

Community Assets Scrutiny Inquiry

How can the Council ensure that its community assets are working to provide the best outcomes for the people of Swansea?



The Community Assets Scrutiny Inquiry Panel
City and County of Swansea - Dinas a Sir Abertawe

November 2024



Why This Matters by Councillor Stuart Rice (Convener)



Foreword

We would like to thank all those people who attended our Inquiry Panel meetings and gave evidence, we hope this report reflects some of the key views raised.

We were particularly pleased to meet with a group of people who had been through the Community Asset Transfer (CAT) process. We heard about the many challenges faced by those wishing to take on a community asset as well as those experienced by the Council itself.

We felt that it is not 100% clear what the Council's fundamental approach to CAT is, and what it wants to achieve and that there is room for discussion on our CAT Policy. We believe the Council should consider and decide its preferred strategy for CAT as well as looking at its potential use in the future. A wider debate is required to agree how this aspect of council work should move forward (with wider consultation). For example, should it continue to be a purely reactive service that responds to an application on a particular asset or should it be more proactive in its activity like some other local authorities.

We felt that more support was needed for organisations going through the CAT process, that should include running up to applying, throughout the application, and after, when they are actually managing that asset. We did recognise that the financial restraints on the Council play a significant factor in how we deliver CAT currently.

We did agree that monitoring and measuring the success of the CAT policy in relation to community benefit as a whole is needed. We felt that looking at the community benefit, potential savings and the overall financial climate annually, would help plan for the future needs of both the Council and how to progress with CAT in the community. Community benefits should be demonstrable in the application and the Council should check that community benefits have been realised. There should be a review period once an asset is transferred. Fundamentally, the panel felt that consultation with the local community must be clear, appropriate and meet minimal standards to ensure that the proposed CAT benefits the whole community and the public have their opportunity to have their say and feel that they have done so.

We hope that this inquiry has helped to highlight the complexity and importance of the issues associated with Community Asset Transfer to a wider audience. Our report contains a number of recommendations for Cabinet.

Summary of Conclusions and Recommendations

Community Assets Scrutiny Inquiry

Inquiry Key Question:

How can the Council ensure that its community assets are working to provide the best outcomes for the people of Swansea?

Conclusions

The Panel believe this can be done by:

1. Ensuring strong policies and procedures for managing Community Asset Transfer (CAT) are in place. The aspirations and strategy for CAT seems unclear.
2. Ensuring the support for CAT is adequately resourced in the Council.
3. Having at least a basic level of genuine consultation with greater engagement of local ward councillors and the communities affected.
4. Establishing a single identifiable point of contact for each CAT at the onset of an application.
5. Ensuring that CAT does not only provide cost savings to the Local Authority but also clear positive whole community benefit.

Recommendations

Cabinet is asked to consider those recommendations that they are directly responsible for, but also make representation on behalf of the Council, where agreeable, in support of any recommendation that would require action from others.

The Panel recommends that Cabinet:

- R1 Considers what the strategy should be for CAT moving forward, including having a wider debate and consultation to agree the position the Council wishes to take on this matter.
- R2 Improves transparency when deciding upon when an application should progress, by involving more than one Councillor/Cabinet Member in that decision.
- R3 Continues to build upon the efficacy of the CAT Policy by supporting it with a toolkit and webpage, making the Policy more useable and accessible to the lay person.
- R4 Looks to provide more detailed information about running costs associated with assets for transfer and the duty of care required.

- R5 Leases for CAT be granted for a maximum of 25 years unless in exceptional circumstances.
- R6 Ensures that Councillors and Officers declare a personal interest if they have a working or personal relationship with groups or individuals looking to take over a council building or land asset.
- R7 Looks at the options for providing more identified support for CAT post-transfer and for the period of transfer, with similarities to that provided to yellow licence holders managing community centres.
- R8 Works with other organisations like SCVS to help supplement the support provided to CAT recipients.
- R9 Helps build and facilitate networks, peer to peer mentoring links and hosts case studies using the Council's website.
- R10 Establishes a basic threshold for consultation, as suggested in the report, and then details this in the CAT Policy, Toolkit and on the relevant webpage.
- R11 Provides training and clear accessible information on CAT to Councillors and Community Councils.
- R12 Establishes an identifiable single point of contact for CAT.
- R13 Develops a process for investigating and dealing with any negative impacts of Council authorised activity on a transferred community asset. The Council must ensure that it consults with transferees about potential impacts to their assets during the period of their control.
- R14 Develops a process for reviewing the success of any CAT with assessment of the benefits for the whole community, not just the financial benefits for the Council, and checking that expectations have been met.

WHY WE PRODUCED THIS REPORT

Overview

- 1.1.1 In selecting this topic and producing this report we wanted to see how the Council is meeting its duties under legal frameworks and to ensure it is appropriately and effectively managing the Council's Community Assets.

Selecting the Topic

- 1.1.2 The Inquiry into Community Asset Transfer was proposed by the Annual Scrutiny Work Planning Conference in June 2023. Following agreement of a Scrutiny Work Programme, the Council's Scrutiny Programme Committee established the Inquiry Panel, and appointed Councillors to the Panel to plan and conduct this work, gather evidence, consider findings, and prepare a report for Cabinet. A strategic overview of the matter was discussed on 1 February 2024 and the evidence gathering for the Inquiry commenced on 11 March 2024.
- 1.1.3 This topic was chosen because Scrutiny Councillors felt this was a wide-reaching subject that affects our communities and that would benefit from Councillor's review and input.

