caerphilly.gov.uk)  
[www.caerffili.gov.uk](http://www.caerffili.gov.uk)

Am unrhyw ymholiad yn ymwneud â'r agenda hwn cysylltwch â Amy Dredge  
(Rhif Ffôn: 01443 863100 E-bost: [dredge@caerphilly.gov.uk](mailto:dredge@caerphilly.gov.uk))

**Dyddiad: Dydd Mercher, 4 Gorffennaf 2018**

Annwyl Syr/Fadam,

Bydd cyfarfod **Cabinet fel Ymddiriedolwyr Sefydliad y Glowyr Coed Duon ac Amrywiol Feysydd Hamdden yn y Fwrdeistref Sirol** yn cael ei gynnal yn **Ystafell Sirhywi, Tŷ Penallta, Tredomen, Ystrad Mynach ar Dydd Mercher, 11eg Gorffennaf, 2018 am 2.30 pm.** (neu'n syth ar ôl yr Cabinet) i ystyried materion a gynhwysir yn yr agenda canlynol. Gall cynghorwyr a'r cyhoedd sy'n dymuno siarad am unrhyw eitem wneud hynny drwy wneud cais i'r Cadeirydd. Mae croeso i chi hefyd ddefnyddio'r Gymraeg yn y cyfarfod. ~~Mae'r ddau oais hyn yn aofn am aofnod rhv budd o 3 diwrnod awaith a bydd cyfieithu ar y pryd yn~~

Mae pob cyfarfod Pwyllgor yn agored i'r Wasg a'r Cyhoedd. Gofynnir i arsylwyr a chyfranogwyr ymddwyn gyda pharch ac ystyriaeth at eraill. Sylwer y bydd methu â gwneud hynny yn golygu y gofynnir i chi adael y cyfarfodydd ac efallai y cewch eich hebrwng o'r safle.

Yr eiddoch yn gywir,

**Christina Harrhy**  
PRIF WEITHREDWR DROS DRO

## AGENDA

Tudalennau

- 1 I dderbyn ymddiheuriadau am absenoldeb

A greener place Man gwyrddach

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



2 Datganiadau o Ddiddordeb.

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.

I gymeradwyo a llofnodi'r cofnodion canlynol:-

3 Cabinet fel Ymddiriedolwyr Sefydliad y Glowyr Coed Duon a gynhaliwyd ar 13eg Rhagfyr 2017.  
1 - 2

I dderbyn ac ystyried yr adroddiad(au) canlynol:-

4 Adroddiad Cynnydd a Diweddariad ar Gyllideb 2018/2019 Sefydliad y Glowyr Coed Duon.  
3 - 10

5 Elusennau Meysydd Hamdden.  
11 - 16

**Cylchrediad:**

Cynghorwyr

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

A Swyddogion Priodol.



## **CABINET AS TRUSTEES OF BLACKWOOD MINERS INSTITUTE**

### **MINUTES OF THE MEETING HELD AT PENALLTA HOUSE, TREDOMEN ON WEDNESDAY 13TH DECEMBER 2017 AT 3.05 P.M.**

---

PRESENT

Councillor D.V. Poole – Chair

Councillors:

N. George (Neighbourhood Services), C.J. Gordon (Corporate Services), Mrs B.A Jones (Finance, Performance and Governance), P.A. Marsden (Education and Achievement), S. Morgan (Economy, Infrastructure and Sustainability) 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 D. Street (Corporate Director – Social Services).

Also in Attendance:

P. Hudson (Marketing and Events Manager), M. Eedy (Finance Manager - Environmental Finance Group) and C. Evans (Committee Services Officer)

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

Apologies for absence were received from Councillor C. Cuss (Social Care and Well Being) and N. Scammell (Acting Director of Corporate Services & S151).

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

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

#### **3. CABINET AS TRUSTEES OF BLACKWOOD MINERS INSTITUTE – 19TH JULY 2017.**

RESOLVED that the minutes of the meeting held on 19th July 2017 (minute nos. 1 - 4) be approved and signed as a correct record.

