



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 - Lilian Hopkin Room, Guildhall / MS Teams

On: Monday, 22 April 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

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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 Minutes

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5 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.

6 Community Asset Transfer - Cultural Services

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Invited to attend are Cllr Robert Francis Davies (Cabinet Member for Investment, Regeneration, Events and Tourism), Tracey McNulty (Head of Cultural Services) and Mark Wade (Director of Place)

7 Inquiry Project Plan

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Next Meeting: Monday, 20 May 2024 at 4.30 pm

Huw Evans

Huw Evans
Head of Democratic Services
Date: 18 March 2024

Contact: Scrutiny Officer

Agenda Item 4



City and County of Swansea

Minutes of the **Scrutiny Inquiry Panel - Community Assets**

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

Monday, 11 March 2024 at 5.00 pm

Present: Councillor S J Rice (Chair) Presided

Councillor(s)
E W Fitzgerald
A J Jeffery

Councillor(s)
C A Holley
M W Locke

Councillor(s)
Y V Jardine
W G Thomas

Other Attendees

Cllr David Hopkins
Cllr Robert Francis Davies

Officer(s)

Geoff Bacon	Head of Property Services
Mark Wade	Director of Place
Jamie Rewbridge	Strategic Manager Leisure Partnerships
Michelle Roberts	Scrutiny Officer

Apologies for Absence

Councillor(s): V A Holland, S M Jones and C L Philpott

6 Disclosure of Personal and Prejudicial Interests

None

7 Prohibition of Whipped Votes and Declaration of Party Whips

None

8 Minutes

The minutes from the meeting on the 1 February 2024 were agreed.

9 Public Questions

No public questions were received.

10 Community Asset Transfer - Due Diligence, Risks, Barriers, Guidance and Support

The Panel thanked the Cabinet Member Mr Hopkins and Geoff Bacon (Head of Corporate Property) for providing a written report and attending the meeting to discuss the aspects of due diligence, risks, barriers and support in relation to Community Asset Transfer (CAT). They also thanked Cabinet Member Cllr Francis Davies and Officer Jamie Rewbridge (Strategic Manager Leisure Partnerships) for attending the meeting and discussing those issues relating to cultural services aspects. The discussion was based around a core set of questions that were sent in advance of the meeting.

Full and detailed notes from this session will form part of the findings report that the Panel will consider when discussing their recommendations and conclusions towards the end of the inquiry.

11 Inquiry Project Plan

It was agreed that the meeting on the 25 March would be cancelled and those items would be discussed at the next scheduled meeting on 22 April 2024.

The meeting ended at 6.00 pm

Chair

Agenda Item 6



Report of the Cabinet Member for Corporate Services and Performance Community Assets Scrutiny Inquiry – 22 April 2024

COMMUNITY ASSET TRANSFERS

Purpose	This report gives information requested on Community Asset Transfers
Content	The report answered a set of questions asked by the Panel relating to cultural services aspects of community asset transfer.
Councillors are being asked to	Consider the contents of the report and consider its contents as part of 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• Tracey McNulty, Head of Cultural Services
Report Author	Jamie Rewbridge

1. Purpose

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

In order to examine this, the committee will need to consider Community Asset Transfers (CATs) and their effectiveness within Swansea Council. To do this they are gathering evidence on a number of issues. This report outlines the responses to questions asked regarding cultural services aspects of community asset transfer.

2. Responses to Panel Questions

1) Supply a list of all CAT that have taken place, those in the pipeline and those that could potentially be such.

This list is prepared with the knowledge and information that Officers currently preparing this report have available, and where formal transfers have taken place either under the revised Community Asset Transfer

Policy, or previously where decisions have been taken under the Councils Wellbeing powers. They are not in chronological order, or an exhaustive list.

CATs taken place, where decision made and/or legal documentation complete or in significant progress

- a) Swansea Indoor Bowling Stadium
- b) Swansea Tennis Centre
- c) Parts of Tir Canol Playing Fields
- d) Graig y Coed, Penclawdd
- e) Underhill Park
- f) Land at West Cross (Skatepark)
- g) Langland Bay Tennis Courts (3)
- h) Various parts of Coed Gwilim Park
- i) Part(s) of Coed Bach Park
- j) Waunarllydd Playing Fields
- k) Ynystawe Park
- l) Halfway Park Changing rooms
- m) Pentyla Playing fields
- n) Part of Mynydd Newydd
- o) Forge Fach, Clydach
- p) St Thomas Community Centre
- q) Sixteen Allotment Sites

CAT in the pipeline i.e., expressions of interest received, discussions ongoing but no formal decision.

- a) Mumbles Bowls Green/Pavillion
- b) Part of Woodland Mumbles
- c) Part of Clyne Gardens
- d) Ashlands and Banfields Playing Fields
- e) Cwm Level Playing Fields
- f) Cwmbwrla Park
- g) Cadlemill Playing field
- h) Trallwn Football pitch/playing field
- i) Clydach Canal Society Building
- j) Parc Y Werin Bowls Green

2) How is this process administered and managed within the department?

In line with the Community Asset Transfer Policy- an expression of interest form is issued to interested parties, which aims to capture the core details of the applicants request, background of their organisation and intentions.

Follow up meetings and general contact is arranged by relevant officers depending on the nature of the Asset, and will involve various internal parties depending on the asset/service– Cultural Services, Parks, Corporate Property etc. Following which any further information is requested, which may be in the form of a business plan or project plan. In line with the new Community Asset Transfer Policy, formal decisions to asset transfers are then prepared akin to the Cabinet reporting processes, subject to input from the various internal officers and in

consultation with the relevant Heads of Service, Director and Cabinet Member(s). Disposal of public land will also involve an Open Space Disposal Notice, as part of the decision-making process.

3) Practical examples of a selection of different CATs for discussion including for example:

a. Those that have shown to have delivered local benefit:

Swansea Tennis Centre and Bowls Centre were transferred to Community Interest Companies in 2010/11, and delivered significant community benefit. The Tennis Centre, which was earmarked for closure due to MTFP budget pressures at the time, was enabled to remain open, providing same or better outcomes and nil cost to the council through local ownership. Both facilities are performing well, at no cost to the Council, with the successes of both facilities highlighted in a report to Cabinet each year.

Underhill Park and Mumbles Skatepark transfers have enabled multi million pound investment to revitalise the assets with new, fit for purpose facilities- funded through a variety of sources and limited cost to the Council. The facilities are enjoyed by thousands of users each week and under the arrangements are set to continue to do so for future generations.

Coed Gwilim transfer of parts of the park under a phased approach has unlocked opportunity for investment, improved facilities and better use of community assets within the park operated by the Friends of Coed Gwilim park, including a new café, improved bowls green and future plans for improved football changing rooms and pitches.

b. Those have been most challenging:

Each are challenging in their own way so it would be unfair to highlight specific sites, and the challenges will change, depending on the type of asset, organisations objectives and wider community interest; notably those that have been most challenging, are when the following factors are included:

- Pressure to transfer and enter into a lease by a deadline due to funding deadlines set by others but critical for the transferee
- Where open space considerations are complicated or provoke objection
- Where more than one organisation/club expresses an interest in the same asset.
- The time it takes to resolve legal processes between parties post decision

c. Those that have saved the LA financially

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.

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.

- 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.

d. New and also established CATs

See list above in 1) further highlighted examples below:

New- Coed Gwilim Park/Underhill Park.

