



City and County of Swansea

Notice of Meeting

You are invited to attend a Meeting of the

Scrutiny Inquiry Panel - Community Assets

At: Multi-Location Meeting - Gloucester Room, Guildhall / MS Teams

On: Thursday, 1 February 2024

Time: 4.30 pm

Convenor: Councillor Stuart Rice

Membership:

Councillors: E W Fitzgerald, J A Hale, V A Holland, C A Holley, Y V Jardine, A J Jeffery, S M Jones, M W Locke, C L Philpott and W G Thomas

Agenda

Page No.

1 Apologies for Absence

2 Disclosure of Personal and Prejudicial Interests

www.swansea.gov.uk/disclosuresofinterests

3 Prohibition of Whipped Votes and Declaration of Party Whips

4 Public Questions

Questions can be submitted in writing to scrutiny@swansea.gov.uk up until noon on the working day prior to the meeting. Written questions take precedence. Public may attend and ask questions in person if time allows. Questions must relate to items on the open part of the agenda and will be dealt with in a 10 minute period.

5 Community Asset Transfer - Strategic Overview

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Invited to attend to give a strategic overview are Cllr David Hopkins (Cabinet Member for Corporate Services and Performance), Mark Wade (Director of Place) and Geoff Bacon (Head of Property Services)

6 Panel discuss and agree the Draft Inquiry Terms of Reference and Project Plan

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The Panel are asked to discuss and agree their Terms of Reference, Project Plan, Call for Evidence and Integrated Impact Assessment for the Community Assets Scrutiny Inquiry

Next Meeting: Monday, 11 March 2024 at 5.00 pm

Huw Evans

Huw Evans
Head of Democratic Services
Date: 25 January 2024

Contact: Scrutiny Officer

Agenda Item 5



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
Report Author	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.

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

Appendix A

Appendix 2 - City and County of Swansea Community Asset Transfer Policy 2021

City and County of Swansea **Community Asset Transfer Policy 2021**

What is a Community Asset Transfer?

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

The General Disposal Consent allows a range of public bodies to transfer the ownership and management of land and buildings they own to local communities at 'less than best consideration' – at less than full market value.

Communities can enter into discussions with public bodies about Community Asset Transfer where it is their intention to promote social, economic or environmental well-being.

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.

The ultimate aim of Community Asset Transfer is community empowerment – that is, to ensure that land and buildings are retained or transformed for public benefit through community asset ownership and management.

Purpose of this Policy

- This Policy describes how the Authority will work with communities to support the transfer of Authority-owned and operated land and buildings to town/community council or third sector organisations, for the benefit of the community.
- This Policy explains what is meant by the term Community Asset Transfer and sets out how it will be achieved. It provides a clear framework to support the transfer of land and buildings from the Authority to a town/ community council or a strong community based group of local people, and will maximise the likelihood that the transfer will be successful and sustainable in the longer term.
- This Policy is not generally intended to cover property that is surplus to the Authority's requirements; such property should continue to be disposed of in accordance with the Land Transaction Procedural Rules.
- This Policy will apply to all potential Community Asset Transfers, but where the expression of interest was received prior to adoption of the Policy, any necessary adaptations to this Policy will be made to accommodate previous different practice.

Asset Transfers within the City and County of Swansea

The Authority recognises that:

- The way its physical assets are managed can have a very positive impact on the long-term strength of local communities and the third sector more generally.
- Through asset ownership or management, community based groups can grow and become more secure, gaining access to sources of additional investment that the Authority itself may not be able to access.
- Successful asset transfer requires a long-term partnership approach between the Authority and the community based groups that take over the management of an asset.

Rationalisation of Assets

The Authority is continually reviewing its property assets and over recent years there has been an ongoing rationalisation programme. Those assets which have been, and will in the future be identified as surplus to the Local Authority's requirements, will continue to be disposed of in accordance with existing policies, which are described in the Land Transaction Procedure Rules

Through discussions with service providing departments the Authority is also aware of properties that could potentially be run and managed by suitable community groups, Town and Community Councils and other local groups.

This Policy is intended to cover those assets which are being used for current service delivery and could be managed more effectively by local groups.

Given the current financial pressures on the public sector it is anticipated that a number of non-statutory services will need to be delivered in different ways and it is expected that the delivery of these services by community based organisations (and the assets necessary to deliver those services) will play a significant role in reducing future costs.

Community Asset Transfer – Key Principles

The Authority's procedures on Community Asset Transfer are underpinned by the following principles: -

- Generally the transfer will only be approved of property required for continuation of a service;
- The 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;
- More often than not there should be an initial element of financial benefit to the Authority.
- The Authority will encourage collaboration between community based groups and the sharing of assets to optimise social value and value for money;
- The proposed use of the asset must be for the benefit of the community, and would offer real opportunities for successful and independent,

community or third sector organisations to become more sustainable in the long term;

- The Authority is not obliged to undertake Community Asset Transfers.
- The basic terms of any transfer will generally be non-negotiable and will be on the basis that the organisation that the asset is being transferred to will be taking full responsibility for repair and all outgoings of that land or asset.

Who can apply?

Expressions of interest (see Appendix 2) are welcome from community and voluntary sector groups or Town / Community Councils. Ideally interested parties should meet the following criteria:

- They should be community-led, with strong links with the local community and local people must be able to control the organisation's decision making processes;
- Their primary purpose must be to enhance service provision to the local community;
- The organisation and key individuals managing the asset and associated project have appropriate skills, knowledge and expertise to sustain the project in the long term.
- They must be open to and demonstrate an inclusive approach to members of the wider community.
- They must not duplicate activities, services or facilities already provided in the local community.

The basis of transfer

- The Council will transfer on a leasehold basis in order to ensure continuation of use. In the event that the use ceases the asset would return to the Authority. Transfer for a new use will be considered in exceptional circumstances and only on a leasehold basis.
- The Authority will discuss with interested parties what length of lease would be most suitable to meet the needs and expectations of the groups and local people. Funding bodies may have requirements that must be met if a community based group is to be eligible to receive grant monies.

- During the lease period the Authority will expect the community organisation to be responsible for the running costs of the building, including repairs, maintenance and all insurances.
- The Authority will share with any interested parties all available information regarding the condition and operating costs of any asset that may be transferred.
- The Authority will encourage collaboration between community based groups and the sharing of assets to optimise social value and value for money.
- There may be competing groups interested in the same asset. In such cases the Authority will expect community groups to work together and organise themselves in such a way that sharing and use of the asset is optimised between them. If a joint approach is not agreed, the Authority will balance the merits of the different organisations' proposals and decide to which group (if any) the asset should be transferred. Failure of community organisations to collaborate on a joint approach may make it less likely that any acceptable proposal for asset transfer will be achievable. Town or Community Councils may have a role in such cases to take the lead in managing the asset on behalf of a number of users.
- The transfer will normally be at "a peppercorn" or nominal rent but a rent at market value for the restricted use may also have to be implemented depending on individual business cases and circumstances.

How Applications are Assessed and Decisions Made

Community and voluntary sector groups or Town / Community Councils applying for asset transfer will need to set out some or all of the following:

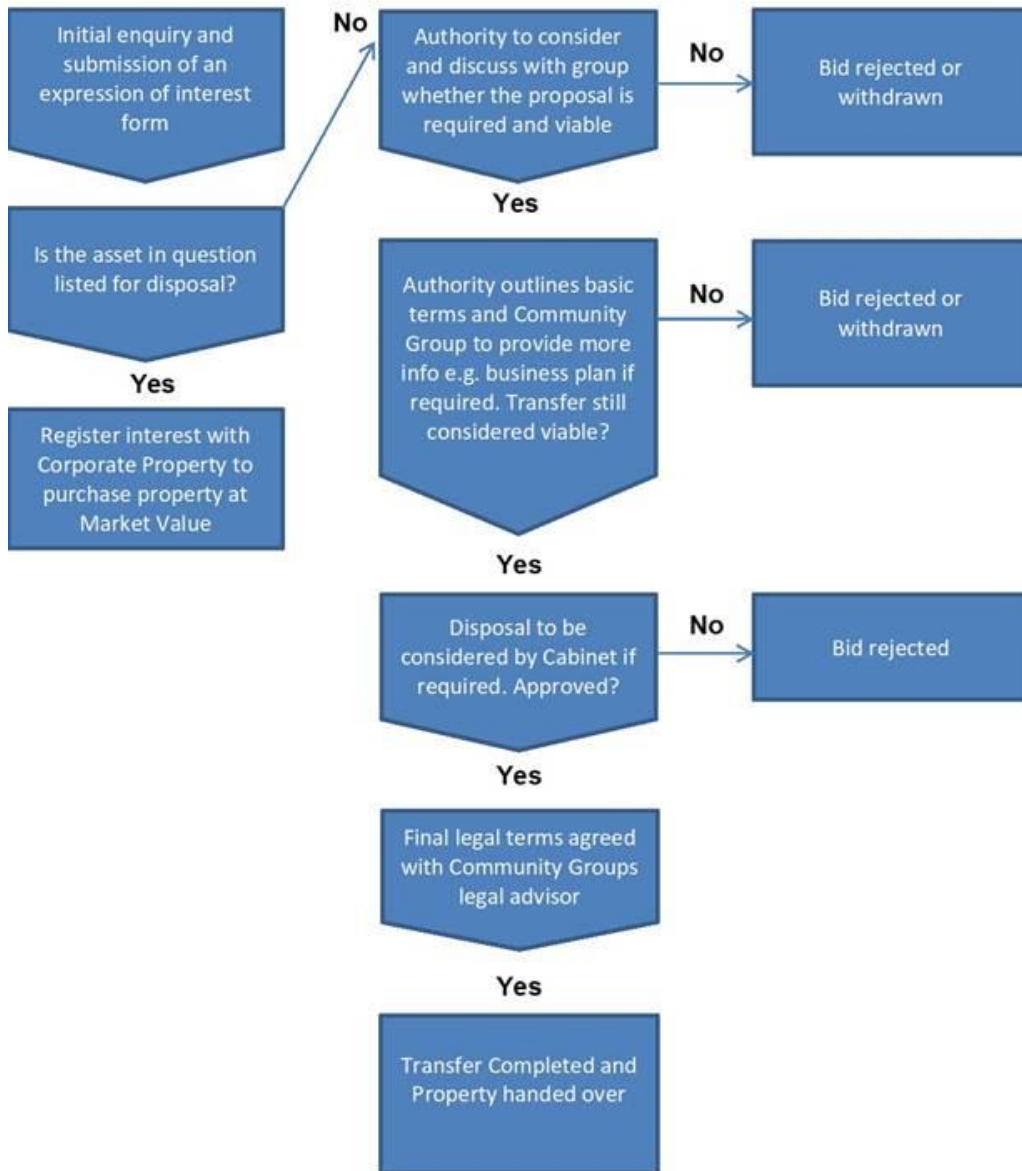
- Proposals for the use and maintenance of the asset
- Benefits to the Authority, the community based group and the wider/community, together with planned outcomes
- Consideration of whether there are, and will continue to be, any conflicts/overlap of other similar facilities in the locality
- Capacity of the community based group(s) to manage and insure longevity of the asset

- Some form of business plan, the detail of which will reflect the scale of asset being transferred
- A community governance structure (how local people will be involved in decision making in relation to the asset and its use)
- Evidence of financial support for future development
- Liabilities and how these will be addressed
- How they have considered the effect of the opportunities for people to use the Welsh language; or how the Welsh language will be treated no less favourably than the English language? How the decision could be made so that it has positive or increased positive effects; or so that it does not have adverse effects or a decreased adverse effect on the opportunities for people to use the Welsh language? How can it be assured that the Welsh language is treated no less favourably than the English language post transfer including any service provision currently provided through the medium of Welsh and how these services will continue.