Intended Contribution

- 1.1.4 As a Panel, we believe that we can make a valuable contribution to the Council's role in appropriately and effectively managing community assets in Swansea. We recognise that the challenges in this area can often be complex. We also believe that, whilst no one has all of the answers, success will only come from a conversation that everyone is able to contribute to. It is in this spirit that our conclusions and recommendations are offered.
- 1.1.5 Specifically, this report aims to contribute to this vital debate by:
 - a. Providing a Councillor perspective on the issue
 - b. Providing evidenced proposals that will lead to more effective services
 - c. Gaining the views of the public and stakeholders
 - d. Considering and concluding on recommendations from national reports, legislation/directives, and their implications for Swansea
 - e. Identification of good practice/research elsewhere and whether there is any learning for Swansea's approach
 - f. Increased Councillor understanding about Community Asset Transfer
 - g. Greater public awareness of work in relation to Community Asset Transfer.
- 1.1.6 We are also happy to recognise the limitations of the Inquiry. Given the complexity of the topic and the time that we had, this report provides a broad view of issues and is not exhaustive.
- 1.1.7 Finally, many of our conclusions are in line with the Council's current direction of travel and these are offered to provide reassurance. Others may be either additional or contrary to what has already been agreed.

These are intended to offer challenge and to stimulate debate. Where we have made recommendations, these are intended to help improve the performance of the Council in this area.

Equalities

- 1.1.8 When planning this Inquiry, we considered how the public and stakeholders might be affected and how we might engage them. We completed the Council's Integrated Impact Assessment (IIA) Screening form which formed part of the evidence pack for the Inquiry.

Glossary of Terms

CAT	Community Asset Transfer
EOI	Expressions of Interest Form
IIA	Integrated Impact Assessment
SCVS	Swansea Council for Voluntary Service

EVIDENCE

Evidence Collected

- 1.1.9 Evidence was collected between 11 March 2024 and 5 August 2024. The following evidence gathering activities was undertaken by the Panel:
- a. Overview of subject area from Lead Council Officer/s and Lead Cabinet Member. They provided a strategic overview of Community Assets including details of what it is, the legal frameworks we work under and identified the key influencers.
 - b. Due diligence, risks, guidance and support.
 - c. Cultural Services activity and examples relating to CAT in Cultural Services department
 - d. Legal aspects of Community Asset Transfer.
 - e. Policy and practice in other local authorities (looking at how other Local Authorities do it)
 - f. Stakeholders views - a look at replies received from an email sent to all councillors/community councils and responses received from the public and organisations resulting from a call for evidence.
 - g. Stakeholders views – a roundtable meeting with a group of stakeholders including written submissions received including from people who have been through the process. We also included SCVS.
 - h. Public questions, Blog and Call for Evidence
 - i. Relevant legislation, policy, practice and other useful relevant information
- 1.1.10 For full details of how the evidence was gathered including details of all of the findings please see the findings report for this Inquiry. This report can be downloaded [here](#) (pdf).

CONCLUSIONS

Inquiry Key Question:

How can the Council ensure that its community assets are working to provide the best outcomes for the people of Swansea?

The Panel believe this can be done by:

2.1 Ensuring strong policies and procedures for managing Community Asset Transfer are in place. The aspirations and strategy for CAT seems unclear.

2.1.1 CAT fits into the Swansea's Well-being Plan for 2023-2028 which is called 'Working together to improve wellbeing in Swansea'. This plan has four vision areas. The one most appropriate to this Inquiry is *Strong communities - To build cohesive and resilient communities with a sense of pride and belonging*.

2.1.3 It was explained that CAT is an established mechanism used to enable community ownership and management of publicly owned land and buildings. Swansea had adopted a CAT Policy which is designed to ensure there is a consistent, equitable and sustainable approach. In the [Welsh Government Guidance on Community Asset Transfer](#) it also says that *'it is important to ensure that any Asset Transfer proposal supports the transferring bodies aims and priorities and that it accords with the financial priorities of the organisation'*.

2.1.4 The Panel was interested to explore the key principles outlined in the CAT Policy in Swansea, hearing that generally a transfer will only be approved on property required for continuation of the service. Furthermore, any transfer must create a mutual benefit to both the Council and community by promoting social, economic or environmental well-being and it must also support the aims and priorities of the Authority. The Policy provides a framework and procedure for the letting of council owned facilities to the community or third sector not for profit groups to enable the improvement of and investment in Council services and facilities.

2.1.5 There was some differences of opinion at the outset of the Inquiry about whether we should be doing CAT at all. Some Panel Members and evidence givers felt that it was a useful tool to empower communities whilst others felt like it was 'selling the family silver'. Given the varying views and what the legislation in Wales expects, the Panel has looked at how the process could be improved whilst ensuring it is being used to benefit local communities. The Panel recognises that financial restraints on the Council play a significant factor in how we deliver CAT currently.