#### **4. BLACKWOOD MINERS INSTITUTE ANNUAL REPORT AND STATEMENT OF ACCOUNTS 2016/2017 AND UPDATE ON ARTS COUNCIL WALES RESILIENCE REPORT**

The report provided Cabinet as Trustees of Blackwood Miners' Institute with an updated on the operational activities and financial position of Blackwood Miners' Institute for the financial

year ending 31st March 2017 and provide information on the Arts Council Wales Resilience Programme Resilience Report.

Blackwood Miners' Institute was conveyed as a charitable trust to Islwyn Borough Council, (and subsequently to Caerphilly County Borough Council), and was registered as a charity on 13th November 1990. The Local Authority, acting as sole corporate trustee has a legal duty to operate the charity in accordance with the governing document, and has a legal obligation to account for the charity's finances in accordance with the Charity Act 2011.

A report to Cabinet as Trustees of Blackwood Miners' Institute was considered on the 27th July 2016 advising Members of the statutory requirements relating to the charitable status of Blackwood Miners' Institute, including a set of recommendations to ensure compliance with charity law in relation to the submission of annual reports and financial statements, the ongoing management of the Blackwood Miners' Institute and the Council's and Cabinet's responsibilities as Trustees.

The annual report and audited statement of accounts for the 2016/2017 was included as an appendix to the report and Cabinet as Trustees of Blackwood Miners' Institute are required to consider the accounts prior to the annual report and accounts being submitted to the Charity Commission as part of the annual return, in compliance with the requirements of the Charity Act 2011.

Cabinet as Trustees of Blackwood Miners' Institute noted that the Council's improving Services Programme (ISP) includes a project which aims to evaluate options to reduce the deficit at Blackwood Miners' Institute, including review of the operating model for Blackwood Miners Institute. In progressing the ISP project opportunity has arisen to link with the Arts Council Wales (ACW) Resilience Programme through which ACW have funded and completed their Resilience Report for Blackwood Miners' Institute. It was noted that ACW's recommendations will be considered as part of a future report on the findings and recommendations of the Council's ISP project, which will be presented to the Trustee upon completion.

Members thanked the Officer for the detailed report and discussion ensued. Members queried a number of items within the report, which included the revenue from the Bar facility within Blackwood Miners' Institute and it was felt that this could be utilised further. Officers explained that there are some restrictions in respect of procurement and that the Institute is a listed building, therefore there are restrictions on products, however, a new Manager has recently been appointed and these points will be raised in order to increase the revenue of the Institute.

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 contents of the Annual Report and audited Statement of Accounts for Blackwood Miners' Institute for financial year 2016/2017 be endorsed;
- (ii) it be noted that the recommendations of the Arts Council Wales Resilience Report be considered as part of a future report on the findings and recommendations of the Council's Improving Services Programme project for Blackwood Miner's Institute.

The meeting closed at 3.10pm

---

CHAIR



## **CABINET AS TRUSTEES OF BLACKWOOD MINERS INSTITUTE 11TH JULY 2018**

**SUBJECT: BLACKWOOD MINERS' INSTITUTE PROGRESS REPORT AND  
UPDATE ON 2018/2019 BUDGET**

**REPORT BY: INTERIM CORPORATE DIRECTOR COMMUNITIES**

---

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

- 1.1. To advise Cabinet as Trustees of the Blackwood Miners' Institute on progress of the operational activities and budget provision for the financial year ahead 2018/2019.

### **2. SUMMARY**

- 2.1 Blackwood Miners' Institute was conveyed as a charitable trust to Islwyn Borough Council, (and subsequently to Caerphilly County Borough Council), and was registered as a charity on 13<sup>th</sup> November 1990.
- 2.2 The local authority, acting as sole corporate trustee has a legal duty to operate the charity in accordance with the governing document, and has a legal obligation to account for the charity's finances in accordance with the Charity Act 2011.
- 2.3 The annual report and statement of accounts for the year ended 31 March 2017 were presented in a report to Cabinet as Trustees of Blackwood Miners' Institute on 13 December 2017.
- 2.4 The purpose of this report is to update the Cabinet as Trustees of Blackwood Miners Institute on the budget provision for the financial year 2018/2019 and to update on operational activities currently under way and planned for the current financial period.