The table below summarises the process the Authority will follow where an asset transfer request has been made:-

Stage	Who is Responsible
Expression of interest submitted for consideration (Appendix 2) or other appropriate form	Community Group
Application form appraised and recommendations made	Local Authority
<i>Business plan submitted (if deemed necessary)</i>	<i>Community Group</i>
<i>Appraisal of business plan (if deemed necessary)</i>	<i>Local Authority</i>
Decision on whether to proceed with transfer with support from relevant Head of Service and in accordance LTPR (with Cabinet/Local Member involvement as necessary)	Local Authority
Detailed terms agreed and transfer completed	Local Authority

COMMUNITY ASSET TRANSFER PROCESS



Appendix 2

Expression of Interest for the Transfer of a Community Asset.

- Please complete this form in as much detail as possible and ensure all questions have been answered. If you are unable to provide an answer or the evidence requested, please explain why.
- Please ensure you have read and understood the City and County of Swansea's Community Asset Transfer Guidance.
- All community asset transfers will need to be supported by a Council Head of Service and a Cabinet Member. Your completed form will be forwarded to the relevant Head of Service to be assessed. In most cases it will be necessary for that Head of Service to submit a report for Cabinet approval.
- The Council may need to request further information from you to enable a decision to be reached.
- In some cases a business plan may be requested to show the on-going viability of your proposal.
- Please remember that we are looking for proposals that present a mutual benefit for both the community and the Council.

Community Asset Transfer Expression of Interest Form
Please return to:
Community and Voluntary Sector Partnership Officer, Poverty and Prevention Team, Civic Centre, Oystermouth Road, Swansea. SA1 3SN
1.0 Name of the asset. Please include a plan where possible. (If you haven't identified a particular asset, please detail your requirements here)
2.0 Organisation Details
2.1 Name of organisation

2.2 Main contact name, position in the organisation and contact details including postal address, telephone number and email address:

2.3 Purpose of your organisation, what is the organisation constituted to do?

2.4 Your organisation's status (e.g. Registered charity, company etc.) Please include any relevant numbers. Is the organisation a Legal entity in its own right? If not provide full names and addresses of all persons intending to hold the property.

2.5 Provide details of your organisational structure including your governance arrangements.

3.0 Financial Health and Sustainability

(If you are unable to provide any of the information requested in this section, please give details on why. E.g. If you are newly established organisation)

3.1 Please attach preceding three years of your organisation's audited and signed accounts

3.2 Provide a budget and cash flow forecast which demonstrate your intended income and expenditure for your tenure of the asset for the next 2 years.

3.3 Provide details of reserves currently held and reserves policy.

3.4 Do you have the funds in place to set up the project or is it dependant on another funding source? Please give details.

4.0 Track Record

4.1 Please tell us if you have entered into any contracts or lease agreements with the City & County of Swansea before and if so, please give us details of a referee we can contact.

4.2 Detail any experience of managing a community facility
5.0 Proposal
5.1 Please detail your proposal for the transferred asset?
5.2 What key outcomes will your tenure of the asset aim to achieve?
5.3 Please detail proposed management and governance arrangements for the asset
6.0 Community benefit
6.1 Will your proposal be accessible to the whole community? YES/NO Please give details.
6.2 Will your proposal maintain an existing service or activity in the local community? YES/NO. Please give details.
6.3 Will your proposal present a conflict or overlap with existing facilities in the area? <i>(Consider whether there are any similar facilities in the vicinity and the impact this proposal will have on them)</i>
6.4 Will your proposal create opportunities for local organisations to work together? YES/NO. Please give details.
6.5 What facilities and services do you propose to deliver to provide from the asset?

6.6 Please detail the evidence of need for your proposal, including details of who you have consulted with and any letters of support.

6.7 How will you ensure that you will provide services and opportunities to members of the community through the medium of Welsh and treats the Welsh language no less favourably than the English language?

I confirm that to the best of my knowledge this form has been completed accurately. I understand that the Council may need further information from me to make a full assessment on the proposal presented.

Signed:

Name:

Date:

Cydweithio i gael y gorau o'r ystad gyhoeddus
Working together to make the best use of the public estate

Community Asset Transfer

A Community Asset Transfer (CAT) happens when a Public Sector Body transfers the management and/or ownership of a property asset to a community council or Third Sector/Community Group. This will sometimes include the delivery of any associated services.



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1. What is a Community Asset Transfer (CAT)?

Asset Transfers mean that the community can own and manage facilities that might otherwise be closed down if the Local Authority or other Public Authorities are unable to fund them any longer. Sometimes, the transfer will be less than market value if there is a local social, economic or environmental benefit.

CATs for community ownership and asset development have been successful in Wales, but there are also cases where a lack of experience or insufficient research and preparation have turned an asset into a liability.

CAT supports community empowerment by ensuring that land, buildings or services are retained or transformed and then used for public benefit through community asset ownership and management.

This best practice guide is designed to provide advice to help manage the process and minimise the risks associated with Community Asset Transfers. The guide will:

- Set out the background to land and building Community Asset Transfers (CATs);
- List some of the more common risks and suggest ways that these can be minimised and managed;
- Direct people to resources and organisations that can be used by Local Authorities and Community-based Organisations;
- Highlight some practical examples where transfers have successfully delivered local benefits; and
- Identify key factors for success.

This guide is issued under the provisions of section 60 of the Government of Wales Act 2006, which enables Welsh Ministers to “do anything which they consider appropriate” to achieve the promotion or improvement of the social and economic well-being of Wales.

This guide is designed for:

- Decision makers within Transferring Bodies, primarily Public Bodies such as local government, who are planning to transfer assets in their area;
- Town and Community Councils (TCCs) and Community-led Third Sector Organisations (such as Community Associations, Voluntary Organisations, Charities, Social Enterprises, Community businesses, Development Trusts, Co-operatives and Mutual Organisations), who are looking to apply for a CAT; and
- The wider public who want to benefit from an Asset Transfer and the services it provides to the community.

There is no ‘one size fits all’ to CATs, and this guide sets out a framework which can be applied to the broad range of transfers and emphasises a number of key themes.

- CATs should be community led and meet community need and demand;
- All details of the transfer, including governance and financial implications, must be transparent; and
- The project/transfer should be sustainable.

Successfully managing a building or service carries risks, which can be particularly challenging to Town and Community Councils, Third Sector and Community-led Organisations with limited experience and funding. However, this should not be seen as a barrier as long as all parties are open about the risks and are willing to work together to find ways to manage and mitigate them. This guidance is intended to help organisations to take on these roles and encourage Public Authorities to engage openly and innovatively with their communities about the future of the assets.

The key message from this guide is that both parties to any potential transfer enter into the process, in a transparent way, with a mutual understanding of the long term implications and opportunities, as well as the fullest picture of the impact of these implications on the potential future success or failure of the venture.

There are a number of supporting documents to accompany this guide, which you might find useful; they are:

- An Example of the Community Asset Transfer Process;
- Case Studies;
- Due Diligence;
- Example Forms and Templates; and
- Further Information and Useful Links.

1.1 Why are CATs important?

The National Vision

The Welsh Government has a mission to deliver prosperity for all and a long-term plan to create a Wales that is prosperous and secure; healthy and active; ambitious and learning; and united and connected.

Wales continues to face an unprecedented and difficult financial climate for its Public Services and the Third Sector with on-going cuts to the overall budget from the UK Government. This has left some communities struggling to prosper and feeling isolated and the Welsh Government has a key role in stimulating economic growth in areas of greatest need.

When they are made available, public assets can help communities and leaders to improve local areas. The expertise within the Public and Third Sectors can secure the long-term use of property assets and services and develop thriving communities across Wales. Community and Social Enterprise Organisations are often directly engaged with the people served by our Public Sector assets and can provide a perspective that a Public Authority might not be able to develop by itself.

There are many examples of services and enterprises across Wales that have transferred assets and as a result are run successfully by communities. As new models for public service delivery emerge, there is a need to ensure that the transfer of assets and services is done in a sustainable way.

The Welsh Government's strategy for Wales, *Prosperity for All* (2017), integrates the work of the whole Public Sector to deliver prosperity for all, something that cannot be achieved by economic growth alone. It is about every person in Wales enjoying a good quality of life, living in a strong, safe community and sharing the prosperity of Wales.

The Welsh Government recognises the importance of community assets and has a specific commitment *"to work with communities to **help maintain local facilities that bring people together**, including pubs, libraries, museums, green spaces, arts centres and leisure centres, helping communities take ownership of assets in their local area when this is the best option."*

Transferring Assets

Public Authorities in Wales are not obliged to undertake community Asset Transfers and Local Authorities have to initiate the process themselves.

Drivers for Transferring a Community Asset

- As public spending is under pressure, many Public Authorities want to find different ways to deliver local services which concentrate on efficiencies and cost savings.
- For many TCCs, community-based organisations, social enterprises and voluntary organisations, this will create opportunities to take some control/management/ownership of facilities, which will create strong foundations for future growth by bringing in local skills and understanding.
- Public Bodies may consider Asset Transfers when there are financial pressures or changes in strategy.

As with any proposed changes, there are possible risks, but there are also a significant number of opportunities. CATs could enable a public building to thrive or turn a marginal service into a viable community resource and enterprise, although they are **not** appropriate for all communities, as much will depend on local circumstances and the viability of the asset that is being transferred.

CAT is a methodology that must centre on mutual benefit with a joined up vision to achieve a shared goal. When a property resource is transferred, the Community Group and the Public Body need to work together in order to progress. With this approach, the ambition is that all Public Bodies will deliver better services in conjunction with their communities through greater levels of engagement. This should open up opportunities for communities – TCCs or community led Third Sector Organisations or a combination of both – to own and manage local services where this is appropriate, following in the Welsh tradition of cooperatives and mutual organisations.