Established- Swansea Tennis Centre/Bowls Centre, Parts of Tir Canol, Sixteen Allotment Sites.

4) Information in relation to Community Centres including a copy of the annual license document used. Give an idea of what 'providing limited, financial support to assist in day-to-day operations' means and what 'threat' there may be to this if funding is to be reduced/cut.

Copy of annual licence attached as appendix C. Across Swansea we have several community organisations operating council owned Community Buildings via Voluntary Management Committees, who are supported by a small team (3FTE) of Community Development officers (CDO) and this is recognised as a model of good practice. The CDO's in partnership with the committees ensures that the centres offer remain vibrant, inclusive and responsive to the needs of their community by providing an affordable venue to promote social and financial inclusion and maximise community involvement and participation. Importantly, the

CDO's offer full support and guidance on H&S, training, funding opportunities, fire safety and thus ensuring the buildings remain safe, well managed and accessible facilities for all the community. Without the team, as is seen in other authorities, there is a risk of community centre closures or operating at increase cost through deploying of Council staff.

5) What has worked well, what has been most challenging, examples of how we have or can learn from these experiences for the future.

Ongoing and accessible support ensures the Community Buildings continue to thrive and work with the volunteers to improve the social, economic, environmental and cultural well-being of Wales by providing more activities and services within the community.

Encouraging more volunteers and community involvement with active residents and community groups engaged is always challenging having the CDO's in place enables us to highlight operational or building risks across the centres and prioritise intervention accordingly

It should be noted that each and every community centre (40) in Swansea Council ownership has for some time, already been transferred to its management committee by way of Licence. In terms of 'community empowerment' by asset transfer, Swansea are therefore well ahead of the game, and often referred to by other Councils as examples of good practice.

6) What consultation has taken place around CAT as a strategy? Do you have any feedback to show the Panel or do/plan to seek feedback on the process from those who have taken on an asset?

No formal consultation undertaken at this stage in terms of CAT as a strategy (i.e. how it is working), other than the evidence suggested previously that outline the successes that it has yielded through investment, improved facilities and local decision making. However the Policy was adopted via the formal decision making of the Council.

Relevant officers remain available to support new CATs to ensure a smooth transition. Where CATs involve significant assets, i.e. Bowls Stadium and Tennis Centre, annual reporting is undertaken to monitor and report on the arrangements and performance, to inform this regular communication between the Council and the tenant is critical.

7) What do you think could help to improve the process further?

More resource in a range of areas to support with enquiries, process-mapping and deliverability of an end-end project plan with others. Further understanding by all parties and key stakeholders that the process of transferring an asset is not straightforward and takes time due to due diligence that the council is obligated to undertake, the decision making process, in addition to the legal processes, sometimes take years to deliver.

3. Integrated Assessment Implications

3.1 The Council is subject to the Equality Act (Public Sector Equality Duty the socio-economic duty), the Well-being of Future Generations (Wales 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 public bodies in Wales must carry out sustainable development. Sustainable development means the process of improving the economic, social, environmental and cultural well-being of Wales by taking action in accordance with the sustainable development principle, aimed at achieving the 'well-being goals'.

This report is for information only and does not require IIA Screening

4. Financial Implications

4.1 There are no financial implications associated with this report.

5. Legal Implications

5.1 There are no legal implications associated with this report.

Glossary of terms:

Acronym	Expansion
LA	Local Authority
WG	Welsh Government
CAT	Community Asset Transfer

Background papers:

Appendices:

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



**Joint Report of the Cabinet Members for Investment, Regeneration,
Events & Tourism and Corporate Services & Performance**

Cabinet - 19 October 2023

**Disposal of Sporting and Leisure Facilities under the
Community Asset Transfer Policy**

Purpose:	To approve in principle the transfer of assets of Sporting and Leisure facilities, including more broadly any recreational land and associated buildings to community organisations, clubs and associations in accordance with the Councils Community Asset Transfer Policy, at less than best value in order to enable investment, improvement and long-term sustainability
Policy Framework:	Community Asset Transfer Policy 2021 Creating an Active and Healthy Swansea Land Transaction Procedure Rules the Well-being of Future Generation (Wales) Act (2015)
Consultation:	Legal, Finance, Access to Services.
Recommendation(s):	It is recommended that Cabinet: <ol style="list-style-type: none"> 1. Approves in principle the proposed transfers of the plots listed in 2.4 -Table 1 under the Council's Community Asset Transfer Policy 2021. 2. Delegates authority to the Director of Place to grant long leases for appropriate duration in line with the principles set out in paragraph 2.3, (in relation to the plots listed in 2.4 -Table 1) to the proposed leaseholders for the intended reasons as indicated in the table, providing that the Head of Property Services has considered each of the proposed transfers under the Council's Land Transaction Procedure Rules and recommends approval of each transfer. The leases to be granted at less than best consideration in accordance with the Councils Community Asset Transfer Policy 3. Delegates authority to the relevant Director in consultation with Head of Property Services and Cabinet Member to determine the appropriate reporting route to fully consider any objections received through the Open Space Disposal Notice, in line with section 6 of this report.

4. Delegates authority to the Head of Property Services to negotiate and settle the terms of the proposed leases (and thereafter any required Deeds of Variation) and authority is delegated to the Chief Legal Officer to finalise and enter into the legal documentation necessary to protect the Council's interests.

Report Authors: Jamie Rewbridge/Lewis Hinds

Finance Officer: Peter Keys

Legal Officer: Sally-Ann Evans

Access to Services Officer: Rhian Millar

1. Introduction

- 1.1 The Council has received requests from local community organisations to lease sport and leisure facilities, including sports pitches, associated buildings for changing room space and wider community use. These disposals have been requested at peppercorn rent to enable investment under the Councils Community Asset Transfer Policy (2021).
- 1.2 In line with the Community Asset Transfer Policy (2021) all transfers will 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. Under the proposals Rosehill Community FC, Penlan FC and The Friends of Coed Gwilym Park (Requesters) seek to undertake the management of the land and associated buildings to unlock and enable investment and local control and use by the primary user group(s). The Requesters are operated by constituted voluntary groups, under differing governance models.
- 1.3 This report aims to identify and define approved asset transfer principles for disposal, and provide a list of sites and the proposed leaseholders to transfer to under the principles of the Councils Community Asset Transfer Policy. Each application will require approval from the relevant Head of Service, the Head of Property Services in consultation with the relevant Cabinet Member(s). If Cabinet grants approval in principle to the transfers set out in Table 1 below then the Head of Property Services will consider each individual transfer in accordance with the Council's Land Transaction Procedure Rules.

2. Background

- 2.1 The Councils Community Asset Transfer Policy as set out in Part 4.7 of the Constitution provides a framework and procedure for the letting of Council owned facilities to community or 3rd sector, not for profit groups to

enable the improvement of and investment in Council services and facilities.