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

- 3.1 The purpose of this report is to act as Trustee of the Blackwood Miners' Institute and in that capacity to consider all matters in connection with the management, use and development of the Institute in accordance with the provisions of the Trust Deed.
- 3.2 Arts Council for Wales' vision is a creative Wales where the Arts are central to the life of a nation.
- 3.3 Culture and Arts are key elements in the Council's Draft Regeneration Strategy in Regenerating Communities and Raising Aspirations and contribute to key Objectives / Goals of the Well Being of the Future Generations (Wales) Act.
- 3.4 Increasing visitor numbers to the County Borough contributes to the Council's Well Being and Corporate Plans.

#### 4. THE REPORT

- 4.1 Blackwood Miners' Institute was conveyed as a charitable trust to Islwyn Borough Council, and (subsequently to Caerphilly County Borough Council) in 1990. The objectives of the charity are set out in the Trust Deed dated 15<sup>th</sup> October 1990.
- 4.2 The purpose of the charity is set out in the Trust Deed and includes the following:
- To promote, improve, develop, maintain and advance public awareness and participation in, and encourage an appreciation of the art and science of, music, dance, drama, literature and the visual arts.
  - To promote, through appropriate activities, the education and training, mental and spiritual capacities of people who are unemployed, young people and pre-school children.
  - To educate the public in the geography, history and architecture of the area and sets out the Institute's responsibility in safeguarding against drug and alcohol abuse.
- 4.3 Blackwood Miners' Institute was registered as a charity with the Charity Commission (registered as Blackwood Arts Centre) on 13<sup>th</sup> November 1990.
- 4.4 Local authorities are empowered by Section 139 of the Local Government Act 1972 to receive and hold gifts on charitable trusts. The local authority is currently the sole corporate trustee for this charity.
- 4.5 The Council as sole trustee has a legal duty to operate the charity in accordance with the charity's Trust Deed and strictly in furtherance of its stated objects. The Council as trustee also has a legal obligation to account for and report on the charity separately and in accordance with the Charities Act 2011. All charities must produce annual statements of accounts under charity law.
- 4.6 The Annual report and Statement of Accounts for Blackwood Miners' Institute for 2016/2017 were appended to the report that was approved by Cabinet as Trustees on 13 December 2017.
- 4.7 Caerphilly County Borough Council provides an annual financial subsidy to the Blackwood Miners' Institute as a revenue budget, which has been reducing in recent years from £365,279 in 2013/2014 to £324,362 for the current period 2018/2019. 4.8 An abbreviated breakdown of income and expenditure for the budget ahead is provided in Appendix 1. The authority's current subsidy represents 42% of the associated running costs taking account of admissions, room hire, trading accounts and grant income. Blackwood Miners Institute employs 9.3 FTE staff with an employee budget of £345,244.
- 4.8 As part of the Council's ongoing Medium Term Financial Plan (MTFP) there is pressure to continue to reduce the annual subsidy that the Authority provides and staff are working towards identifying how this can be achieved. The authority's Business Improvement Programme Board (BIP board) are due to consider an initial report on the tourism, events and destinations review at its next meeting. This report will concentrate on the 3 highest subsidy destinations within the County Borough which includes the Blackwood Miner's Institute. A further report on the findings will be presented to the Trustee in due course.
- 4.9 The Arts Council of Wales included Blackwood Miners' Institute as part of its Portfolio of Revenue Funded Organisations in 2016/2017, providing an annual grant of £129,375 to allow the development of an artistic programme in areas of challenge such as 'drama, dance and non-commercial music' and to support local artist opportunities through co-production work.