2.1.6 The Panel did recognise that with the financial pressures the Local Authority faces it has needed to look at how it could do things differently in order to sustain some services, recognising that CAT can, in some instances, be a way to do that. CAT may not always be a good idea.

2.1.7 It was explained that there are different tenures that can be granted including, for example, a management agreement, a licence to occupy, a short/long lease or even freehold transfer. The motivation for a lease (rather than other forms of tenure) is due to many of those looking to take on an asset needing to apply for grant funding in some form to run and develop an asset. Most grant funders will require a relatively long lease, for example 25 years. The Panel agreed that granting leases for more than 25 years should only be by exception and considered very carefully. The Panel was concerned that the Policy states a maximum term of 125 years feeling that this is equivalent to a number of lifetimes within which the environment and communities needs could change dramatically. The Panel felt that the Council should avoid freehold transfers unless there are exceptional circumstances, given risk of future breakdown relating to a CAT.

2.1.8 The Panel was informed that the Swansea CAT Policy sets out a process for any prospective CAT and the following must happen for the CAT to progress:

- It must be supported by relevant Cabinet Member and Head of Service (if it does not have internal support it cannot proceed)
- If supported then under the Council's Land Transaction Procedure Rules the Head of Property Services is consulted, who is responsible for assessing the status of the property, its tenure, open market value and potential realisation of a capital receipt.
- Property Services and Finance must be consulted to consider the financial implication of the CAT, that it does not breach any subsidy controls and also any possible equity or engagement implications.
- The supporting department will then present a report to Cabinet detailing how the proposal benefits both the Council and the Community.

2.1.9 The Panel found clear evidence that the processes used are strong but did feel that for better probity and transparency a wider group of people should be involved in deciding whether it should proceed initially, rather than being the decision of just one person at that early stage. The Welsh Government Guidance states that *'any important decision around CAT is transparent and that applications are assessed using clear criteria. This is particularly important when dealing with competing applications from different organisations for the same asset'*.

2.1.10 The Panel felt that it was also important that Councillors and Officers declare an interest if they have a working or personal relationship with groups or individuals looking to take over a council building or land asset. It is very important to do this to get rid of perceptions around prejudice and conflicting interests.

2.1.11 From the evidence gathered the Panel was satisfied that the policy was robust, but it did feel that it was rather complex and that it should be supplemented by a toolkit for the user. It could be similar to the [Cardiff toolkit](#) called 'is your organisation ready to step up'. This should be supported by information online that could provide details of the process at the outset, including any pitfalls etc. It could also give links to those that can help, support and advise. This would be good practice.

Jaime Hopkins - Penlan AFC

Having more clear guidelines of how long it will take and the amount of things you need to know, like going through business plans and things like that would be helpful.

2.1.12 The Expressions of Interest Form (EOI) was considered to be comprehensive and a good start to the application process, enabling that first check on eligibility and to aid in the initial discussions. Seriousness of the applicant to take on an asset is established at this point. The Panel heard that 90% of interest shown falls in the early stages as many applicants do not understand the process and commitment that is required and/or do not have the skills or processes in place within their organisation to progress. The Panel felt that the EOI form was robust and asked the right questions.

The Panel was interested to explore how the information given was verified and what was the process of establishing with the group how that will stand up over time.

2.1.13 The Panel was keen to explore the due diligence aspects of CAT recognising that carrying this out effectively helps protect both the Local Authority, the community and the transferring body. They also wanted to understand how the Local Authority considered the effect of a CAT transfer on the community and how it was agreed that a CAT is the right process for that asset.

Panel Members heard that there are key areas that need to be checked in the due diligence process including the CATs potential recipient's governance arrangements, the knowledge and skills of those taking it on and importantly their financial resilience. The Panel was also keen to highlight the importance of sustainability and resilience in relation to those human resources and volunteers especially over the longer term. They highlighted that encouraging more volunteers and community involvement with residents and community groups engaging is always challenging and ensuring sustainability in this aspect is seen as vital.

2.1.14 As part of the requirement of any CAT, recipients will be required to accept a lease on a basis that assumes full repairing and maintaining of the land/property as part of ensuring a continuation of the service provision. Most proposed CAT lettings will be at peppercorn rent. However, the ongoing running and maintenance cost to the Local Authority will be reduced.

2.1.15 The Panel agreed with the Welsh Government Guidance which says recipients should be provided with condition surveys, historical maintenance and running costs. We did hear from those who responded to the consultation that this is not always the case or what is provided was often limited. Councillors felt this could be an area for improvement. Furthermore, the Panel felt that recipients need to fully understand the implications of CAT. We recognise that many are volunteers looking to run assets and it is vital they understand not only costs but the duty of care that is needed to look after them.

Matthew Bailey, Councillor and Member of Clydach Community Council

One of the issues I had when we were looking to take on a community asset transfer is trying to get detailed costings. For example, if we're going to take over a park the authority doesn't really have split down costings giving 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. I understand that this is because the authority tends to group these into large payments. It'd be really good if the Council could work with that community group to try and help them get an idea of how much it's going to cost. They are not experts. It would also be really useful to have help and expertise to develop the business plan and help in making sure that the idea is feasible.

