

Community Assets Scrutiny Inquiry Panel Meeting on 22 April 2024 Notes/transcript

Jamie Rewbridge

- The purpose of the report was to ensure that the Community asset transfers are working for the best possible outcome. Your first questions around the list of the Community asset transfers that have taken place and those in the pipeline. I tried to answer this in terms of listing those that have completed through the process and is in the process and I focus on that. Those more formally, through the more recent Community asset transfer policy is included as an appendix within the report. Also, there are those that predate that and were undertaken through the Council's well-being powers, where decisions were taken and assets were transferred for the continuation of services, but done under the Council's well-being powers as opposed to through the formal Community asset transfer approach
- The Community asset transfers that are listed in the report are varied and include built facilities, centres, leisure centres. There is a variety, those are going through that process at this given time. Therefore, we are talking and engaging with those relevant key stakeholders that are requesting the Community asset transfer. We are not bestowing that upon them. We receive a request consider what that request looks like, how it fits within the policy and what a workable solution to accept in that will be. So, within that there is a range of balls, greens, parts of parks and woodlands, playing pitches, built facilities as part of those playing pitches.
- Talking through that process then in terms of receipt of that expression of interest for said land/building the intent and the purposes that the group wants to take forward. That process would then assume the relevant key stakeholders to be identified and be consulted for the request to formally be considered and may require an open space disposal notice in order to follow reduce process and be part of the decision-making process.
- Fundamentally it is not as quick as many would like but as you can appreciate because of the complexities can develop and important to ensure those that have delivered local benefit. I cited in here some much earlier ones because clearly the Community asset transfer policy is relatively new. Those benefits are likely to be over a longer term because the nature of some of the leases where entered into varied, 50 year plus in some cases, therefore we may not have preredquired the benefits right now, but the intentions and the understanding of what those benefits will need to be understood at the at the front end. Like those ones that I can identify within Swansea Tennis centre and the bowl centre which were done under that well-being powers back in 2000 and then 2011 and for different factors in terms of the future sustainability, the future decisions around the budget available to operate and run those facilities
- The well-being powers helped to forge forward an opportunity to engage with the key stakeholders that had a keen interest in the success and the future of those sites. And we ended up with long term lease arrangements that save the authority money in terms of its revenue budget to operate them in terms of the ongoing liability for the capital into the asset. And then also the sustainability, the delivery of it, which is fair to say in both those facilities as I have used as examples, they have flourished and have gone from strength to strength and we report the success of those relationships and those partnerships every year. We have just done it recently to Cabinet which highlights the benefits which we are now yielding as a local authority as other Community in terms of the success of those venues.
- Another sites which are a bit more recent include Underhill Park, Mumble skate park. The have pulled in multi-million-pound investment as a result of enabling those transfers into those two prominent sites and thousands of visitors effectively enjoy those spaces.