- 2.2 This policy has successfully facilitated a number of projects in recent years including but not limited to the leasing of Underhill Park enabling a multimillion-pound investment scheme; the leasing of 16 allotment sites enabling significant combined investment. Furthermore, leases to Mumbles Community Council to facilitate a new circa £500K project for a skatepark in Mumbles, and investment into three of Llangland Tennis Courts and a lease at Coed Gwilym Park allowing the construction of a new community building.
- 2.3 The Council would like to continue the grant of such leases for future projects and to make the process more efficient and seeks Cabinet approval to apply the process to buildings and land identified in 2.4 -Table 1 that meet the relevant criteria underpinned by the Councils Community Asset Transfer Policy set out in Part 4.7 of the Constitution. This allows leases to be granted for up to a **maximum** of 125 years where appropriate (the Council 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 and sufficient to facilitate investment in the site through accessing funding opportunities. Funding bodies may have requirements that must be met if a community based group is to be eligible to receive grant monies), at less than best consideration. The term and rental (usually peppercorn) will be fully considered by the Head of Property Services after assessment in line with the agreed procedure.
- 2.4 It is proposed that the following sites are leased to the Requesters in accordance with the Councils Community Asset Transfer Policy;

Table 1

Plot No.	Description of land	Reason for proposed disposal
1.	Part of Mynydd Newydd Playing Fields Penlan, Swansea SA5 7BS	Long leasehold disposal to Penlan Football Club to continue, develop and improve facilities and use as football pitches. The area to be leased shown in red on the plan will be fenced off to exclude access by the general public.
2.	Part of Coed Gwilym Park, Pontardawe Rd, Clydach, Swansea SA6 5NS	Long leasehold disposal to the Friends of Coed Gwilym Park to continue, develop and improve football facilities.
3.	Pentyla Playing Fields, Pentyla Rd, Cockett, Swansea SA2 0YN	Long leasehold disposal to Rosehill Community Football Club to enable the continuation, development and improvement of the Football facilities at the property.

3.0 Business Case and Due Diligence

- 3.1 As part of the requirement for any Community Asset Transfer, requestors will be required to accept a lease that assumes a full repairing and maintaining basis of the land/property, and ensuring a continuation of the service provision of the land and associated building(s), and this may also consider the construction of new or changes to the existing buildings, subject to planning approval and the relevant approval of a deed of variation to leases granted
- 3.2 The successful implementation of any proposal and granting of long-term lease as detailed within a business plan from the requestor, will be approved by the relevant Head of Service and will seek to achieve the following benefits as a set of key principles;
- Community cohesion through the ownership, involvement and interest in local facilities.
 - Partnership working with the community in managing and safeguarding valuable community assets.
 - Investment in modern, fit for purpose facilities which the Council is not in a position to provide.
 - Increased access to local formal and informal sporting, cultural and recreational opportunities.
 - Access to funding opportunities not available to the Council
- 3.3 In the event that the Head of Service and relevant Cabinet Member cannot support the request principles, or the business plan provided by the requester is not acceptable or robust, the Council is not obliged to undertake Community Asset Transfers and the requester will be notified accordingly of the decision
- 3.4 If the request can be supported under the Council's Land Transaction Procedure Rules (LTPR), the Head of Property Services must be consulted. The Head of Property Services 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.
- 3.5 Property Services and Finance must be consulted prior to any decision to fully consider the financial implications of the Community Asset Transfer and to ensure it does not breach subsidy controls.
- 3.6 Legal, Financial and any possible Equality and Engagement Implications will also need to be considered and discussed at this stage.
- 3.7 In the event that any request is potentially contentious or requires detailed consultation due to a specific significance or any risks associated with the requester or to the Council, the relevant Head of Service will present another report to Cabinet detailing the specific considerations of the individual disposal

4. Integrated Assessment Implications

- 4.1 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.
- 4.2 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'.
- 4.3 Our Integrated Impact Assessment (IIA) process ensures we have paid due regard to the above. It also takes into account other key issues and priorities, such as poverty and social exclusion, community cohesion, carers, the United Nations Convention on the Rights of the Child (UNCRC) and Welsh language.
- 4.4 In line with the Community Asset Transfer Policy (2021) and procedure, and the IIA process has been followed in respect of the individual site CAT disposal.
- 4.5 An IIA Screening Form (Appendix A) has been completed with the agreed outcome that a full IIA report was not required for the principle of these CAT processed to be applied as per the policy, subject to the IIA process being undertaken for EACH individual site contained in this report to ensure the following principles are adhered to;
- The transfer will enhance the facility provision to enable them to further develop opportunities for the local community.
 - Any change in provision or opportunities to use or access the site are fully considered within the business proposal and captured within the IIA process for the site.

- Relevant local consultation has been undertaken by requesting organisation on their proposal, with support from the local ward member. This may also include consultation undertaken to seek investment and funding opportunities and publication of their intentions through a number of formal and informal means.

4.6 In the event that any request is potentially contentious or requires detailed consultation due to a specific significance or any risks associated with the requester or to the Council, the relevant Head of Service will present another report to Cabinet detailing the specific considerations of the individual disposal, individual IIA for the site together with any further background information prior to any final decision.

5. Financial Implications / Property Implications

5.1 The proposed lettings will be at a peppercorn rent, which will generally be at less than best value. However, given the nature of the proposed disposals listed within 2.4, the amount of undervalue is relatively low ranging from a couple of hundred to a few thousand pounds with the combined Market Value of all of the sites estimated to be in the region of £20,000.

5.2 Agreement of a long-term lease to any requester would preclude the Authority from the possibility of the future sale and capital receipts from this site, and should be considered fully in line with the Council's Community Asset Transfer Policy (CAT Policy) and procedure and as per 3.5 of this report.

5.3 The Council is required to dispose of land for the best consideration reasonably obtainable in accordance with Section 123 of the Local Government Act 1972 and the Council's Land Transaction Procedure Rules.

5.4 The General Disposal Consent (Wales) Order 2003 allows a range of public bodies to transfer the ownership and management of land and buildings to local communities at 'less than best consideration' where it is the intention to promote social, economic or environmental well-being. The proposed disposal is in accordance with the CAT Policy and falls within the scope of the General Disposal Consent (Wales) Order 2003. This disposal also meets the objectives of the Well-Being of Future Generations (Wales) Act 2015 and the Council's policy commitments of creating a Healthier Swansea.

5.5 In relation to each individual proposed transfer, the Head of Property Services is satisfied that each disposal is in accordance with the CAT Policy in that it will create a mutual benefit to both the Council and the community by promoting social, economic or environmental wellbeing and support the aims and priorities of the Council. Community Asset Transfer is an established mechanism used to enable the community ownership and management of public owned land and buildings. 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 or management.

- 5.6 It is confirmed in the paragraphs above that this disposal is in accordance with the CAT Policy and meets the requirements of the General Disposal Consent (Wales) Order. If this disposal is not approved then the benefits as outlined in paragraph 3.2 will not be achieved.
- 5.7 There will be no additional long-term revenue or capital financial commitment required by the Authority for any new facilities provided by the leaseholder at any site agreed to be disposed of under the policy, as this will be the responsibility of the requester from the start date of the lease until its determination.
- 5.8 The Authority will receive, review and validate a business case from requester, which includes their form of organisation and the proposed community benefits that any transfer will achieve inline with the Community Asset Transfer Policy,
- 5.9 Any loss in revenue from sports pitch permits or event hires of the open space, land or buildings will be captured within the overall business case, and as a principle will be fully offset with the reduced cost of maintenance and repairs of any associated facilities. The relevant Director(s) supported by the S151 Officer will determine whether it is appropriate to adjust internal Council budgets to reflect the loss in revenue/income in one, to be offset through savings in another.