David Bernard Rooke (Coed Gwillim Park)

Another challenge is utility bills. Very slow to come through with the lease we signed in December 2023. We should have been informed who the existing suppliers were on signing the lease. Just this week we had a bill of £3000 for electric from December till the end of May, in hindsight, if we had been given the information, we could have negotiated better rates. But it is now too late because the bill has been sent. We have not yet had a water bill, even though we have had that at least for six months. So, on a handover in any future leases, it is our view that the utilities should be looked at by all parties, whether taking over the lease or getting the lease new should be told who the existing supplier is so that they could form a contract and negotiate better rates.

- 2.1.16 The Panel explored some of the risks associated with CAT particularly should there be a dispute within a group or failure that results in surrendering of the lease. We was told that if any CAT fails there is no penalty and they are not penalised for taking the asset on. It will just revert back to the Council and that will be the end of that service at that time. We also heard that when a transfer takes place all the resources/support that were provided by the Council to run the asset stops, so if it fails and reverts back to the Council the infrastructure to support it is no longer there so it is unlikely to continue.
- 2.1.17 The Panel agreed there are clearly areas where Welsh Government could support CAT further across Wales. It looked at the [Welsh Government response](#) to a Senedd Inquiry into Community Asset Transfer. One particular example raised was Recommendation 9 *'the Welsh Government should establish a coordinated support package to support communities that are seeking to buy or lease land or assets'*. Many of the recommendations of the Inquiry were agreed in principle by the Welsh Government but unfortunately it was stated in their response to the Inquiry that *'current resourcing will not support it within the recommended timeframe'*.
- 2.1.18 The Panel heard that no formal consultation has ever taken place in terms of a CAT strategy and how CAT should work in Swansea but the Councils CAT policy was adopted via Council.

Consultee Adrian Lester, Swansea Co-Housing

The overarching thing in our written 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 from this, 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 service provides through the asset. That asset if it is a built asset being maintained in good condition, can provide long-term savings to the Council from not having to maintain after it has been transferred, so there are key strands that go significantly beyond the sort of the immediate and realisation of market value. This does need to be built into the council 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.

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, look at it as a way of providing a service in an asset which is available. So, taking housing as an example, providing affordable housing in perpetuity through a Community Land Trust and the buildings in which this is 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 where housing or was something else many years ago. By doing this we can bring about long-term benefit, i.e. housing burden on the Council is then reduced. CAT could then provide the right assets in the right locations.

One of the things that struck the Panel about Mr Lester's submission and also in his references to Southampton, was the capacity that he felt the Community had to run services which were not necessarily Council services, but former council property. We heard 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 could be something new and different.

The Panel felt that it is not 100% clear what the Council's fundamental approach to CAT is, and what it wants to achieve. There is room for discussion on our CAT Policy. The Panel felt that the Council should consider and decide its preferred strategy for CAT as well as looking at its potential use, so that it is clearer. It was believed that a wider debate was required to agree how this aspect of council work should move forward (with wider consultation) in order to agree the position the Council wishes to take on this matter. For example, should it continue to be a purely reactive service that responds to an application/interest in a particular asset or should it be more proactive in its activity like some other local authorities. It was recognised that a proactive approach will be more resource intensive but could potentially benefit the council financially in the longer term.

Matthew Bailey, Councillor and Member of Clydach Community Council

I think it would be really good if the Council could consider how much it would cost to regarding new asset transfer if the Council did not hand it over. For example, if that asset transfer cost the Council £10,000 per year to run, the Council could give the group that. So, giving three years' worth of costs, but they are only giving that £30,000 after three years of the group successfully running that asset. It is what the Council would have paid anyway, but they are paying it in retrospect. This could help groups 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.

The different options for CAT need to be looked at and then the appropriate resource attached to the outcome of those deliberations. Whatever the outcome of this, the Panel agreed that more resource is required to enable a good level of support for CAT applicants, which is covered a bit later in this report.

2.1.19 The Panel recommends to Cabinet that it:

- R1 Considers what the strategy should be for CAT moving forward, including having a wider debate and consultation to agree the position the Council wishes to take on this matter.
- R2 Improves transparency when deciding upon when an application should progress by involving more than one Councillor/Cabinet Member in that decision.
- R3 Continues to build upon the efficacy of the CAT Policy by supporting it with a toolkit and webpage making the Policy more useable and accessible to the lay person.
- R4 Looks to provide more detailed information about running costs associated with assets for transfer and the duty of care required.
- R5 Leases for CAT be granted for a maximum of 25 years unless in exceptional circumstances.
- R6 It ensures Councillors and Officers declare a personal interest if they have a working or personal relationship with groups or individuals looking to take over a council building or land asset.

2.2 Ensuring the support for Community Asset Transfer is adequately resourced in the Council.

2.2.1 The Panel considered whether the resources were adequate to support the Council to carry out Community Asset Transfer effectively in Swansea.

2.2.2 The Panel heard that the Council does not have a specific CAT team or service area and that it is supported by the Councils Corporate Property Team, the service in which the asset falls (mostly Cultural Services) and the Council's legal services. Officers are not dedicated to the CAT role but it falls within their job descriptions along with many other duties.

