

CABINET

27.03.23

Y WYBODAETH DDIWEDDARAF AM DROGLWYDDO ASED AU CYMUNEDOL

Yr argymhellion / penderfyniadau allweddol sydd eu hangen:

Nodi statws presennol trosglwyddo asedau parciau a lleoedd chwarae a chymeradwyo a mabwysiadu'r ddogfen Gweithdrefnau Trosglwyddo Asedau Cymunedol.

Y rhesymau:

Rhoi'r wybodaeth ddiweddaraf am y cynnydd o ran trosglwyddo asedau cymunedol parciau a lleoedd chwarae a mabwysiadu'r ddogfen Gweithdrefnau Trosglwyddo Asedau Cymunedol sydd newydd ei diweddarau.

Angen i'r Cabinet wneud penderfyniad: OES

Angen i'r Cyngor wneud penderfyniad: NAC OES

YR AELOD CABINET SY'N GYFRIFOL AM Y PORTFFOLIO: **Y Cyngorydd Gareth John** (Aelod Cabinet dros Adfywio, Hamdden, Diwylliant a Thwristiaeth), **Y Cyngorydd Edward Thomas** (Aelod Cabinet dros Wasanaethau Trafnidiaeth, Gwastraff a Seilwaith) a'r **Cyngorydd Alun Lenny** (Aelod Cabinet dros Adnoddau)

Y Gyfarwyddiaeth: Y Prif Weithredwr

Enw Pennaeth y Gwasanaeth: Jason Jones

Awdur yr Adroddiad: Emily Hughes

Pennaeth Adfywio

Uwch-syrffêwr Rheoli Asedau

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COMMUNITY ASSET TRANSFER UPDATE

Purpose of the Report - The Community Asset Transfer of parks and playgrounds has been the subject of various reports to members over the last few years. The purpose of this report is to provide members with an update regarding the current position relating to the asset transfer of parks and playgrounds and to highlight the additional expressions of interest received.

The Council's Community Asset Transfer Procedures document has also recently been reviewed and has been updated to consider the challenges encountered to date and the lessons learnt from dealing with various asset transfers over the years. The new Procedures will replace the 2013-2016 version.

A consultation process was carried out with Town and Community Council at the beginning of the year with a questionnaire sent to all Councils requesting their feedback on their experiences to date. Their comments have been taken on board and incorporated within the new document. The main themes emerging from the responses to the questionnaire include:

- A requirement that the County Council will endeavour to provide the organisation with information that is available and relevant in each case. Where possible, the Council will provide condition surveys, historical maintenance and running costs of the asset, and relevant legal contractual information regarding service providers to the property.
- The provision of a more realistic timetable of the Community Asset Transfer process. Page 9 of the Procedures sets out a clear timeframe of the process. It is important to note that the timescales are for guidance only and that flexibility is essential, as other types of requirements may need to be addresses such as ownership or title issues, restrictive covenants, charitable land, fields in trust, rights of way, etc.
- Advice regarding where up to date funding information relevant to each project can be sought. The County Council will offer community development advice and assistance and access to funding opportunities for feasibility / business planning support via its Community Bureau Team. The Bureau can assist community, voluntary and charitable groups and social enterprises in Carmarthenshire to access support and advice where needed.

A copy of the new Procedures can be seen in **Appendix 1** and it is recommended that Cabinet approve these Procedures.

Update on Asset Transfers - Discussions have continued with numerous organisations to promote local management and maintenance of parks and playgrounds and to progress the transfers of these assets.

To date, **97%** of the parks and playgrounds across the County have been transferred on either leases or licences to Town and Community Councils and various other Organisations, with the remaining **3%** in the process of being transferred. A full list of the parks and playgrounds transferred under a lease or licence can be seen in **Appendix 2**.

A summary of the assets currently held on licences and those in the process of being transferred can be seen within the table in **Appendix 3**. Of the ones held on licences, six of the assets are subject to Trust with the remainder awaiting approval from the Land Registry. The assets in bold continue to be managed by the County Council until transfer is complete.

In addition to the transfer of parks and playgrounds, expressions of interest have been received for various other assets within the County ranging from a public convenience to a former lido. These assets are currently being considered for transfer or in the process of being transferred and are listed under 'Additional Community Asset Transfers' within the table in **Appendix 3**.

New expressions of interest are always welcomed, and the County Council will continue to support any future community asset transfer requests and assist, where it can, to promote potential opportunities via its Community Bureau Team.

DETAILED REPORT ATTACHED?

YES - Appendix 1, 2 and 3

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: Jason Jones (Head of Regeneration)

Policy, Crime and Disorder and Equalities	Legal	Finance	ICT	Risk Management Issues	Staffing Implications	Physical Assets
YES	YES	YES	NONE	YES	NONE	YES

Policy, Crime and Disorder and Equalities

Assets are transferred in accordance with the current Community Asset Transfer Procedures document.

Community Asset Transfers support the principles of The Well-being of Future Generations (Wales) Act 2015, through collaboration to deliver improvements for the well-being of people and communities in Carmarthenshire for the benefit of present and future generations.

Legal

Community Asset Transfers require Legal input to formalise the agreements. Asset transfers are generally undertaken on a long-leasehold basis and will have been the subject of Public Open Space Notices where relevant in accordance with s123 of the Local Government Act 1972. Transfers can be problematic where the ownership of the land to be transferred is unclear due to historic record keeping or where the land is held by the Council on Trust.

Finance

Several of the asset transfers of parks and playgrounds have involved one-off maintenance and improvement grants to bring about longer term revenue savings. These grants were funded by existing budgets.

Risk Management Issues

Asset transfers pass the insurance and maintenance responsibility via the lease to the tenant, reducing the 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 Council.

CONSULTATIONS

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

Signed: Jason Jones (Head of Regeneration)

1. Scrutiny Committee request for pre-determination	YES
If yes include the following information: -	
Scrutiny Committee	Communities, Homes and Regeneration
Date the report was considered:-	16.11.22
Scrutiny Committee Outcome/Recommendations:-	
<p>That the Community Asset Transfer Update Report be received.</p> <p>That it be recommended to Cabinet that the newly updated Community Asset Transfer Procedures Document be adopted.</p>	
<p>2. Local Member(s) - Local Members have been consulted as part of the previous asset transfer process and current members will be consulted prior to any future disposals.</p>	
<p>3. Community / Town Council - Various consultations / workshops and meetings have been held prior to the transfer of the assets.</p> <p>Presentations were carried out at the beginning of the year followed by a questionnaire sent to all Town and Community Councils requesting information regarding their experience of the asset transfer process to date.</p>	
<p>4. Relevant Partners - Various consultations / workshops and meetings have been held with sporting groups and third sector bodies.</p>	
<p>5. Staff Side Representatives and other Organisations - Not applicable.</p>	
CABINET MEMBER PORTFOLIO HOLDER(S) AWARE / CONSULTED - Yes	Include any observations here
Section 100D Local Government Act, 1972 - Access to Information	
List of Background Papers used in the preparation of this report:	
Title of Document	Locations that the papers are available for public inspection
Carmarthenshire County Council - Community Asset Transfer Procedures (2013-2016)	Community Asset Transfer (gov.wales)
Ystadau Cymru - Community Asset Transfer	community-asset-transfer-guide.pdf (gov.wales)