- 4.10 The Arts Council of Wales monitor their Portfolio clients and they have identified potential reductions in local authority support as a risk.
- 4.11 The annual programme staged at Blackwood Miners' Institute consists of approximately 200 shows and events. Over the financial year 2017/2018 a total of 31,325 people attended shows over the course of the programme, a decrease of 5.6% over the previous year (33,209).
- 4.12 Staff at Blackwood Miners' Institute are continuing to work hard to increase income by attracting new audiences and increasing seating occupancy that can attract secondary spend on bar and confectionary sales. Progress is being made on the procurement of a new ticketing system for the venue. The current BMI ticketing system needs updating and with an increasing number of venues pushing online sales, the BMI system does not allow customers to select their own seats so discourages potential online bookers. The launch of the new ticketing system will run alongside the launch of a much needed revamped Blackwood Miners' Institute website.
- 4.13 The recently appointed Theatre and Arts Services Manager is exploring ways of increasing income especially following the publication of the Arts Council Wales Resilience Report.

Feedback from work on the recommendations presented to the Cabinet as Trustees on 13 December 2017 is as follows:

- 4.13.1 Bar area: The Principal Conservation and Design Officer was consulted on the proposed removal of an internal wall between the first floor landing and the enclosed bar area behind the main auditorium to open up the bar to make it more appealing. She has expressed her concerns over the proposed loss of an original internal wall with decorative plasterwork that is specifically mentioned in Cadw's List Description and of particular interest. Two sets of half-glazed double hardwood timber doors also currently divide the space between the bar area and the first floor landing. This is a form and arrangement that is typical of many other Miners' Institutes in Wales and her concern is that the partial loss of this front wall would be something that would detrimentally alter the space on the landing and affect its special architectural and historic character. She has also consulted with Cadw on these proposals and they have confirmed that the works would be unlikely to receive listed building consent. Alternative options to opening up the bar area and making it more appealing without removing the wall were suggested.
- 4.13.2 External signage: Following a number of consultations, the Principal Conservation and Design Officer has advised that an illuminated sign advertising the building would be unacceptable since it would be detrimental to the special architectural and historic interest of the building. The building is Grade II\* which means that it is considered by CADW to be a 'Particularly important building of more than special interest'. However, alternative and more sensitive solutions to the ones proposed and examples of non-illuminated external signage appropriate for this building were provided, such as those that already exist at the New Theatre, Cardiff.
- The lack of a dedicated car park has prevented BMI from installing white on brown tourism signs to direct visitors to the Institute.
- 4.13.3 The Arts Council of Wales has raised the issue of the role of the Trustees and asked that the Council consider the possibility of setting up an Advisory Panel or Working Group which could be made up of a mix of existing Trustees along with a selection of independent advisors who would be able to bring their own knowledge and experience to the organisation, which would be similar to the way that Trustees of other organisations operate. Cabinet as Trustees currently meet twice yearly and have little operational input to the running and programming content of the venue.

## Events overview

4.13.4 Blackwood Miners' Institute is once again co-producing with BlackRAT Productions ([www.blackratproductions.co.uk](http://www.blackratproductions.co.uk)) and will be putting out a tour of *Loot* by Joe Orton. The play has been cast, a tour of 17 venues across Wales has been booked, an e-trailer will be filmed next month along with the building of the set.

The venue has had considerable involvement in Dementia Friendly activity. It supported the Alzheimer's Society at the Blackwood Christmas Market as well as running a session for Rhiannon Passmore AM. We also hosted the Dementia Strategy Launch and will host the Dementia Friendly Community Caerphilly working group.

The venue continues to support local groups by offering reduced hire rates. Groups that utilise our space include Blackwood Musical Theatre Society, Caerphilly Male Voice Choir, Markham Band, Mynyddislwyn Male Voice Choir and Risca Male Voice Choir.

Working with the Arts Development team, this is the third consecutive year that the venue has supported a joint project called The Forte Project ([www.forteproject.co.uk](http://www.forteproject.co.uk)) that mentors and supports up and coming young musicians in South Wales. The project promotes them through gigs at venues and festivals, radio airplay and online play. They are given mentors and training in how to market and develop themselves both locally and internationally. Creative artists from Caerphilly include Alex Stacey who has recently signed for One Republic Records.

