

Community Asset Transfer Scrutiny Inquiry

Notes/Transcript 20 May 2024

1. Community Councils, Councillors, organisations and public submissions

Adrian Lester – Swansea Co-housing

He was asked over and above submission: What is your main thing that they think they should be improved?

- The overarching thing in our response was looking at the tone, the general attitude of different councils towards Community asset transfer. Some being much more proactive in that sense than Swansea and seeing much wider benefits. And if there was going to be one take home, I think it would be on those wider benefits that it is not just about the value of the asset, it is about the long-term value that services provided through that asset can provide for long term value. That asset if it is a built asset being maintained in good condition, can provide and the long-term savings to the Council from not having to maintain that built asset after it has been transferred, so they are the key strands that go significantly beyond the sort of the immediate and realisation of market value. That needs to be built into the thinking so that rather than being restrictive about the conditions under which a transfer might take place, actually it is more of a process of seeing the potential benefits and then verifying those benefits if they look realisable. Starting from that positive mindset that the other Councils seem to.

Chris Holley (Councillor)

- You commented on the long-term benefit and what benefit you would receive from that asset transfer. The problem as I see it is how do you measure that long term benefit. I think that's something that's part of the reason that this inquiry panel needs to look at the benefits of asset transfer and what would you consider to be long term as opposed to what we might consider to be long term, because I have a feeling that you know councils civic time is probably around about four or five years between elections, so it's difficult for us to give them the legal problems that exist with community transfer to actually do one within that period of time for the want of a better term. So, I think it would be interesting to hear what you have to say about what you consider to be long term sustainability and benefit.

Adrian Lester – Swansea Co-housing

- The sort of the electoral cycle of 4-5 years is at the bottom end of that, that spectrum not necessarily completely outside of it, but definitely at the low end. There are benefits to be realised in that time scale. It depends on the particular project that that is in question and the particular asset. When I wrote the response and consulted with my colleagues, we were all thinking more in the sort of 20 years' timescale than the than the five.
- There is a wider picture about sound financial planning. In government, both local and national, and actually needing to think of beyond short-term electoral cycles. I would hope actually that in Swansea, where we have got a party holding the Council with a significant majority and therefore a fair likelihood of continuing to do so, that sort of thinking might be in play.
- If we flip this on its head. If the Council is genuinely constrained in terms of the length of time over which it is able to recognise a benefit, then actually putting that in black and white in the policy would be immensely helpful to those organisations

applying for a community asset transfer, because we know what we were working with in that first instance.

Chris Holley (Councillor)

- That is a very good idea and something that needs to be considered by this panel.

Stuart Rice (Councillor)

- That is a good point to pick up. One of the things that struck me about your submission and also your references as well to Southampton was the capacity that you felt the Community had to run services which were not necessarily Council services, but former council property. I thought that was quite a strength of what you said that there was something in asset transfer which was not only about protecting services in the original formats or buildings in their original formats, but something new and different. And I wondered if you had any particular ideas that you thought Swansea should be looking to entertain, given your housing background.