The successful transfer of community assets can only be achieved by working across sectors. The Welsh Government has a vision for stronger, more empowered Local Authorities which can provide bold, determined and focused local leadership. Councils need space to flourish, to be innovative and to work effectively together, with partners at national, regional, local and 'ultra local' levels and clear lines of accountability to citizens.

This allows TCCs, community bodies or organisations to demonstrate the viability of their proposals and their capacity and capability to appropriately manage and develop the asset.

Support to build strong, self-reliant and resilient communities comes in many forms and Community Asset Transfers have a large part to play in this. Enabling communities to take control of the things that are important to them is an essential and welcome step forward in delivering efficient services across Wales. The transfer of assets into community ownership and management is recognised as a means of investing in regeneration and delivering positive social economic and environmental change.

The Well-being of Future Generations

The Well-being of Future Generations (Wales) Act 2015 is one of the key levers to help Public Bodies come together, to work collaboratively and to deliver improvements for the well-being of people and communities across Wales.

The Act came into force on 1 April 2016 and aims to improve the social, economic, environmental and cultural well-being of Wales. Public bodies listed in the Act, including ones that want to transfer assets, need to think more about the long-term by involving people and communities and collaborating with partners from all sectors to take a more integrated and sustainable approach.

An integrated approach could help secure innovative solutions that safeguard against problems both now and for future generations. The Act only applies to specific Public Bodies and not Third Sector Organisations directly, but many TCCs and community organisations have embraced the vision and principle within the Act to improve their local well-being.

The Seven Well-being Goals are:

- A prosperous, low carbon Wales
- A Wales which maintains and enhances a biodiverse natural environment
- A healthier Wales
- A more equal Wales
- A Wales of cohesive communities
- A culturally vibrant Wales with its own language
- A globally responsible Wales



A Community Asset Transfer can have a positive impact and Public Bodies can demonstrate their involvement and collaboration with people and organisations.

Asset recipients will need guidance and support to understand how they can use the five ways of working to ensure their contribution to the goals of the Act, even though they are not subject to the duty to do so.

The five sustainable ways of working are:



Long Term

The importance of balancing short-term needs with the need to safeguard the ability to also meet long-term needs.



Prevention

How acting to prevent problems occurring or getting worse may help Public Bodies meet their objectives.



Integration

Considering how the Public Body's well-being objectives may impact upon each of the well-being goals, on their other objectives, or on the objectives of other Public Bodies.



Collaboration

Acting in collaboration with any other person (or different parts of the body itself) that could help the body to meet its well-being objectives.



Involvement

The importance of involving people with an interest in achieving the well-being goals, and ensuring that those people reflect the diversity of the area which the body serves.

1.2 Regulatory Framework

Local Authorities have the power to dispose of land in various ways. However, official guidance from the UK and Welsh Governments state that any Public Authority disposal should be appropriately handled and accounted for.

The disposal of public assets is usually carried out on a commercial basis due to the general legal requirement that a Public Authority must achieve best value for the property, which is sometimes known as a 'best consideration' value.

However, there will be circumstances where a Local Authority may dispose of an asset at below full market value, usually when a disposal will benefit the community through the "promotion or improvement" of the economic, social or environmental well-being of the area or when the value of the asset disposed is less than £2 million. This is permitted by the 'General Disposal Consent' (Wales) December 2003¹ provisions issued under the Local Government Act 1972.

Local Authorities should also be aware of the specific requirements regarding playing fields contained within "The Playing Fields (Community Involvement in Disposal Decisions) (Wales) Regulations 2015". For further information about these regulations, visit: <https://gov.wales/topics/localgovernment/publications/playing-fields-regulations-2015/?lang=en>

Ystadau Cymru (previously known as the National Assets Working Group) has an influencing role across the Welsh Public Sector and encourages best practice collaborative asset management. It recommends that Public Bodies should highlight asset availability within the wider Public Sector before offering the asset to the open market and it does not preclude Community Groups proactively approaching councils if they have an interest which might lead to a business proposition. Ways to promote collaboration include highlighting an interest in a specific asset or the likelihood of disposal and publishing information on Local Authority websites, through local advertisements, or from listings in 'Available Public Property in Wales' on Space Cymru; for more information, visit: <https://e-pims.cabinetoffice.gov.uk/SpaceCymru/Home.aspx>

It is necessary to consider the legalities surrounding State Aid, a European Commission term which refers to assistance from a publicly funded body, given selectively to organisations engaged in economic activity. However, providing that all parties are aware of the regulatory framework, there will often be a solution on how best to proceed. The Welsh Government website provides more information and advice: <http://gov.wales/funding/state-aid/?lang=en>

¹ The General Disposal Consent (Wales) 2003 ("the General Disposal Consent") apply to the following authorities in Wales: county and county borough councils, community councils, fire authorities constituted by a combination scheme, police authorities and national park authorities. Authorities have powers, under sections 123 and 127 of the Local Government Act 1972 ("the 1972 Act"), to dispose of land in any manner they wish provided that the disposal is not at an undervalue. A disposal will be at an undervalue where the proposed consideration is less than the best that can reasonably be obtained.

2. Who Can Apply for a Community Asset Transfer (CAT)?

2.1 Potential Applicants

- (i) Town and Community Councils (TCCs) are the grassroots level of local governance in Wales and work to improve the quality of life and environment for people in their area. There are currently 735 TCCs throughout Wales and they are accountable to local people and have a duty to represent the interests of the different parts of the community equally. There are about 8,000 Town and Community Councillors in Wales. Provision of support and advice on CATs for Community Councils is available via One Voice Wales, the national representative body for the TCC sector, which runs bespoke training courses on service devolution. Over 80 per cent of the TCCs are members of One Voice Wales, although training provision is available to all TCCs in Wales.
- (ii) The Third Sector comprises independent, non-government organisations that are driven by value rather than profit, and motivated by social, cultural or environmental objectives. Any surpluses are reinvested to further their social aims for the benefit of the people and communities they serve. These organisations include charities, voluntary/community organisations, social enterprises and mutual associations.
- (iii) Community based groups, whether well-established or recently formed, can apply for community assets.

When Transferring Bodies develop their guidance on CAT, they usually define the type of organisations that can apply and they will set out clear minimum requirements in terms of:

- Governance structures;
- Skills and capacity;
- Mandatory documents required e.g. constitution, annual reports and accounts; and
- CAT policies should be sufficiently flexible and should not exclude organisations providing that they meet any required governance, legal and sustainability criteria. In cases where the legal structure is new, with no history or track record, there can be challenges with respect to risk, procurement and due diligence considerations. However, this should not exclude new organisations from getting involved in the CAT process and Transferring Authorities/Bodies should ensure that their procedures are flexible enough to incorporate these requirements.

Third Sector Organisations, whether well-established or formed specifically for the purpose of taking over a specific asset, can access support and guidance for CAT from their County Voluntary Council and/or from the Wales Council for Voluntary action (WCVA); the Development Trust Association Wales; Wales Cooperative Centre and other social enterprise support bodies.

3. Guidance for the Transferring Authority/Body

As a matter of good practice, a CAT policy should form part of the asset management planning process. Links to existing CAT policies are detailed in the 'Further Information and Useful Links' document. As part of any strategy around potential transfers or disposal, an authority should alert its Local Town or Community Council, Third Sector Organisations and Community Groups, at an early stage if it might dispose of an asset of potential community value. This gives interested parties the time to consider whether or not the asset, and potentially the services which are delivered through it, is something they might wish to apply to take over; and to organise accordingly.

Consideration should be given to how the CAT policy will link to the Authority's existing policy framework and planning process. This will include corporate documents such as their Corporate Plan (which may contain their well-being objectives under the Well-being of Future Generations Act), Local Well-being Plans, and property strategies including Corporate Asset Management Plans, Acquisitions, and Disposals policies.

When considering an Asset Transfer to a TCC, Community Group or Third Sector Organisation, the Transferring Body/Authority should ensure that it has a robust but flexible policy and that use proportionality and common sense as Asset Transfers will vary in type and scale. As an example, a small community centre with little need for capital works would have different requirements to an older larger asset that requires significant work and investment by the recipient.

Although the principle of a Community Group taking over a service or building is attractive, the Authority has a responsibility to ensure

that the proposal adheres to the Authority's strategy and that any Town or Community Council, Community Group or Third Sector Organisation expressing an interest is fully aware of the liabilities and responsibilities it will face.

How to Identify Assets that are Suitable for Transfer

Town and Community Councils and Third Sector Organisations have identified that it can be difficult to identify which assets are available for Asset Transfer. If specific assets are to be excluded from the CAT policy these should be clearly identified; for example, some Local Authorities/Public Bodies specifically exclude properties held for economic development purposes. The policy should manage expectations in respect of assets that have the potential to generate significant capital receipts if sold on the open market. For example, reference could be made to the Transferring Body's need to generate capital receipts to help fund capital projects. Suitable assets can be identified in various ways and the policy should be flexible enough to deal with all circumstances.

Asset Management Planning Processes

Public Bodies/Local Authorities should have a robust asset management planning process that includes regular reviews of their property holdings. The disposals process should include those assets identified as surplus to requirements that have the potential to be transferred to the community.

Where appropriate, assets identified as suitable for community transfer should be flagged through a "Window of Opportunity" process to ensure fairness and transparency. The Ystadau Cymru and the Welsh Government's 'Estates Co-ordination and Land Transfer Protocol' recommend

highlighting availability on e-PIMS².

Interested organisations should be offered the opportunity to submit an Expression of Interest (see below) within a defined time period, which will be dependent on the asset and nature of the transfer. This could be on a restricted basis to specific organisations, particularly if an element of service delivery is also being transferred. However, there will also be circumstances where the Transferring Body/Authority may wish to engage with a specific organisation and the policy should make provision for such cases.

Strategic Context

It is important to ensure that any Asset Transfer proposal supports the Transferring Body's aims and priorities, and that it accords with the financial priorities against which it will be judged.

Due Diligence

Due diligence will help protect the Transferring Body as well as the Community Group/ Third Sector Organisation, its clients and the community.

Key elements of the due diligence process include:

- Is the asset one which can be CAT transferred? If not, state this at the outset;
- Has the Transferring Body/Authority considered the effect of a CAT on the opportunities for people to use the Welsh language; or how the Welsh language will be treated no less favourably than the English language? Has consideration been given to how the decision could be made so that it has positive or increased positive effects; or so that it does not have adverse effects or a decreased adverse effect on the opportunities for people to use the

Welsh language? How can it be assured that the Welsh language is treated no less favourably than the English language post transfer? This also relates to service provision currently provided through the medium of Welsh and how these services will continue;

- Has a risk assessment been undertaken to assess whether a CAT is the right process for managing the asset; and what would happen to the asset if a recipient of the transferred asset were to cease to exist in the future?;
- What measures could be put in place ahead of the transfer to safeguard this, such as contract terms, covenants and an assessment of ability of the recipient organisation to provide services in Welsh? How will this be monitored post transfer?;
- How would a transfer impact on any future opportunities for use of adjoining retained assets?; and
- Ensure that the TCC/Community Group/ Third Sector Organisation is relevant, coherent and sustainable in order to provide some reassurance of its ability to manage the asset and deliver the desired benefits.

