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**Date: 18th November 2015**

Dear Sir/Madam,

A meeting of the **Cabinet** will be held in the **Sirhowy Room, Penallta House, Tredomen, Ystrad Mynach** on **Wednesday, 25th November, 2015** at **2.00 pm** to consider the matters contained in the following agenda.

Yours faithfully,

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

**Chris Burns**  
INTERIM CHIEF EXECUTIVE

## 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 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 11th November 2015.	1 - 6
4 Cabinet as Trustees Cwmcarn Cottage Hospital Fund held on 11th November 2015.	7 - 8

A greener place Man gwyrddach



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

- |   |  |         |
|---|--|---------|
| 5 | Notice of Motion - Land Adjacent to Cefn Fforest Leisure Centre.               | 9 - 16  |
| 6 | Risca - Tesco Section 106 Options Report.                                      | 17 - 26 |
| 7 | The Process for the Appointment and Removal of Local Authority (LA) Governors. | 27 - 40 |

**Circulation:**

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

And Appropriate Officers.



## CABINET

### MINUTES OF THE MEETING HELD AT PENALLTA HOUSE, TREDOMEN ON WEDNESDAY 11TH NOVEMBER 2015 AT 2.00 P.M.

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#### PRESENT:

Councillor K.V. Reynolds - Chair

#### Councillors:

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

#### Together with:

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

#### Also in Attendance:

P. Elliot (Head of Regeneration and Planning), K. Williams (Private Sector Housing Manager), M. Jennings (Housing Strategy Officer), R. Kyte (Team Leader Strategic & Development Planning), M. Johnson (Senior Engineer), G. Parry (Operations Group Manager), S. Pugh (Corporate Communications Manager), C. Evans (Committee Services Officer)

#### 1. APOLOGIES FOR ABSENCE

There were no apologies for absence received.

#### 2. DECLARATIONS OF INTEREST

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

#### 3. CABINET – 28TH OCTOBER 2015

RESOLVED that the minutes of the meeting held on 28th October 2015 (minute nos. 1 - 6) be approved and signed as a correct record.

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

### **4. SOCIAL SERVICES PERFORMANCE EVALUATION – PRESENTATION BY CSSIW**

Margaret Rooney – South East Regional Manager and Sarah Glyn-Jones – Area Regional Manager (Caerphilly and Blaenau Gwent) provided Cabinet with a presentation, which summarised the findings following the Annual CSSIW Performance Evaluation.

It was noted that the Council has continued to take a structured and planned approach to develop and transform services in readiness for the Social Services and Wellbeing (Wales) Act (SSWB ACT). This is also reflected in the objectives of the Director of Social Services, which provides a comprehensive picture of the current status of social services in Caerphilly. Solid foundations built in the previous year have enabled the council to make progress in both adult and children's services. Clear planning has set the direction for prioritising, review and development of new services reflecting local need and national legislative change. The Corporate Management Structure and governance arrangements provide support to enable social services to continue development. The council works constructively with regulators and has made good progress in relation to areas for improvement in CSSIW's performance report 2014-15.

Following the Inspection, CSSIW highlighted Areas for Improvement within their Performance Report, which included prioritising the joint commissioning for older people, moving to a regional adoption service, successful recruitment of foster carers, ongoing restructuring and review in line with need and national legislation within Children's Services and continuing to develop the Scrutiny Process and Governance.

Members thanked the Officers for the very positive report and the Corporate Director of Social Services added that he was very pleased with the positive Inspection report. It was noted that, whilst the Directorate is facing challenging times with the Welsh Governments drive for Integrated Services, budget pressures and the introduction of the Social Services and Wellbeing Act, the Directorate will continue to focus on the areas for improvement.

Having consideration for the detailed report and data within, a Member sought further information on the variance in Adult Carer statistics. The Director confirmed that the data had highlighted an area of concern, which, upon investigation, was as a result of Social Worker recording issues. In some cases, Social Workers were recording that carers, who were also assessed as requiring a service, were recorded as Service Users and not carers, hence the drop in the number of carers.

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

RESOLVED that for the reasons contained in the CSSIW Report, the content of the report be acknowledged and accepted.

### **5. FLOOD RISK MANAGEMENT PLAN**

The report, which was presented to the Regeneration and Environment Scrutiny Committee on 27th October 2015, provided an update on the progress of the preparation of the Council's Flood Risk Management Plan (FRMP).

Members were advised that under the Flood Risk Regulations 2009, the Council has been designated as a Lead Local Flood Authority (LLFA) and has responsibility to produce a FRMP. The draft FRMP, which has been published on the Council's website, must be submitted to Natural Resources Wales (NRW), who may approve it (with or without modification) or reject it.

The FRMP provides an overview of the flood risk within the county borough and details flood risk management objectives, together with a series of mitigation measures to ensure that the flood risk to the local area is addressed and reduced. The FRMP, which has been the subject of public consultation in draft form, must be published by December 2015 in accordance with the Flood Risk Regulations 2009, and will be subject to review after a 6-year period.

Cabinet thanked the Officers for the report and expressed their gratitude to staff for the extensive work undertaken to produce the FRMP, which would provide relief to a number of residents across the Borough, living in high risk areas.

Following consideration and discussion, it was moved and seconded that the Officers 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 draft Flood Risk Management Plan be accepted as the mechanism for the reduction of flood risk within Caerphilly County Borough Council;
- (ii) Natural Resources Wales be updated on Caerphilly's approach to the Flood Risk Management Plan.

## **6. RESULTS OF THE 2015 HOUSEHOLD SURVEY**

The report provided Cabinet Members with the findings of the 2015 Household Survey and highlighted key results in relation to satisfaction with Council Services.

The household survey, which was conducted from the 1st June 2015 to 17th July 2015, received a total of 1258 responses and were overall very positive. The results highlighted that, in general, residents are satisfied with the services provided by the Council.

As in previous years, services generating high levels of satisfaction include refuse and recycling, libraries, aspects of the leisure service, bus services, street lighting and Newline.

Cabinet noted that, overall 78% of respondents were satisfied with the overall service provided by the Council. In 2013, 82% of respondents highlighted their overall satisfaction with Council Services; however, there has been an increase from 14% in 2013 to 18% in 2015 of very satisfied respondents.

It was noted that 63% of respondents agreed that the Police and Caerphilly County Borough Council are dealing with anti-social behaviour and crime issues that matter in this area. 71% felt that levels of crime and 65% felt that the level anti-social behaviour has improved or stayed the same in the last two years.

However, it was noted that, whilst still at a very high level, satisfaction with civic amenity/household waste recycling sites has declined from 92% in 2013 to 86% in 2015. Dog fouling has consistently been considered the biggest problem affecting the appearance of streets in neighbourhoods since 2011, and levels of satisfaction with country parks are high at 88% but have significantly declined since 2013 when 96% of respondents indicated that they were satisfied. This was largely attributed to the recent introduction of car parking fees in country parks.

Members thanked the Officer for the positive report and it was felt that the report should be presented to Council. Clarification was sought on the data referring to respondent's ability to understand, speak, read and write in Welsh and Officers agreed to check and circulate any corrected data.

Following consideration and discussion, and subject to the report being presented to Council, 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 findings of the 2015 Household Survey be noted;
- (ii) key findings be shared with Service Managers for dissemination with their teams (more detailed analysis is available on request) and via the Council's website and Newsline;
- (iii) the Household Survey results be fed into the Corporate Improvement Plan of the Council by helping to:
  - Identify perceived areas of strength and weakness in the provision of Council services;
  - Highlight areas of change in the level of service provision over the last two years;
  - Provide data for further comparison in future years;
  - Help determine future priorities;
- (iv) the findings of the Household Survey be referred to Council.