2.2.3 The Panel was told that it was recognised across Wales that support was often needed for community groups not only when making an application, but during the whole application process and continuous support once they have taken on an asset. It was recognised in the Senedd Inquiry into CAT that this is something that most local authorities are unable to give fully from within the resources available to them to manage CAT. Officers mentioned more support with enquiries, process mapping and the delivery of the end-to-end project with others would be beneficial. The Panel understood that resources were definitely an issue around this 'softer' side of the CAT process, especially in terms of the support that is given to enable a group to flourish. The Panel was told that additional resource is undoubtedly required to assist and accelerate the CAT process.

Adrian Lester – Swansea Co-housing

I think having clear guidance which states the conditions and constraints from the outset would be of benefit, giving a reasonable idea of how to make the case. It would also be positive for the Council to open to the concept in the first place. It would also be immensely helpful to have known points of contact within the Council. I therefore believe contractability, clarity of documentation, clarity of requirements and case studies (example of submissions etc) are all things that would improve the

The Panel agreed that supporting recipients throughout the whole of the CAT process and beyond was needed and was identified by the Head of Corporate Property as one of the key challenges moving forward. For example: ensuring CAT applicants are properly organised and that they have constitutions and governance in place. We did hear from a representative from Swansea Council for Voluntary Service that they have a resource that can help with this type of support and would like to be more involved in assisting CAT applicants via the Council. The Panel agreed that this is something that needs to be investigated further by the Council, and discussions need to be had with SCVS about the sort of support they might be able to give regarding CAT and to see how this could link into the Council's processes.

It was recognised that CAT recipients also need guidance and support to understand how they can use the five ways of working identified in the Wellbeing of Future Generations Act to ensure they can contribute to the goals of the Act locally.

The Panel heard that the Property Services Team, Cultural Services and Legal Team in Swansea all have experienced officers working hard to do the best they can to support the process, and this has been praised by both councillors and those people consulted as part of the Inquiry.

Tim Daley (Coed Gwillim Park)

The support of Council workers right across the board has been fantastic.

- 2.2.4 We heard that more sharing of information enabling groups to learn from others, for example, those who have gone through the process, or currently in the process would be beneficial. The Panel heard about a number of suggestions to improve support from those who responded to the consultation including for example Peer to Peer Mentoring, case studies, networking and better signposting. The Panel felt these could be low cost options that could

David Bernard Rooke (Coed Gwillim Park)

Going forward a forum of park groups who meet once a year, maybe twice a year, to network would be a good idea. Where all the park groups in Swansea or a couple of members of each group could sit down, network together and discuss their issues.

reduce or supplement the support from the Council. The Council could assist in the setting up of these options and host them on the relevant Council webpage/s.

2.2.5 The Panel asked about the management of community centres, hearing all of the buildings are owned by the Council and are managed by local people elected to serve on volunteer management committees via what is called a 'Yellow Licence'. They receive continuous support from a small team of Community Development Officers, who provide support for things like the compliance element, health and safety, training and funding opportunities.

It was recognised that yellow licences are not likely to be suitable for most CAT recipients as the motivation for transfer, as opposed to other types of tenure, is mainly the ability to apply for grant funding. But it was recognised the model of support provided to them would make a good template for how we support our CAT recipients in Swansea.

This type of support was recognised as an effective way to improve provision to CAT recipients, by both the Panel and Council officers, but it would require more investment in this service in terms of resource and personal. The Panel strongly suggest that different options for enabling this should be considered. We felt that the Council should have someone responsible for oversight (a nominated officer / or at least a named department / service area) to enable a similar level of support to what is provided to community centres.

2.2.6 The time taken to complete the CAT process was highlighted as an issue by some of those consulted. The Panel heard delays that occur as CAT applications are not always straightforward. For example, there is a need to go back and forth at the start because this is when groups start to understand what they will be responsible for. There can also be competing groups interested in taking over the asset and/or a number of groups working together to take it over.

Quote from Community Asset Transfer Welsh Government Guidance

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

The Panel was told that fundamentally it is not as quick as some would like it to be because of the complexities that often exist, but it is important to do it right and to ensure that it will actually save the Council money and deliver local benefit too.

It was recognised that the CAT process spans across different Council departments. It was felt that communication issues may impact on the length of timescales and that better communication between departments could help to improve this. The Panel felt that relevant officers across the Authority could meet regularly with regard to CAT, to ensure the processes are running as smoothly as possible, ironing out any areas or blockages in the system. It was also mentioned by Legal that it would be useful for officers across

departments or services to meet at the time of a new application to plan the way forward.

- 2.2.7 The Panel would emphasise the need to support people through the CAT process, particularly improving the way we communicate with people about

Llanrhidian Higher Community Council

The most challenging aspect was the overall delay in transferring the facility. The transfer of the playing fields had been discussed for many years, but it took quite a while (at least 5 years) to get to the transfer stage, which was very frustrating. Whilst the goodwill was there, all parties would have benefitted from a swifter transfer.

Jaime Hopkins - Penlan AFC

How long it took was quite difficult. We had quite a few challenges along the way in terms of timing and with certain departments not talking to each other and things like that.

progress. We felt that after care, with ongoing support from the Council post-transfer, was important to helping those taking over assets.