There will be a need to check factors like governance, financial resilience, relevant knowledge and skills on the Town or Community Council and/or Community Group and experience of delivering in the community.

The actual running costs could vary as particular groups may have the ability to reduce some outgoings such as using volunteers for cleaning/caretaking or being entitled to a reduction in rates. To accurately forecast any future costs, recipients should also be provided with condition surveys,

² The Electronic Property Information Mapping Service (e-PIMS) is a UK Government IT platform designed to capture information about Public Sector property. It is available to Public Sector Organisations in Wales to assist them with strategic property management planning by recording and sharing information on who holds what and where.

historical maintenance and running costs, and relevant legal contractual information regarding service providers to the property and the energy rating and consumption data for the asset. Any repairing responsibilities, planning conditions, restricted covenants, access requirements etc., particularly the legal liabilities, must be clear and fully understood by the group.

It is important to note that there is no standard CAT and the information for each asset will be different. Some CATs are just the property asset which in some cases could have been vacant for a number of years, while others come with the existing service being delivered out of the asset and transferred, for example, Equality Impact Assessments will be very pertinent. Local Authorities or other Transferring Bodies should endeavour to provide whatever information is available and relevant in each case. This should be done without compelling the Transferring Body to provide a list of documents or data that might not exist or have any relevance to a particular circumstance.

The 'Due Diligence' document provides more detail.

Links to Service Delivery

In these challenging times of financial pressure, Community Groups, Town or Community Councils may need to take on a service from a Public Body to sustain local services and there are many examples of successful community led service delivery. The Transferring Organisation and Bodies and the Community Groups/Organisations considering taking over an asset and any associated services should be able to answer the following questions:

- Who will be the target audience/beneficiary of the service?;
- How will modernisation and improvements to the service be achieved?;
- Is the service statutory or non-statutory?;
- How will the Community Group/ Organisation ensure that it provides services and opportunities to members of the community through the medium of Welsh and treats the Welsh language no less favourably than the English language?;
- Are there any legal standards for delivery of the service, such as those imposed under the Welsh Language (Wales) Measure 2011?;
- What level of accommodation is required?;
- What budget is available and how are building running costs likely to be met?;
- Are there any other buildings (public or privately owned) that might facilitate the service delivery more appropriately?;
- How are premises costs going to be met? (Provide the existing provision and costs as a guide for the Community Group or Town/Community Council);
- What budget savings or efficiencies, if any, will the service achieve from the proposal?;
- What property cost savings, if any, will the council achieve from the CAT?;
- Has a disposal case been completed by the Transferring Body and made available for consideration by the potential recipient body?;
- Has an Environmental Impact Assessment been completed by the Transferring Body and made available for consideration by the potential recipient body?;
- Has an Equalities Impact Assessment been completed by the Transferring Body and made available for consideration by the potential recipient body?; and

- Will there be any ongoing financial, legal or management support from the Transferring Authority? This is particularly important if there are any ongoing liabilities linked to the transfer, such as annual maintenance, depreciation costs, statutory liabilities (listed buildings) or TUPE liabilities including future redundancy and pension liabilities.

Services are delivered by people as well as for people. If existing Council employees work in the building that is being considered for transfer, they will, in some circumstances, automatically transfer to the receiving organisation under the ‘Transfer of Undertakings (Protection of Employment) Regulations 2006 and 2014 (TUPE)’. Their employment rights, including their contractual terms and conditions, will be protected by this type of transfer.

Transferring Authorities should resolve TUPE matters prior to the transfer of an asset. It is important that all parties involved seek legal advice to fully understand all existing and possible future legal obligations, costs and risks. ACAS provides independent legal advice on TUPE which can be accessed for free by recipient bodies.

Pensions can be a particular issue when staff transfer and HM Treasury has issued the Fair Deal for Staff Pension’s Policy (October 2013), which applies to various bodies. It states that transferring workers should be “provided with continued access to the relevant public service pension scheme rather than be offered a broadly comparable private pension scheme”.

The Department for Communities and Local Government (DCLG) is responsible for the Local Government Pension Scheme. In 2016, it consulted on changing relevant regulations to reflect the provisions of the new Fair Deal in respect of employees in the scheme. At the time of publication, the legislation requires that pension arrangements for staff of County or County Borough Councils³ transferred as part of a Community Asset Transfer must have arrangements which “*are the same as or count as being broadly comparable to or better than*” those that the employee had prior to the transfer.

The Welsh Government expects that Local Authorities that take forward a Community Asset Transfer will adopt the principles of the New Fair Deal. They must ensure that any transferred staff retain membership of their existing Public Sector pension by means of admitted body status or other appropriate means

Corporate Plans

It is vital that all services within an Authority are aware of the potential benefits to a community of carrying out Asset Transfers and how individual transfers can support Well-being plans. These should link to the Authority’s existing policy framework and planning process and include corporate plans and property strategies including Corporate Asset Management Plans, Acquisitions and Disposals policies.

The relevant links to further information can be found in the ‘Further Information and Useful Links’ document.

³ whose pension provision is secured under the Welsh Authorities Staff Transfers (Pensions) Direction 2012

4. Guidance for the Applicant

When a Town or Community Council or Community Organisation/Group applies for a Community Asset Transfer, it becomes familiar with the process agreed by the Transferring Authority. This should be considered a critical part of the up skilling required prior to a potential transfer. See section 4.3 for further guidance on this.

Organisations need to be mindful of the scale of the commitment required to maintain the asset successfully post transfer and sustain the organisation in the long term. This is very different to the effort required to secure the transfer of the asset from an Authority. Focus is placed on the transfer process itself, but Transferring Authorities will need to give careful consideration about measures or processes to support recipient organisations following the transfer. This will provide organisations with a level of sustainability and longevity for the transferred asset.

4.1 The Application Criteria

In the first instance the applicant will need to consider the following:

a) The applicant will need to satisfy the following criteria:

- Legal entity that is incorporated and provides limited liability for the stakeholders involved, this would usually be in the form of a not for profit company limited by guarantee; society; CIO (Charitable Incorporated Organisation) or CIC (Community Interest Company). It must have authority to enable the management and ownership of buildings, for trading and the provision of services;
- Exist for community/social/environmental benefit;

- Non-profit distributing – any surpluses must be reinvested to further its community benefits/social aims;
- Demonstrate good governance through open and accountable processes, with appropriate financial and audit controls;
- Demonstrate engagement with the community;
- Demonstrate it has the skills and capacity to effectively deliver its services and manage the asset;
- Provide services or engage in activities that deliver economic, environmental or social benefits to the community;
- Provide copies of the organisation's annual report and accounts if available;
- Have strong links with the Local Community and directly benefit people living there; and
- Benefit as wide and diverse a range of local people as possible, demonstrate an inclusive approach to all members of the community and use a decision-making process influenced by local people.

b) The asset

- A legal interest owned by the Transferring Authority from which the organisation can demonstrate community benefit;
- The asset is in the freehold/leasehold ownership of the Transferring Body; and
- Applications for multi-uses and co-location of services should be encouraged. Single interest uses will only be considered where there is a significant business case to do so.

c) Proposed Use

- There should be both a need and demand for the proposed activities and consideration should be given as to whether or not these are being satisfactorily addressed by another organisation;
- The proposed use will support the delivery of the Transferring Body's well-being objectives and/or local Well-being plan;
- The proposed use will maximise opportunities for income generation to ensure sustainability;
- The Town or Community Council or Third Sector Organisation has established how much space it requires to deliver its proposals, and how they will make optimum use of the asset; and
- The proposed use will deliver extensive and inclusive reach into the community and will be open to all.

d) Business Plan and Finance

A robust business plan clearly stating the operation, service provision, financial, and organisational capacity of the organisation to deliver the proposed services/activities and manage the asset is critical to the success of any transfer.

A business plan and financial forecast template, with guidelines, is provided in the 'Forms and Templates' document.

The extent and detail of the business case will vary with the type of assets/services being transferred. The due diligence process needs to be proportionate to the proposed asset/service transfer, the proposed use of the asset, the current governance model, and the capacity and track record of the recipient community organisation.

Applications from Existing Tenants

Many Local Authorities and Organisations already use their buildings as community assets. Community Organisations that own a Local Authority building may wish to vary their terms of occupation, for example by increasing the lease term to meet grant funding requirements or formalising licence arrangements. If the Community Organisation is not in sole occupation of the asset, or the use is narrow and restrictive, Local Authorities can reserve the right to offer it as a restricted or general "Window of Opportunity" to encourage collaboration and co-location. One example of this is single use sports pavilions such as rugby, football and bowls which can provide more intensive use by creating a multi-disciplinary sports associations.

Exploratory Applications

Local Authorities/Public Bodies might receive enquiries from Community Organisations about assets that have not been previously identified as available for transfer. The CAT policy should be flexible enough to deal with such applications and consider using the "Window of Opportunity" process to ensure transparency and fairness. These requests are covered within the pre-application process detailed in section 5.

A suggested template for a pre-application is provided in the 'Forms and Templates' document.

4.2 Terms of Transfer

CAT usually involves a transfer at less than full market value, either at a reduced cost or nominal consideration. However, there may be situations where a Local Authority will require a market value. An “asset” can include land or buildings. The type of tenure granted can include:

- Management Agreement;
- Licence to occupy;
- Short lease;
- Long lease; and
- Freehold transfer.

Many organisations taking on the asset will be reliant on grant funding to support the development of the asset. Some grant funders will require a certain tenure like a freehold, or a relatively long length of lease, for example, over 25 years. They may also require that the Asset Transfer is at a nil consideration. Most community assets where the recipient body is taking a lease on an asset are transferred on full repairing and insuring terms and this can be included as a presumption within the CAT policy. However, there may be circumstances when responsibility for some repairs, usually external, is retained by the Transferring Body/ Authority in exchange for a reduced rent rather than a nil consideration. It is therefore recommended that the policy is flexible rather than prescriptive in terms of tenure, the value of the transfer and repairing obligations.

This flexibility will also allow the Transferring Body/Authority to suggest alternative terms of occupation if the applicant does not meet all their criteria. This could include a shorter lease term than originally requested, particularly if the organisation is newly established or there are concerns over longer term sustainability and funding.