## **7. ADOPTION OF THE COMMON ALLOCATION POLICY**

The report, which was presented to Policy and Resources Scrutiny Committee on 10th November 2015, provided members with an overview of the process undertaken to develop a common allocation policy, and sought Cabinet's approval that the existing allocations policy maintained by the Council be replaced with the new policy.

The policy, which has been subjected to extensive consultation, has been developed in partnership with local housing associations and will be introduced alongside the common housing register, and will also apply to housing association partners. Thus providing a standardised and consistent way of allocating properties to all those on the common housing register who are seeking social housing within the borough.

Cabinet thanked the Officers for the report and the extensive work required to produce the policy.

A Member sought further information on the date of implementation of the Policy and, in noting that the Points System would no longer be in use, queried whether those already on the Housing Register would be reassessed. Officers highlighted that an IT system, which is currently under development, has been procured, which will play an integral part in the implementation and management of the Policy. The system, which is an online database, would provide an online and automated assessment process, which would enable Housing Allocation Officers more time to offer support and assistance to service users. In addition, Members were assured that each person on the current Housing Register will be reassessed under the new Policy and placed in order of the date in which they first registered.

Discussions took place around the criteria for Housing Applications. Officers highlighted that assessments would be conducted to determine affordability and an applicant's ability to maintain a tenancy.

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 and as highlighted at the meeting:

- (i) the Common Allocation Policy be formally adopted and upon its implementation the Council's existing Allocations Policy be rescinded;
- (ii) once the first review of the policy has been completed, as detailed in paragraph 4.25 of the Officers report, the results be reported to the Policy and Resources Scrutiny Committee then onto Cabinet.

## **RECOMMENDATION TO COUNCIL**

### **8. PROPOSED CHANGE TO THE CAERPHILLY COUNTY BOROUGH COUNCIL CIL REGULATION 123 LIST OF INFRASTRUCTURE**

The report, which was considered by the Regeneration and Environment Scrutiny Committee on 27th October 2015, presented the findings of the public consultation exercise undertaken in respect of the proposed changes to the Regulation 123 List, in accordance with the implementation of the Community Infrastructure Levy (CIL).

Members were advised that Regulation 123 of the Community Infrastructure Levy Regulations 2010 (as amended) sets out the requirement for the CIL Charging Authority to publish a list of the infrastructure that can be funded through CIL. It is proposed to make some changes to this list which will enable school provision to be sought on-site in line with the aspirations of the adopted LDP. The proposed changes to the Regulation 123 List (as appended to the report) will have a minimal impact on the viability evidence that was considered by the CIL Examiner in that it will only impact on two specific sites (namely Waterloo Works and Bedwas Colliery).

Cabinet thanked the Officer for the report and discussions ensued. Cabinet discussed planning applications within specific areas and the relationship of CIL and Section 106 Agreement. It was noted that the proposed change would only effect two sites at present, Waterloo Works and Bedwas Colliery. The change would enable negotiations to secure on-site school provision on these specific sites. It was noted that all the CIL work would be reviewed further as part of the work on the Replacement LDP.

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.

RECOMMENDED to Council that for the reasons contained in the Officers report:

- (i) the findings of the public consultation exercise undertaken in August/ September 2015 in respect of the proposed changes to the Regulation 123 List be considered and noted;
- (ii) the Replacement Regulation 123 List be approved for publication in accordance with the implementation of Community Infrastructure Levy.

The meeting closed at 2.29pm

Approved and signed as a correct record subject to any corrections made at the meeting held on 25th November 2015.

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CHAIR

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## **CABINET AS TRUSTEES OF CWMCARN MEMORIAL COTTAGE HOSPITAL FUND**

**MINUTES OF THE MEETING HELD AT PENALLTA HOUSE, TREDOMEN  
ON WEDNESDAY 11TH NOVEMBER 2015 AT 3.41 P.M.**

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PRESENT:

Councillor K.V. Reynolds - Chair

Councillors:

Mrs C. Forehead (HR and Governance/Business Manager), N. George (Community and Leisure Services), D.T. Hardacre (Performance and Asset Management), K. James (Regeneration, Planning and Sustainable Development), B. Jones (Corporate Services), R. Passmore (Education and Lifelong Learning), D.V. Poole (Housing), T.J. Williams (Highways, Transportation and Engineering) and R. Woodyatt (Social Services).

Together with:

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

Also in Attendance:

L. Lane (Corporate Solicitor), C. Evans (Committee Services Officer)

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

There were no apologies received.

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

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

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

### **3. CWMCARN MEMORIAL COTTAGE HOSPITAL FUND**

The report sought the authority of Cabinet, acting for the Council as corporate trustee (The Trustee) to expend the remaining capital and interest of the Cwmcarn Memorial Cottage Hospital Fund ("the Fund").

Cabinet noted that the charity was established following a public collection in 1875 following a flooding disaster in the Cwmcarn Valley. The monies were originally collected with a view to establishing a cottage hospital as a memorial. That original object of the charity could not be achieved and in 2004 a report sought authority to wind up the charity and expend the capital of the charity. At that time it was resolved that the Council being satisfied that the restriction with respect to the expenditure of capital which is permanent endowment comprised in the trusts of the charity be removed in accordance with the provisions of Section 75 of the Charities Act 1993.

The Head of Legal Services, Head of Lifelong Learning and Leisure and the Group Manager Countryside Services in consultation with local members made arrangements for the provision of a memorial in the form of a bench depicting the wave that washed away the Flannel Factory. This was completed in 2007 and the charity was wound up.

The current balance of the fund including interest up to 31st March 2015 is £18,695.98. Both Abercarn and Risca surgeries have been approached regarding the proposal to distribute the funds and have each provided a list of items which, would contribute to the running of each practice and the service they provide to patients. The total cost of the items requested by Risca Surgery is £5,999.94 and in respect of Abercarn the total cost of £6,000.80. The remaining balance would total £6,695.24, which will provide an additional memorial to commemorate the disaster.

Cabinet thanked the officer for the report and considered the recommendations. Clarification was sought as to when the Cabinet would no longer be Trustees of the Fund. It was noted that whilst the Authority still holds the finances, Cabinet would remain trustees of the fund, until the money is spent.

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 sum of £6,000.80 and £5,999.94 be distributed to Abercarn and Risca surgeries respectively to be spend on the items identified in Appendix 1 of the report;
- (ii) The remaining sum of £6,695.24, together with any additional interest which may accrue be used towards the costs of an additional memorial to commemorate the event, this project to be undertaken by the Cwmcarn Residents and Community Association;
- (iii) The power to release the remaining funds to the Cwmcarn Residents and Community Association (to be used towards a memorial to commemorate the event) be delegated to the Head of Legal Services in consultation with the Cabinet Member for Regeneration and Planning.

The meeting closed at 3.51pm

Approved and signed as a correct record subject to any corrections made at the meeting held on 25th November 2015.

