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**Date: 10th October 2018**

Dear Sir/Madam,

A meeting of the **Cabinet as Trustees of Blackwood Miners Institute** will be held in the **Sirhowy Room, Penallta House, Tredomen, Ystrad Mynach on Wednesday, 17th October, 2018 at 11.00 am** (or immediately following the meeting of Cabinet) to consider the matters contained in the following agenda. Councillors and the public wishing to speak on any item can do so by making a request to the Chair. You are also welcome to use Welsh at the meeting, both these requests require a minimum notice period of 3 working days, and a simultaneous translation will be provided if requested.

All Committee meetings are open to the Press and Public, observers and participants are asked to conduct themselves with respect and consideration for others. Please note that failure to do so will result in you being asked to leave the meeting and you may be escorted from the premises.

Yours faithfully,

A handwritten signature in black ink, appearing to read 'CHARRY'.

**Christina HARRY**  
INTERIM CHIEF EXECUTIVE

## **A G E N D A**

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 this agenda in accordance with the Local Government Act 2000, the Council's Constitution and the Code of Conduct for both Councillors and Officers.

**A greener place Man gwyrddach**



To approve and sign the following minutes: -

- |   |   |       |
|---|---|-------|
| 3 | Cabinet as Trustees of Blackwood Miners' Institute and Various Recreation Grounds held on the 11th July 2018. | 1 - 4 |
| 4 | Blackwood Miners' Institute Progress Report.  | 5 - 8 |

**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.

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# Agenda Item 3



## **CABINET AS TRUSTEES OF BLACKWOOD MINERS' INSTITUTE AND VARIOUS RECREATION GROUNDS**

### **MINUTES OF THE MEETING HELD AT PENALLTA HOUSE, TREDOMEN ON WEDNESDAY 11TH JULY 2018 AT 2.35 P.M.**

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#### PRESENT

Councillor D.V. Poole – Chair

#### Councillors:

C. Cuss (Social Care and Wellbeing), N. George (Neighbourhood Services), C. Gordon (Corporate Services), B. A. Jones (Finance, Performance and Governance), Councillor S. Morgan (Economy, Infrastructure and Sustainability) and E. Stenner (Environment and Public Protection).

#### Together with:

C. Harry (Interim Chief Executive), R. Edmunds (Corporate Director - Education and Corporate Services), M. S. Williams (Interim Corporate Director - Communities), P. Hudson (Marketing and Events Manager), M. Headington (Green Spaces and Transport Services Manager), T. Broadhurst (Estates Manager), R. Crane (Senior Solicitor), G. Ballisat (Theatre and Arts Service Manager) and A. Dredge (Committee Services Officer).

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

Apologies for absence were received from Councillors P. Marsden (Education and Achievement), L. Phipps (Homes and Places) and D. Street (Corporate Director – Social Services and Housing).

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

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

#### **3. CABINET AS TRUSTEES OF BLACKWOOD MINERS' INSTITUTE MINUTES – 13TH DECEMBER 2017.**

RESOLVED that the minutes of the meeting held on 13th December 2017 (minute nos. 1 - 4) be approved and signed as a correct record.

#### **4. BLACKWOOD MINERS' INSTITUTE PROGRESS REPORT AND UPDATE ON 2018/2019 BUDGET**

Cabinet welcomed Mr G. Ballisat, the recently appointed Theatre and Arts Service Manager to his first meeting. He updated Cabinet as Trustees of Blackwood Miners Institute (BMI) on the

budget provision for the financial year 2018/2019 and on the operational activities currently under way and planned for the current financial period.

Blackwood Miners' Institute (BMI) 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 15th October 1990. BMI was registered as a charity with the Charity Commission (registered as Blackwood Arts Centre) on 13th November 1990. The purpose of the charity is 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. It also promotes, through appropriate activities, the education and training, mental and spiritual capacities of people who are unemployed, young people and pre-school children. In addition, its purpose is 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.

It was explained that as trustee, the Council 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. The Annual report and Statement of Accounts for BMI for 2016/2017 were appended to the report that was approved by Cabinet as Trustees on 13th December 2017. 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. Members were referred to Appendix 1 of the report that provided an abbreviated breakdown of income and expenditure for the budget ahead. The authority's current subsidy represents 42% of the associated running costs taking account of admissions, room hire, trading accounts and grant income. BMI employs 9.3 FTE staff with an employee budget of £345,244.