The Transferring Body needs to consider the length of the lease and whether it is appropriate to transfer the freehold. This decision should be influenced by the amount of capital that the incorporated body would need to develop the building and the business idea. If a large loan is needed the loan provider would expect a higher payment for an asset to protect its investment.

4.3 Engagement and Consultation

Applicants are encouraged to engage with national and/or Local Third Sector Representative Organisations to prepare their EOIs and full business plans. These organisations may have specialist staff that can advise on issues such as the development and viability of the asset, governance, sustainability, energy efficiency, the business model, funding and investment finance.

This will help to reduce the number of unsuccessful applications and help Community Organisations to determine whether an asset is viable and fit for purpose. The following organisations can also help to promote opportunities for Asset Transfers within their membership:

- Wales Council for Voluntary Action (WCVA);
- County Voluntary Councils (CVCs);
Coalfields Regeneration Trust;
- Wales Co-operative Centre;
- Development Trusts Association (DTA) Wales; and
- One Voice Wales (OVW).

Engagement and support from elected members is important as they will have links with local groups and evidence of community need and demand. It is also important that they understand the consequences of community owned assets and sustainability.

It is recommended that Local Authorities involve members when developing their policies, and provide training and information to explain how the process works in practice.

Local Authorities or any other Public Body should also consult with TCCs about their Community Asset Transfer proposals. Ideally this should be done at a strategic level as part of a Local Authority's asset management and review processes. This will enable them to better plan which assets, and possibly services, they may be interested in rather than having to respond to individual opportunities. TCCs should also be consulted about individual EOI applications that are received within their boundaries.

4.4 Funding

This document is not intended to provide detailed advice on funding mechanisms.

Town and Community Councils can seek advice via One Voice Wales on potential sources of funding including Public Service Loans. Town and Community Councils can borrow funds for capital purposes. Visit https://gov.wales/borrowing-approvals-guidance-community-and-town-councils?_ga=2.179749729.490051251.1569501122-1957828168.1561996144 for further information.

Third Sector Organisations are advised to contact their local CVC or the WCVA which hosts a funding page: <https://www.wcva.org.uk/funding>.

There are, however, a number of possible sources of funding available, including:

Charity Bank: (<http://www.charitybank.org/>) is a savings and loans bank with a mission to use money for the common good. It offers loans of up to £2.5m to community

enterprises and organisations with a social purpose in Wales. Loans are available to help buy property, develop community facilities, fund social projects, and assist day-to-day operations as you wait for grant funding to arrive.

Robert Owen Community Banking: (<http://www.rocbf.co.uk>) is a not-for-profit finance company working to build more resilient local economies in Wales. It provides loans and investment finance opportunities to create assets and legacies for local communities and help to unlock sustainable income streams.

Welsh Government Community Facilities Programme: (<https://gov.wales/community-facilities-programme-guidance-community-and-voluntary-organisations>) is a capital grant scheme and can be used to improve community facilities which are well used by people in the community. Grants are available at two levels; small grants of under £25,000 and larger grants of up to £250,000.

Triodos Bank: (<http://www.triodos.co.uk>) provides financial advice for positive social, environmental and cultural change.

Grant Finder: (<http://www.grantfinder.co.uk/>) allows you to subscribe to its services in order to find a grant that may be applicable to you.

Unity Trust Bank: (<https://www.unity.co.uk>) is a bank for organisations and businesses that create community, social or environmental benefit in a financially sustainable way, offering specialist banking and finance to organisations that have a positive impact on their communities.

WCVA – Social Investment Cymru:

(<https://www.wcva.org.uk/funding/social-investment-cymru>) operates a number of repayable finance and loan schemes to support the purchase or investment in a CAT.

Building Communities Trust:

(<http://www.bct.wales/>; <https://www.biglotteryfund.org.uk/building-communities>) is a new Trust that supports people and places in disadvantaged communities in Wales to develop solutions to local issues and create stronger communities through a £15 million Trust Fund.

Heritage Lottery Fund:

<http://ahfund.org.uk/wales>

CADW: <https://cadw.gov.wales/advice-support?lang=en>

The Architectural Heritage Fund:

<http://www.ahfund.org.uk>

Co-operative and Community Finance:

(<http://communityshares.wales.coop/>) lends to those that practice the principles of co-operation, social ownership and sustainable development.

Community Shares: (<http://communityshares.org.uk>)

can also provide a potential source of finance for Third Sector and Community Organisations. The Wales Co-operative Centre and DTA Wales can provide guidance on the application of this and for community shares initiatives involving a CAT.

High street banks can also be a source of funding for projects, particularly when they offer strong commercial potential.

5. Community Asset Transfer Process

It is important that each Local Authority/ appropriate Public Body has a Community Asset Transfer policy or guidance that sets out a transparent framework of how they will consider and process Community Asset Transfer applications.

Appropriate due diligence by the Transferring Body/Authority should not be seen as a hindrance but rather as a positive action to guarantee the long term resilience of the asset and a support for stronger, more sustainable and enterprising communities.

5.1 Application Process

Any formal Community Asset Transfer policy should set out clearly the application process and provide approximate timescales for each step. A staged formal application process is recommended and standard application forms should be provided to ensure consistency and transparency.

A staged process is beneficial to the applicant and the Local Authority/Transferring Body.

It ensures that valuable resources are not spent on preparing and assessing a full business case that has little chance of succeeding. It also provides an early opportunity to highlight areas of weakness that could be strengthened to improve the chances of the full business case succeeding.

Pre-application/Stage 1 Expression

of Interest - Pre-application discussions should be encouraged to discuss options, suitability and the potential scope of any transfer.

Expression of Interest Stage 2 –

The submission of a formal initial Expression of Interest (EOI), which should provide the Local Authority/Transferring Body with enough information to decide whether the application should be taken further and not create too much additional work for the applicant organisation. The information requested in the EOI template/form should include as a minimum:

- The name and contact details of the organisation;
- The type of organisation;
- The structure and purpose of the organisation;
- provide details of any experience of managing assets/services;
- The details of the asset and type of transfer;
- The proposed uses of the asset;
- The benefits to the community, organisation (transferee) and Local Authority/Transferring Body;
- Details about partners, collaborators and stakeholder and evidence of engagement with the community; and
- Any initial financial information/forecasts to support the proposal.

Stage 3 Full application – The submission of a detailed business plan

- **The project** – Information about the organisation, values and mission, together with the aims and objectives for the project;
- **The market** - Information about the community the project is seeking to serve, existing and target markets, details of community consultations, the potential benefits of the project and opportunities for collaboration and building partnerships;

- **Business Growth and Development**
– A review of the organisation using the SWOT analysis; the business development strategy over a five-year period;
- **Management and Operations** -
Governance, staffing details, proposals for developing community activities, details of operating the asset and service, details of any relevant policies and procedures, and details of the day-to-day operations;
- **Development/Marketing Plan** – Details of the building and maintaining the profile of the project/organisation; potential opportunities for expansion;
- **Financial Plan** – Planned income for 3-5 years, expenditure profile, income generation, fundraising strategy; and
- **Risk Analysis** - A clear appreciation of project risks and proposed mitigation plans.

Stage 4: Recommendation, Decision and Completion

- Submission of final application with recommendation to the decision-making body; and
- Decision report and formal transfer.

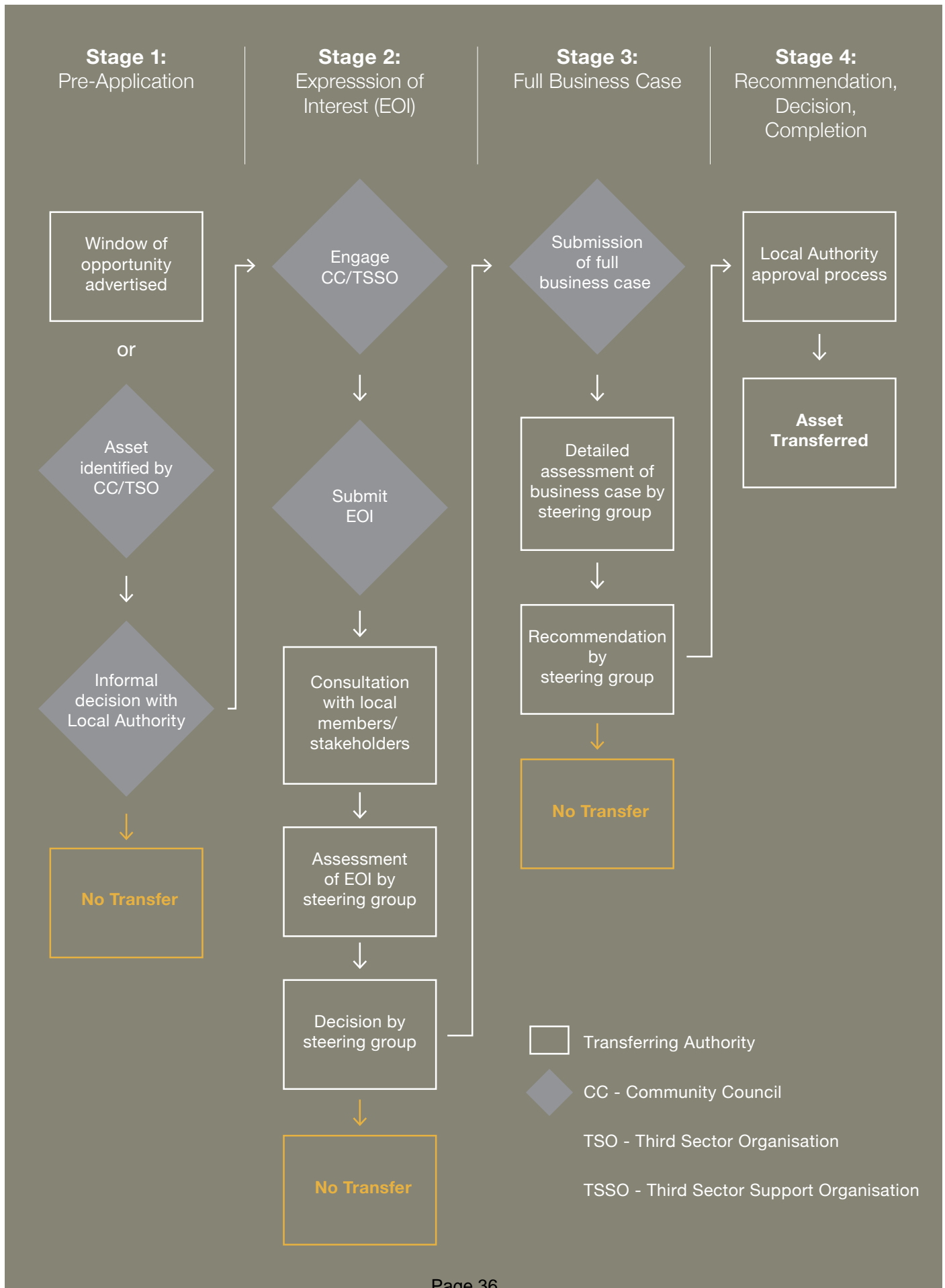
5.2 Timescales

The timescales should be realistic, and provide the applicants with sufficient time to prepare any required documentation. A timescale of six months from submission of the EOI to an executive/cabinet or delegated approval decision to transfer is usually sufficient unreasonable, although more time may be necessary. Flexibility is again important, as the timescales may also link to external dependencies such as decisions on grant funding. All parties should understand that large transfers can take 12-24 months to resolve complex issues and develop complete funding packages.