The Blackwood Miners' Institute worked in partnership with Arts Development and Chainworks Productions from Porth ([www.chainworksproductions.co.uk](http://www.chainworksproductions.co.uk)) resulting in an R & D show of *Rainbow Chaser*, with a key component being the engagement of local people in a community choir that became a core element of the performances.

Blackwood Miners' Institute supported Arts Development and *Its My Shout* films ([www.itsmyshout.co.uk](http://www.itsmyshout.co.uk)) in the setting up and recruitment of young people for making short films for BBC2 Wales. Roles include acting, runners, sound, lighting and production and shooting will begin in August near St Cenydd.

Blackwood Miners' Institute gave support to the Welsh International Documentary Festival ([www.widf.info](http://www.widf.info)) who networked with International Film and TV agencies and delivered training within the building. One element was a partnership with Atlantic College International Students filming in and around the building and creating their own short film.

Blackwood Miners' Institute supported the County Youth Theatre who gave ten performances of a drugs awareness play called *Wings to Fly* on the stage of the Blackwood Miners' Institute. It played to over 3000 Year 6 pupils from across Caerphilly County plus some schools from Blaenau Gwent. Additionally they performed hard hitting production *Blackout* which is a project with the National Theatre and then performed at the Sherman Theatre afterwards.

The BMI based Arts and Education Network has secured £200,000 of future funding to work in schools within Gwent and it has so far engaged nearly 50% of schools in projects or teacher training.

A full Annual Report for 2017/2018 along with the audited financial statements for 2017/2018 will be submitted to Cabinet as Trustees later in the year and will provide more detail on the events and activities of BMI.

## 5. WELL-BEING OF FUTURE GENERATIONS

This report is being considered by Cabinet acting as corporate trustee and not in its capacity as Local Authority.

## **6. EQUALITIES IMPLICATIONS**

- 6.1 This report is for information purposes, so the Council's EqIA process does not need to be applied.

## **7. FINANCIAL IMPLICATIONS**

- 7.1 The current level of financial subsidy provision from the Council of £324,362 has been set in line with the agreed Council provision for wage and consumer inflation. The ongoing MTFP will identify further savings targets for Blackwood Miners Institute as part of the ongoing review of BMI as part of the Council's Improving Services Programme review of tourism, events and the destination. The findings and recommendations of this review will be presented to Cabinet as Trustee upon completion.

## **8. PERSONNEL IMPLICATIONS**

- 8.1 There are no personnel implications from this report.

## **9. CONSULTATIONS**

- 9.1 The comments from consultees have been included in this report.

## **10. RECOMMENDATIONS**

- 10.1 That Cabinet as Trustees of Blackwood Miners' Institute note the information set out in the report.

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

- 11.1 In order for the local authority to account and report on the charity in accordance with the requirements of the Charity Act 2011.

## **12. STATUTORY POWER**

- 12.1 Charities Act 2011 and Local Government Act 1972

Author: Giles Ballisat, Theatre and Arts Service Manager

Consultees: Cllr S Morgan Cabinet Member – Economy, Infrastructure, Sustainability and Wellbeing and Future Generations Champion  
Mark S Williams Interim Corporate Director Communities  
Rhian Kyte Head of Regeneration & Planning  
Nicole Scammell Head of Corporate Finance and S151 Officer  
Steve Harris Deputy Section 151 Officer  
Lisa Lane Interim Monitoring Officer  
Paul Hudson Destination & Events Manager  
Mike Eedy Finance Manager

