



Report of the Cabinet Member for Corporate Services and Performance
Community Assets Scrutiny Inquiry – 1st February 2024

COMMUNITY ASSET TRANSFERS

Purpose	This report gives a service/policy pre inquiry briefing on Community Asset Transfers
Content	The report provides background and context to the topic chosen for possible in-depth inquiry into community assets and more specifically the transfer of assets to be managed by the community
Councillors are being asked to	Consider the contents of the report and consider contents when planning the scrutiny inquiry into community asset transfers.
Lead Cabinet Member / Officer(s)	<ul style="list-style-type: none"> • Councillor David Hopkins • Mark Wade, Director of Place • Geoff Bacon, Head of Property Services
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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.

2. Why We Do This

Community Asset Transfer is an established mechanism used to enable the community ownership and management of publicly owned land and buildings.

Swansea Council has adopted a community asset transfer policy (**Appendix A**) to ensure there is a consistent, equitable and sustainable approach.

There are a number of key principles within the policy but generally the transfer will only be approved of property required for continuation of a service. Furthermore, any transfer must create a mutual benefit to both the

Council and the Community by promoting social, economic or environmental wellbeing and supporting the aims and priorities of the Authority.

3. Management and Support

3.1 The existing policy sets out the process for prospective CATs.

Any proposal for a Community Asset Transfer must be supported by a Head of Service and the relevant Cabinet Member. If the proposal does not have internal support then it cannot proceed.

If supported then under the Council's Land Transaction Procedure Rules (LTPR), the Head of Property Services must be consulted. The latter will assess the status of the property, its tenure, open market value and potential for realisation of a capital receipt and liaise with the supporting department. Property Services and Finance must be consulted prior to reporting to consider the financial implications of the CAT and to ensure it does not breach subsidy controls. Legal, financial and any possible Equality and Engagement Implications will also need to be considered and discussed at this stage.

The supporting department must then be willing to present a report to Cabinet detailing how the proposal benefits both the Council and the community by promoting social, economic or environmental well-being in the relevant area.

Beyond the CAT policy there is a well-established and very successful process that supports the running of community centres by way of annual licences. These provide autonomy to management committees which enable them to run facilities but with the Council not only retaining the responsibility to maintain the structure of the facilities but also providing limited, financial support to assist in day to day operations.

4. Stakeholders

4.1 Community groups can present themselves in many forms therefore there are potentially many stakeholders and often there can be competing interests. For this reason the existing council policy has as one of its key principles that it encourages collaboration between community based groups and the sharing of assets to optimise social value and value for money.

Outside of the Council and the various community groups Welsh Government continues to have a major interests in CATs. It has published CAT guidance - **Appendix B** and more recently held a cross party public inquiry into the CAT process, findings and response from WG contained in **Appendix C**.

5. Finance

5.1 One of the key principles of the CAT policy is that "there should be an initial element of financial benefit to the Authority." In other words if there is to be the continuation of the running of a service from a Council Asset then there should be an associated cashable saving.

6. Current Performance and Trends

- 6.1 Aside from the 40 Community Centres and OAP Pavilions, there has been the effective transfer of 12 Bowling greens, 15 Bowls Pavilions, 16 Allotment sites as well as a number of football pitches, open spaces and community buildings. A further large number of potential CATs are still to be concluded and this is a key area where additional resource is required to finalise the processes.

7. Future Challenges & Opportunities

- 7.1 As referred to above additional resource is undoubtedly required to assist and accelerate the process if the Council chooses to do. Often groups are not effectively organised to take on the responsibility of an asset or delivery of any community benefit. They need to clearly understand risks and responsibilities. The time taken to conclude any legal documentation is often cited as being a reason for failure and it is for this reason the policy states that any terms are non-negotiable. This would enable standard documentation to be drafted- as with the yellow licences. However, often a community organisation will ultimately not understand the extent of responsibilities. This may be either related to utility costs, boundary issues or building maintenance.

8. Integrated Assessment Implications

- 8.1 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.

9. Risks

9.1 One of the most significant risks relates to lack of community support, or indeed community opposition to a CAT. It is not possible to ensure 100% community buy in, this can lead to long and very expensive delays.

10. Assessment

10.1 From an operational perspective the key issues are:-

- Communities rarely speak as one voice
- Expectations of interested organisations need to be managed
- Council resources to properly support the process are limited and are reducing.

11. Financial Implications

11.1 There are no financial implications associated with this report.

12. Legal Implications

12.1 There are no legal implications associated with this report.

Glossary of terms:

Acronym	Expansion
LA	Local Authority
WG	Welsh Government

Background papers: None

Appendices:

Appendix A – Swansea Council CAT Policy
Appendix B – WG CAT Guidance
Appendix C – WG Response