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CHAIR



## CABINET – 25TH NOVEMBER 2015

**SUBJECT: NOTICE OF MOTION – LAND ADJACENT TO CEFN FFOREST LEISURE CENTRE**

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

- 
- 1.1 The attached report, which detailed a Notice of Motion received from Councillors J. Jones, C. Hawker, N. Dix, P. Cook, A. Rees, C. Durham, R. Saralis and J. Summers, in relation to the sale of land adjacent to Cefn Fforest Leisure Centre, was presented to the Policy and Resources Scrutiny Committee on 10th November 2015. The report also contained a response to the Notice of Motion from appropriate Officers and sought the views of Members prior to its presentation to Cabinet.
  - 1.2 Members considered the following Notice of Motion:-  
  
“That a previous decision of Cabinet to dispose of land that once formed a part of Cefn Fforest Leisure Centre be withdrawn from sale with immediate effect on the basis that such a sale will put this piece of land at a disadvantage under a forthcoming Strategic Review of Leisure Centres”.
  - 1.3 Discussion took place regarding the consultation process in respect of the proposed sale, the impact of any sale on parking availability and the benefits in retaining the land for use by the leisure centre. Officers clarified the location of the land and confirmed that a formal offer at market value had been received for its purchase.
  - 1.4 Following consideration of the Notice of Motion and the Officer’s report, the Policy and Resources Scrutiny Committee, by the majority present (and in noting there was 1 abstention), agreed that the Notice of Motion be supported, and as such, it be referred to Cabinet for a decision in accordance with the Council’s Constitution.
  - 1.5 Members are asked to consider the Notice of Motion.

Author: R. Barrett, Committee Services Officer, Ext. 4245

Appendices:

Appendix 1 Report to Policy and Resources Scrutiny Committee on 10th November 2015 – Agenda Item 8

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## POLICY AND RESOURCES SCRUTINY COMMITTEE – 10TH NOVEMBER 2015

**SUBJECT: NOTICE OF MOTION – LAND ADJACENT TO CEFN FFOREST LEISURE CENTRE**

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

### 1. PURPOSE OF REPORT

- 1.1 To respond to a Notice of Motion asking that land adjacent to Cefn Fforest Leisure Centre be withdrawn from sale with immediate effect.
- 1.2 The report is seeking the views of members prior to its presentation to Cabinet.

### 2. SUMMARY

- 2.1 A number of Members have joined to submit a Notice of Motion asking that a previous decision of Cabinet to dispose of land that once formed a part of Cefn Fforest Leisure Centre be withdrawn from sale with immediate effect on the basis that such a sale “will put this piece of land at a disadvantage” under a forthcoming Strategic Review of Leisure Centres.
- 2.2 This report goes on to explain why the land in question no longer forms a part of the Leisure Centre and its sale will not compromise any on-site improvement that may or may not be identified as part of the Strategic Review of Leisure Centres.
- 2.3 Consequently the report recommends that the Notice of Motion be referred by Scrutiny to Cabinet.

### 3. LINKS TO STRATEGY

- 3.1 The disposal of this site would contribute to the following strategic objective:  
**Priority P2** of the Single Integrated Plan: *“Improve standards of housing and communities giving appropriate access to services across the county borough”*
- 3.2 Under its approved Asset Management Objectives, the Authority aims to manage its land and buildings effectively, efficiently, economically, and provide a safe, sustainable and accessible living and working environment for all users.
- 3.3 The Authority has a medium term financial plan (MTFP), which includes cost saving targets resulting from the disposal of assets.

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

- 4.1 A Notice of Motion signed by Councillors Jan Jones, Chris Hawker, Nigel Dix, Pat Cook, Alan Rees, Colin Durham, Roy Saralis and Jean Summers has been submitted for the following reason;

“In the Strategic Review of Leisure Centres it is said that Leisure Centres are constrained by surrounding neighbours so the potential for on-site improvement is limited. Cabinet’s decision on the 27<sup>th</sup> November 2013 to put up for sale a piece of land adjoining Cefn Fforest Leisure Centre will put this piece of land at a disadvantage under the review.

We believe therefore that it is only right and fair that the sale of land which is part of the Cefn Fforest Leisure Centre’s original site is withdrawn from sale and we request that this is done with immediate effect.”

- 4.2 The attached plan (Appendix A) identifies the boundary of the area of land that forms the subject of this report. The land is situated between a residential property (formerly the swimming bath’s Manager’s house) and the rear boundary of residential properties in Davies Street, Cefn Fforest.
- 4.3 There can be little doubt, and as stated in the Strategic Review of Leisure Centres, that on site improvement is often constrained by surrounding neighbours. At Cefn Fforest the Leisure Centre is within an area of open space within the village and if there were ever plans to develop the centre there is some space to do so, subject to Planning requirements and approval.
- 4.4 Originally the plot of land that is currently for sale formed part of the Leisure Centre’s grounds and acted as a buffer between the residents of Davies Street and the Leisure Centre. The land is fenced and is not accessible to the public.
- 4.5 Whilst the plot of land does technically form part of the Leisure Centre its importance to any future strategy for the Centre has been diminished by a decision of a former authority to sell privately the former bath’s Manager’s house, which originally was an integral part of the site. That sale rendered the plot of land now in question sandwiched between a private residence (the former bath’s Manager’s house) and residential properties in Davies Street.
- 4.6 Accordingly development of this land for on site Leisure Centre improvement cannot be foreseen as it would have a distinct negative impact on residents.

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

- 5.1 An EQIA screening has been completed in accordance with the Council’s Equalities Consultation and Monitoring Guidance and no potential for unlawful discrimination and/or low level or minor negative impact have been identified, therefore a full EIQA has not been carried out.

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

- 6.1 The sale of the land will produce a capital receipt. A formal offer at market value has been received for the purchase of the land.

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

- 7.1 There are none.

## **8. CONSULTATIONS**

- 8.1 Local members have not been consulted on this response to the Notice of Motion. However their original opposition to the proposal to sell this plot of land was included in the report to Cabinet dated 27th November 2013.

## **9. RECOMMENDATIONS**

- 9.1 The Notice of Motion be duly considered by Scrutiny and referred to Cabinet in accordance with the Council's Constitution for a decision.

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

- 10.1 To be in accordance with the Council's Constitution.

## **11. STATUTORY POWER**

- 11.1 Local Government Act 1972, Section 123.

Author: Colin Jones. Head of Performance and Property Services  
Consultees: Corporate Management Team  
Mark S.Williams. Head of Community & Leisure  
Gail Williams. Interim Head of Legal Services & Monitoring Officer  
Cllr D.Hardacre. Cabinet Member for Performance and Asset Management  
Cllr N. George. Cabinet Member for Community & Leisure

Background Papers:  
Cabinet Report 27<sup>th</sup> November 2013 "Land Adjoining Cefn Fforest Sports Centre"

Appendices:  
Appendix 1 of 1 Site Plan

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## CABINET – 25TH NOVEMBER 2015

**SUBJECT: RISCA – TESCO SECTION 106 OPTIONS REPORT**

**REPORT BY: CORPORATE DIRECTOR - COMMUNITIES**

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

- 1.1 To consider the options available to the Council in utilising Section 106 (S106) monies set aside to develop a footbridge from the large Tesco store to Risca town centre.

### **2. SUMMARY**

- 2.1 In 2010 planning permission was granted for the erection of a new Tesco superstore in Risca. The planning permission was granted subject to a S106 legal agreement that required six obligations summarised below: -

1. Town Centre Contribution (to build a footbridge linking the Tesco store with the town centre and east sides of the river) - £425,000 - received and currently held in an account.
2. Public Art Contribution - £45,000 - received and spent.
3. Council Administration Costs - £15,000 - received and currently held in an account.
4. Stopping up Contribution (to close a former right of way) - £2,500 - received and spent.
5. Legal Costs to Council - £5,750 - received and spent.
6. To occupy the "Express Store" within the town (Palace Cinema) - Leased and occupied.

- 2.2 This report concentrates on obligation 1 above; the requirement by Tesco's to build a pedestrian footbridge. Due to numerous obstacles this bridge is still to be developed and the Council now need to decide on the feasibility/viability of the scheme in the timeframe that remains for providing it.