### **Appendices:**

Appendix 1 Blackwood Miners' Institute 2018/2019 Budget Summary

	£
<u>Total Employee Related</u>	<b>345,244</b>
 <u>Premises Related Expenses</u>	
Water	1,800
Electricity	10,228
Gas	4,255
CCTV	1,142
Refuse collection	4,114
Cleaning Contract	29,494
Window Cleaning Contract	155
Premises Cleaning (Rentals)	3,511
Cleaning Materials	300
Insurance (Recharge)	1,919
Total Premises Expenses	<b>56,918</b>
 <u>Transport Related Expenses</u>	
Car Allowances / Mileage	1,220
Total Transport Related	<b>1,220</b>
 <u>Supplies &amp; Services</u>	
Equipment/Furniture/Materials	2,500
Box Office	4,194
Technical Budget	2,500
Computer Costs - Databox & Software	2,000
Clothing / Uniforms	300
General Office Expenses	500
Printing	1,544
Telephones (Inc alarm lines)	4,670
Postage	6,011
Advertising & Promotions	37,090
Licenses	6,220
Courses	1,000
Beverages	8,415
Other Provisions	1,243
Vending Supplies	9,893
Workshops	17,000
Membership fees	1,500
Audit Fee	3,000
Touring show	85,275
Performance costs	171,000
Total Supplies & Services	<b>365,855</b>
<b>Total Expenditure</b>	<b>769,237</b>

Income

ACW grant - Touring	62,275
ACW grant - shows	43,100
ACW grant - Workshops	10,000
ACW Grant - Bar staff	4,000
ACW grant - Additional hours	10,000
Course Fees	8,000
Hire of Premises & Other	36,000
Bar	20,300
Vending	20,000
Touring income	23,000
Shows	200,000
Booking Fees	8,200
<b>Total Income</b>	<b>444,875</b>
<b>Net Expenditure</b>	<b>324,362</b>

Gadewir y dudalen hon yn wag yn fwriadol



## CABINET AS TRUSTEES OF VARIOUS RECREATION GROUNDS

11TH JULY 2018

**SUBJECT: RECREATION GROUND CHARITIES**

**REPORT BY: INTERIM CORPORATE DIRECTOR - COMMUNITIES**

---

### 1. PURPOSE OF REPORT -

- 1.1 To obtain Cabinet approval for officers to enter into correspondence and discussion with the Charity Commission as to the possibility of making applications for schemes altering or replacing the governing documents of the charities set out in Appendix 1 of this report ("the Charities") so as to include a power of disposal. The inclusion of such power will enable the letting or other disposal of land, if appropriate to do so, to further the objectives of those charities in providing public recreation.

### 2. SUMMARY

- 2.1 The Council is currently the corporate trustee for the Charities. The Charities have limited financial resources with which to carry out enhancements to the existing facilities. There has, in recent years, been a trend towards improvements being undertaken by user groups or social enterprises that are able to secure grant funding from external sources. It is, typically, a requirement of such funding to have an interest in the land concerned. At a minimum this would usually require a lease with a minimum term of 7 years.
- 2.2 The recreation land of the Charities held by the Council as Trustee is considered to be 'designated land' or 'specie land', which is land held for the specific objects of a charity. Many of the governing documents of the Charities do not contain a power to dispose of charity land, which means that the Council as Trustee is unable to let the land when it receives an application from a third party.
- 2.3 It is possible that such a power could be obtained on application to the Charity Commission for a new scheme containing a power of disposal, which would replace an existing scheme or other governing document setting out the rules and objectives of the charity concerned. If obtained, such power would permit the Council as Trustee to consider applications from community enterprises and users of the recreation grounds who might be able to obtain grant funding for improvements to the existing facilities, but who cannot secure such funding without a formal lease arrangement. Whilst a power would not guarantee that a letting could be granted, it would permit the council to grant such an interest provided it was considered to be in the best interests of the charity concerned.

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

- 3.1 This report is being considered by Cabinet acting as a corporate trustee rather than in its capacity as a local authority. Trustees are required to act in good faith and only in the best interests of the Charities.