Members were pleased to note that the Arts Council of Wales included Blackwood Miners' Institute as part of its Portfolio of Revenue Funded Organisations in 2016/2017. This provides 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. In terms of progress being made, it was explained that part of this funding will be used for 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 BMI website. The annual programme staged at BMI 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). An overview of the events held at the venue during this period was set out in paragraph 4.13.4. in the report.

Members thanked the Officer for the detailed report and discussion ensued. Cabinet as Trustees of BMI discussed the orientation of the bar area which is located behind the main auditorium and the potential for opening up the bar to make it more appealing. It was confirmed that the Principal Conservation and Design Officer was consulted on this with other proposals, who expressed her concerns in that the alterations 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. A meeting is scheduled with Cadw on the 30th July 2018 to consider this matter further and an update will be reported at the next meeting of Cabinet as Trustees of BMI.

Members also discussed advertising and queried how the venue is promoted. It was explained that Officers continue to publish its brochure and this is distributed to approximately ten thousand people who previously visited the venue over the past two to three years. Emails are also sent to previous attendees and occasional adverts placed in local newspapers. Posters from the producers are also distributed. In moving forward, social media will be used to promote the Institute in-line with the new website. Members suggested other forms of advertising that

included using the Council's 'Newline' Paper that's distributed to all residences across the Borough, utilising Blackwood Town Centre (i.e. shops and the library) and the Dragon Circle. Emphasis was placed on not limiting advertising to Blackwood Town Centre itself and by advertising to the wider audience of the Institute in other towns such as Bargoed and Risca could offer huge potential. It was explained that the Billboard outside the Institute cannot be utilised as this does not fall within Caerphilly's ownership. The lack of a dedicated car park has prevented BMI from installing white on brown tourism signs to direct visitors to the Institute.

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

RESOLVED that subject to an additional recommendation at paragraph 10.2. to include progress reports from Blackwood Miners' Institute be brought on a quarterly basis rather than a six monthly basis, and for the reasons contained in the Officer's report: -

- (i) the contents of the report, be noted;
- (ii) progress reports from Blackwood Miners' Institute be brought on a quarterly basis rather than a six monthly basis.

## **5. RECREATION GROUND CHARITIES**

The report sought Cabinet as Trust of Various Recreation Grounds approval for officers to enter into correspondence and discussion with the Charity Commission. This will allow the possibility of making applications for schemes altering or replacing the governing documents of the charities (Appended to the 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.

It was explained that 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. 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.

Cabinet were advised that 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 documents 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.

Members discussed the report and emphasised the importance of local people being involved in decision making regarding local facilities and amenities. It was requested that a report be brought that will consider Cabinet as Trustees of Various Recreation Grounds devolving their Trustee management to empower local communities to run local facilities. It was explained that although the report is general, in moving forward individual Charities will be considered on their

own merits and further reports shall be brought following dialogue taking place with the Charity Commission.

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

RESOLVED that subject to an additional recommendation at paragraph 10.3, to include a report be brought that will consider Cabinet as Trustees of Various Recreation Grounds devolving their Trustee management to empower local communities to run local facilities, and for the reasons contained in the Officer's report: -

- (i) Officers be authorised 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;
- (ii) subject to the outcome of correspondence and discussions with the Charity Commission, further reports be presented to Cabinet, sitting as Trustee, seeking authority to apply to the Charity Commission for new schemes in respect of specific recreation ground charities;
- (iii) a report be brought that will consider Cabinet as Trustees of Various Recreation Grounds devolving their Trustee management to empower local communities to run local facilities.

The meeting closed at 3.10pm.

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CHAIR



## **CABINET AS TRUSTEES OF BLACKWOOD MINERS INSTITUTE – 17TH OCTOBER 2018**

**SUBJECT: BLACKWOOD MINERS' INSTITUTE PROGRESS REPORT**

**REPORT BY: INTERIM CORPORATE DIRECTOR COMMUNITIES**

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

- 1.1. To advise Cabinet as Trustees of the Blackwood Miners' Institute on progress of the operational activities 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 At the July meeting of the Trustees it was agreed that more frequent meetings should be held to update the Trustees on a number of operational activities and proposals intended to improve the sustainability of Blackwood Miners Institute as a venue.
- 2.4 The purpose of this report is to update the Cabinet as Trustees of Blackwood Miners' Institute on the proposals discussed in the July meeting.