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

- 3.1 Risca town centre is identified in the Local Development Plan as a Principal Town.
- 3.2 Development of the river bridge is a proposal within the Risca Town Centre Action Plan identified under proposal RP7.
- 3.3 Regenerating the county borough's town centres, including Risca, is one of the main priorities in the Council's economic development framework.
- 3.4 Risca is ideally placed to benefit from the Welsh Government's emerging strategies on Valleys Metro and the Capital Region due to its close proximity to the M4 corridor and Ebbw Vale Railway link.

## 4. THE REPORT

### Background

- 4.1 At the time of the planning application, the provision of a footbridge landing within the Lidl owned site was seen as a key priority as it would link the town's existing retail area with the new supermarket - providing a physical connection that would tie both sides of the river together.
- 4.2 The subsequent S106 Agreement identifies a sum of £425,000 to be held by the Council until such time as Tesco's build a pedestrian footbridge to the specification identified within the original planning application.
- 4.3 The wording of the S106 agreement is as follows:

"Town Centre Contribution"

Means the sum of £425,000 Index Linked (four hundred and twenty five thousand pounds) to be paid to the Council for the purpose of improvements within the Risca/Pontymister Town Centre which may include any or all of the Environmental, Transport or Security proposals (particularly including improvements to pedestrian linkages between the Existing Bridge and the town centre) as illustrated on Plan 5.

- 4.4 The S106 agreement and the fund reserved is predicated on Tesco constructing the bridge. Unfortunately, due to a number of factors, this action has not progressed.
- 4.5 The primary reason for this is the fact that protracted legal discussions have been ongoing with both Tesco's and Lidl's lawyers over the exact siting of the bridge and also the proposed construction methodology. The main issues are summarised below:
- Initial reluctance on Lidl's part to allow the bridge to land on their land – The use of CPO powers were considered but eventually (after approx 18 months) Lidl did change their position and agreed to the landing site.
  - As part of the negotiation it has also been necessary for the Council to agree terms of a licence with Tesco. This has led to delays as Tesco have insisted that their contractor requires a compound and access through the Lidl site. Furthermore they require that the Council deal with any knotweed before the scheme commences. This approach was not initially palatable to Lidl, but negotiations have led to their acceptance subject to additional measures.
  - The initial 3 year for the assembly of the land allowed in the S106 has passed. In a meeting Tesco have verbally indicated that they would allow a 2 year extension of time but this was never formalised and the extension period has also now expired.
- 4.6 The Council's Legal Section advise that it is now unlikely that legal agreement will be reached with both Lidl and Tesco in a timeframe which allows Tesco's to provide a footbridge in line with the wording of Section 106.

### Current Position

- 4.7 The S106 agreement was dated 15th March 2010 and CCBC Legal services have advised that the Council has a period of **8 years** to spend the money or deliver the bridge. This leaves the Council with a less than three years to make progress before it will need to repay the contribution to Tesco. Extract from Section 106 below:

"1.3 if the Footbridge and the Accessway have not been constructed in accordance with paragraph 2 of Schedule 1 to this Deed and where the Council has not used or committed for

use the Town Centre Contribution within 8 years after the date of receipt such unspent or uncommitted amounts will be repaid to the Party who made the original payment within 14 working days of a written demand.”

4.8 Officers believe that there are potentially two options available to the Council:

**Option1 – Council deliver the bridge**

4.9 One of the main issues is that Tesco’s chosen contractors methods for construction and requirements have caused particular difficulties for Lidl. To overcome this problem the option of the Council directly engaging a contractor to build the bridge could be investigated. Agreement would need to be sought from Tesco to allow access onto their land for construction purposes and thus overcome the concerns that Lidl currently have.

4.10 Initial discussions with the Council’s Engineering Structures Section leads officers to believe that a bridge can be delivered within a budget of £425,000. However it must be realised that:

- this bridge would not be the same design specification as in the original planning application. The budget would allow for a simple structure to be built. Any new design would need to be agreed by Natural Resources Wales.
- There would still be legal issues to be resolved with both Lidl and Tesco to bring the project to fruition. This could lead to further protracted delays.

**Option 2 – Utilise Section 106 monies for Improvements to Risca Town Centre**

4.11 That the Council formally notify Tesco that the Council will be retaining the Town Centre Contribution to be spent in accordance with the wording of the S106 agreement, namely:

“.....for the purpose of improvements within the Risca/Pontymister Town Centre which may include any or all of the Environmental, Transport or Security proposals (particularly including improvements to pedestrian linkages between the Existing bridge and the town centre) as illustrated on Plan 5.

4.12 CCBC Legal have advised the following:

**“....., the sum of £425,000 (plus any accrued interest) in this S.106 Agreement must be spent on improvements within the Risca/Pontymister Town Cente, the area of which is defined on Plan 5 with the black edging.**

**You may spend the money on environmental, transport, or security improvements including pedestrian linkages which are shown on the Plan. The term "may" would suggest that you have some discretion to determine what improvements you wish to spend the money on in this area”**

4.13 For clarity the plan outlining the black boundary (attached to the S106 agreement) is outlined in **Appendix B**. It runs from Longbridge Baths to the west to Pontymister roundabout to the east.

4.14 Officers recommend that due to the time constraints and the onerous legal issues surrounding the bridge that Option 2 should be considered for implementation. A number of projects have already been identified which could benefit from the S106 monies.

**5. POTENTIAL PROJECTS**

5.1 Unfortunately community orientated projects outside of the black line boundary (shown in plan above) cannot be supported with this funding. Numerous worthy projects are currently being developed with local community groups including the Ty-Sign area but will not be eligible for spend from the S106 contribution.

## **A Proposals within the Adopted Town Centre Action Plan**

- 5.2 Within the current adopted TCAP there are a number of proposals within the black line boundary that these monies could be used to implement. Predominantly these consist of smaller scale improvements to the localised environment.
- 5.3 Due to their scale, there would be little risk attached with implementing a suite of these projects within the deadline set by the S106, namely March 2018.

## **B Improving Development Site**

- 5.4 A number of sites hold development potential within Risca Town Centre. All are identified within either the Council's LDP or the adopted Town Centre Action Plan. The Section 106 wording allows for "transport" improvements and it is reasonable to assume that monies could be utilised to improve access arrangements into these development sites from the main communications network. Of particular note are the Council owned sites outlined below:

### **Land At Commercial Street, Risca**

- 5.5 Located at the southern entrance to Risca, it comprises of the visually prominent brownfield site of the former Bird's factory (still owned by Birds Group) and a Council owned former public car park and nursery. The site is bounded to the south by the River Ebbw, and to the east by the Pontymister Link road. The site is allocated for housing in the LDP (HG1.54) and was granted planning permission in 2011 (11/0446/FULL) for a care home, retail A1 & A3 and office use.
- 5.6 Birds Group have been in discussion with the Council over the current development potential of the site. They have advocated a mixed use development comprising of a pub/ restaurant, 2 retail units, some office accommodation along with residential development.
- 5.7 Section 106 monies could be utilised to introduce suitable access arrangements, spine road and town car park into the co-owned site. Any forward sale would bring a capital receipt back to the Council.
- 5.8 This scheme has the added benefit of helping to unlock the Mill Street Site, where a council owned car park forms part of a wider development site that Seren housing association wish to take forward. The provision of an alternative car park at Commercial Street could go a long way to ensuring that this scheme is financially viable.