### **4. THE REPORT**

- 4.1 In the majority of cases, land used by recreation ground charities must be used for those particular purposes of the charities set out in their respective governing documents. If a charity trustee were to sell or lease all or part of land consisting of a recreation ground, it is probable that Trustees will no longer be able to carry out the charity's purposes.
- 4.2 The charity's governing document, either in the form of a trust deed or Charity Commission scheme, will largely determine where a sale or letting is permitted under the terms of the trust. Where a charity is established only for the provision of a recreation ground and it is clear that the governing document contains no power of disposal of the land or power to amend its purpose or objects, it is, usually, not possible to dispose of all or any part of the recreation ground without making an application to the Charity Commission for a scheme granting this power.
- 4.3 Many of the Council's recreation ground charities became vested in the authority either directly by donation to the Council of land by wealthy landowners of the time, or at the request of a welfare trust established for providing areas of recreation for public use, or specific classes of the public or communities. Most recreation grounds were simply conveyed to the authority or its predecessor authority by deed of conveyance or transfer of land and, therefore, contain neither any detailed governing rules generally, nor any powers of disposal of the land. Some charitable recreation grounds such as those at Bargoed, Aberbargoed, and Gilfach have since been placed within a charitable scheme and may contain limited powers of disposal of land, but only in certain circumstances, such as when there may be no demand for the recreation ground and the charity is wound up.
- 4.4 Set out in Appendix 1 to this report is a current list of applications along with a brief synopsis of the application detail. In the current financial climate, the Council does not have funding available, to develop these community facilities and increasingly, enhancements to recreation grounds come from the third sector.
- 4.5 It is possible that, if the Charity Commission were to grant new or amended schemes for these charities, it would open up the possibility of granting leases to user groups of these recreation grounds and community enterprise organisations who may be able to secure external grant funding for such improvements or facilities and thereby furthering the charities' objects in providing recreation facilities.
- 4.6 At this stage it is not possible to advise, without discussions with the Charity Commission, whether a scheme for any particular charity would be granted and it is therefore proposed that the Commission be contacted to discuss each recreation ground affected on its individual merits. Further reports would be brought back to Cabinet sitting as trustee concerning the outcome of those discussions and providing specific details on a case by case basis. If the commission is to look favourably on any given application, it will, of course, need to be satisfied that a scheme is both necessary and in the best interests of the Charity.
- 4.7 If an application for a scheme or schemes is successful, it must be noted that the inclusion of a power of sale does not guarantee that the Council acting as trustee should accept any or all requests for lettings or sales of charitable recreation grounds. Cabinet as Trustee will need to further consider each application for lease or purchase on its own merits and have regard to how such a letting or sale will further the objects of the Charity. In some cases, a letting of all

or the majority of the recreation ground would need to be considered carefully so as to not prevent use by the publically generally.

- 4.8 If such a decision to dispose of the recreation ground is eventually made, the council must first follow and consider the responses and outcomes of the procedures laid out in Part 7 of the Charities Act 2011. This may require the authority to procure a qualified surveyor's report and obtaining the best price for the disposal reasonably achievable. Public notice under s.121 of the Charities Act 2011 is also required where the disposal concerns designated land.

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

- 5.1 This report in being considered by Cabinet acting as a corporate trustee and not in its capacity as a local authority.

## **6. EQUALITIES IMPLICATIONS**

- 6.1 This report is being considered by Cabinet acting as corporate trustees and not in its capacity as a local authority.

## **7. FINANCIAL IMPLICATIONS**

- 7.1 Many of the Council's recreation ground charities have an income of less than £10,000 and are not required to be registered with the Charity Commission. In some cases the lack of financial resources available has resulted in maintenance of the recreations being funded by the Council in its capacity as local authority. If the Recreation Grounds could be let, this could result in either a rental income for the Charity concerned, or result in an enhancement to the existing recreation facilities that could be maintained by a third party under the terms of the letting.
- 7.2 There maybe revenue savings for the Authority if responsibility for maintenance of the Recreation Grounds can be passed on, however, these savings are not quantifiable at this juncture.

## **8. PERSONNEL IMPLICATIONS**

- 8.1 There are no initial personnel implications associated with this report however, should a programme of transfers be pursued, there may be resultant personnel issues which may need to be considered at that time. These will be detailed in further reports.