- Code Gwillim is another example, parts of the park, as have over the recent years, been transferred and has unlocked opportunity for investment through the well-established Friends Group there. And that friends of group then really engaging with the wider stakeholders that have a keen interest in in the success of that of that site. And that includes the bowls, football, the Canal Society and other key stakeholders, and they are really working under an umbrella organisation to take that forward.
- Your next question was about what have been the most challenging I felt was a little bit unfair to start to cite a specific examples of what had been challenging. They can all be challenging in their own right because they are all very different. And I guess highlighting those is a little bit unfair in in the document like this. I have therefore highlighted of the key points of the theme.
- First one is the pressure. You know we are dealing as an authority with requests to transfer assets, there is usually benefits for the organisation behind that and some of those benefits are opportunities to unlock capital investment and support from external bodies, and that's something that they are unable to do under a lease. This does put pressure on to try and get it done as quickly as possible, because that group or organisation want to apply for a grant which soon. As I said at the start, it is a process, it has got to be done right. It has got to be done in the right order and that inevitably takes time.
- Another is open space considerations and these are complicated and there is no way around that. They are complicated, so they need to be done right. And that process needs to be followed, otherwise it can provoke objection.
- Also, where one or more clubs or organisations want to express an interest into the same parcel of land and they are not able or willing to work together. That can cause some conflicts. So, we have got to manage that as an authority to make sure we are making the right decisions around any future tenure and any future relationship that we'll end up having with that organisation. So where possible, we try and get groups, clubs, whoever they may be, to collaborate together and are also then stronger.
- There is a specific point in that policy that says, more often than not, there should be an initial element of financial benefit to the authority. And I think through the ones that we have dealt with and the ones listed in the report, fundamentally they will be down to longer term maintenance costs, which could be saved by the authority grass cut in maintenance, etcetera. Could be the maintenance of buildings, it could be any examples that I cited like the tennis Centre, it is the revenue budget that goes into the operation providing that that facility as an available facility to the public. So those are the factors that play into it and really need to be understood by those that are expressed in that interest in it, that those costs ultimately transfer to lease holder. So that covers it on that element. Do you want me to dive into the community asset transfers bit now.
- With community centres, you asked for information in regards to community centres and a copy of the annual licence which is shared and broadly there are forty of those. There has been a long-standing arrangement and it is held in good regard, in terms of the approach and the way that that is managed. They are licences, they are not leases, so they are very different from the Community Asset Transfer principles, which I've just previously outlined, whereby the Council still retains responsibility for that building.
- In terms of that licence, the operational management is down to the to the committee with the support of a very small team in the council, which is based within cultural services, which are community development officers which support that compliance element, health and safety, training, funding opportunities. Very different model to a community asset transfer, but the principles about empowerment and allowing others to have influence and an oversight of the operation of those facilities, the principles are the same. But I would say it is one step back from handing over an asset and enabling an organisation to run with that for a period of time. It needs a little bit more careful closer, closer management.

- In terms of what has worked well in terms of with Community centres it is the retained Community development offices in place to make sure that ongoing liaison is there with the forty community building committees etc, making sure that we highlight operational building risks etc. But I think there's always ongoing challenges because the number of these buildings are ageing. There is they are used by multiple users throughout the week, so brings operational challenges when operating in any building which is available that to the Community.
- Question Six then was about consultation. No formal consultation at this stage in terms of how CAT is as a strategy and how it is working. However, what I would say is the policy, the framework and the CAT policy in itself went through the formal decision making of the Council. So, the relevant cheques and balances, consultation, opportunity for wide variety of stakeholders to engage in that process before signing off the CAT policy was undertaken.
- We do need to consider what the relationship needs to be with the variety of organisations who are operating to ensure that are acting as intended. The retained corporate knowledge is absolutely key to make sure that we understand that landscape out there. We understand the organisations that that have arrangements and leases for a number of our sites and we are there to support that to.
- In addition, I think what can also improve the process is around that legal process. We are learning as that the template leases that are being developed can be replicated across the board. So, there is a bit of a blueprint, for everyone requires that. It is necessary to have legal input and the back and then the fourth because every site is different. If they all have their new nuances and the time it takes to get that over the line. It can take an extended period of time.

Stuart Rice

Thank you for is it is comprehensive and you have engaged well with the process of the inquiry giving information. I have got a few follow up questions and I am sure probably other panel members do as well.

- We spoke about the yellow licence and that the Council was in the vanguard in introduction of those and that they work well. Also engaged in that yellow licences is support from the department and from the Community development team. Is there an opportunity to look at the extension of those yellow licences to other circumstances rather than just community centres. I know that one of the things that holds a lot of people back is the requirement in their mind for release because the requirement for releases so that they can show security of tenure so they can then get a grant or funding. Is there potentially a way a middle ground where you could have something not dissimilar from a licence, but it could be accompanied with a statement of a statement of intent, or a letter which would secure a funders belief that you would have an influence over that building over a period of time? If you had a letter of statement of intent from the authority, that may well assist so that that was one area to look at. And I know that Jeff will come back in on that one.
- The other area I was particularly interested in is we've been looking more and more into parks and green and open spaces, and one of the things that strikes me is that on some occasions we will transfer parts of parks or parts of green space and on other occasions we'll transfer the whole lot and there doesn't necessarily seem to be an easy understanding of why that's the case.
- And what would you think would be a good model of support for these CAT organisations going forward, if we were in the ideal world and then we have talked about needing more resources, would it be something similar to the Community development team or would there be something else? Because what do we do in terms of supporting them and ensuring the due diligence going forward? Like you said that on day one and day one hundred they are doing the same thing as they intended to do.