### **Longbridge Baths Site**

- 5.9 The existing changing rooms and associated car parking form a small part of the wider leisure site at the northern end of the town centre boundary. Some discussions have been held between Planning and Property over the possible use of part or the whole of this site for residential development.
- 5.10 S106 monies could be used to demolish unsightly changing rooms and improve access arrangements into site. Any forward sale would bring a capital receipt back to the Council.

### **Brookland Road**

- 5.11 A town centre site in the ownership of CCBC close to the shopping centre and located within a residential location. A Youth Centre, Housing Office, Family Centre, Adult Training Centre and Re-ablement team currently occupies the buildings. One of the buildings is vacant as a consequence of the relocation of Risca Library to the Palace Cinema. The site, although well-utilised, does offer considerable potential for redevelopment. Opportunities to relocate the current uses to an alternative town centre location could be explored, with a view to releasing this attractive site for residential development or another use appropriate to the location.

- 5.12 S106 monies would be used to create access into site once freed up for development. Due to the complicated nature of the site, guaranteeing spend or commitment of spend by 2018 would be difficult in this instance.

### **C Proposals that Support European ERDF Bids for Risca Canal Corridor**

- 5.13 A joint submission by CCBC and Torfaen is currently being evaluated by Welsh Government as a potential project to utilise ERDF and WG funding to develop projects along the Brecon and Monmouthshire canal corridor. The draft bid identifies the need to improve the links between the canal and the town of Risca, the need to improve the attractiveness of Risca town centre and the opportunity for Risca to benefit from any tourism investment on the canal stretch.
- 5.14 If successful, the Council would have to identify match funding for a range of town centric projects aimed at these three objectives. A number of the projects outlined above would be applicable, particularly those aimed at Improve canal to town route and implement key movement policies (B1-B6) of the Adopted (June 2014) Risca Town Centre Action Plan and improving the attractiveness of the area to inward investment along with increasing residential / commercial opportunities.
- 5.15 Prioritising these projects would allow the Council to use the S106 monies as possible match funding to draw down ERDF funding.

## **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 and no potential for unlawful discrimination and / or low level or minor negative impact have been identified, therefore a full EqIA has not been carried out.

## **7. FINANCIAL IMPLICATIONS**

- 7.1 If Option 1 is pursued there are a number of financial risks, namely:
- Delays in the programme would see the £425,000 draw down put at risk.
  - Unforeseen cost overruns and contractor compensation events could lead to financial exposure.
- 7.2 If Option 2 is pursued then there will need to be a period of development, consultation and detailed design for any projects being taken forward. Project management will need to be very tight to ensure commitment of monies by deadline date of March 2018. Officers must develop a prioritised list of projects that are realistically achievable by this deadline. Appendix A outlines in a Red/Amber/Green RAG format the viability and impact of a number of projects.

## **8. PERSONNEL IMPLICATIONS**

- 8.1 Either option would require the input of suitably experienced professional officers from within the Council.

## **9. CONSULTATIONS**

- 9.1 The report has been amended to accommodate all comments made during consultations.

## **10. RECOMMENDATIONS**

- 10.1 Officers recommend that Cabinet approve Option 2 being pursued in order to best utilise the S106 monies.

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

- 11.1 To ensure that the Council fully benefits from the Tesco's Section 106 agreement.

## **12. STATUTORY POWER**

- 12.1 Local Government Act 1972 and 2000. This is a Cabinet function.

Author: Pauline Elliot – Head of Regeneration and Planning  
Consultees: Corporate Management Team  
Ken James – Cabinet Member for Regeneration, Planning and Sustainable Development  
Tim Stephens - Development Control Manager  
Paul Den Brinker - Development Control Team Leader  
Rhian Kyte - Forward Planning Manager  
Richard Crane – Legal Services  
Tim Broadhurst - Property Services  
Allan Dallimore - Urban Renewal Team Leader



## Appendix A

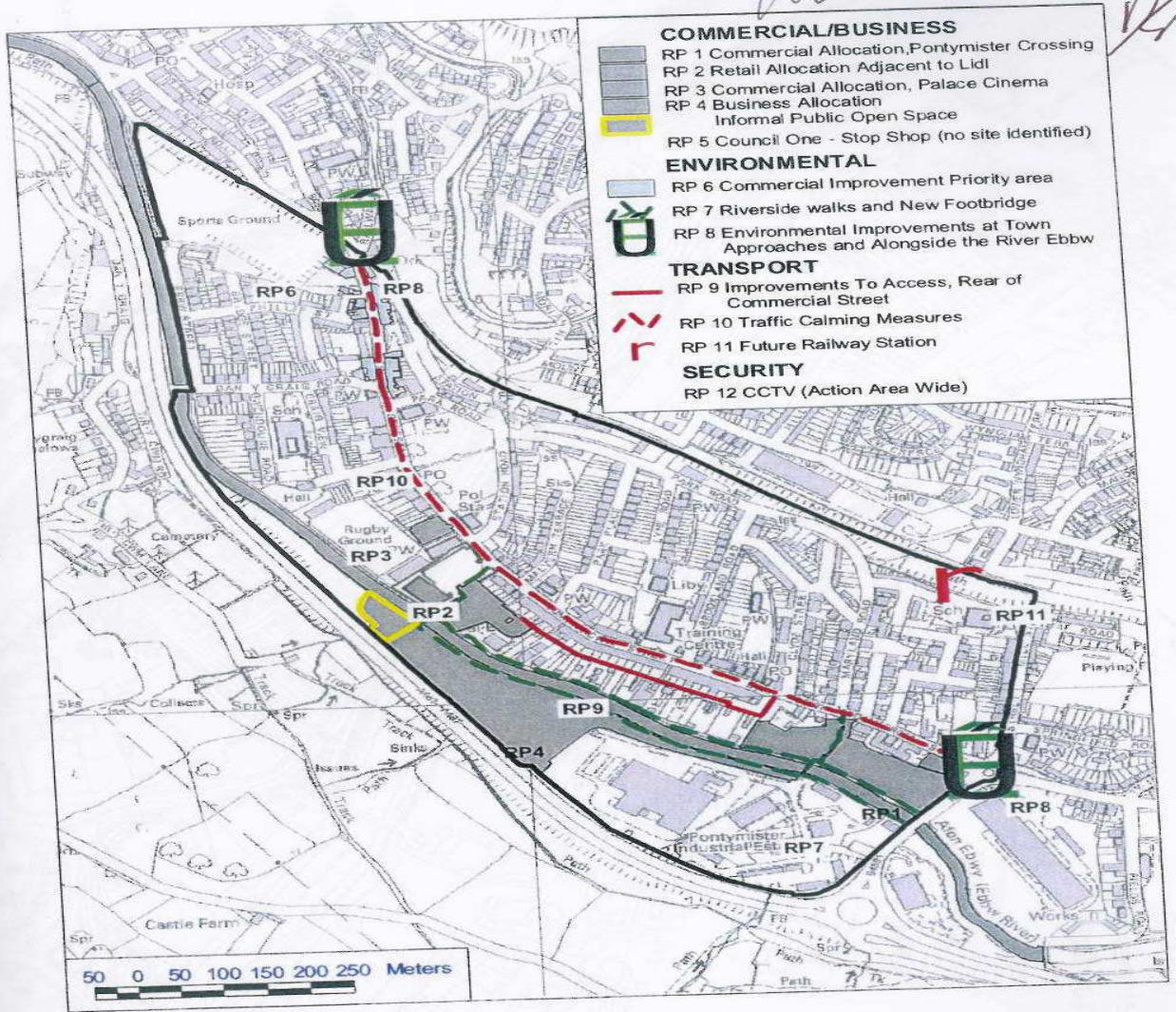
Proposal	Impact	Implementation RAG
<b>TCAP Proposals</b>		
B1 Enhance movement between the shops and the park, making it easier to cross the busy main road of Tredegar Street.	<b>low</b>	
B2 Improve linkages between the town centre and its car parks with improved signage and pedestrian access.	<b>low</b>	
B3 Increase movement of pedestrians from the National Cycle Network and Monmouthshire and Brecon Canal to the town centre by improving route and signage.	<b>low</b>	
B4 Improve linkages and signage between the train station and the town centre (through Park Road and Maryland Road)	<b>low</b>	
B6 Enhance the potential of riverside walks along the River Ebbw, joining up the extant sections such as Tesco Riverside walk and Recreation Ground walk.	<b>low</b>	
C1 Enhance key buildings through a comprehensive lighting scheme.	<b>low</b>	
C2 Enhance the streetscene by upgrading paving materials paying particular attention to the public space fronting Tredegar Grounds Park Risca	<b>medium</b>	
C3 Introduce new traffic measures to encourage slower speeds to provide a pedestrian friendly environment.	<b>medium</b>	
C4 Introduce a 'street café' scheme through Commercial Street and Tredegar Street allowing café owners to put tables and chairs on the footway.	<b>low</b>	
C5 Enhancement Projects within Tredegar Grounds Park Risca e.g. commemorative artwork, additional tree planting	<b>low</b>	
C6 Enhance the approaches of Risca and Pontymister at Pontymister Industrial Estate and Pontymister Link Road	<b>medium</b>	
C7 Carry out environmental improvements along the river corridor to improve the amenity value of the River Ebbw.	<b>low</b>	
C8 Create a strong pedestrian corridor linking existing Tesco's bridge with the town centre	<b>low</b>	
D1 Carry out environmental enhancements to the key entrance points of the town, in particular the Mill Street roundabout,(see C6 above)	<b>medium</b>	
D2 Enhance the cycle routes and footpaths within Risca town centre, connecting nearby communities to public transport, tourism and employment.	<b>low</b>	
D3 Improve cycle parking provision in the town centre.	<b>low</b>	