Adrian Lester – Swansea Co-housing

- So that again ties in to the previous point, is that it is about the open mindedness of the way these things are looked at and the existing Swansea policy is very much asset transfer is a way to carry on the service in the place without the Council having to pay for the service. Whereas other councils in Southampton's one example I cited a couple of others as well really look to it as a way of providing a service in an asset which is available. So, taking the housing example, I mean we're looking to provide essentially affordable housing in perpetuity through a Community Land Trust and the buildings in which that's done does not have to be previous housing, they could be previous office space, they could be previous industrial space, they could be previous derelict buildings were housing or something else many years ago. And by doing so again, we come back to where we just were in terms of the long-term benefit that that means that housing burden on the Council is then reduced. Community asset transfer could provide the right the right assets in the right locations.
- As somebody considering or potentially considering Community asset transfer. What support would be desirable from the Council is to take you through that process. I am aware we are not necessarily the most typical example because we have people on our board with a policy background, we have architects and developers on our board, so people who are more used to the processes from our point of view.
- I think having clear guidance which stated those conditions and constraints from the outset, gave a reasonable idea of how to make the case and be open to the to the concept in the first place. It would also be immensely helpful to have known points of contact within the Council. So yes contractability, clarity of documentation, clarity of requirements. And case studies, example of submissions, those sorts of things.
- One other thing, and it is something I touched from our in our submission that that I just wanted to flag. There is very, I mean at least one site and I do not want to name sites given that this is going to be made public. But there has been at least one site that we had the potential to be involved in, which was adversely affected politically by Council activity around a different nearby site, which actually we could also have been interested in. And really, that was to an extent, predictable. These are these were going to be controversial. They were obviously controversial places and I would urge the Council, when you have an asset that you know, has the potential to be controversial in its disposal go out and talk to community organisations first.

You're not committing yourself to anything, but it may provide a route to actually dispose of that asset, which in both the cases I'm thinking about, the Council's still responsible for looking after to dispose of that asset in an expedient manner. With a positive community outcome, rather than both ending up stuck with it, and because of the form of proposal or consultation that's taken place, ending up with such a community backlash that no one else can do anything with it either.

Stuart Rice (Councillor)

- Those are two really interesting points you make about case studies and mentoring, from external organisations who have gone through the process rather than necessarily through the Council itself, because capacity is always going to be an issue faced by the Council.

Matthew Bailey (Councillor)

- I have been involved in a couple of community asset transfer both directly and indirectly. Some of the issues I have highlighted include would be to have a single point of contact for asset transfers, the person we spoke previously said would be good to have a names contacted in the authority. We have had a single point of contact, but quite often that person has other things in their portfolio and I know what costings and financial pressures come into it, but it would be really good just to have one person whose sole job is community asset transfers and they have got nothing else within their portfolio.
- The second point is to have a transfer process for taking on a community asset transfer. Seeing the documents that were sent out prior to this meeting, I think you have already got really good examples from other local authorities, so that ball is already moving.
- I think there really should be a minimum threshold for community consultation, so quite often what is important to a small group of people is not always important to the wider community. So, I think when we are using a community asset, are we going to change the use of Community asset or somebody else is going to take it over. I think there has to be some level of consultation with the wider community. What that looks like. I am not sure but trying to get a cross section of the community I think is really important.
- One of the issues I had when we were looking to take on a community asset transfer is trying to get detailed costings. One of the big issues is the authority. For example, if we're going to take over a park the authority doesn't really have split down costings as to how much it costs to cut the grass in that park, how much it costs to do the weed management in that park, how much the insurance is for that particular play area, because the authority tends to sort of group these into large payments. So, they have an insurance for the whole Council. It'd be really good if a group of a particular asset that the community the Council could work with that Community group to try and help them get an idea of how much it's going to cost. You know they are not experts, but they can also does have that expertise to help them develop some sort of business plan just to make sure that their idea is feasible.
- The other thing I have looked at then is legal queries. I think legal queries in general, whatever you are, and will take forever. But again, just having a single point of contact, not just for the Community, has to transfers. Not having this can slow things down. Sometimes you are waiting months for a simple answer. So as a single point of contact for legal queries would really be useful.
- The other thing I have said is that with regards to finances. I think it would be really good if the Council could consider how much it would cost to renew asset transfer if the Council did not hand it over. So, for example, if that asset transfer cost the

Council £10,000 per year to run, the Council could give that group that has taken over that asset £30,000. So, three years' worth of cost but they only give that £30,000 after three years of that group successfully running that asset. It is what the Council would have paid anyway, but they are paying it in retrospect. So that could help the group as well financially, and that might bring some other people to the table to take on more assets as well. It lessens the risk for the Council and lessens the risk for that group as well.