### **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 The Arts Council for Wales' vision is a creative Wales where the Arts are central to the life of our nation.
- 3.3 Culture and Arts are key elements in the Council's Regeneration Strategy in regenerating communities and raising aspirations and contribute to key objectives / goals of the Well-being of 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 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 to Blackwood Miners' Institute and staff are working towards identifying how this can be achieved.

4.2 The Arts Council of Wales has included Blackwood Miners' Institute as part of its Portfolio of Revenue Funded Organisations since 2016/17, 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.

#### **4.3 TICKET SYSTEM & WEBSITE**

The Council's Head of Procurement has recently signed off the business case for a new cloud based box office system which can now proceed to award stage and project implementation.

Online ticket sales form a low percentage in terms of BMI's overall ticket sales and the upgrade is necessary in order to increase the percentage of bookings undertaken online and to allow the potential for efficiency savings from the current box office arrangements.

A brief is currently with IT to progress an updated website with the aim of launching a new website that will incorporate the new ticketing system.

#### **4.4 BAR AREA**

Following a visit to Blackwood Miners' Institute by the Conservation Officer, the Development Control Manager and the Building Control Team Leader, a number of options were looked at in relation to improving the customer experience in and around the bar area along with improving signage at the front of the building and the following have been agreed:

Doors between foyer and bar (first floor): with the installation of magnetic door locks linked to the fire alarm system, it would be possible to hold these doors in an open position when the public are using the bar which would help to increase circulation.

The Lounge (first floor): the doors can be reversed so that they open into the room and held open with magnetic door locks as above and would help with circulation. Details of the alterations associated with points 1 and 2 will be needed by the Planning Department to assess whether they need listed building consent and whether they will be satisfactory from a Building Regulations point of view.

#### **4.5 ADVERTISING & PROMOTION**

Theatre advertisement on opposite side of road (or elsewhere in the town): this is being considered by the Development Control Manager. This work would require advertisement consent and a licence from the highway authority and the setting of the listed building would have to be considered.

Signs on the front of the building: the possibility of installing hanging banners on the front of the building is being investigated that would advertise the venue (as opposed to specific shows) and would be located within the existing plain pilasters at first and second floor. This work would require listed building consent, but not advertisement consent.

Existing brass letters spelling out Blackwood Miners' Institute on either side of the building: The possibility of illuminating this signage is being investigated by the Development Control Manager along with the pruning of trees in front of the southern side of the building along with the relocation of the adjacent hoarding. The means of illumination will need listed building consent.

Signs on the front railings: the Development Control Manager is investigating the possibility of having banners fixed to the front railings with Highways.

Advertisement on hoardings around new housing development to be erected adjacent to Blackwood Miners' Institute: this possibility is being investigated with the developers.

Adverts on rear fence at the rear of the Blackwood Miners' Institute building: these would benefit from the same rights as set out above but the impact on the visual amenity of the area would need to be assessed in relation to the size of the proposed panels.

#### 4.6 EVENTS OVERVIEW

A flavour of some of the forthcoming events being held at Blackwood Miners' Institute includes live boxing, 'Public Service Broadcasting' (sold out), the 'Dreamboys', 'Cosi fan Tutte', 'Classic Rock Show' and a number of shows that aim to maximise the secondary spend from near capacity audiences.

Some thought should be given to 2020 and the bi-Centenary of Blackwood's formation as a town and what part BMI can play in any future celebrations.

### 5. WELL-BEING OF FUTURE GENERATIONS

- 5.1 This report is being considered by Cabinet acting as corporate trustee and not in its capacity as the 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.

### 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 The report is an information item and no recommendations are being made for consideration.

## 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
Tim Stephens	Development Control Manager
Nicole Scammell	Head of Corporate Finance and S151 Officer
Steve Harris	Interim Head of Business Improvement Services
Lisa Lane	Interim Monitoring Officer
Paul Hudson	Destination & Events Manager
Mike Eedy	Finance Manager