6. Legal Implications

- 6.1 Section 123 of the Local Government Act 1972 and the Council's Land Transaction Procedure Rules set out in the constitution apply to this disposal. Under s123 LGA 1972 a local authority has the power to dispose of land held by it in any manner it wishes provided that the local authority achieves the best consideration that can reasonably be obtained except where the disposal is for a short tenancy (less than 7 years) or the local authority has the consent of the Welsh Ministers. Under the Council's constitution the responsibility of determining in what manner the land will be disposed of in order to obtain best consideration lies with the Head of Property Services.
- 6.2 Under the General Disposal Consent (Wales) Order 2003 the Welsh Ministers have issued a general consent for disposals of land under s123 for less than best consideration. This allows a local authority to dispose of land for less than best consideration if it considers that the disposal will contribute to the promotion or improvement of the economic, social or environmental well-being of its area and the extent of the undervalue is no more than £2m.

- 6.3 There are specific powers and requirements for the disposal of land held by a local authority for planning purposes, housing, allotments, open space and school playing fields.
- 6.4 Where the land is deemed open space, the Council is required under s123 to advertise the disposal of the land in the local newspaper for two consecutive weeks and to give full and proper consideration to any objections. The key issue for the Council is to balance any adverse consequences of the loss of open space, having regard to the objections received, against the advantages of disposing of the land.
- 6.5 Following the publishing of open space notice and where no objections are received, the Community Asset Transfer Policy and Procedure will be followed, along with the principles set out within this report. Where objections are received, the relevant Director in consultation with Head of Property Services and Cabinet Member will determine the appropriate reporting route to fully consider any objections, with the key issue for the Council to balance any adverse consequences of the loss of open space, having regard to the objections received, against the advantages of disposing of the land.
- 6.6 In order to dispose of land which is currently playing fields the local authority must comply with The Playing Fields (Community Involvement in Disposal Decisions) (Wales) Regulations 2015. The Council must before making a decision to dispose of a playing field, or any part of a playing field, publish on two consecutive weeks in at least one local newspaper a notice of the disposal and display a copy in at least one place on or near the playing field to which the disposal relates, and, in any event, at each official entrance to the playing field, for not less than 6 weeks. Copies of the notice and details of the disposal also need to be sent to a number of organisations as set out in the regulations.

The requirements contained in the regulations do not apply where:

- The proposed decision to dispose relates to the grant of an interest in the playing field, or any part of the playing field, that does not have an adverse impact on the use of the playing field as a sports or recreational facility by the public;
 - The playing field is to be retained as a sports or recreational facility for use by the public and the disposal is to be made to a local authority or a body whose aims or objectives include the promotion of sporting or recreational activities.
- 6.7 Where property has not been advertised on the open market, the Council's constitution specifies that if there has been no marketing of the Land or only one person has indicated an interest to purchase there can be no such disposal of land except where it is determined by the Head of Property Services or his nominee is satisfied that the disposal would be in accordance with the applicable statutory requirements. In considering

this, the Head of Property Services may have regard to the following matters (among others) (a) the robustness of the valuation evidence (b) the likely market for the Land now and in the future given its relevant physical, legal or other characteristics, (c) the potential for the Land to be transferred to and used by a community council or Third Sector/Community Group in accordance with the CAT Policy, (d) responses (if any) received by the Council following reasonable marketing of the Land and (e) whether the disposal would achieve a corporate objective or contribute to the promotion or improvement of the economic, social or environmental wellbeing of people or communities in its area (taking into account all considerations including subsidy controls).

- 6.8 The lease documentation will contain all the relevant provisions to protect the Council's interest.

Background Papers: None

Appendices:

Appendix A - IIA Screening Form

Appendix B - Site Plans

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

Which service area and directorate are you from?

Service Area: Cultural Services/Property Services

Directorate: Place

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:

This initiative aims to identify and define approved asset transfer principles for disposal, and provide a list of sites and the proposed leaseholders to transfer to under the principles of the Councils Community Asset Transfer Policy. Each application will require approval from the relevant Head of Service, the Head of Property Services in consultation with the relevant Cabinet Member(s).

The Council receives requests to lease sport and leisure facilities, including a non-exhaustive list of sports pitches, associated buildings for changing room space and wider community use. Such requests are typically from local clubs, associations, local democratic bodies and requested at peppercorn rent to enable investment under the Councils Community Asset Transfer Policy. All transfers will 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. Under the proposals groups, clubs and associations (Requester) seek to undertake the management of the land and associated buildings to unlock and enable investment and local control and use by the primary user group(s). In a usual scenario the requester is operated by constituted volunteer group, or more formally by trustees, or directors under differing governance models.

The purpose of the Cabinet report is to approve in principle the transfer of assets of Sporting and Leisure facilities, including more broadly any recreational land and associated buildings to community organisations, clubs and associations in accordance with the Councils Community Asset Transfer Policy, at less than best value in order to enable investment, improvement and long-term sustainability.

In line with the Community Asset Transfer Policy (2021) all transfers will 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. Under the proposals Rosehill Community FC, Penlan FC and The Friends of Coed Gwilym Park (Requesters) seek to

undertake the management of the land and associated buildings to unlock and enable investment and local control and use by the primary user group(s). The Requesters are operated by constituted voluntary groups, under differing governance models

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"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Older people (50+)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Any other age group	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Disability	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Race (including refugees)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Asylum seekers	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Gypsies & travellers	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Religion or (non-)belief	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sex	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sexual Orientation	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Gender reassignment	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Welsh Language	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Poverty/social exclusion	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input 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

Engagement with ‘Requesters’ has taken place at site visits, initial meetings to discuss working arrangement and support with funding opportunities. Requesters complete Expression of Interest form, which requires details on community consultation and partnership working with local stakeholders. Guidance from Swansea Council on the consultation process, will be available.

In line with the Community Asset Transfer Policy (2021) all transfers will 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. Under the proposals Rosehill Community FC, Penlan FC and The Friends of Coed Gwilym Park (Requesters) seek to undertake the management of the land and associated buildings to unlock and enable investment and local control and use by the primary user group(s). The Requesters are operated by constituted voluntary groups, under differing governance models

An OSDN is published for each of the sites providing notice of the intention to lease the sites for the purposes set out which provides formal opportunity for members of the public to respond with their support or objections to the proposals. These responses will be considered through the decision making process via Cabinet, in either a written or verbal form. The report set out the delegation on the Head of Property and Legal to have the option to return reports on

individual sites with full disclosure of any responses, should they appear contentious or hold significant risk.

The report aims to identify and define approved asset transfer principles for disposal, and provide a list of sites and the proposed leaseholders to transfer to under the principles of the Council's Community Asset Transfer Policy. Each application will require approval from the relevant Head of Service, the Head of Property Services in consultation with the relevant Cabinet Member(s). If Cabinet grants approval in principle to the transfers set out, then the Head of Property Services will consider each individual transfer in accordance with the Council's Land Transaction Procedure Rules.

In the event that any request is potentially contentious or requires detailed consultation due to a specific significance or any risks associated with the requester or to the Council, the relevant Head of Service will present another report to Cabinet detailing the specific considerations of the individual disposal, individual IIA for the site together with any further background information prior to any final decision.

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 No
- b) Does the initiative consider maximising contribution to each of the seven national well-being goals?
 Yes No
- c) Does the initiative apply each of the five ways of working?
 Yes 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

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"/>
---------------------------------------	---	---

Q6 Will this initiative have an impact (however minor) on any other Council service?

x Yes No If yes, please provide details below

Parks
 Nature Conservation
 Play Sufficiency
 Sports Development

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 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.)