## **9 CONSULTATIONS**

- 9.1 The report reflects the views of the consultees.

## **10. RECOMMENDATIONS**

- 10.1 That Cabinet, sitting as Trustee, authorises officers to enter into correspondence and discussions with the Charity Commission as to the possibility of making an application for a new charitable scheme or schemes for its recreation ground charities providing better powers of management and a power of disposal.
- 10.2 That, subject to the outcome of correspondence and discussions with the Charity Commission, further reports are presented to Cabinet, sitting as Trustee, seeking authority to

apply to the Charity Commission for new scheme in respect of specific recreation ground charities listed in Appendix 1.

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

11.1 To enhance and further the objects of the Charities as set out in this report.

## **12. STATUTORY POWER**

12.1 Charities Act 2011. This power is exercised by Cabinet acting as corporate trustee of the Charities.

Author: Mike Headington, Green Spaces & Transport Services Manager

Consultees: Christina Harrhy, Interim Chief Executive  
Mark S. Williams, Interim Corporate Director – Communities  
Timothy Broadhurst, Estates Manager  
Lisa Lane, Corporate Solicitor and Interim Monitoring Officer  
Nicole Scammell, Head of Corporate Finance and Section 151 Officer  
Lynne Donovan, Head of Human Resources and Organisational Development  
Anwen Cullinane, Senior Policy Officer  
Robert Hartshorn, Head of Policy & Public Protection  
Councillor Nigel George, Cabinet Member for Neighbourhood Services  
Rhian Kyte, Head of Regeneration and Planning  
Councillor Lisa Phipps, Cabinet Member for Places & Homes  
Richard Crane, Senior Solicitor  
Councillor Mike Davies, Local Member for Hafodyrynys  
Councillor Carl Thomas, Local Member for Hafodyrynys  
Councillor Nigel Dix, Local Member for Blackwood  
Councillor Andrew Farina-Childs, Local Member for Blackwood  
Councillor Kevin Etheridge, Local Member for Blackwood  
Councillor Roy Saralis, Local Member for Oakdale  
Councillor Ben Zaplatynski, Local Member for Oakdale  
Councillor Colin Elsbury, Local member for Caerphilly  
Councillor James Fussell, Local Member for Caerphilly  
Councillor Steve Kent, Local Member for Caerphilly  
Councillor Carol Andrews, Local Member for Bargoed  
Councillor D Tudor Davies, Local Member for Bargoed  
Councillor Diane Price, Local Member for Bargoed

Background Papers:

Appendices:

Appendix 1 List of Recreation Grounds Held in Charitable Trust

## Appendix 1

Site Name	Application details
Bargoed Park	We are in receipt of a lease application from a community group seeking to develop community focused facilities within the footprint of the park. (The group also have a longer term aspiration of bringing the toilets back into beneficial use). Bargoed Park is held by the Council on charitable trust and there is currently no power of disposal.
Hafodyrynys Public Recreation Ground	The existing tenant is seeking a longer lease to access funding to refurbish the clubhouse. The proposal includes a potential increase in the footprint of the building. As the land is held by the Council on charitable trust, we will require advice from the Charity Commission and a potential amendment to the existing scheme.
Libanus Recreation Ground and changing facilities	A local rugby club already hold a licence agreement which grants the club the right to use the facilities during their sporting season as priority users. The club are seeking a lease as they wish to access funding to refurbish the changing rooms and undertake improvements to the pitch. The land is held by the Council on charitable trust and there is currently no power of disposal.
Oakdale Recreation Ground Pavilion	A local rugby club are seeking a lease of the pavilion at Oakdale recreation ground. The building's use is currently split between changing facilities for the rugby club and a bowls pavilion. The club's application would therefore focus on their part of the building. The site is held by the Council on charitable trust and there is currently no power of disposal.
Neuadd Y Parc Hall, Dafydd Williams Park	The park is held by the Council on charitable trust and Neuadd y Parc Hall is within the boundary of the hall. There is currently no power of disposal.

Gadewir y dudalen hon yn wag yn fwriadol