Factors will include property market conditions, internal resources and the availability of external support for Town and Community Councils, as well as the availability of support provided by CVCs and other Third Sector Support Organisations. The purpose of this section is not to prescribe a set process, but to highlight areas for consideration and suggest good practice in order to try and encourage consistency across Authorities. The guidance also seeks to set recommendations for timescales to minimise the risk of lost opportunities due to protracted and lengthy processes.

The 'Example of Community Asset Transfer Process' document provides further information about the suggested process and indicative timescales.

Community Asset Transfer Process



5.3 Decision-Making

It is important that any decision process around CAT is transparent and that applications are assessed against clear criteria. This is particularly important when dealing with competing applications from different organisations for the same asset. Where considered appropriate, particularly where a Transferring Body may have a number of potential CATs in the pipeline, it may be helpful to establish a dedicated steering group to make any required decisions and recommendations. These will be subject to any existing approvals process within the Acquisitions and Disposals Policy as well as the policy making standards relevant to the appropriate Public Bodies/ Local Authorities. Ideally, the steering group should be chaired by the relevant official from the Transferring Body who has overall management responsibility for the Community Asset Transfer process. This is often the Chief Estates Officer or equivalent.

Representation should also include relevant council officers who can advise on legal, financial, HR (TUPE), planning and any service related issues. It is also recommended that the steering group includes representation from at least one of the Third Sector Support Organisations and that One Voice Wales/ WCVA, as sector representatives, are updated with developments so that support is made available when necessary. The appointment of a member “champion” for Community Asset Transfer to the steering group should also be considered.

When assessing whether a Stage 2 Expression of Interest application should proceed to a Stage 3 full business case, relevant criteria should include:

- Benefits for the community, the Third Sector Organisation and how they relate to delivering council priorities;
- The ability to provide services through the medium of Welsh;
- The governance, structure and history of the organisation;
- The potential benefits in terms of added value, social, economic, environmental and cultural benefits;
- The proposed level of discount and terms of transfer; and
- Any legal issues arising such as title restrictions.

It is important that any decisions are communicated to the applicant in a timely manner, and that clear reasons are provided if the application cannot proceed to stage 3.

The stage 3 business plan should also be evaluated by the steering group with a recommendation on whether it should proceed to transfer. In addition to a more detailed assessment of the criteria considered in the EOI, this should include:

- Risks in relation to financial and organisational capacity, governance and the ability to manage the asset;
- A track record of delivering similar community services projects and enterprises;
- How far the proposed use will ensure extensive reach into the community engagement;
- How opportunities to ensure sustainability will be maximised e.g. income generation;
- Financial management arrangements;

- On larger and other transfers, which would include income generating schemes, additional support from people/bodies with a business background should be available to help assess the viability of the proposal;
- Compliance with State Aid, Transfer of Undertakings (Protection of Employment) Regulations (TUPE) and EU Procurement Rules if applicable;
- Any legal restrictions e.g. restrictive covenants and claw back provisions; and
- Monitoring and evaluation arrangements e.g. Service Level Agreement.

There are a number of supporting documents to accompany this guide, which you might find useful; they are:

- An Example of the Community Asset Transfer Process;
- Case Studies;
- Due Diligence;
- Example Forms and Templates; and
- Further Information and Useful Links.

Written Response by the Welsh Government to the report of the Local Government and Housing Committee entitled Community Assets

Welsh Government is fully supportive of communities taking control of assets, where it is appropriate for them to do so and there is sufficient local support. We saw the particular importance of those assets in our communities during the pandemic. The cost of living crisis we now face is recognised as another huge challenge to both communities and public service providers. We are pleased that the report acknowledges that community run assets can bring substantial benefits.

The Ministers for Social Justice, Finance and Local Government and Climate Change are leading our commitment to strengthening engagement with communities and learning from best practice. In July this year they issued a joint [Written Statement](#) signalling their intentions in this area. We have already constituted a cross-Government Communities Policy Board and started work on how we can strengthen the ways we work with communities. The scope of this work is much wider than supporting the assets themselves but recognises the significance of those assets in empowering our communities.

Community buildings and green spaces provide an important focus for sustaining communities and their well-being. The committee has challenged the effectiveness of existing arrangements in empowering Wales' communities to acquire or manage public assets and services within their communities.

We have published policy and guidance for the transfer of publicly owned assets to community groups. Some, but not all, Local Authorities have their own policies and some, but not all, are acknowledged as demonstrating good practice. This approach is generally viewed as top down, and it is claimed to be ineffective in genuinely empowering communities. We do not fully agree with this assessment but acknowledge that there are inconsistencies in the application of policy and that this is an area where we can have some influence.

Much of the guidance and funding that is in place assumes the transfer of the asset itself, which creates liabilities not all community groups can sustain, especially in the long-term. Alternative structures to ownership, such as stewardship, are already emerging and can support and empower communities where ownership is not the best solution.

Officials have commenced work to demonstrate their commitment to empowering communities. This includes the constitution of a cross-departmental Communities Policy Board which aims to strengthen the community voice in policy-making and improve impacts across key policy areas.

We would like to thank the members of the Local Government and Housing Committee for their report on Community Assets in Wales. We have already taken steps to improve on some of the areas on which recommendations have been made. The Minister for Climate Change has already stated that she is minded to agree to the establishment of a commission and Richard Baker acknowledged in his evidence to the inquiry that a further review of the asset transfer guidance is required, specifically to include wider engagement with stakeholders.

Detailed responses to the report's recommendations are set out below:

Recommendation 1.

The committee recommends that:

The Welsh Government should take action to establish a commission to stimulate innovative thinking on community ownership of land and assets in Wales. The commission should be established within 12 months of the publication of this report and should work with stakeholders to develop an action plan for its work. The commission should make recommendations to the Welsh Government.

Response: Accept in Principle

The Minister for Climate Change has already stated that she is minded to agree to a commission. The form and scope of a commission will need to be carefully considered before action is taken to implement this, and other recommendations making reference to a commission. It is important that stakeholders are involved in that work.

The establishment of the commission within the recommended timescale must also have regard to our existing Programme for Government commitments, which will remain our key priorities.

Financial Implications: Yes. Current resourcing will not support the development of this work within recommended timeframe.

Recommendation 2.

The committee recommends that:

The Welsh Government and Ystadau Cymru should review and update its existing guidance on Community Asset Transfers. The review should begin within 12 months of this report's publication. In conducting the review, the Welsh Government should consult relevant stakeholders, including community groups with direct experience of the CAT process, to ensure their feedback can be used to shape updated guidance.

Response: Accept

Our evidence presented to the Committee acknowledged that a further review of the current guidance would be undertaken and that this should include wider engagement. It is also important that any revised guidance aligns with wider community policy.

Financial Implications: Yes. Current resourcing will not support the development of this work within recommended timeframe. External resource can be procured, subject to confirmation of Ystadau Cymru budget for 2023-24.

Recommendation 3.

The committee recommends that:

The Welsh Government should make arrangements for consideration to be given to whether community groups who meet agreed criteria should be able to instigate the asset transfer process for themselves. This work should be undertaken by the commission we have recommended.

Response: Accept

Community Groups are already able to instigate the assets transfer process.

The committee's comments recognise, however, that there is inconsistency across local authorities, with not all having a CAT policy. We also acknowledge that there is evidence that other public bodies are less active in transferring assets to communities and that they play an equally important role in asset transfers.

Officials consider that similar impacts can be derived by improving the guidance and ensuring consistency without setting or creating overly ambitious community expectations. This guidance could include sample policies which have been shown to be effective.

A review of the guidance will include promotion of the benefits of asset transfer through the use of case studies.

Financial Implications: None. The planned work can be accommodated within existing resources.-

Recommendation 4.

The committee recommends that:

The Welsh Government should, when updating its guidance on Community Asset Transfers, make it clearer that the transfer process is applicable to all public bodies, not just local government.

Response: Accept

The recommendation can be incorporated into any revised guidance, accepted in our response to Recommendation 2.

Financial Implications: Yes. A review and update existing guidance is accepted subject to confirmation of a Ystadau Cymru budget for 2023-24.

Recommendation 5.

The committee recommends that:

The Welsh Government should, when reviewing the guidance on Community Asset Transfers, consider how it can be strengthened to provide clarity and assurance to local authorities on assessing the social value benefits of transferring an asset, including in circumstances which result in transferring it for lower than the market value.

Response: Accept

This recommendation can be incorporated into any revised guidance, accepted in our response to Recommendation 2. Stakeholder engagement will assist in developing a framework to assist public bodies to identify and measure the social value arising from transfers.

Financial Implications: Yes. A review and update existing guidance is accepted subject to confirmation of a Ystadau Cymru budget for 2023-24.

Recommendation 6.

The committee recommends that:

The Welsh Government should, when reviewing the guidance on Community Asset Transfers, strengthen its links with the Well-being of Future generations Act to ensure the guidance is clearly underpinned by the Act.

Response: Accept

The recommendation can be incorporated into any revised guidance, accepted in our response to Recommendation 2.

Financial Implications: Yes. A review and update existing guidance, is accepted subject to confirmation of a Ystadau Cymru budget for 2023-24.

Recommendation 7.

The committee recommends that:

The Welsh Government should, when reviewing the guidance on Community Asset Transfers, improve the availability of case studies relating to successful asset transfers, and should also include more recent projects among the studies. The Welsh Government should review the case studies periodically to ensure the most up to date examples are available for others to learn from.

Response: Accept

Ystadau Cymru continue to develop case studies and promote best practice as part of their core work. Case studies are included in their newsletters and have an important role in the

annual conference. This work forms part of the current Ystadau business plan which includes a review of how best to disseminate good practice case studies.

A review of the guidance will include promotion of the benefits of asset transfer through the use of case studies.

Financial Implications: None. The planned work can be accommodated within existing resources.

Recommendation 8.

The committee recommends that:

The Welsh Government should work with relevant partners to establish an asset transfer peer network to enable community groups to facilitate the sharing of experiences and best practice with each other.

Response: Accept

Ystadau Cymru have already begun to consider the best way to share good practice. This will form part of the work being undertaken in the response to recommendation 7.