Increasing the number of asset transfers offers community organisations the scope to develop and improve sites, by accessing funding which is unavailable to the Council. This model fosters community engagement and empowers volunteers to lead localised projects. In accordance with the CAT Policy, all asset transfers will 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 Council.

The proposals are not assumed to affect any groups/communities adversely, on the contrary it will address immediate needs expressed by the Requesters, by offering increased opportunities for engagement and improved facilities for all. The proposal also offers a sustainable approach to increasing participation in local decision-making, through the collaboration of local community groups in the day-to-day running of the listed sites. This model places the well-being of local people at the heart of the decision-making process and focusses on ways in which to enhance the listed sites for future generations.

Ongoing support will be provided to the Requesters via Cultural Services, to ensure that the community organisations encourage usage by groups of all protected characteristics, promoting access for all; community cohesion; sports and leisure opportunities; play; physical recreation; well-being and environmental initiatives.

The successful implementation of any proposal and granting of long-term lease as detailed within a business plan from the requestor, will be approved by the relevant Head of Service and will seek to achieve the following benefits as a set of key principles;

- Community cohesion through the ownership, involvement and interest in local facilities.
- Partnership working with the community in managing and safeguarding valuable community assets.
- Investment in modern, fit for purpose facilities which the Council is not in a position to provide.
- Increased access to local formal and informal sporting, cultural and recreational opportunities.
- Access to funding opportunities not available to the Council

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)**

(Q2) The activity proposed is 'low impact' as it is expected that the experiences of all groups and communities will be enhanced. The transfer will enhance the facility provision to enable them to further develop opportunities for the local community. The OSDN will adequately capture wider consultation within the community, albeit the provision of facilities will likely remain unchanged in the short to medium term, if at all - just instead local ownership of existing spaces for the benefit of a range of community users.

Where development is considered necessary to further improve facilities post transfer, these decisions are likely to require a further set of consultations through the planning process, which can further ensure there are no wider objections to a detailed set of approvals. This is likely to apply for any fencing schemes, pitch development to 3G or extensive pathways in excess of 100m² or physical infrastructure such as buildings. A requirement of all leases will be subject to planning permission being sought for any developments which are aligned to the original business plans submitted as part of the EOI for the sites by community groups

(Q3) Requesters have consulted with their communities and listed key partners and stakeholders within the Expression of Interest forms. Relevant local consultation has been undertaken by requesting organisation on their proposal, with support from the local ward member. This may also include consultation undertaken to seek investment and funding opportunities and publication of their intentions through a number of formal and informal means.

An OSDN has been undertaken in line with the CAT policy, and the cabinet decision making process, along with the delegation to Head of Property and Legal, together with oversight of the individual business plans means that all representations can be considered at decision making stages, or prior to and heads of terms of agreement for lease being entered into.

(Q4) The proposal takes into account WFGA considerations and will work towards local and National goals. Upholding a sustainable approach to community development. The Community Asset transfer policy, as approved by Cabinet and forming part of the constitution underpins this approach, to ensure that local ownership, sustainability and improvements are enabled through the decisions taken by the council to enter into a lease on the land(s)

(Q5) The activity proposed is 'low risk' and supports the socio-economic needs of all parties. There is positive impact across a wide range of user groups, with community cohesive scoring a high- medium impact due to the nature of the decision to enable communities to work together to improve local assets and amenities for community benefit.

The transfer mandates that the following principles are adhered 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'.

Our Integrated Impact Assessment (IIA) process ensures we have paid due regard to the above. It also takes into account other key issues and priorities, such as poverty and social exclusion, community cohesion, carers, the United Nations Convention on the Rights of the Child (UNCRC) and Welsh language.

All of the above will become a condition of any lease and future arrangement with groups taking on the responsibility for the site(s) and will continue to be actively monitored and managed by the respective Client Dept of the Council in accordance with any final agreements.

(Q7) This proposal will not affect any groups/communities adversely, on the contrary it will address immediate needs expressed by the Requesters by offering increased opportunities for engagement and improved facilities for all. It will also provide a sustainable model for future community development across Swansea.

Any change in provision or opportunities to use or access the site are fully considered within the business proposal and captured within the IIA process for the site. Future improvements or changes to the site, access or development will be subject to a further level of scrutiny, approval and planning permission requirements, which will entail further consultation on individual schemes

In the event that the Head of Service and relevant Cabinet Member cannot support the request principles, or the business plan provided by the requester is not acceptable or robust, the Council is not obliged to undertake Community Asset Transfers and the requester will be notified accordingly of the decision

If the request can be supported 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 any decision to fully consider the financial implications of the Community Asset Transfer 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.

In the event that any request is potentially contentious or requires detailed consultation due to a specific significance or any risks associated with the requester or to the Council, the relevant Head of Service will present another report to Cabinet detailing the specific considerations of the individual disposal, individual IIA for the site together with any further background information prior to any final decision.

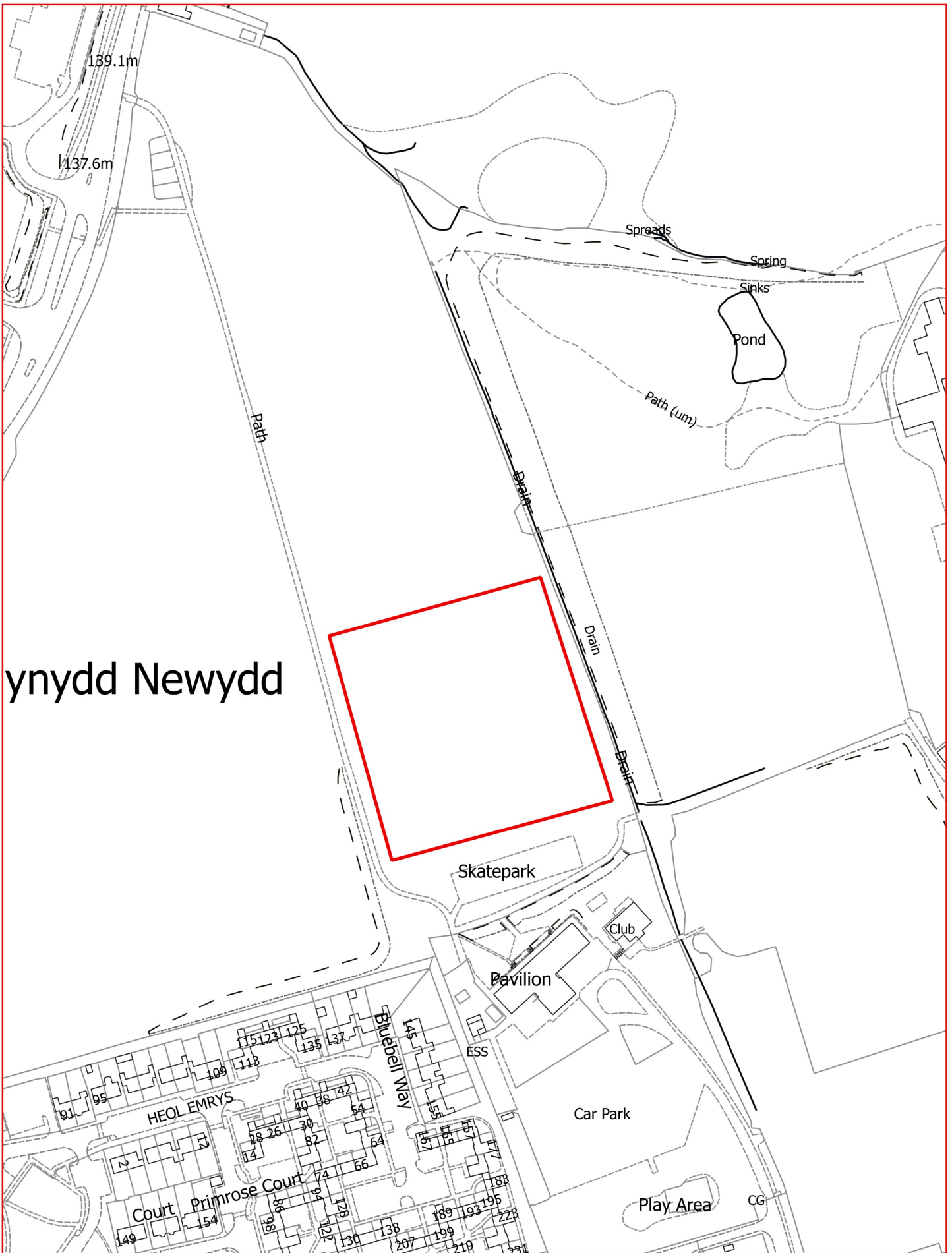
(NB: This summary paragraph should be used in the relevant section of corporate report)