- **Geoff Bacon**

There is no consultation process but they do go through constitutional process.

- The question was asked about yellow licences, whether there's alternatives, whether a statement of intent would do more often than not. When there was a request which meets grant conditions and we are asked for statement, a letter of intent, we will always give that, but what I will not actually be doing is giving an organisation possession of an asset. I have been involved in a very recent situation where we have done exactly that. We have enabled a group to take possession early before we go through the process and in a way that was quite a good, good example and a good way of testing it out. But in that situation, there was an empty building and it was not fully a CAT process. When you are actually transferring the delivery of a service and an asset and the building it actually closed, it had ceased to be a community building and an organising organisation came forward. So, we facilitated it to let them give it a go.
- The reality is within a short space of time, they are asking us to do some works that actually were not going to be our responsibility anymore. So, instantly you found out the issues that you sometimes have at least is the expectation of someone takes it on and they run a building. They are taking all those responsibilities. If it reverts back to the Council at any point in time, there is a problem because the money would have gone, that budget would have gone and officers who would be supporting those elements of provision of support would have gone. So that is where we have some potentially sticky situations. I advocated when I came before.
- The yellow licences for me work perfectly, they are they are a straightforward way of transferring and giving autonomy to groups, but it comes with a lot of soft support, and that is the benefit if you don't have that soft support which is late, which is resource intensive. And I know that resources are they are going to reduce if you do not have that soft support, that is what those groups need. They need to understand how they deal with not just the compliance issues, the hard issues if you like, but the wider issues about how you actually run a building and how you run a service.
- And that is what Tracy's team is very good at in terms of giving that soft support, but they've been hit over the years with ongoing budget cuts, and that's the reason why, it's a service like all of us is probably struggling. But in simple terms the licence, they are a good way forward.

- **Tracey McNulty**

Just want to remind us all that there was a strategy for the authority, which was agreed corporately by Council, called Sustainable Swansea, of which there was a work stream of Community Action and Community Action, really was an endeavour to withstand austerity. By working more collaboratively with the Community and enabling Community groups to take ownership of services that were at risk, assets that were at risk of decline, so our service cultural services took the lead on that and the licences for community centres emerged from that strategy. That way of working and there were a few tests that we had in terms of thinking about how those licences may apply to other assets.

- Would transferring or licencing the management of that asset protect it and protect the services for the Community as opposed to moving an asset on for another purpose? So we asked ourselves, OK, that that service is important to the Community. Is this group constitutionally and organisationally credible enough to keep the use and the management of the service? And then the third corporate question was whether or not the authority needed that asset for any other purpose such as a field that may one day have a school or a housing or something built in it. So, all of those things came together and over the last 10 years have brought us to where we are, which is having a formal policy and a formal process end to end.
- But those cheques and balances remain throughout in respect of the status of the organisation, the business plan, the credibility, the governance and the maintenance and sustainability of services. So, when you think about a park in it in its wider sense, only

some parts of a park are needed to maintain or to retain an activity within the community and that might be a really easily identifiable football pitch.