Financial Implications: None. The planned work can be accommodated within existing resources.

Recommendation 9.

The committee recommends that:

The Welsh Government should establish a coordinated support package to support communities that are seeking to buy or lease land or assets. The commission we have recommended should explore with stakeholders the package of support that should be available.

Response: Accept in Principle

Welsh Government provides support to community groups through the [Community Facilities Programme](#), and the [Community Asset Loan Fund](#), managed by WCVA on Welsh Government's behalf. Other support is also available from other sources.

The terms of reference for the commission can include review of the support package available.

Financial Implications: Yes. Current resourcing will not support the development and establishment of a commission, within the recommended timeframe.

Recommendation 10.

The committee recommends that:

The Welsh Government should make arrangements to explore options, including legislative approaches, to find solutions that can empower communities and give them equal opportunity when competing against private investors to purchase assets of interest. This work should be undertaken by the commission we have recommended.

Response: Accept in Principle

Exploration of legal solutions adopted elsewhere and how they might empower communities in Wales can be included in the terms of reference of the commission.

The work of the commission in response to this recommendation will need to reflect the findings of independent evaluations of legislation enacted elsewhere to ensure that any legislative recommendation would achieve its intended aims and deliver value for money.

The work of our Communities Policy Board will be able to contribute to this recommendation. The Board includes cross government representation and is planning to develop pilot projects through Public Service Boards in a few Local Authority areas. The role and potential of community assets in empowering communities will be a key strand of this work. Feedback from the pilots will be shared with the commission once it has been established.

Financial Implications: Yes. Current resourcing will not support the development and establishment of a commission within the recommended timeframe.

Recommendation 11.

The committee recommends that:

The Welsh Government should make arrangements to review funding streams that support community assets, including Welsh Government and local authority funding, and explore options to increase the availability of affordable loan finance for community groups. This could be undertaken by the commission we have recommended.

Response: Accept in Principle

Welsh Government already invests in Community Assets through the [Community Asset Loan Fund](#), delivered for us by the Wales Council for Voluntary Action (WCVA), and directly through the [Community Facilities Programme](#).

A review of existing funding streams can be included in the terms of reference of the commission.

Financial Implications: Yes. Current resourcing will not support the development and establishment of a commission within the recommended timeframe.

Additional grant or loan finance will increase the financial obligations of Welsh Government during a period when we are looking to constrain non-Programme for Government spending.

Recommendation 12.

The committee recommends that:

The Welsh Government should give consideration to the establishment of a Community Asset Fund. The commission we have recommended should give further consideration to the establishment of such a fund.

Response: Accept

The Welsh Government is already meeting the intent of this recommendation. The [Community Facilities Programme](#) (CFP) provides grants of up to £300k to help communities buy, develop and improve community assets – buildings and green spaces. The CFP has provided over £41m in capital grants to projects across Wales since 2017. This fund works alongside the £5m [Community Asset Loan Fund](#) delivered for us by the WCVA which provides up to £300k (100%) to enable communities to purchase assets.

Financial Implications: None. The planned work can be accommodated within existing resources.

Recommendation 13.

The committee recommends that:

The Welsh Government should set out how it intends to make the process of ascertaining ownership of land assets easier for communities and how the process can help to empower groups to take on assets they would like to see continue. This should include making arrangements for considering whether a register of assets would be beneficial and be undertaken by the commission we have recommended.

Response: Accept in Principle

A review of whether a register of assets would be beneficial, or cost effective, can form part of the terms of reference of the commission.

Officials have commenced a review of the data which is available. DataMap Wales already publishes data on publicly owned land in Wales which is freely available to the general public. The UK Land Registry holds data on land ownership of registered land which is also available to the general public. This covers approximately 85% of all ownership. We are making enquiries into the potential to expand the current data available through DataMap Wales to include privately owned, registered land.

The creation of new data, such as registers of assets, will require significant resources from central and local government and may duplicate existing sources of information on ownership. The creation of registers or databases on non-registered land is neither cost effective nor feasible.

Feedback from this work will be shared with the commission.

Financial Implications: Yes. Current resourcing will not support the development and establishment of a commission within the recommended timeframe.

Developing and maintaining additional datasets on DataMapWales, if available, will require additional resource.

Recommendation 14.

The committee recommends that:

The Welsh Government should establish a specific Welsh fund for community housing projects, similar to the funds available in England and Scotland.

Response: Reject

The Minister for Climate Change accepted a recommendation of the Independent Review of Affordable Housing Supply (May 2019) to streamline funding programmes for affordable housing. Community-led housing groups can access Social Housing Grant funding when they partner with a Registered Social Landlord, and the Minister for Climate Change has been keen to explore access to other existing funding streams for community-led housing groups. Officials are working with Cwmpas in connection with the development of a specific community-led housing proposition utilising the Land and Buildings Development Fund.

Recommendation 15.

The committee recommends that:

The Welsh Government should make arrangements to consider options for developing Welsh specific legislation, tailored to meet Welsh needs. The commission we have recommended should consider the need for legislation to support community ownership and empowerment in Wales by the end of the current Senedd term.

Response: Accept in Principle

The terms of reference for the commission can include a review of legislative options for Wales.

The commission will, in implementing this recommendation, need to reflect on independent evaluation(s) of the impact of legal provisions enacted elsewhere, to ensure that a legislative recommendation for Wales would actually support increased community ownership and empowerment and deliver value for money.

Financial Implications: Yes. Current resourcing will not support the development and establishment of a commission within the recommended timeframe.

Recommendation 16.

The committee recommends that:

The Welsh Government should make arrangements to review Welsh planning guidance to ensure it empowers communities and supports asset transfers.

Response:

Accept in principle

Planning Policy Wales (PPW) is supportive of the principles of placemaking which includes the provision of community infrastructure. Community assets will form a notable part of community infrastructure in some places and it is right that PPW should recognise that the transfer of assets can be beneficial to the sustainability of some communities.

We will look to enhance the policy guidance around the transfer of community assets; however, it should be recognised that the planning system regulates the use and development of land and should not differentiate between planning applications based on who the applicant is. Consequently, there may be instances where the transfer of an asset to the community, for a particular purpose, could run counter to established planning policies and any changes to PPW would not give such proposals any favourable consideration if they were evidently contrary to policy.

Financial Implications: None

Agenda Item 6



Report of the Convener of the Community Assets Scrutiny Inquiry Panel 1 February 2024

Draft Inquiry Terms of Reference and Project Plan

Purpose:	Draft Terms of Reference and Project Plan for the inquiry for the Panel to discuss, amend, agree.
Content:	Draft Terms of Reference, Project Plan, Integrated Impact Assessment and inquiry call for evidence.
Councillors are being asked to:	Discuss, amend as required and agree.
Lead Councillor:	Councillor Stuart Rice, Convener of the Community Assets Scrutiny Inquiry Panel
Lead Officer & Report Author:	Michelle Roberts, Scrutiny Officer E-mail: michelle.roberts@swansea.gov.uk

1. Inquiry documents for discussion, amendment and agreement

- 1.1 The scrutiny inquiry documents for discussion, amendment and ultimately agreement in order for the inquiry to progress.

Attached in draft, for discussion by the Panel are:

- a. Inquiry Terms of Reference
- b. Inquiry Project Plan
- c. Inquiry Integrated Impact Assessment
- d. Inquiry Call for Evidence

Community Assets Scrutiny Inquiry Panel

Terms of Reference

Inquiry Key Question

The primary focus for the inquiry is to look at 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.

What is not part of this inquiry...

Specific venues, only as examples of practice. The inquiry will have a strategic focus, with overview of roles and responsibilities, priorities, powers, current experience and trends, partnership activity and achievement, and how things can be improved.

Reasons for carrying out this piece of work

Councillors chose to carry out this piece of work because they want to

- Ensure that the Council is meeting its duties under any legal requirements.
- That the management and delivery of community assets and any transfers are transparent and sustainable.
- Ensure Swansea Council along with its partners are delivering the most effective service.
- To ensure public, communities and relevant partners/organisations are involved and/or consulted in decision making.

The inquiry will ask and will focus on (the lines of inquiry)

The inquiry will look at community asset transfer in relation to the provision of council functions and how it works with its partners and others to ensure effective management and transfer of community assets in Swansea. It will also consider what the Council does well and what can be improved in this area. This will include:

1. **About Community Assets.** What are community assets? How does a community asset get designated as such? How does a potential asset transfer get identified? Who can apply to have an asset transferred?
2. **The regulatory framework.** What is the regulatory framework that relates to community assets in particular in relation to transferring an asset to a body other than Council? What are the legislative rules and guidance that regulates the management of community assets.
3. **Local policy and the strategic context.** What are the existing local policies in relation to Asset Transfer? What are the different policies relating to Asset Transfer used across Wales and do they differ with Swansea. How does the Council ensure that any Asset Transfer supports the Swansea Councils strategic aims and priorities.
4. **Financial implications.** What are the financial benefits for the Council to transferring an asset and also any disadvantages associated with it.

5. **Risks and barriers.** Risks associated with community asset transfer and how are they addressed and/or mitigated? What are considered as the main barriers and how do we work to overcome them?
6. **Due diligence, the business case and sustainability.** What due diligence is completed around for example financial resilience, governance, Welsh language, equalities, positive effects on community (and ensuring no adverse effects), sustainability, maintenance requirements. How do we ensure the process of decision making is transparent?
7. **Guidance and support.** What guidance, advice and support are given to those taking on an asset, including in relation to funding and applying for grants.
8. **Community benefits/disadvantages.** What are the community benefits and also disadvantages to Asset Transfer. How is this assessed?
9. **Consultation with stakeholders.** What is the process for and who is consulted when transferring a community asset? Do we consult about the wider council policy/aims/objectives in relation to community asset transfer in Swansea?
10. **The asset transfer experience in Swansea.** What has worked well and not so well. Highlight some practical examples where transfers have successfully delivered local benefits, what are the key factors for success (include examples of successful and not so successful transfers). What happens when an asset transfer is not successful or one breaks down or ceases?
11. **Wellbeing and Future Generations as a lever:** What is our strategy, vision, aims and objectives in this area? How are we performing against those? For example, how are we considering future generations when we transfer community assets?

The Inquiry Panel will gather evidence from:

Cabinet Members
 Council Officers
 Partner Organisations
 Other stakeholders
 Other interested groups including the public
 Welsh Government, national government
 Other Local Authorities and/or partnerships
 Any other relevant information identified

This inquiry will be carried out via Panel meetings, roundtable meetings, desk-based research and a public call for evidence. The work of the inquiry will be displayed and publicised via the Councils website. Recordings of meetings will be available and a section for public questions will form a part of the agendas for all public panel meetings.

