



## **CABINET – 20TH SEPTEMBER 2017**

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

**REPORT BY: CORPORATE DIRECTOR – COMMUNITIES**

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

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

### **2. SUMMARY**

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

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

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

### **4. THE REPORT**

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

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

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

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

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

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

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

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

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

## **6. EQUALITIES IMPLICATIONS**

6.1 There are no equalities implications associated with this report.

## **7. FINANCIAL IMPLICATIONS**

7.1 There are no financial implications associated with this report.

## **8. PERSONNEL IMPLICATIONS**

8.1 There are no personnel implications associated with this report.

## **9. CONSULTATIONS**

9.1 The report reflects the views of the listed consultees.

## **10. RECOMMENDATIONS**

10.1 That Cabinet accept and approve the nominations as listed.

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

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

## **12. STATUTORY POWER**

12.1 Local Government Acts 1972 and 2000.

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

Appendices:

Appendix 1 – Community Centre Constitution

Appendix 1

**XXXX COMMUNITY CENTRE  
MANAGEMENT COMMITTEE  
CONSTITUTION**

Adopted on 14th November 2007.

## INDEX

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

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

# CONSTITUTION OF XXXX COMMUNITY CENTRE MANAGEMENT COMMITTEE

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

## **1 NAME**

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

## **2 OBJECTS**

The objects of the Management Committee shall be:

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

### 3 POWERS

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

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



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

## **4 USE OF CENTRE**

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

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

## **5 COMMITTEE STRUCTURE**

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

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

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

## **8 ANNUAL GENERAL MEETINGS**

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

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

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

## **10 AGM – PROCEDURE**

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

- 11** At each Annual General Meeting there shall be four vacancies - (one third of the total number of elected committee members). All those who have served a term of three years shall retire. Any shortfall in vacancies shall be made up (by lot if necessary) from those who have served for two years and then from those who have served for one year. At the first and second AGMs, retiring members shall be selected by lot. Retiring members if eligible by clause 7(b) shall be allowed to stand for re-election.
- 12** Casual vacancies amongst the elected members of the Management Committee may be filled by the Management Committee provided that the person/s meet with the requirements of Clause 7(b) and that they retire from the Committee at the next Annual General Meeting.

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

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

## **15 EXTRAORDINARY GENERAL MEETINGS**

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

## **16 VOTING AT MEETINGS**

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

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

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

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

## **18 PAID EMPLOYEES**

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

## **19 FINANCE**

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

## **20 ALTERATION TO CONSTITUTION**

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

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

**21 DISSOLUTION**

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

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

**Signed:-**

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

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