



**Report of the Cabinet Member for Corporate Services and Performance  
Community Assets Scrutiny Inquiry – 11 March 2024**

**COMMUNITY ASSET TRANSFERS**

<b>Purpose</b>	This report gives information requested on Community Asset Transfers
<b>Content</b>	The report answered a set of questions asked by the Panel relating to due diligence, risk, barriers, guidance and support in relation to community asset transfer.
<b>Councillors are being asked to</b>	Consider the contents of the report and consider its contents as part of the scrutiny inquiry into community asset transfers.
<b>Lead Cabinet Member / Officer(s)</b>	<ul style="list-style-type: none"> <li>• Councillor David Hopkins</li> <li>• Mark Wade, Director of Place</li> <li>• Geoff Bacon, Head of Property Services</li> </ul>
<b>Report Author</b>	Geoff Bacon

**1. Purpose**

Scrutiny have asked that there be an investigation into how the Council manages the transfer of Council owned community assets in Swansea. The key question, therefore, is: ***How can the Council ensure that its community assets are working to provide the best outcomes for the people of Swansea?***

In order to examine this, the committee will need to consider Community Asset Transfers (CATs) and their effectiveness within Swansea Council. To do this they are gathering evidence on a number of issues. This report outlines the responses to questions asked regarding due diligence, risks, barriers, guidance and support.

**2. Responses to Panel Questions**

**2.1 Question 1. How do you ensure that a CAT creates a mutual benefit to both the Council and the community?**

It will initially be down to the body seeking the CAT to identify the mutual benefit and then down to the advocate service to present the justification.

2.2 **Questions 2. How does the Council ensure that any CAT supports the Council's strategic aims and priorities?**

As part of the advocacy process and then to Cabinet. An example of a recent Cabinet report is contained in **Appendix A**.

2.3 **Question 3. What can be the financial benefits to transferring assets? Are there any financial disadvantages to it?**

By handing over day to day premises costs as a minimum but losing any potential capital receipt. Officer time is "uncosted"

2.4 **Question 4. What are the main risks associated with CAT both to the Council, the community and those taking on an asset?**

Failure. Dispute.

2.5 **Question 5. What happens if a CAT breaks down?**

See above, but ultimately a lease could be disclaimed or surrendered.

2.6 **Question 6. What due diligence is completed around, for example, financial resilience, governance, duty of care, Welsh Language, equalities.**

IJA screening will be completed. All relevant legal information covered as part of lease documentation.

2.7 **Question 7. How do we assess the potential positive impacts on a community (or indeed any negative impacts that could occur)?**

As part of IJA and/or with consultation with ward members and following any required legal processes.

2.8 **Question 8. How do we ensure the process of decision making is transparent?**

Cabinet

2.9 **Question 9. Reflecting on the Welsh Government guidance under due diligence: How do both the applicant and Council ensure that they have demonstrated an inclusive approach to the whole of the community through the process?**

It is impossible to completely engage with communities and completely satisfy all members of the community.

2.10 **Question 10. Do the council proactively look for CAT possibilities or do we generally just respond to applications?**

We are generally reactive although in the case of allotments or bowling green, those known groups were approached.

2.11

**Question 11. What guidance, advice and support are given (or available) to those taking on a CAT?**

CAT policy as shown in **Appendix B**.

2.12

**Question 12. Who do we speak to when a CAT is being considered? For example, Ward Councillors, community councillors, people using facility etc?**

This will depend on each circumstance. Aside from ward members the onus to more widely consult would be on the group seeking a CAT and evidence that the benefit to the community is demonstrated and Council Constitution is complied with.

2.13

**Question 13. What do you believe have been the main benefits, so far, from CAT?**

2.14

Community control, continuation of service, (limited) financial benefits.

**Question 14. What do you believe could improve the process further?**

More resource to support organisations.

### **3. Integrated Assessment Implications**

3.1

The Council is subject to the Equality Act (Public Sector Equality Duty and the socio-economic duty), the Well-being of Future Generations (Wales) Act 2015 and the Welsh Language (Wales) Measure, and must in the exercise of their functions, have due regard to the need to:

- Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Acts.
- Advance equality of opportunity between people who share a protected characteristic and those who do not.
- Foster good relations between people who share a protected characteristic and those who do not.
- Deliver better outcomes for those people who experience socio-economic disadvantage.
- Consider opportunities for people to use the Welsh language.
- Treat the Welsh language no less favourably than English.
- Ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs.

The Well-being of Future Generations (Wales) Act 2015 mandates that public bodies in Wales must carry out sustainable development. Sustainable development means the process of improving the economic, social, environmental and cultural well-being of Wales by taking action, in accordance with the sustainable development principle, aimed at achieving the 'well-being goals'.

**This report is for information only and does not require IIA screening.**

#### **4. Financial Implications**

4.1 There are no financial implications associated with this report.

#### **5. Legal Implications**

5.1 There are no legal implications associated with this report.

#### **Glossary of terms:**

<b>Acronym</b>	<b>Expansion</b>
LA	Local Authority
WG	Welsh Government

#### **Background papers:**

#### **Appendices:**

- Appendix A - Disposal of Sporting and Leisure Facilities under the Community Asset Transfer Policy Cabinet Report
- Appendix B - CAT Policy