Stuart Rice (Councillor)

- It compounds on what you have said in your written submission as well. I think the key thing you spoke about like a minimum level of consultation being important and I definitely think that is something that we need to look at. And one of the things that I read in your submission, correct me if I'm wrong is that there were a number of people interested in the same assets and it was the process by which that there was clarity about that because I think at the time you it was a community council. And also, another third sector organisation we are both interested in having the same asset. But can you tell us a little bit about how you felt that went?

Matthew Bailey (Councillor)

- I think the Community Council at the time just found out by accident that there was another group also having discussions about taking over a local play area. And both of us had a really good case to put forwards, and both had lots to offer. It is just for a couple of months we had two groups go in different directions, Ehen there could have been an approach where we could have come together and work together from the start and I think that could have ironed out a lot of issues if we had worked together from the beginning. That could have just been miscommunication, cross ties but it that single point of contact in the authority, if we had that moving forwards, which might help as well.

Stuart Rice (Councillor)

- Wearing the community council hat are do you feel that community councils, where there is an asset looking to be transferred, should be like a guaranteed consultee, somebody that should always be told about what is going on?

Matthew Bailey (Councillor)

- Definitely. I think the benefit with the Community Council is that they are elected, they are publicly accountable. If people are not happy with something, they can go directly to a Community Council and hold them to account for their actions. They are one of the closest levels to of democracy so yes, I think there should definitely be a statutory consulting in any process for asset transfers.

Joe Hale (Councillor)

- I am just wondering where we as councillors and the authority as a whole are as custodians of the assets of our estate. So, I am just wondering where public opinion does lie. To give a good example of public toilet being shut and I am just wondering what why we get to a position where public utilities are fair game to be sold off to. I presume to raise some sort of revenue against public opinion.

Stuart Rice (Councillor)

- It is about the consultation stage really, isn't it? Making sure that this is something that the whole community or versus the majority of the community can support. It comes through the Welsh Government guidance on Community asset transfer. It is

something the full community should be engaged in and benefit from potentially. And that is a key question for the panel. How do we look at getting some sort of minimum version of consultation.

- Who is responsible for that consultation taking place? Say, for example, if it is the person wishing for the community asset transfer to take place, what cheques and balances do we make sure as a Council that that's representative of people's opinions in the in the local area because we can all find some form of consultation that will suit us and that's a really key thing.
- We had submission from Councillor Chris Evans, in his e-mail, he saw us as custodians of the public state and where possible not to be looking at Community asset transfer. There will be a fair summary of his views.

Chris Holley (Councillor)

- There are two issues that struck out for me, is the role of the local authority when it comes to community asset and what is the minimum provision or the minimum acceptable community involvement that we would accept.

Wendy Fitzgerald

- Community assets have always been held by the Community Council and certainly that is the case in Penllergaer and there have been I think a number of successes. We have delivered a sports field. We have delivered a pavilion and all run by the Community Council, the village hall. Buildings even older ones can be maintained by the Community Council.
- There is one comment I would make and I briefly mentioned it in my submission. The asset can be transferred and now illustrate by mentioning the Pond which was transferred to the friends about twenty odd years ago, and they have successfully brought it back to life. They cleared the damp vehicles they planted and they have landscaped. It is a lovely facility, appreciated by many who use it and fish there and use it for other recreational purposes. However, what has happened now is that Swansea Council have approved a housing development and the run off of surface water from this development is now affecting it. This is negatively affecting that asset. So, it is something we need to be aware of it is fine transferring that asset, but there can be assets that could certainly be adversely affected by further decisions that the Council take along the line.

Stuart Rice (Councillor)

- That is interesting because the impact of Council's decisions on transferees in the future and the being able to address any issues, that's got to be something to do with what we as a council do. Consider this in terms of any agreements for transfer going forward and the example you gave. The Council has made a subsequent decision that is negatively affected how the transferee is going to go about their business or look after the standard of the thing that they are taking over. And is it an example in itself? But I am sure that could be parallel to lots of different scenarios with buildings with other pieces of ground. How the Council makes decisions around the asset they are transferred, so that is something that we need to factor into our considerations going forward.