- 2.2.8 The Panel recommends to Cabinet that it:

- R7 Looks at the options for providing more identified support for CAT post-transfer and for the period of transfer, with similarities to that provided to yellow licence holders managing community centres.
- R8 Work with other organisations like SCVS to help supplement the support provided to CAT recipients.
- R9 Helps build and facilitate networks, peer to peer mentoring links and hosts case studies using the Council's website.

2.3 Having at least a basic level of genuine consultation and with greater engagement of local ward councillors and the communities affected.

- 2.3.1 Asset transfer if done for the right reason is good for the community and for the Council to give local people an input into running the asset, e.g. venue or park. Done just to save money is a bad idea. There must be a strong and sustainable business case, with as wide a consultation as possible.

- 2.3.2 The Panel felt that good wide consultation benefits both the Council and the recipient group to understand what the community actually require, and whether potentially the community feel overall that the proposal would provide community benefit. We heard that groups are expected to consult with the community as part of the application process, but the CAT policy does not include a minimum requirement and what that should actually cover. It was clear that many transferees have done this well but it was felt that this was not the case across the board and that a more consistent and transparent consultation model was required.

Llanrhidian Higher Community Council

The Community Council consulted widely with the local community and local clubs who were using the facility. There was overwhelming support for the Community Council proceeding with the asset transfer. This was also the case with the woodland

area where the volunteers were widely supported in the grant applications to improve the facility.

The Panel felt there was a need to make sure that each CAT is something that the majority of the community can support and should be something the full community should be able to be engaged in and benefit from potentially. The Panel explored whether the Council should look at getting some sort of minimum level or threshold for consultation for CAT. The Panel felt that this needed to be looked at and put down in writing as part of the CAT Policy and then checked to see that groups have completed this properly. Panel Members felt that at the very least it should include the Local Ward Councillors and those Councillors in Wards that the CAT sits alongside. They also believed that some simple things like posting a prominent notice at the CAT site about the transfer, welcoming views along with potentially a public meeting, would help.

The Panel felt that there should be a reasonable time period for consultation – perhaps a period of 3 months, which must include consultation with the Community Council where there is one. It also felt that there should be a published report on the consultation response for public transparency, with reasonable time post-consultation before action (e.g. 14 days) to enable people to digest the report and raise any issue(s). If a Community Council wants to run a venue / facility, then the same rules should apply to them. Having community support is vital, so perhaps there should be a minimum number of people living in the area engaged in consultation and in favour, for example 25%.

Matthew Bailey, Councillor and Member of Clydach Community Council

I think there really should be a minimum threshold for community consultation, quite often what is important to a small group of people is not always important to the wider community. So, I think more consultation when we are going to change the use of community asset or if somebody else 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.

- 2.3.2 The Panel agreed that there should be greater involvement of Councillors, not just the relevant Cabinet Member, in the process, i.e. ground level involvement of local Councillors. Councillors should be key consultees in the CAT process as they are useful sources of information in, about and for the community. Consulting them is a quick and efficient way of getting information out and passing information to communities. It should be noted that neighbouring Wards can often be impacted, not just the immediate area of the asset.

It was felt that Councillors should have a good understanding of CAT and how it can affect their Ward (and the Council as a whole). For them to do this they need to have the necessary training available and have access to clear, accessible guidance. The Panel agreed that it would be beneficial to extend this training and information to Community Councils/Councillors, as better

understanding of CAT could save time later down the line and/or enable future applications from them. This should cover the steps involved, including the application process and consultation.

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

2.3.4 The Panel was of the view that improvements could be made around many aspects of consultation that takes place as part of the CAT process. The Council needs to decide on what minimum community involvement is acceptable and that needs to be clearly set out in the CAT Policy and demonstrated by recipients. Councillors need to have a good understanding of CAT and have training and information to enable them to do that.

2.3.5 The Panel recommends to Cabinet that it:

R10 Establishes a basic threshold for consultation, as suggested in the report, and then details this in the CAT Policy, Toolkit and on the relevant webpage.

R11 Provides training and clear accessible information on CAT to Councillors and Community Councils.

2.4 Establishing a single identifiable point of contact for each CAT at the onset of an application.

2.4.1 The findings of the Inquiry indicate the need to improve how we co-ordinate and communicate with and about CAT. The Panel recognised earlier in the report that improving the website, providing a toolkit and helping with networks/peer to peer mentoring will help reduce queries but agreed there was definitely a need for a single point of contact into the Council. It was felt that the single point of contact along with some of the other things raised could be dealt with via a suitably skilled administrator. Addressing these issues would save time for council officers further down the line in the application process.

David Bernard Rooke (Coed Gwillim Park)

Looking at what could be improved, a single point of contact is one area. A contact who can deal with the internal workings of the Local Authority. So, we just have one point and they can sort out the other things and come back to us after dealing with the different departments.

Matthew Bailey, Councillor and Member of Clydach Community Council

I have been involved in a couple of community asset transfers both directly and indirectly. One of the issues I would like to highlight is the need to have a single point of contact for asset transfers, it would be good to have a named contact in to the authority. At the moment any contact person quite often 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.

