

**Y BWRDD GWEITHREDOL**  
**26 MEHEFIN, 2017**

**Y WYBODAETH DDIWEDDARAF AM DROSGLWYDDO ASED AU**  
**CYMUNEDOL**  
**PARCIAU, LLEOEDD CHWARAE A LLECYNNAU AMWYNDER**

**Yr argymhellion / penderfyniadau allweddol sydd eu hangen:**

1. Nodi statws presennol yr amrywiol drosglwyddiadau i Gynghorau Cymuned a sefydliadau chwaraeon.
2. Cadarnhau pa asedau ddylai symud ymlaen i'r cyfnod ymgynghori.
3. Cadarnhau'r Grant Cynnal a Chadw ar gyfer asedau lle na chwblhawyd trosglwyddiadau cyn 31 Mawrth 2017.
4. Ystyried cyflwyno cyfrifiad diwygiedig o ran talu'r Grant Cynnal a Chadw o 1 Ebrill 2017.

**Y Rhesymau:**

1. Rhoi'r wybodaeth ddiweddaraf ynghylch y cynnydd.
2. Cytuno ar ffordd bendant ymlaen o ran yr asedau hynny nad ydynt wedi bod yn destun Mynegiannau o Ddiddordeb.
3. Dilyn penderfyniad y Bwrdd Gweithredol ar 20 Mehefin 2016 a thynnu sylw at y Cynghorau Cymuned a Thref a fyddai'n derbyn y grant gostyngol.
4. Cymell cwblhau'r trafodaethau ynghylch trosglwyddo asedau; diogelu ymrwymiad ariannol y Cyngor Sir; ac adlewyrchu'r aelodau sydd newydd eu hethol ar y Cynghorau Tref a Chymuned.

Angen ymgynghori â'r Pwyllgor Craffu perthnasol NAC OES

Angen i'r Bwrdd Gweithredol wneud penderfyniad OES

Angen i'r Cyngor wneud penderfyniad NAC OES

**YR AELOD O'R BWRDD GWEITHREDOL SY'N GYFRIFOL AM Y PORTFFOLIO:-**

Y Cynghorydd David Jenkins a'r Cynghorydd Hazel Evans

**Y Gyfarwyddiaeth:** Yr  
Amgylchedd

**Enw Pennaeth y Gwasanaeth:**  
Jonathan Fearn

**Awdur yr Adroddiad:**  
Stephen Morgan

Pennaeth Eiddo

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Rheolwr Asedau Strategol

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# EXECUTIVE SUMMARY

## Executive Board

26<sup>th</sup> June 2017

### COMMUNITY ASSET TRANSFER UPDATE PARKS, PLAYGROUNDS & AMENITY AREAS

#### Background

The Community Asset transfer of parks, playgrounds and amenity areas has been the subject of various reports to members over the last few years.

On 15<sup>th</sup> December 2014 the Executive Board unanimously resolved the following in relation to parks, playgrounds and amenity areas:

- *“That in order to encourage asset transfers, a deadline of 1st April 2016 be set for the submission of interests for the transfer and that a final transfer deadline of 31st March 2018 be set, after which time, the maintenance of facilities could potentially cease.”*
- *“That the £253,044 remaining in the Asset Transfer Fund be utilised to provide a fixed or variable amount of funding to incentivise the first organisations to take a transfer of facilities, up to a maximum ceiling of £10k per organisation.”*
- *“That all town and community councils within the County be advised of the Board’s decision and to the possibility that further cuts to the Council’s budget could potentially result in those assets not transferred not being maintained after 31st March 2018.”*

Letters were sent to all Town and Community Councils informing them of the above, along with subsequent reminders. Discussions have continued with the various Councils and also a range of sporting groups and other organisations who expressed interest in asset transfer. Interested organisations were offered a Maintenance Grant of 2x the 2013/14 maintenance cost for each asset, together with an Improvement Grant of up to £10,000 per organisation mentioned above.

A further update and report on the transfer process was provided to Executive Board on the 20<sup>th</sup> June 2016. As a result of the report the Executive Board unanimously resolved amongst other items the following matters:

- *“In order to incentivise early completion of the transfers, the Maintenance Grant which is currently 2x the annual maintenance cost is reduced to 1x the annual cost for transfers completed after 31st March 2017. After April 2018, no maintenance grant is made available.”*
- *“With regard to the assets which have not attracted an Expression of Interest (EOI)”*

... “a consultation exercise be undertaken which will seek the views of stakeholders. This may prompt expressions of interest from other groups within the relevant communities. It is proposed that any interested party is given the same incentive and timescale” ... “Upon completion of the consultation process, a report would be provided on the results, including relevant recommendations.”