D4 Improve town centre car parking provision with the potential to accommodate public parking within the 'D2' opportunity area on Commercial Street.	medium	
D5 Make improvements to the bus stop outside Spar to ensure the safety of passengers by reducing the size of the adjacent parking bay and extending the double yellow lines.	low	
E3 Introduce physical measures will be taken to minimise crime and anti-social behaviour in the town.	low	
E5 Subject to funding, grants could be offered to improve shop frontages along Tredegar Street and Commercial Street.	medium	
E6 Improve signage within the area to increase awareness of local attractions such as the Monmouthshire and Brecon Canal and Cwmcarn Forest Drive.	low	
E7 Conduct further Flood Alleviation Works in conjunction with Natural Resource Wales. A flood alleviation scheme is being developed to reduce the flood risk in Risca,	high	
<b>Development Sites</b>		
<b>Land At Commercial Street</b> Section 106 monies could be utilised to introduce suitable access arrangements, spine road and town car park into the co-owned site. Any forward sale would bring a capital receipt back to the Council. This scheme has the added benefit of helping to unlock the Mill Street Site	high	
<b>Longbridge Baths Site</b> The existing changing rooms and associated car parking could be demolished to free up wider site for redevelopment	high	
<b>Brookland Road</b> A town centre site in the ownership of CCBC The site although well-utilised does offer considerable potential for redevelopment. Opportunities to relocate the current uses to an alternative town centre location could be explored,	high	

Appendix B

Risca/Pontymister Town Centre Action Plan  
Plan 5 Draft Proposals

*Handwritten signatures and initials in blue ink, including 'HA', 'SAB', and 'R/S'.*



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Atgynhychwyd o faplad yr Arolwg Ordnans gyda chaniatad rheolwr Llyfrfa ei Mawrhydi hawffraint y Goron. Mae atgynhychu heb awdurdod yn tori hawffraint y Goron. Gall hyn arwain at erlyniad neu achos sifil. Cyngor Bwrdeistref Sirol Caerffili, LA09004L, 2001.

AUTHORISED OFFICER

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## CABINET – 25TH NOVEMBER 2015

**SUBJECT: THE PROCESS FOR THE APPOINTMENT AND REMOVAL OF LOCAL AUTHORITY (LA) GOVERNORS**

**REPORT BY: CHIEF EDUCATION OFFICER**

---

### 1. PURPOSE OF REPORT

1.1 For Cabinet Members to agree a process for the recruitment and removal of Local Authority (LA) governors.

### 2. SUMMARY

2.1 Currently, Caerphilly County Borough Council (CCBC) has the highest percentage of vacancies for LA governors within the South East Wales Consortium (SEWC). It is important that competent, committed LA governors are recruited so that schools can function effectively.

2.2 In order to support the recruitment of such governors it is important to review and agree the process for doing so, along with a process for removing LA governors from governing bodies should this be necessary.

### 3. LINKS TO STRATEGY

3.1 The Council has a statutory requirement to provide support to schools and achieving the Council's Improvement Objectives of improving standards across all year groups, particularly Key Stage 3 and 4 is dependant upon the Council's interaction with schools.

### 4. THE REPORT

4.1 LA governors are appointed by the LA which maintains the school. LA governors may present the LA's views but they are not delegates of the LA and they cannot be mandated by the LA to take a particular view.

4.2 Regulation 7 of the Government of Maintained Schools (Wales) Regulations 2005 (the 2005 Regulations") confirms that the LA must appoint LA Governors for each School. There must be the following numbers of LA Governors for each type of Schools;

Community Primary or Special Schools	3 or 4 (or 2 if less than 100 pupils)
Community Secondary Schools	5 (or 4 for less than 600 pupils)
Voluntary Aided Primary Schools	1
Foundation Schools	2

- 4.3 The Code of Practice on LEA/School Relations document of (1999) requires Local Education Authorities to publish the procedure and criteria for the appointment of Local Education Authority Governors to Governing Bodies. Governors Wales guidance also states that LAs should publish the process and criteria for identifying candidates for appointment as LA governors.
- 4.4 CCBC has had a good record of appointing LA Governors to Governing Bodies in the past. However, currently there are vacancies.

#### **Recruitment and Selection**

- 4.5 In order to support the recruitment of LA governors, it is recommended that an Advisory Panel for the Appointment of LA Governors is established as, at present, decisions are taken by the Chief Education Officer in consultation with the Cabinet Member.
- 4.6 In advising on appointments, the Panel should note that LA governors cannot be mandated by the LA to take any particular line. They may represent the LA view but in all cases the interests of the school are paramount and all governors must abide by the governing body's rules and code of conduct.

#### **Membership and terms of reference of the Advisory Panel for the Appointment of LA Governors**

- 4.7 The Advisory Panel for the Appointment of LA Governors will comprise no fewer than three elected members, will be politically balanced and must include a member of the Executive. The Panel will be chaired by the Cabinet Member for Education & Lifelong Learning. A representative of the Caerphilly Governors' Network Association, as determined by the Executive Committee of that Association, will be invited to attend any meetings of the Panel in an advisory capacity (i.e. without voting rights). In the event of any of the members or the representative being unable to attend, named substitutes will be eligible to take their place to ensure that all groups are adequately represented. The quorum for meetings of the Panel will be 40% of the membership. In the event of a tied vote the Chair of the Panel will have a casting vote.
- 4.8 The Advisory Panel for the Appointment of LA Governors will be responsible for advising the Chief Education Office about appointments in line with the approved criteria contained within this policy.