Intended Impact and Contribution

This inquiry intends to support the work of the Council by:

- Providing a councillor perspective on the issue
- Providing evidenced proposals to Cabinet that will lead to more effective services
- Gaining the views of the public and stakeholders
- Considering and concluding on recommendations from national reports, legislation /directives and their implications for Swansea

- Identification of good practice/research elsewhere and whether there is any learning for Swansea's approach
- Increased councillor understanding about community asset transfer
- Greater public awareness of work in relation to community assets

Membership of the Scrutiny Panel

Labour Councillors: 3

Joe Hale	Yvonne Jardine
Victoria Holland	

Liberal Democrat/Independent Councillors: 5

Wendy Fitzgerald	Michael Locke
Chris Holley	Cheryl Philpott
Sue Jones	

Conservative Councillor: 1

Will Thomas	
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Uplands Councillor: 3

Allan Jeffery	Stuart Rice (CONVENER)

Lead Cabinet Member for Community Assets

Cllr David Hopkins (Cabinet Member Corporate Services and Performance)

Key Officers Contact for the Inquiry

Mark Wade (Director Place)
Geoff Bacon (Head of Property Services)

Scrutiny Officer supporting the Inquiry

Michelle Roberts
01792 637256
michelle.roberts@swansea.gov.uk

Project Plan – Scrutiny Inquiry into Community Assets

Date/Venue	Evidence Gathering Activity
Pre-Inquiry Scrutiny Working Group 1 Feb 2024 4.30pm	<ul style="list-style-type: none"> • Overview of subject area from Lead Council Officer/s and Lead Cabinet Member. They will provide a strategic overview of Community Assets including details of what it is, legal frameworks we work under and identifies the key influencers. • Panel discuss and agree the Terms of Reference and Project Plan for the Inquiry. • Panel agree its public call for evidence and Integrated Impact Assessment for inquiry
Evidence gathering	
Session 1 11 Mar 24 5pm	<ul style="list-style-type: none"> • Due diligence. Aspects of asset transfer including finance and legal aspects etc. How is it benefitting the LA and Communities more widely...financially and other? How is due diligence checked and monitored on an ongoing basis. • Risks. What are the risks associated with community asset transfer and how are they addressed and/or mitigated? • Barriers. What are considered as the main barriers and how do we work to overcome them? • Guidance and support. What guidance, advice and support are given to those taking on an asset, including in relation to funding and applying for grants.
Session 2 25 Mar 24 4.30pm	Cultural Services specific. Activity and examples relating to asset transfer in cultural services department. To include for example community centres, parks, sports facilities/grounds, growing areas etc, Also, provide a of list of already transferred assets and a list of those in pipeline. Projected financial savings. Evidence of community benefit.
Session 3 22 Apr 24 4.30pm	<ul style="list-style-type: none"> • Policy and practice in other local authorities (How other LA's do it) • Stakeholders. Panel look at replies received from an email sent to all councillors/community councils
Session 4 20 May 24 4.30pm	Stakeholders. Roundtable meeting with a group of stakeholders. People who have been through the process, also include SCVS and other interested parties.
Concluding Inquiry	
Meeting 5 May/Jun 24	Findings report - discussion regarding conclusions and recommendations based on the evidence gathered
Meeting 6	Draft final report – informal meeting of Panel members only
Meeting 7	Final Report – agreement for submission to Cabinet

Integrated Impact Assessment Screening Form – Appendix B

Please ensure that you refer to the Screening Form Guidance while completing this form.

Which service area and directorate are you from?

Service Area: Scrutiny

Directorate: Legal and Democratic Services

Q1 (a) What are you screening for relevance?

- New and revised policies, practices or procedures
- Service review, re-organisation or service changes/reductions, which affect the wider community, service users and/or staff
- Efficiency or saving proposals
- Setting budget allocations for new financial year and strategic financial planning
- New project proposals affecting staff, communities or accessibility to the built environment, e.g., new construction work or adaptations to existing buildings, moving to on-line services, changing location
- Large Scale Public Events
- Local implementation of National Strategy/Plans/Legislation
- Strategic directive and intent, including those developed at Regional Partnership Boards and Public Services Board, which impact on a public bodies functions
- Medium to long term plans (for example, corporate plans, development plans, service delivery and improvement plans)
- Setting objectives (for example, well-being objectives, equality objectives, Welsh language strategy)
- Major procurement and commissioning decisions
- Decisions that affect the ability (including external partners) to offer Welsh language opportunities and services

(b) Please name and fully describe initiative here:

The Community Assets Scrutiny Inquiry Panels primary focus for the inquiry is to look at how the Council manages the transfer of Council owned community assets in Swansea, see attached Terms of Reference.

The Panel will at the end of the Inquiry write a report to Cabinet with recommendations for service improvement, Cabinet if they agree the recommendations, will be responsible for taking forward those recommendations (at that time they will complete full IIA)

Q2 What is the potential impact on the following: the impacts below could be positive (+) or negative (-)

	High Impact		Medium Impact		Low Impact		Needs further investigation
	+	-	+	-	+	-	
Children/young people (0-18)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	x <input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Older people (50+)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	x <input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Any other age group	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	x <input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Future Generations (yet to be born)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	x <input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Disability	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	x <input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Race (including refugees)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	x <input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Asylum seekers	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	x <input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Gypsies & travellers	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	x <input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Religion or (non-)belief	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	x <input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sex	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	x <input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sexual Orientation	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	x <input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Gender reassignment	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	x <input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Welsh Language	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	x <input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Poverty/social exclusion	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	x <input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Integrated Impact Assessment Screening Form – Appendix B

Carers (inc. young carers)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Community cohesion	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Marriage & civil partnership	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Pregnancy and maternity	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Q3 What involvement has taken place/will you undertake e.g. engagement/consultation/co-productive approaches? Please provide details below – either of your activities or your reasons for not undertaking involvement

Councillors will speak to relevant departments, cabinet members stakeholders/partners through a roundtable meeting, panel meetings and through a call for evidence. All meeting will be recorded and made available online and every public meeting will have a section for public questions. The Panel will use any appropriate departmental consultation information already available to inform this piece of work.

Q4 Have you considered the Well-being of Future Generations Act (Wales) 2015 in the development of this initiative:

- a) Overall does the initiative support our Corporate Plan’s Well-being Objectives when considered together?
 Yes X No

- b) Does the initiative consider maximising contribution to each of the seven national well-being goals?
 Yes X No

- c) Does the initiative apply each of the five ways of working?
 Yes X No

- d) Does the initiative meet the needs of the present without compromising the ability of future generations to meet their own needs?
 Yes No n/a

Q5 What is the potential risk of the initiative? (Consider the following impacts – equality, socio-economic, environmental, cultural, legal, financial, political, media, public perception etc...)

High risk <input type="checkbox"/>	Medium risk <input type="checkbox"/>	Low risk <input checked="" type="checkbox"/> Recommendations only
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Q6 Will this initiative have an impact (however minor) on any other Council service?

Yes No **If yes, please provide details below**

Recommendations only at this stage. When/if recommendations from the Inquiry are accepted by Cabinet this will be established.

Q7 What is the cumulative impact of this proposal on people and/or communities when considering all the impacts identified within the screening and any other key decisions affecting similar groups/ service users made by the organisation?

(You may need to discuss this with your Service Head or Cabinet Member to consider more widely if this proposal will affect certain groups/ communities more adversely because of other decisions the organisation is making. For example, financial impact/poverty, withdrawal of multiple services and whether this is disadvantaging the same groups, e.g., disabled people, older people, single parents (who are mainly women), etc.)

Integrated Impact Assessment Screening Form – Appendix B

This is a Scrutiny Inquiry into community asset transfer, the Inquiry itself will produce recommendations for service improvement based on the Terms of Reference but does not make the decisions. Cabinet, when they receive the recommendations at the end of the Inquiry, will look at each recommendation made and either agree or reject it. The recommendations that are agreed will then be taken forward and a full IIA will be produced assessing their impact and implications.

Outcome of Screening

Q8 Please describe the outcome of your screening below:

- **Summary of impacts identified and mitigation needed (Q2)**
- **Summary of involvement (Q3)**
- **WFG considerations (Q4)**
- **Any risks identified (Q5)**
- **Cumulative impact (Q7)**

No impacts at this stage as not decision making.

The Panel will involve Council Departments, Councillors, providers of services via meetings and the public via Call for Evidence, they will also look at any survey consultation information departments and partners have collected and supplied to the Inquiry. Public panel meetings with public questions section on agenda.

The Inquiry aligns to the principles of the WFG

No risks identified but this will need to be considered when if recommendations are taken forward by Cabinet.

Cumulative impact will be assessed when recommendations are taken forward by Cabinet.

(NB: This summary paragraph should be used in the relevant section of corporate report)

- Full IIA to be completed
 Do not complete IIA – please ensure you have provided the relevant information above to support this outcome

Full IIA to be completed after decision made on recommendations resulting from the Inquiry. This will be done by Cabinet.

NB: Please email this completed form to the Access to Services Team for agreement before obtaining approval from your Head of Service. Head of Service approval is only required via email.

Screening completed by:
Name: Michelle Roberts
Job title: Scrutiny Officer
Date:
Approval by Head of Service:
Name:
Position:
Date:

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Call for Evidence:

Scrutiny inquiry into Community Asset Transfer

The primary focus for the inquiry is to look at 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.

What is not part of this inquiry? Specific venues, only as examples of practice. The inquiry will have a strategic focus, with overview of roles and responsibilities, priorities, powers, current experience and trends, partnership activity and achievement, and how things can be improved.

The inquiry will look at community asset transfer in relation to the provision of council functions and how it works with its partners and others ensure effective management and transfer of community assets in Swansea. It will also consider what the Council does well and what can be improved in this area.

To help understand these issues and to answer some of these questions we are inviting written submissions on the following lines of inquiry:

1. Effectiveness of legislation, strategies, policies and procedures in relation to community asset transfer.
2. The Councils management of community asset transfer in Swansea.
3. Stakeholders role in community asset transfer.
4. Financial benefits to the Council of community asset transfer.
5. Community benefit from community asset transfer.
6. Risks and barriers to community asset transfer.
7. Ensuring due diligence is completed when transferring an asset, also that there is a clear business case and it is sustainable.
8. Provision of guidance and support for those taking on a community asset.
9. How good is the information provided to, consultation and communication with, the public and/or stakeholders.
10. Examples of community asset transfer experiences. What has worked well and not so well?
11. The Wellbeing and Future Generations implications of community asset transfer for Swansea.

The panel is keen to hear from as many members of the public and organisations as possible.

If you wish to submit evidence relating to this Inquiry you can do so by writing to us at:

Email: scrutiny@swansea.gov.uk

Post: Scrutiny Team, Guildhall, Swansea. SA1 4SN