Stuart Rice

- If you look at where we are in the direction of travel with CAT at the moment, there are more and more parks or green spaces being transferred, some of them are in large sections, almost the entirety of the space. What strikes me is the knowledge of the organisations taking them over in terms of duty of care or due diligence. Just as an example, if a tree is on the boundary of a park or green space is taken over and it is heading towards falling over into a private property, it is those kinds of levels of liability and responsibility, which I think are quite maybe testing for a small community group. Also, I just wanted to understand how and why we have made a decision between all or something in some cases and how we went about doing that because I know of an example where there are football pitches but there's probably 7/8 of the park which aren't football pitches, but it's all been transferred.

Jamie Rewbridge/Cllr Robert Francis Davies

- It is on the case-by-case basis and we have gone full circle with some of them. There's been requests for asset transfers when it's been the whole park when they've realised some of those areas that potentially don't benefit them and just create a further liability, there's been a withdrawal of the intent to take on the whole park, and that's where we've come back to taking on parts of the park i.e. the bits that are interest for them to continue to grow and prosper as a football team, as a bowls club, etc and that's where we've then found. So, I do not think there is any one-size-fits-all really, it is based upon the information that is presented, the learning and the understanding and the appetite and skill set of the group that's taking it on. But what we try and do is highlight that through the process so that there's full understanding at the upfront.
- In relation to trees etc that is almost always been done at the front end, if they were considered as something which is, too difficult to manage for a local organisation, we've looked at amending the lease so that the lines of responsibility are clear though what is in and what is out and it's then further informed how that lease has been developed.
- About using licences for pitches, parks, etc and taking Jeff's point community centres is a really good example of that, but it limits that ability to draw down grant funding. The FA W will not give a grant under a licence or a letter intent. They will have nice warm conversations with those groups and organisations but they will not send them any money until they see evidence, normally a signed lease or at least an agreement to lease. That is a really fundamental point around many of those listed in here that it is a real red line in terms of a lease. Can we do licences with regards to it yes, we already do often as a precursor to a number of the leases that were there in a self-management agreement and we have been doing them since about 2016 whereby rugby, football bowls clubs, they take responsibility for elements of the operational bits. Aside from taking ownership of the land, being responsible for maintaining the grass and doing the weeding and the drainage and all those sort of things, they get to benefit from not exclusive access, but preferred access

Stuart Rice

- Just pick up one last point for hopefully bringing up other people in is in terms of consultation and bringing the whole community with you because that is quite a key part of the guidance and the document, I know it is the trickiest part potentially of everything. So, what can we do to ensure we bring more of the whole Community with us? And what should we see as bare minimums in terms of consultation with local members, for instance?

Jamie Rewbridge

- It is impossible to bring everybody along because you are never going to get to everybody. I think the important bit and I think this is what we have now started doing

with those groups and organisations that are coming forward is in the first instance to say you need to engage with your local members with your wider local community to ensure that everybody is comfortable with it and can support the principle so they understand it. A formal open space disposal notice is consultation and is available to everybody. So that is an opportunity to open up to a wide as possible to seek not only objections but seek support for it to consult in the wider sense on in plain enough language. So, everybody understands what the intentions are under the asset transfer process that that we are proposing.

- You asked about potential it to be used as a virtual land grab in terms of an organisation or group who comes to get a piece of Greenland which they feel be useful for them for any sport or any other purpose, but they do not really have a root in the community. I think that is very important that we write into the lease what it's used for. It is a community asset; therefore, it remains a community asset. It is to be used for purpose in which they originally transferred whether it should be public, open space or park and they maintain the park playing fields for the use of football, rugby, or cricket whatever. When that stops being that asset should then transfer back to us as a local authority.
- **Chris Holley**
I think there is a fundamental difference between buildings and land. I think the asset transfer of say the tennis Centre specifically had a special, a group that was already formed to run them and you know from experience that they are more than more than willing to be able to do it. So, that is a fundamental difference between those buildings. Because asset transfer should be a community-based facility that leaves for the community and not for the Council just to dump it on somebody else to look after it. I totally agree with them on that. So, there is 2 questions that we got to ask ourselves is do we or should we split up playing fields and changing rooms? I think that is the first one and the other one is do we communicate or do we have a conversation with the funding bodies like the Football Association of Wales? Maybe the Welsh Rugby Union? I am not sure. Else we would need to talk to about other sports, cricket and hockey and that type of thing. Does there need to have a conversation with them to do just to find out what when they give grants, how do they give the grants and how the due diligence on that grant is given?