This role could act as the single point of contact by providing information, signposting and being the link to officers who have the specialisms to answer or deal with any queries. It is envisaged that this would be more of an administrative role, which will not require specialist or technical knowledge but be able to provide a link with and between those who do.

2.4.2 A single point of contact for legal queries was also mentioned, but this is not possible because organisations would have no contact with legal until formal instructions have been received. If the organisation is represented by a firm of solicitors, the legal officer would communicate directly with that firm. This is an established principle under the Solicitors Regulation Authority standards and regulations. The solicitor cannot communicate directly with another solicitor's client. If legal is contacted, the CAT recipients are directed to their solicitor. The Panel felt this practice slowed down the process, and likely costs more.

2.4.3 We recognised and welcomed the expertise within departments in relation to CAT, the skills and knowledge within the Council is clearly significant but groups who are considering applying for or have a CAT have trouble accessing it. It was felt that finding the right person to speak and navigate the Council's structures was difficult and that a single point of contact as a signposter and link into the Authority was needed. The Panel recognised that we are not going to have a person with all the knowledge needed across all departments but an administrative role, a person who can direct and follow up on queries using the expertise of others within the Council.

2.4.4 The Panel recommends to Cabinet that it:

R12 Establishes an identifiable single point of contact for CAT.

2.5 Ensuring that CAT not only provides cost savings to the Local Authority but also clear positive whole community benefit.

2.5.1 Councillors were interested to explore examples of some of the benefits to the Council and communities of CAT, hearing from appropriate Cabinet Members, Councillors, Community Councils and Community Groups about their experiences.

2.5.2 They heard about a number of success stories that have resulted in community benefit.

Mumbles Community Association – Underhill Park

Without the agreement to transfer the land it would not have been possible to secure the various grants, which made up the majority of the funding for the development, and the new facilities would not have been provided.

David Bernard Rooke (Coed Gwillim Park)

We have had over £1.3 million invested in our park over the past two years, most of which would not have happened without the transfer. We are currently looking at a further investment to complete our current plans over the coming few years and proved that our park is an exemplar in Swansea. We have had a very busy park with the following achievements: a new community pavilion, open daily and run by around 30 wonderful volunteers, the cafe provides warm food and drink at very

reasonable prices. It generates an income of about £10,000 per annum, which is put back into the park facilities. It operates a dementia club, a menopause support group, photography club. Has Meeting room space, bowls facility, changing room for tennis, bowls, running. A place for birthday parties, baby showers, funeral wakes, afternoon teas for senior citizens preparing community Christmas meals, flower arranging classes and others growing all the time. The football fraternity is growing from strength to strength, with over 600 members and girls. Football membership has gone from 6 to 160 in a year. Overall, a far more cohesive community with reduced isolation and significantly increased well-being.

- 2.5.3 It was highlighted that Community Councils can and should have a significant role within CAT because they are democratically elected bodies who work on behalf of their community. The Panel heard about some of the good examples of their work, recognising that many Community Councils are in a good position, with the knowledge and structures in place, to help manage a CAT.

Llanrhidian Higher Community Council (Transfer of Graig Y Coed Playing Fields / Graig Y Coed Woodland Area)

There was a general feeling at the time prior to the transfer that Swansea Council was reducing the amount it was spending on the facility and in order to retain it for the local community, the Community Council had to look at the asset transfer. There has been significant community benefit to transferring facilities. This has been through increased usage by both local football and rugby clubs. In addition, the Community Council has undertaken significant maintenance to the facilities, which would not have been completed by Swansea Council, given the ongoing budget pressures.

- 2.5.4 The issue of equality in relation to those areas without Community Councils was raised. Concern about whether some of those areas, particularly those in more deprived communities need more support to help them to make CAT applications, especially, potentially where it can keep some services running that may otherwise be lost.

Matthew Bailey, Councillor and Member of Clydach Community Council

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.

- 2.5.5 Councillors heard that each CAT application is assessed against an Integrated Impact Assessment document prior to it going to Cabinet for decision. This includes outlining the compliance with equalities legislation and the Wellbeing of Future Generations Act. It is designed to provide detail for Cabinet on the effects on the community of the potential decision.
- 2.5.6 Future decisions can impact on assets. One of the issues that raised concerns for the Panel was where projects or activities authorised by the Council have had a negative impact on a CAT that has been transferred. The Panel felt this was an area the Council needed to have processes in place to investigate and deal with these.

Wendy Fitzgerald – Councillor

Penllergaer Pond was transferred to the Friends more than 20 years ago and they successfully brought it back to life. They cleared the dumped rubbish, including old cars, and landscaped the surrounding area. It is now a valuable recreational facility, particularly enjoyed by those who use it for fishing. However, Swansea Council have recently approved a housing development in an elevated location some distance away but the run-off of surface water is finding its way into the pond, muddying the waters and impacting negatively on fish stocks. So, whilst transferring an asset can bring about real benefits, it perhaps needs to be recognised that future Council decisions may impact on it negatively in some way, presenting those who manage it with significant and potentially costly problems.