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

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: Jamie Rewbridge
Job title: Strategic Manager -Cultural Services
Date: 20 Sept 2023
Approval by Head of Service:
Name: Tracey McNulty
Position: HOS Cultural Services
Date:

Please return the completed form to accesstoservices@swansea.gov.uk

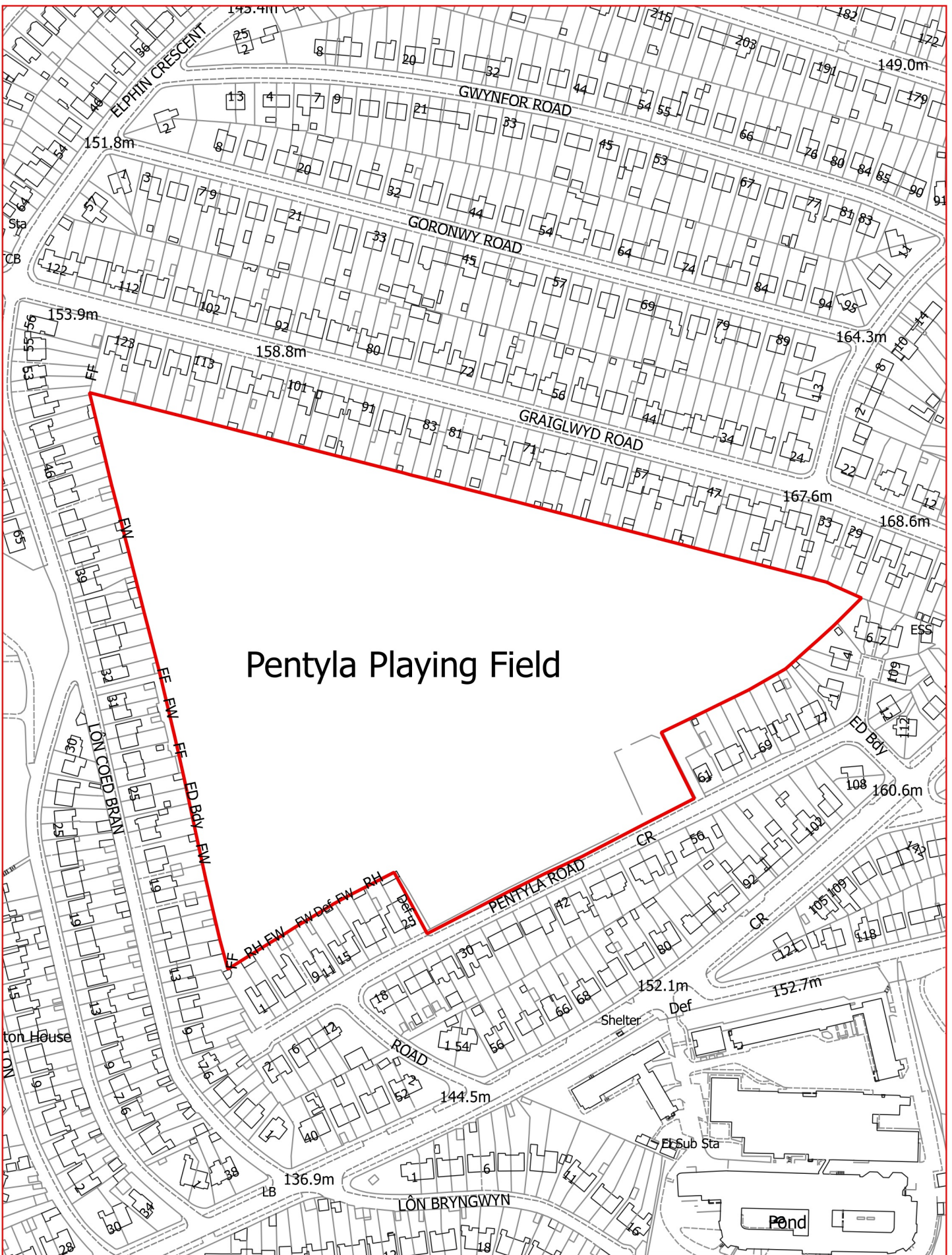


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Appendix B

Penlan AFC - Area for Lease



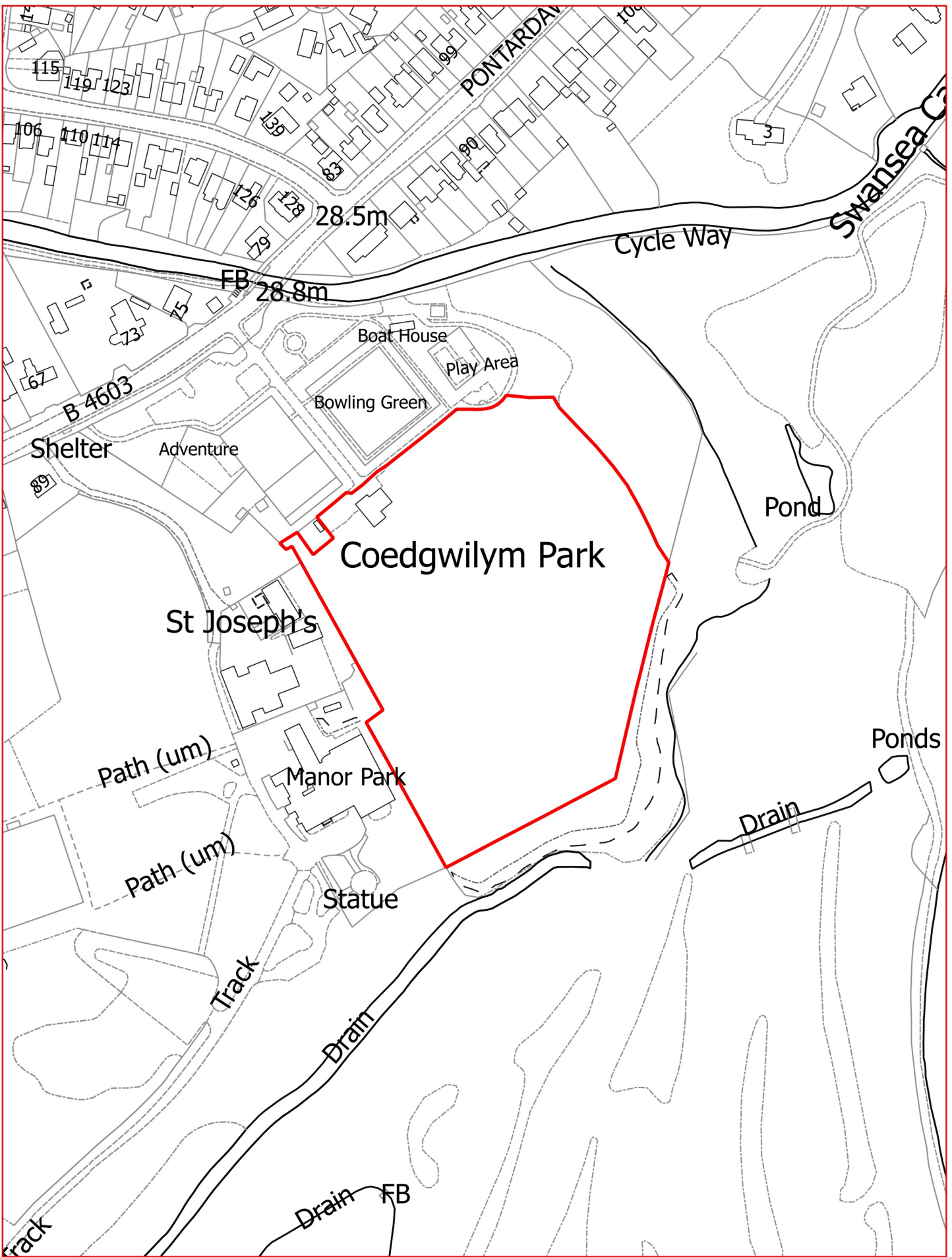


Pentyla Playing Field

Appendix B

Pentyla Playing Fields - Lease to Rosehill Football Club, Friends of Pentyla





Appendix B

Letting to Coed Gwylim Friends For Football



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

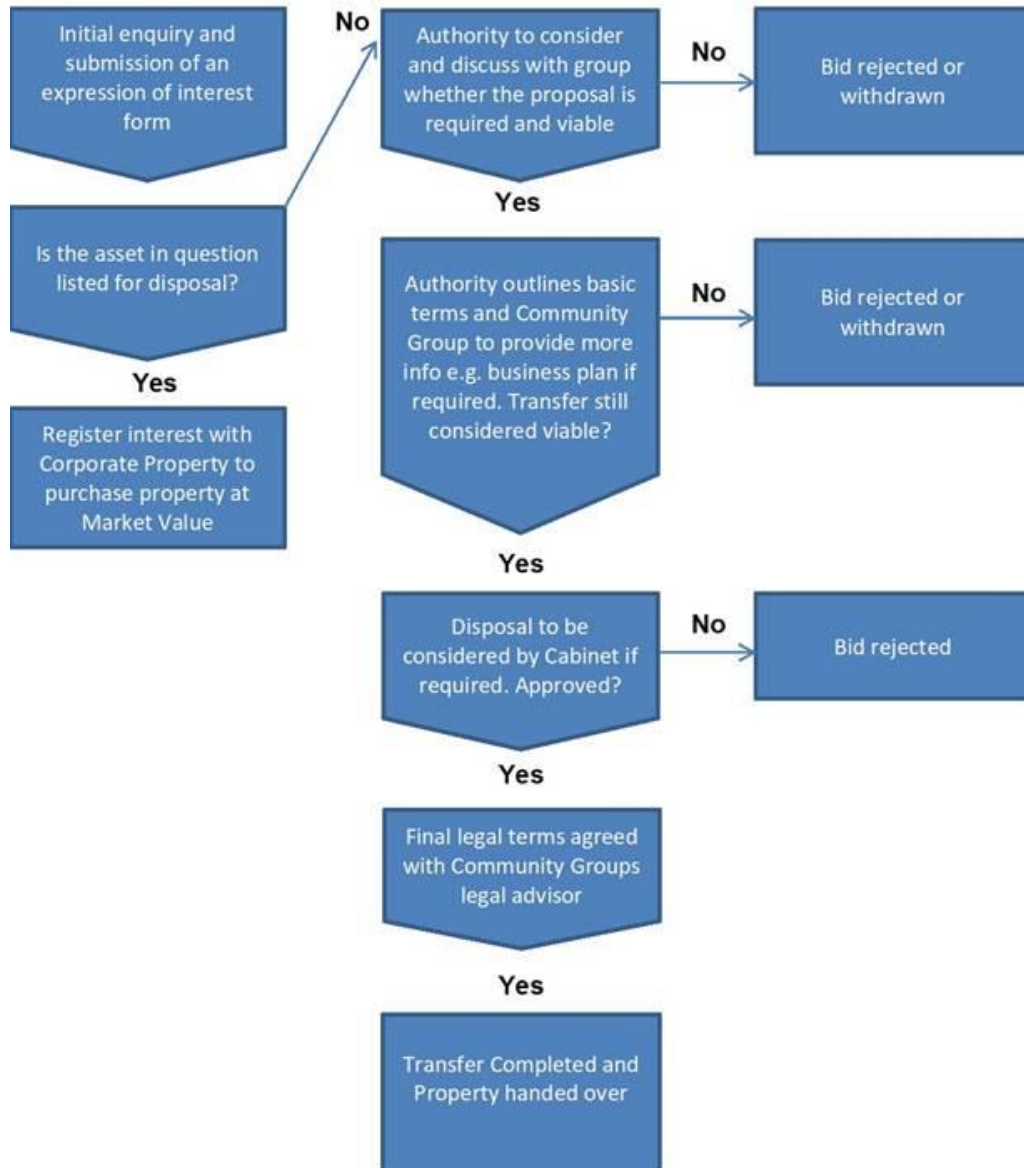
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- Some form of business plan, the detail of which will reflect the scale of asset being transferred
- A community governance structure (how local people will be involved in decision making in relation to the asset and its use)
- Evidence of financial 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.

<p>Community Asset Transfer Expression of Interest Form</p> <p>Please return to:</p> <p>Community and Voluntary Sector Partnership Officer, Poverty and Prevention Team, Civic Centre, Oystermouth Road, Swansea. SA1 3SN</p>
<p>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)</p>
<p>2.0 Organisation Details</p>
<p>2.1 Name of organisation</p>
<p>2.2 Main contact name, position in the organisation and contact details including postal address, telephone number and email address:</p>
<p>2.3 Purpose of your organisation, what is the organisation constituted to do?</p>
<p>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.</p>
<p>2.5 Provide details of your organisational structure including your governance arrangements.</p>
<p>3.0 Financial Health and Sustainability <i>(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)</i></p>
<p>3.1 Please attach preceding three years of your organisation's audited and signed accounts</p>

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.