Robert Francis Davies

- First thing I have said to people, make sure you get your own legal advice. It is not always easy running a company. It puts if you are a trustee of a charitable company. It is exactly the same as being a director of a limited company. You must put your accounts in on a yearly basis. You have a statutory duty to make sure in the best interest of that charity/limited company. So, I think we have got to safeguard and it is about co production and working with people as a community asset. But the community comes first. I think it should be something that, you know, you have got to be part of that community.
- **Susan Jones (Councillor)**
I just wondered if there was information with the playing fields or the parks about the public rights of way within this area, so that people still have access. And my other question then about Community centres, when the committees get too old to manage, is there a process some way it goes back into Council run Halls.
- **Geoff Bacon**
It will depend on the individual circumstances. There may be some formal rights of way or easements on a particular site that we know from our discussions with legal colleagues or if we are going to be undertaking and doing a report on title. What happens is once something becomes made available, then people will claim rights away and then that makes it more complex. You will only know once something becomes in the public domain, then that may follow from a public open space notice for example, but normally anything that is formal or documented we will have information on.

- The question my response on what happens if you have a situation where a lessee or a tenant or a committee who basically have taken on a lease cease to be willing or able to run an asset is there a problem in terms of reverting back to the authority. Is that the infrastructure that existed in the Council a few years before might not be there anymore, so it might not revert back to the Council because there may not be ability or capacity to take it on, and that is always the danger.

Alan Jeffrey

- I was just thinking what Jamie was saying then about committees getting older. I think trying to get younger people into manage the committee is getting increasingly difficult. But what I wanted to say the situation is well established with community centres as far as managing and retaining the concept of a yellow licence. I was just wondering is that strategy likely to continue sort of indefinitely or are there sort of any thoughts that an asset transfer would take place in the future, as a consequence of the financial support fading away from councils.

Jamie Rewbridge

- The team delivers to those are primarily on licences, is why it is such a good it is just such a good system is because it they can future proof wherever they can enable those committees to look at how they can try and bring new people. And I know that's difficult but you won't have that necessarily if you're looking at a community has to transfer because that is a new process and it isn't going to be supported to the same extent as the yellow licences and the community centres are and that's why I think that's one of the key areas where more resource would be needed to ensure the benefit and sustainability of those of those CATS. But that is a new additional resource and I think that is going to be very difficult to try and achieve

Tracey McNulty

- I think it's also worth remembering that even though we have a policy that enables a very clear process for asset transfer, however frustrating some people get with that process , we are not obliged to transfer, we have as strong a framework to say no as we do to facilitate it and you know, as I said, a bit earlier that's predicated on the business case. Their intention, they are organisational structure, their constitution should set out their purposes and intents, and that is what's monitored. So, the risk of the land grab is not particularly a strong one it. But that is why we have processes to make sure it does not become strong.
- The thing about community centres is a different scenario because of the multiplicity of use and the acknowledgement that like a library it is quite often one of the few neutral spaces in any given community. Some of them are in you know some of our most deprived, some are most densely populated spaces and they are a place to go to social activity. Sometimes it is the only place that one may associate with people in in their wider community regardless of age. And that was the basis that we drafted this model to begin with was that we would work our role would not necessarily be to pay all the bills, but it would be to support the committees.
- So that there is no expectation on our part to begin to think about you know any other model in our respect. And I hope that offers some assurance we recognise these are Community assets as opposed to disposable assets for the local authority.

Robert Francis Davies

- We have seen over years cut back, it is some of the most important thing we do is getting our community together, working in our parks, working in our leisure centres, working in our community centres. And I would personally love to see us getting far more money, put it back into cultural services to build those services up.