2.5.7 The Panel agreed that monitoring and measuring the success of the CAT policy in relation to community benefit as a whole is needed. The Panel felt that looking at the community benefit, potential savings and the overall financial climate annually, would help plan for the future needs of both the Council and how to progress with CAT in the community. In some cases, community benefit might in reality only be for a small part of the community, not the whole community. Community benefits should be demonstrable in the application and the Council should check that community benefits have been realised. There should be a review period once an asset is transferred.

2.5.8 The Panel was concerned about what happens when there is a breakdown of a CAT, where either no-one is managing / looking after the asset or when the transferred asset is not being used for the agreed purpose and there has been a breach of conditions. We felt that it should be clear what is expected after a transfer. We would expect that any change in use should bring us back to the start again and trigger fresh consultation. The Council needs to take action where an asset is not being used in the way the Council expects.

2.5.9 The Panel recommends to Cabinet that it:

- R13 Develops a process for investigating and dealing with any negative impacts of Council authorised activity on a transferred community asset. The Council must ensure that it consults with transferees about potential impacts to their assets during the period of their control.
- R14 Develops a process for reviewing the success of any CAT with assessment of the benefits for the whole community, not just the financial benefits for the Council, and checking that expectations have been met.

3.0 RECOMMENDATIONS

The Panel commends Cabinet to consider all issues and ideas raised by this Inquiry and, in particular, the recommendations set out below.

The Panel recognises that the Authority:

- (a) will need to ensure that any subsequent actions are legal and meet the requirements of any relevant legislation.

(b) has a responsibility to make the best use of limited resources and that any additional costs will need to be considered carefully as part of the annual budget setting process.

The Panel has kept these principles in mind in the course of its investigations.

Recommendations

Cabinet is asked to consider those recommendations that they are directly responsible for, but also make representation on behalf of the Council, where agreeable, in support of any recommendation that would require action from others.

The Panel recommends that Cabinet:

- R1 Considers what the strategy should be for CAT moving forward, including having a wider debate and consultation to agree the position the Council wishes to take on this matter.
- R2 Improves transparency when deciding upon when an application should progress, by involving more than one Councillor/Cabinet Member in that decision.
- R3 Continues to build upon the efficacy of the CAT Policy by supporting it with a toolkit and webpage making the Policy more useable and accessible to the lay person.
- R4 Looks to provide more detailed information about running costs associated with assets for transfer and the duty of care required.
- R5 Leases for CAT be granted for a maximum of 25 years unless in exceptional circumstances.
- R6 Ensures that Councillors and Officers declare a personal interest if they have a working or personal relationship with groups or individuals looking to take over a Council building or land asset.
- R7 Looks at the options for providing more identified support for CAT post-transfer and for the period of transfer, with similarities to that provided to yellow licence holders managing community centres.
- R8 Works with other organisations like SCVS to help supplement the support provided to CAT recipients.
- R9 Helps build and facilitate networks, peer to peer mentoring links and hosts case studies using the council's website.
- R10 Establishes a basic threshold for consultation, as suggested in the report, and then details this in the CAT Policy, Toolkit and on the relevant webpage.

- R11 Provides training and clear accessible information on CAT to Councillors and Community Councils.
- R12 Establishes an identifiable single point of contact for CAT.
- R13 Develops a process for investigating and dealing with any negative impacts of Council authorised activity on a transferred community asset. The Council must ensure that it consults with transferees about potential impacts to their assets during the period of their control.
- R14 Develops a process for reviewing the success of any CAT with assessment of the benefits for the whole community, not just the financial benefits for the Council, and checking that expectations have been met.

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Council Officers from Legal Team
Cabinet Member for Corporate Services and Performance
Cabinet Member for Investment, Regeneration, Events and Tourism.

Evidence submissions from: (over and above those Councillors on the Panel):

Matthew Bailey (Councillor)
Mike Durke (Councillor)
Chris Evans (Councillor)
Swansea Co-Housing
Llanrhidian Higher Community Council
Secretary & Trustee Mumbles Community Association
Coed Gwillim Park
Penlan AFC
Member of the public Ms R M Jones.

Some of the publications discussed by the Panel are listed below, a full evidence pack is available on the Swansea Council website [here](#)

Welsh [Government Guidance on Community Asset Transfer](#)

[Swansea Councils Policy on Community Asset Transfer](#)

[Welsh Government response](#) to a Senedd Inquiry into Community Asset Transfer.

Welsh Government, [Community Asset Transfer Case Studies](#)

[Cardiff toolkit](#) called 'is your organisation ready to step up'

[Community Asset Transfer Policy \(southampton.gov.uk\)](#)

ABOUT THE INQUIRY PANEL

The **Community Assets Scrutiny Inquiry Panel** is a team of Councillors who are not members of the Cabinet, appointed by the Council's Scrutiny Programme Committee. Inquiry Panels will examine a strategic issue of concern and make recommendations about how policies and services can be improved.

Members of the Panel

Wendy Fitzgerald

Joe Hale

Victoria Holland

Chris Holley

Yvonne Jardine

Allan Jeffery

Susan Jones

Michael Locke

Cheryl Philpott

Stuart Rice (CONVENER)

Will Thomas

The Inquiry was supported by Michelle Roberts from the Council's Scrutiny Team.

For further information contact:

Michelle Roberts
Scrutiny Officer
City and County of Swansea
michelle.roberts@swansea.gov.uk