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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?
(Consider whether there are any similar facilities in the vicinity and the impact this proposal will have on them)

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:

DATED 24 February 2020

**THE COUNCIL OF THE CITY
AND COUNTY OF SWANSEA**

- to -

**XXXXX
MANAGEMENT COMMITTEE**

LICENCE
relating to

XXXXXX
Building

Head of Cultural Services
Guildhall
Swansea
SA1 4PE

Ref. CMB DRC-17

THIS LICENCE is made the XX day of XXXXX **BETWEEN THE COUNCIL OF THE CITY AND COUNTY OF SWANSEA** acting by its Head of Cultural Services of Guildhall in the City and County of Swansea SA1 4PE (“the Council”) of the one part and XXXXXXXXX COMMUNITY BUILDING MANAGEMENT COMMITTEE acting by its Chair Person Secretary and Treasurer as duly authorised by resolution of the Management Committee to sign on its behalf (“the Management Committee”)

DEFINITIONS

In this agreement:

“the Community Building” means the XXXXXX Community Building the Management Committee and all members of the Community Building

“the Licence” means all the provisions of this agreement

“the Premises” means ALL THAT Community Building known as XXXXXX Community Building situate at XXXXXX in the City and County of Swansea which premises are shown for the purposes of identification shown edged red on the attached plan.

BACKGROUND

- 1 The Council owns the freehold interest in the Premises and wishes the Management Committee to run them as a Community Building for the benefit of local residents in accordance with the Constitution of the Community Building as set out in the Schedule hereto
- 2 This Licence is granted on the understanding that the Council requires use of the Premises from time to time for the purposes of its other leisure and community functions.

OPERATIVE SECTION

1 Extent of the Licence

1.1 The Council permits the Community Building to use the Premises to run them as a Community Building subject to the provisions of clause 1.2 below

1.2 The Management Committee's possession of the Premises shall not be exclusive and the Council may use the Premises for the following purposes:-

- (a) as a polling station when required for all local general and European elections
- (b) for community activities organised by the Council
- (c) for such other purposes as may be required by the Council to carry out its functions

1.3 Where the Council uses the Premises as provided under sub-clause 1.2 above it shall contribute a fair proportion of the outgoings in respect of such period of use which are otherwise payable by the Management Committee under clause 3.3 below

2 Licence Period

2.1 The Licence shall be for a period of one year ending on the XXXXX and shall thereafter continue from year to year unless ended earlier under the provisions of this Licence

- 2.2 The Licence may be ended by three months' notice in writing by the Management Committee to the Council
- 2.3 The Licence may be ended immediately by notice by the Council to the Management Committee if the Management Committee do not comply with their obligations under the Licence the Council having given them 28 days' written notice specifying the non-compliance and requiring it to be remedied
- 2.4 The Licence may be ended by three months' notice in writing by the Council to the Management Committee
- 2.5 The Licence shall not terminate as a result of changes to the individual members of the Management Committee and if either or all the Chair Person Secretary and Treasurer are replaced then their successors shall be deemed to accept the benefits and obligations of the Licence instead of the Chair Person Secretary and Treasurer so replaced

3 The Management Committee's obligation in respect of the Premises

The Management Committee agree as follows:-

- 3.1 To use the Premises only in accordance with the objects and rules of the Community Building and its constitution
- 3.2 Not to allow the Premises to be used in a way which causes or might be expected to cause nuisance or annoyance or disturbance to anybody

- 3.3 To pay for **non-domestic rates, water rates, electricity, gas, refuse collection** and any other outgoings in respect of the Premises (except those which the Council has agreed to meet under clause 4 below) and subject to the Council's contribution under clause 1.3 above
- 3.4 To keep the Premises clean and to maintain and repair the internal decorations furniture equipment fixtures and fittings and to replace the same where necessary
- 3.5 Not to make any alterations or additions to the Premises without the written consent of the Council and not to interfere in any way with the services or wiring or any other system in or to the Premises without the written consent of the Council. Any building, mechanical or electrical work at the facility using an External Contractor will require the completion of a Landlords Consent Form
- 3.6 To comply with planning and all other statutory requirements in respect of the Premises
- 3.7 To obtain and pay for all licences which may be required for the use of the Premises
- 3.8.1 To arrange public liability insurance with a minimum limit of indemnity of five million pounds (£5,000,000) in respect of the use of the Premises as provided by this Licence and the usual activities of the Management Committee and the Community Building and any specific matters which the Council shall notify in writing to the Management Committee from time to time
- 3.8.2 For the avoidance of doubt if any claim is made against the Management Committee for which they are not

insured or for which the insurance cover is inadequate then the Council will accept liability for such claims unless that claim has arisen because of:-

- (a) the dishonesty or fraud of the Management Committee or any of its members or
- (b) the insurance having been made void because of the actions of the Management Committee or any of its members or the failure of the Management Committee or its members to carry out a specific requirement or requirements of the insurance company providing such insurance

3.9 To seek the agreement of the Council in writing prior to carrying out any decoration to the exterior of the Premises

3.10 To inform the Council in writing within 30 days of any change to the officers or members of the Management Committee with details of such change

3.11 Not to grant any licence or share occupation of the Premises in whole or in part without the consent in writing of the Council

3.12 Not to assign the benefit of this Licence

3.13 To comply with all provisions of the Equality Act 2010 and Welsh Language (Wales) Measure 2011 and all amendments and modifications thereof, together with all appropriate health and safety legislation

3.14 Not to allow any member of the Management Committee to rent space from the Management Committee unless for a shorter period than two hours in any one year

4 **The Council's obligations in respect of the Premises**

4.1 To repair and maintain the structure and exterior of the building on the Premises so as to be wind and water tight and to keep in good repair the heating ventilation systems and electrical circuitry in the building and to be responsible for the internal pipework and plumbing systems, within Council criteria ;

- ***Urgent works that will prevent immediate closure of premises***
- ***Address an immediate high risk to the health & safety of the occupants***
- ***Remedy a serious breach of legislation***

4.2 To maintain the parts of the Premises which are external to the building in no worse a condition than at the commencement of this Licence

4.3 To insure the Premises against fire and associated risks as it deems necessary

4.4. To meet the cost of the installation and maintenance of fire fighting equipment at the Premises

5 **Affairs of the Management Committee**

5.1 The Management Committee shall produce to the Council by the first day of September of each year (or on demand) copies of their audited accounts and constitution

in respect of the previous year together with copies of all licences and public liability insurance

- 5.2 The Management Committee may retain any income arising from the use and operation by them of the Premises
- 5.3 The Council's officer and Elected Member representative may attend (but not vote) at meetings of the Management Committee
- 5.4 The Leader of the Council will nominate one Elected Member to be co-opted to the Management Committee

6 General Provisions

- 6.1 Any notice required to be served by the Licence shall be sufficiently served if in writing and:-
 - a) if by the Management Committee it is addressed to the Head of Cultural Services and delivered to Guildhall Swansea and
 - b) if by the Council to the Management Committee it is addressed to the Chair Person Secretary or Treasurer of the Management Committee and delivered to the Premises
- 6.2 The Licence constitutes the whole agreement and understanding of the parties as to its subject matter and there are no provisions terms conditions or obligations whether oral or written express or implied other than those contained or referred to in the Licence

AS WITNESS the hands of the parties the day and year first before
written

**The Schedule
(Constitution)**

SIGNED as a **DEED** on behalf of
**THE COUNCIL OF THE CITY
AND COUNTY OF SWANSEA**

Head of Cultural Services
Authorised Signatory

SIGNED as a **DEED** on behalf of
[]
**COMMUNITY BUILDING
MANAGEMENT COMMITTEE** by

.....

Chair Person

.....

Secretary

.....

Treasurer

Agenda Item 7

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 5.00pm	<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 22 Apr 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 20 May 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 17 Jun 24 4.30pm (tbc)	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 TBA July 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