#### **Criteria for the appointment of LA governors**

- 4.9 The Advisory Panel and Chief Education Officer shall apply the following criteria when considering appointments. Whilst applying these criteria the Advisory Panel should consider the appointment of local members wherever possible and also the experience and potential contribution to the school of all applicants. Factors for consideration include: -
- A genuine desire to help improve standards of education within the school in partnership with the headteacher and the rest of the governing body.
  - A knowledge of modern education issues.
  - Willingness to share their individual skills and expertise within the context of the governing body.
  - A commitment to regular attendance at full governing body meetings as well as meetings of any committees of the governing body to which they are elected.
  - A commitment to attend governor-training courses to update their skills and knowledge to enhance their ability and effectiveness as a governor and meet any statutory requirements to attend training.
  - Experience as an effective school governor measured in terms of regular attendance and the contribution made during their term(s) of office.
  - Knowledge of and an interest in the community in which the school is situated.

- 4.10 In addition to applications from Ward Members, invitation to apply for these positions will be extended to the members of the Business Forum, Voluntary Sector and LA staff. (Appendix 1) These applications will be managed within the same process. Should vacancies remain unfilled, they will be advertised locally and also managed within the agreed process.

#### **Criteria for the removal of LA Governors**

- 4.11 The Advisory Panel will also provide advice to the Chief Education Officer about the removal of LA governors as this power must be used reasonably. Any queries relating to the removal of LA governors should be referred to the Governor Support Liaison Officer (Caerphilly) of the Education Achievement Service (EAS).
- 4.12 Disqualification of LA governors, or indeed any governors, is dealt with in Schedule 5 of the 2005 Regulations. Some of these circumstances involve automatic disqualification, and so any relevant Governors would be informed in writing accordingly. In the case of removal of a LA Governor on the basis that concerns that they are not appropriate to continue as an LA Governor, the relevant Governor will be informed in writing of the concerns and permitted to respond in writing before the Advisory Panel meet to discuss whether to advise the Chief Education Officer to remove them as an LA Governor. The LA Governor will be informed of the decision in writing.

#### **Declaration of Interests**

- 4.13 In accordance with the Council's Code of Conduct for Members and Officers, anyone involved in the appointment or removal process, including Members of the Advisory Panel, should not preside over governor appointments to schools where they are also Members of the governing body or if they have a personal or prejudicial interest. Should any Member of the Panel need to withdraw during the consideration of any appointment a substitute may be appointed.

#### **Operational Procedures**

- 4.14 All existing LA governors whose terms of office are due to cease will be contacted by the Governor Support Officer in advance to ascertain whether they wish to be re-nominated. Their response will then be reported to the Advisory Panel and Chief Education Officer for consideration.
- 4.15 All resignations or retirements of LA governors should be brought to the attention of the Governor Support Officer as soon as possible in order that these vacancies can be considered by the Advisory Panel and the Chief Education Officer at the earliest opportunity.
- 4.16 The Advisory Panel and the Chief Education Officer will take into consideration any views expressed by the Governing Body of the school concerned and Governing Bodies will be contacted by the Governor Support Officer inviting submissions. All such submissions should be made in writing for the attention of the Governor Support Officer well in advance of the next scheduled meeting of the Advisory Panel. However, the decision of the Chief Education Officer, based upon the Advisory Panel's recommendations will be final on all matters relating to LA governor appointments.
- 4.17 The Advisory Panel will meet on an ad hoc basis determined by the number of vacancies. This way, vacancies will be considered soon after they become known and it will avoid the situation where schools are without their full complement of governors for long periods of time which would otherwise increase the burden on the remaining members of the Governing Body.
- 4.18 If the LA, for whatever reason, fails to make an appointment of an LA governor at a particular school within six months of being notified of the vacancy, the nominee of the Governing Body will automatically be appointed.

## **Background checks**

- 4.19 Currently there is no legal requirement for school governors to be subject to police clearance prior to them taking up their appointments. Therefore LAs, dioceses and schools do not have to apply to the Disclosure and Barring Service (DBS) for Disclosures for school governors prior to appointment.
- 4.20 However, Paragraph 12 of Schedule 5 of the 2005 Regulations includes a provision covering disqualification of governors from holding office if they refuse a request from the governing body to undergo a DBS check. The LA strongly advises governing bodies that it is good practice for all governors to have DBS checks. As part of the LA Governors application process, references will be requested.

## **Application form to become or continue as an LA governor**

- 4.21 Anyone who expresses an interest in becoming an LA governor or continuing to be an LA governor must complete the appropriate application form giving reasons why they are particularly interested as well as details of the skills and experience that they could bring to the role. (Appendix 2) Anyone who has not completed an application form should not be appointed or re-appointed as an LA governor. This is because the WG Guidance on LA-School Relations clearly states that “governors should be chosen on the basis of the contribution which they can bring to a school in terms of their skills and experience”. The application form is the fairest method of ensuring that the Council does everything in its power to comply with this requirement when making LA governor appointments. Late applications i.e. those received after the closing date clearly stated on the application form itself will not be considered in the interests of fairness to all those who submit their applications by the requisite date.
- 4.22 In preparation for each meeting of the Advisory Panel, the Governor Support Officer will prepare a report detailing all current vacancies to be considered along with the application forms.
- 4.23 The agenda, application forms and criteria grid (Appendix 3) for Panel meetings will only be circulated to Panel Members. Only Panel Members and advisors are entitled to attend meetings of the Panel. The only exception is where substitutes are required. There is no entitlement for other Members of the Council to attend meetings of the Panel.
- 4.24 Once the Advisory Panel has made its recommendations and the Chief Education Officer has confirmed the decision, the Governor Support Officer will write to all the appointees to notify them of their appointments or reappointments. The Officer will also contact the Headteacher and Clerk to the Governing Body with details of appointees. LA governors who are not reappointed will also be contacted by the Governor Support Officer by letter and informed accordingly. Any queries whatsoever relating to the procedure for the appointment or removal of LA governors should be referred to the Governor Support Liaison Officer on 01443 863155.

## **Training**

- 4.25 All Governors are required to complete mandatory training on Induction and Performance Data within the first year of appointment. In addition to this, LA governors will be offered bespoke training which will highlight the relevant points of contact within the LA in order to enhance communication and understanding.

## **Additional Governors**

- 4.26 The LA has powers under section 6 of the School Standards and Organisation (Wales) Act 2013 to appoint additional LA governors for schools causing concern. The purpose of this is to strengthen the local authority’s voice on the governing body and/or provide additional expertise to the governors in key areas to support a school’s improvement. These governors will be those with relevant expertise and experience in the particular situation.



## **5. EQUALITIES IMPLICATIONS**

- 5.1 An Equalities Impact Assessment (EqIA) screening has been completed in accordance with the Council's Strategic Equality Plan and supplementary guidance and no potential for unlawful discrimination and/or low level or minor negative impact have been identified, therefore, a full EqIA has not been carried out. Equalities implications will be taken into account in the appointments process.

## **6. FINANCIAL IMPLICATIONS**

- 6.1 There are no financial implications as the process outlined above can be undertaken within existing resources.

## **7. PERSONNEL IMPLICATIONS**

- 7.1 There are no personnel implications as the process outlined above can be undertaken within existing resources.

## **8. CONSULTATIONS**

- 8.1 The views of all consultees listed have been incorporated in this report.

## **9. RECOMMENDATIONS**

It is recommended that:

- 9.1 an LA advising appointments panel is established as outlined in this report; and  
9.2 the process for LA governor recruitment and removal is approved.

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

- 10.1 Current arrangements are in need of review and additional measures need to be taken to fill the increasing percentage of vacancies.