Adrian Lester – Swansea Co-housing

- Touching on our submission, one area I did not talk about, we heard a few times here is the word custodianship and I quite agree, the Council should be the custodians of these public assets. The problem is in quite a lot of cases these public assets under Council ownership are falling into dereliction and I quite understand I

am not criticising the Council. I quite understand the reasons for this, which are resource constraints, but actually community asset transfer can provide a means to get out of that problem, to avoid the legal issues of the listed building falling down, if that's what's going on and to ensure that the asset remains in both good condition and with community use. We are not necessarily talking here about assets which are currently providing benefit to the Council we are talking in a number of cases about empty and decaying assets, which could be given a better future through asset transfer.

Stuart Rice (Councillor)

- We also had another submission from Councillor Durke, who I do not think can join us today online, but I just wanted to summarise a few of the points. Cllr Durke was saying about the success of communities being able to take on assets or be able to run assets in their community and he gave an example of Phoenix Centre and their transformational impact that he believed it had on the community in Townhill now. He also went on to tell us about how those assets can regenerate and we can give a community regeneration to an area and support wider aims than the asset themselves, because you talked about dealing with crime, giving people the opportunities for work, dealing with social cohesion and a number of other issues.

Alan Jeffrey (Councillor)

- General Point being a new councillor, it has been quite a steep learning curve. And until I attended this this session I had very little idea as to what community asset transfer was. So, I did read the city and county policy and I did feel that that could do with a bit of an upgrade because there is some terminology in there that I would need some clarification on considering the others that I looked at, the Southampton and Bristol ones. I could see that there were policies were more user friendly and accessible.

I think it would that would be really useful as local members to know more about Asset Transfer because we are one of the first people that anybody interested in tends to come to their local councillors. So, anything that could help in terms of briefing or at least a schematic of how it works so that people could sort of be aware that that I think would be really useful.

2. Desk Based Research

Stuart Rice (Councillor)

- We started off in the desk-based paper looking at Southampton as one of the examples. I think an important area and one thing which I forgot to mention was assessment criteria. With Southampton example there was a clear idea from the beginning of how you are going to be assessed and what you would need to do to be successful because it helped format what somebody would see in a business plan or an approach to asset transfer.
- The next one we had was Bristol City Council and they had some quite easy to navigate websites, pages, and information, there is also some good case studies on their site so people could have a look and see how it been successful and what the process was for other people.
- Is quite an interesting example Gateshead did a bit of survey work about the community asset transfers that had taken place and what they'd learned from them, and if you can see the key sort of take away comments including were they have learned to get political buy in and a lot of what we've said earlier today in

discussions were making sure councillors, community councils, the local public are brought on side.

- They said that not all community asset transfers should be nil rental, which is quite an interesting concept as well. They hand their buildings over very carefully, we would do the same thing here, I am sure.
- Interesting point they say, 'we're not going anywhere'. So once the transfer happens, they are going to keep in contact. And I know that at the last meeting.
- We all recognised the value of the support that is given from the Cultural Services Department in terms of community centres and the support, you know, the support that has given there. I know resources are again a key thing, but as a recommendation of resources came available, I would suggest if we could have a similar support system, maybe not as intense, but for people who have left have had the Community asset transfer take place.
- Understanding the running costs, which was a key thing. Councillor Bailey raised earlier as well. Understanding the costs involved in it and getting around the everyday barriers, like duty of care, due diligence in running the building.
- Cardiff Council has a toolkit that they put together for community asset transfer. And it is called 'is your organisation ready to step up'.

Chris Holley (Councillor)

- The Liverpool model on asset transfer was based on an idea that was set up by helping people move in council houses and then from that day the repair centre and the Council handed over to this organiser.