- “That, in relation to the form and timing of formal consultation on the future management of facilities not subject to an Expression of Interest for asset transfer it was agreed that this should take place in 2017 and that, in the meantime, informal discussions should continue with the 9 Town and Community Councils which had not yet submitted an Expression of Interest”

## **Current Position**

Discussions have continued with all organisations to promote local management of facilities and to progress transfers in accordance with the agreed procedures. The table in Appendix 1 sets out the current position in each area and identifies the following:

- A) Community Councils and sporting bodies that have completed transfers either on leases or on licences pending conclusion of the legal formalities. (Representing 26% of the assets under consideration)
- B) Assets that were the subject of an EOI within the deadline set by the Executive Board decision, but did not complete before March 31<sup>st</sup> 2017 due to legal or other issues beyond the applicant’s control. (Representing 33% of the assets under consideration)  
**Under the present arrangements, these assets would receive 2x the annual maintenance cost as the failure to meet the previous deadline was outside the applicant’s control.**
- C) Assets that were the subject of EOIs but outside the timelines set by the Executive Board, with no mitigating reasons for delay. (Representing 23% of the assets under consideration)  
**Under the present arrangements the maintenance grant would reduce to 1x the annual maintenance cost.**
- D) Assets that have received no EOI. (Representing 18% of the assets under consideration)  
**Under the present arrangements these would now form part of a consultation exercise with various stakeholders on the future of the various assets.**

## **Proposed Way Forward**

The following steps are proposed, for discussion:

- 1) That the premises noted under D) above are to form part of a consultation exercise with the various stakeholders on the future of the relevant assets.
- 2) In order to promote the transfer process in the final year leading up to 31<sup>st</sup> March 2018 deadline, it is proposed that **all interested parties** (assets in categories B & C above) are allowed a grant of **2x** the annual maintenance **irrespective of the reasons for any delay to**

**date.** It is recommended that, to reflect the concession being made, and in order to incentivise early completion of the remaining transfers, the Maintenance Grant is reduced by 1/24<sup>th</sup> per month from 1<sup>st</sup> April 2017, up to the date of transfer.

- 3) The deadline for transfers to benefit from Maintenance and Improvement Grants remains as 31<sup>st</sup> March 2018.

<b>DETAILED REPORT ATTACHED?</b>	<b>YES (Appendix attached)</b>
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## IMPLICATIONS

**I confirm that other than those implications which have been agreed with the appropriate Directors / Heads of Service and are referred to in detail below, there are no other implications associated with this report :**

**Signed: Jonathan Fearn**

**Head of Property**

Policy, Crime & Disorder and Equalities <b>YES</b>	Legal <b>YES</b>	Finance <b>YES</b>	ICT <b>NONE</b>	Risk Management Issues <b>YES</b>	Staffing Implications <b>NONE</b>	Physical Assets <b>YES</b>
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### **Policy, Crime & Disorder and Equalities**

The proposals contributes to the Making Better Use of Resources Theme and is in accordance with adopted Community Asset Transfer procedures.

Where the Council receives no interest in taking a transfer of a particular recreation asset, a suitable consultation process would be required and equalities impact assessment to determine future provision. The process will also need to take on board play sufficiency matters.

### **Legal**

The proposals will require legal input to formalise the agreements. Asset transfers, in accordance with the adopted Procedures, are undertaken on a long-leasehold basis. All assets will have been the subject of Public Open Space Notices where relevant in accordance with s123 of the Local Government Act 1972.

### **Finance**

The proposals involve one-off maintenance grants and potential improvement contribution to bring about longer term revenue savings.

The improvement and maintenance grant payments will be fully funded by existing budgets.

### **Risk Management Issues**

Asset transfers would normally pass insurance responsibility via the lease to the tenant, reducing the County Council's liability.

## Physical Assets

Asset transfers ensure the continued use of the assets concerned for the benefit of present and future generations and would result in a reduction in the number of assets directly managed by the County Council.

## CONSULTATIONS

I confirm that the appropriate consultations have taken in place and the outcomes are as detailed below

Signed: Jonathan Fearn

Head of Property

### 1. Scrutiny Committee

Policy & Resources Scrutiny Committee was updated on 30<sup>th</sup> April 2015

### 2. Local Member(s)

Consulted as part of the asset transfer process and prior to any disposal

### 3. Community / Town Council

Various consultations / workshops and meetings held

### 4. Relevant Partners

Various consultations / workshops and meetings held with sporting groups and third sector bodies.

### 5. Staff Side Representatives and other Organisations Not applicable

## Section 100D Local Government Act, 1972 – Access to Information

### List of Background Papers used in the preparation of this report:

Title of Document	File Ref	Locations that the papers are available for public inspection
Community Asset Transfer Procedures		<a href="http://www.carmarthenshire.gov.wales/media/1109397/Community-Asset-Transfer-Procedures-2013-16.pdf">http://www.carmarthenshire.gov.wales/media/1109397/Community-Asset-Transfer-Procedures-2013-16.pdf</a>
Executive Board, 15th December 2014, Item 11: TRANSFER OF PARKS, PLAYGROUNDS AND AMENITY AREAS		<a href="http://online.carmarthenshire.gov.uk/agendas/eng/EXEB20141215/index.asp">http://online.carmarthenshire.gov.uk/agendas/eng/EXEB20141215/index.asp</a>
Executive Board, 4 <sup>th</sup> January 2016, Item 5: COMMUNITY ASSET TRANSFER - UPDATE		<a href="http://democracy.carmarthenshire.gov.wales/ieListDocuments.aspx?CId=131&amp;MId=125&amp;Ver=4">http://democracy.carmarthenshire.gov.wales/ieListDocuments.aspx?CId=131&amp;MId=125&amp;Ver=4</a>
Executive Board, 20th June 2016, Item 12,: TRANSFER OF PARKS, PLAYGROUNDS, AMENITY AREAS - COMMUNITY ASSET TRANSFER UPDATE		<a href="http://democracy.carmarthenshire.gov.wales/ieListDocuments.aspx?CId=131&amp;MId=350&amp;Ver=4">http://democracy.carmarthenshire.gov.wales/ieListDocuments.aspx?CId=131&amp;MId=350&amp;Ver=4</a>