

## **Appendix B - 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)

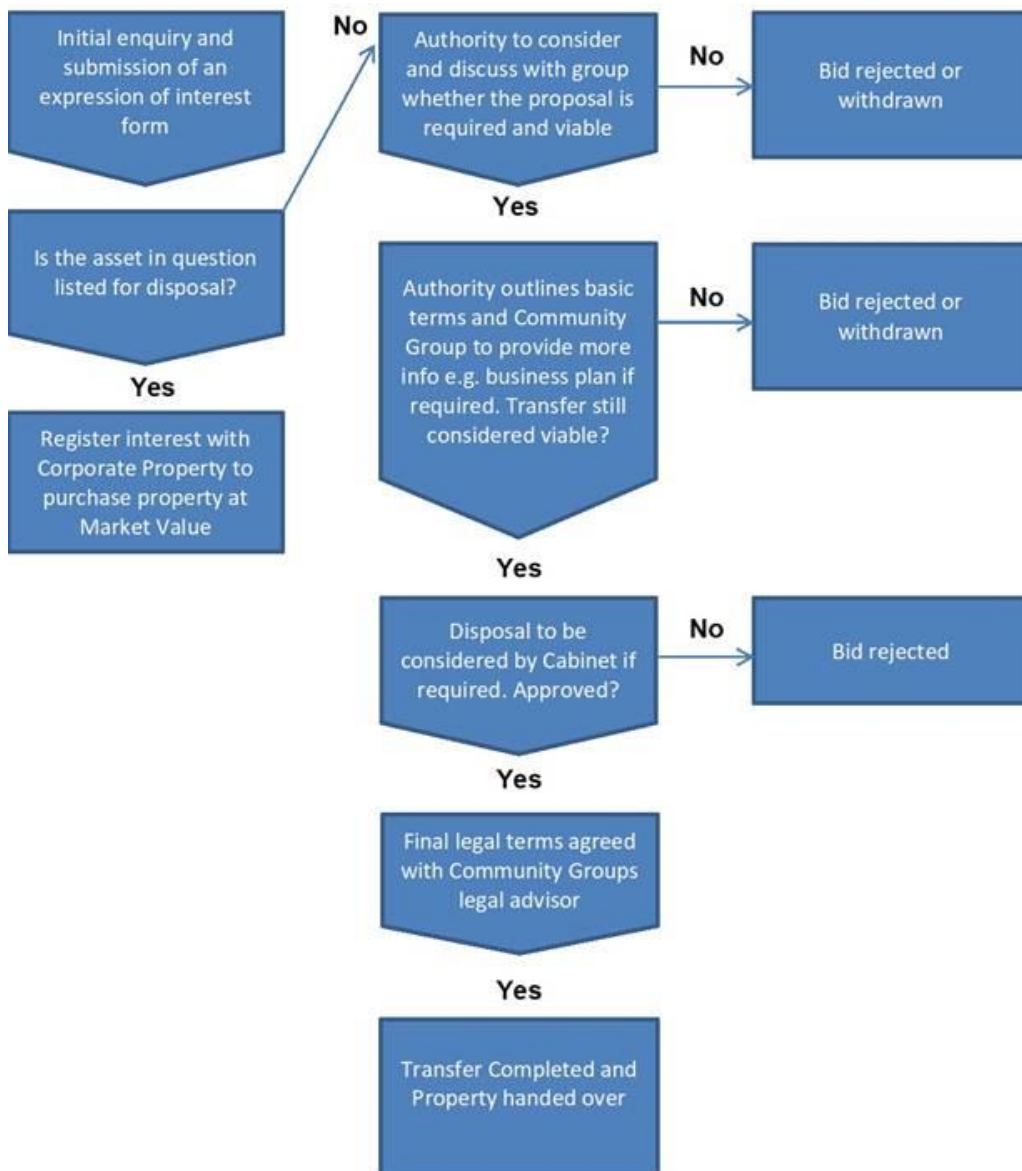
- Evidence of financial support for future development
- Liabilities and how these will be addressed
- How they have considered the effect of the opportunities for people to use the Welsh language; or how the Welsh language will be treated no less favourably than the English language? How the decision 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

## Appendix 1

## 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.

<b>Community Asset Transfer Expression of Interest Form</b>
<b>Please return to:</b>
<b>Community and Voluntary Sector Partnership Officer, Poverty and Prevention Team, Civic Centre, Oystermouth Road, Swansea. SA1 3SN</b>
<b>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)</b>
<b>2.0 Organisation Details</b>
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
<b>5.0 Proposal</b>
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
<b>6.0 Community benefit</b>
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:**