## **11. STATUTORY POWER**

- 11.1 Education Act 1996.  
11.2 Government of Maintained Schools (Wales) Regulations (2005) (Schedule 5, Regulation 12).

Author: Keri Cole, Chief Education Officer ([colek@caerphilly.gov.uk](mailto:colek@caerphilly.gov.uk))  
Consultees: Chris Burns, Interim Chief Executive  
Bleddyn Hopkins, Assistant Director, 21<sup>st</sup> Century Schools  
Angharad Price, Legal Services  
Lynne Donovan - HR Division  
David A Thomas, Senior Policy Officer (Equalities & Welsh Language)  
Jane Southcombe - Finance Division  
Liz Everson, Governor Support Division, EAS  
Councillor Wynne David, Chair Education for Life Scrutiny Committee  
Councillor Rhianon Passmore, Cabinet Member for Education & Lifelong Learning  
Caerphilly Governors' Network

Appendices:

- Appendix 1 Advertisement for LA governors
- Appendix 2 Application form for LA governors
- Appendix 3 Criteria grid for selection of LA governors

## Caerphilly County Borough Council

### **Applications are invited from those wishing to be considered by the Local Authority Governor Appointment Panel for Local Authority (LA) Governor vacancies.**

The Code of Practice on LEA-School Relations states that LA governors should be appointed on the basis of the skills and experience that they could bring to a school's governing body and the Council's appointment process reflects this requirement.

Governing bodies need people who: -

- are committed to regular attendance at meetings (usually at least six per academic year);
- have a genuine desire to help improve school standards in partnership with the staff;
- have an interest in and knowledge of the community that the school serves;
- have a knowledge of modern education issues; and
- are committed to attend governor training courses provided by the LA to update their skills and knowledge to enhance their ability and effectiveness as a governor.

Currently there are vacancies at schools as on the attached list: -

If you feel that you can fulfil the above criteria and are interested in being considered as an LA governor at one of the above schools, please contact ..... by email at .....or on ..... (direct line) for an application form. Closing date for the receipt of completed application forms is no later than ..... **at midday.**

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**APPENDIX A****Application for Appointment as a Local Authority Governor****CAERPHILLY COUNTY BOROUGH COUNCIL –**

- \* 1 Surname \_\_\_\_\_
- \* 2 First name(s) \_\_\_\_\_
- \* 3 Title (Cllr/Mr/Mrs/Ms/Miss/Rev/Dr), or other \_\_\_\_\_
- \* 4 Address (including postcode) \_\_\_\_\_  
\_\_\_\_\_
- \* 5 Telephone number (Home) \_\_\_\_\_ (Work) \_\_\_\_\_  
(E-mail) \_\_\_\_\_
- \* 6 Name of School where you would like to be a Governor? \_\_\_\_\_
- \* 7 Are you an Elected Member? (If yes please state Ward).  
\_\_\_\_\_
- \* 8 Are you a governor at another school and/or have you any previous experience as a governor? (If yes, please give name of school(s) and dates)  
\_\_\_\_\_  
\_\_\_\_\_
9. Please outline your experience of other work with schools or in educational settings (e.g. volunteer helper, member of PTA.) or elsewhere which may be relevant to you being a governor.  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
10. Please set out below why you would like to become a governor, and any particular areas in which you feel you would be able to contribute to the work of the governing body:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
11. What is your interest in/knowledge of the school?  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

## APPENDIX A (CONT.)

### Application for Appointment as a Local Authority Governor

12. Governors are expected to regularly attend Governing Body meetings and training, There will be a statutory requirement to complete Governor Induction and Performance Data training, would you be willing to undertake this (if not already completed)?

---



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13. Caerphilly County Borough Council wants to improve the opportunities it offers to disabled people to enable them to play a full and active part on governing bodies. Do you consider yourself to be a disabled person? **YES/NO**

If yes, please give the nature of your disability and any special facilities required.

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14. The Local Authority strongly advises Governing Bodies that it is good practice for all governors to have Disclosure and Barring Service (DBS) checks. Do you have a current DBS disclosure for Caerphilly County Borough Council? **YES / NO**

**Please complete and sign the following declaration:** *(please delete as appropriate)*

- I would like my application to become a LA Governor to be considered
- I am willing for the information on my governorship to be made available to interested parties in relation to the purposes outlined below
- I am willing to undertake mandatory governor training.

The information marked \* will be held and be used only to allow the Council to appoint and provide support to school governors.

- I certify that I have read and considered the criteria for the disqualification of governors set out in Appendix A (One) and confirm that I am not disqualified from becoming a governor. I agree to inform the Clerk to Governors, in writing, immediately should I cease to be qualified to serve as a governor.

Signed: \_\_\_\_\_ Date: \_\_\_\_\_

Please return this form to:

**Governor Support, Education Achievement Service, (Caerphilly) Tredomen House, Tredomen Park, Ystrad Mynach, Hengoed, CF82 7PG**

(If you have any queries relating to the completion of the form please contact the EAS on 01443 863155)

References :-

## CAERPHILLY COUNTY BOROUGH COUNCIL

**The Government of Maintained Schools [Wales] Regulations 2005 state the Eligibility Criteria for School Governors. Persons interested in nomination as a Local Authority (LA) Governor should be aware of the following:**

- No person shall be qualified for membership as an LA Governor of a Governing Body of a school unless he/she is aged 18 or over at the date of his/her election or appointment.
- A person cannot serve, as a member, on more than 2 Governing Bodies.
- A person subject to a bankruptcy restriction or an interim order or a person who has had their estate sequestrated and the sequestration order has not been discharged, annulled or rescinded is disqualified from being a member of a Governing Body.
- A person who at any time is liable to be detained under the Mental Health Act 1983[a] shall be disqualified.
- A person who has been disqualified under the Company Directors Disqualification Act 1986[a] or to an order made under Section 429[2][b] of the Insolvency Act 1986[b] is disqualified from holding or continuing to hold office.
- A person who has been removed from the office of Charity Trustee for a Charity by an order made by the Charity Commissioners or the High Court on the grounds of any misconduct or mismanagement or an individual who has been removed under Section 7 of the Law Reform [Miscellaneous Provisions] [Scotland] Act 1990[a] shall be disqualified from holding or continuing to hold office.
- A person who is included in the list of teachers and workers with children and young persons whose employment is prohibited or restricted shall be disqualified from holding or continuing to hold office. (the Protection of Children Act 1999 / section 142 of the Education Act 2002)
- A person convicted of a crime and sentenced to a term of imprisonment as follows:-
  - 3 months to 2 ½ years sentence within the last 5 years;
  - 2 ½ years to 5 years sentence within the last 20 years;
  - 5 years sentence or more at any time;is disqualified from serving as a Governor.

Similarly a person convicted under Section 547 of the Education Act 1996 [a Trespasser on school premises who has caused a disturbance and nuisance within the last 5 years] is disqualified.

- A person is disqualified from appointment as an LA Governor if they are eligible to be a Staff or Teacher Governor.
- A person is disqualified from being appointed as a governor for a period of 12 months if they were previously disqualified (same Governing Body) on the grounds that they failed to attend governing body meetings without the consent of the governing body for a continuous period of 6 months.

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**Governing Body: - .....Date of Panel Meeting:- .....**

<b>AREA</b>	<b>Applicant A</b>	<b>Applicant B</b>	<b>Applicant C</b>
Elected Member For Ward / other area			
Previous Governor experience			
Other relevant experience			
Knowledge of School / Education			
Commitment to attend meetings / training			
Completed declaration – not disqualified from being a Governor			

**Name of Applicant appointed:- .....**

**Signed .....** (Chair of Panel)

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