

Agenda – Y Pwyllgor Llywodraeth Leol a Thai

Lleoliad:	I gael rhagor o wybodaeth cysylltwch a:
Ystafell Bwyllgora 5	Manon George
Dyddiad: Dydd Iau, 7 Gorffennaf 2022	Clerc y Pwyllgor
Amser: 09.00	0300 200 6565
	SeneddTai@senedd.cymru

Rhag-gyfarfod (09.00 – 09.15)

- 1 Cyflwyniad, ymddiheuriadau, dirprwyon a datgan buddiannau

- 2 Papurau i'w nodi
(09.15) (Tudalen 1)
 - 2.1 Gohebiaeth gan grŵp Welsh Cladiators mewn perthynas â diogelwch adeiladau
(Tudalen 2)
 - 2.2 Llythyr gan Gareth Wilson at y Gweinidog Newid Hinsawdd ynghylch diogelwch adeiladau
(Tudalennau 3 – 8)

- 3 Cynnig o dan Reol Sefydlog 17.42(ix) i benderfynu gwahardd y cyhoedd o'r cyfarfod ar gyfer eitemau 4 ac 8
(09.15)

- 4 Ymchwiliad i ddarparu safleoedd ar gyfer cymunedau Sipsiwn, Roma a Theithwyr – trafod yr adroddiad drafft
(09.15 – 10.15) (Tudalennau 9 – 55)

- Egwyl (10.15 – 10.30)

- 5 Ymchwiliad i asedau cymunedol – sesiwn dystiolaeth 1
(10.30 – 11.30) (Tudalennau 56 – 80)



Casey Edwards, Cynghorydd Tai Cymunedol, CWMPASS – Canolfan
Cydweithredol Cymru

Harry Thompson, Arweinydd Polisi Economaidd, Sefydliad Materion Cymreig

Egwyl (11.30 – 11.40)

6 Ymchwiliad i asedau cymunedol – sesiwn dystiolaeth 2

(11.40 – 12.40)

(Tudalennau 81 – 116)

Eleri Williams, Swyddog Polisi, yr Ymddiriedolaeth Adeiladu Cymunedau

Jon Rae, Cyfarwyddwr Adnoddau, Cymdeithas Llywodraeth Leol Cymru

Geoff Bacon, Pennaeth Gwasanaethau Eiddo, Cyngor Abertawe

Lyn Cadwallader, Prif Weithredwr, Un Llais Cymru

Ben Lloyd, Pennaeth Polisi, Cyngor Gweithredu Gwirfoddol Cymru

John Rose, Cyfarwyddwr i Gymru, Cronfa Gymunedol y Loteri Genedlaethol

Cinio (12.40 – 13.30)

7 Ymchwiliad i asedau cymunedol – sesiwn dystiolaeth 3

(13.30 – 14.30)

(Tudalennau 117 – 148)

Tom Chance, Prif Weithredwr, Rhwydwaith Ymddiriedolaethau Tir Cymunedol

Chris Cowcher, Pennaeth Polisi a Chyfathrebu, Sefydliad Plunkett

Paul Edgeworth, Rheolwr Ymgyrchoedd, CAMRA

Natalie Sargent, Rheolwr Datblygu – Cymru, Ymddiriedolaeth Adfywio'r

Meysydd Glo

Richard Harries, Cyfarwyddwr Cyswllt, Sefydliad Astudiaethau Cymunedol

8 Ymchwiliad i asedau cymunedol – trafod y dystiolaeth a ddaeth i law o dan eitemau 5, 6 a 7

(14.30 – 14.45)

Eitem 2

Y Pwyllgor Llywodraeth Leol a Thai

7 Gorffennaf 2022 - clawr y papurau i'w nodi

Rhif y papur	Mater	Oddi wrth	Gweithredu
Papur 1	Diogelwch adeiladau	Grŵp Welsh Cladiators	I'w nodi
Papur 2	Diogelwch adeiladau	Gareth Wilson at y Gweinidog Newid Hinsawdd	I'w nodi

Further to your recent correspondence from the Chair of the LG & Housing Committee - dated May 26 2022. Sadly the Minister's replies told us nothing that we did not know and provided little in depth detail that we desperately need from the WG.

We remain deeply concerned about the slow rate of progress on Welsh home fire safety and would ask that you communicate to the Chair that on 5/6 April Welsh developer Redrow committed to remediate their English defective homes. As of today Redrow have yet to make any announcement about their seriously defective Welsh homes. At the same time Laing O'Rourke who the Welsh Government paid £350m to build the new Grange University Hospital has failed to even engage with the Minister on their defective builds in Cardiff Bay. One of which the WG has already funded repairs to the tune of £1.75m. We would like to know if the WG intends to litigate against LOR to recover those tax-payer monies?

We also have no indication from Minister Julie James about when very critical legal protections contained within the English Building Safety Act will be enacted in Wales. We also have no indication as to when funding will flow to impacted developments. Meanwhile innocent Welsh homeowners are unable to sell their homes and live with 24/7 mental stress and financial worry. Some of our members are now having to face developers like Redrow and others in the courts. We are facing expensive teams of QCs with all the attendant financial risks. This cannot be fair when we are innocent victims.

On 14 June it will be five years since the Grenfell tragedy and we have no way of knowing when our misery will end

We again request an opportunity to appear urgently before the Committee to express our concerns. We look forward to hearing from you

With regards

Welsh Cladiators Group

Gareth Wilson

Julie James
Minister for Climate Change
Welsh Government

30 June 2022

Dear Minister,

Re: Welsh Building Safety – Leaseholder Support Scheme announced 27 June 2022 (“the Scheme”)

We have met and communicated before on building safety issues. As you know, I am a leaseholder and director of the residents’ management company at Celestia. I am also the lead claimant in the high court claim currently being pursued by Celestia residents against the developer, a Redrow PLC subsidiary company, which is now dormant. I, amongst others, have been urging you and your government to take urgent effective legislative steps to fulfil your oft stated promises to leaseholders.

Against that background, I have read with great dismay and sadness the Scheme you have just announced. It is a cruel deception on vulnerable leaseholders, building up unreasonable expectations. It reads like a marketing pitch from a financial adviser, similar to those available all over the internet and appears to be written by the same people. In fact, the only people likely to benefit from the Scheme are those that have advised you to adopt it i.e. the “financial experts” whose advice you acknowledge and who will be paid for further advice.

The pitch is valueless. It works in two ways: -

- first, you don’t give proper guidance on eligibility for the scheme (very few will qualify) and
- second, if a leaseholder gets to the end point where Welsh Government (“WG”) offers to buy a flat, there is no indication of a price point – other than “*fair market value*”. This, by definition, is a price that could be obtained on the open market without WG interference.

Poverty

To be clear, I have read the Scheme. The eligibility criteria appear to be mythical and certainly not easily identifiable. You do not say where the “*Social Metrics Commissions’ definition of significant financial hardship*” can be found and my own brief research suggests no such definition exists. The implication is that it is a definition of poverty (as this is the function of the Social Metrics Commission) and your “Guidance” confirms “*You will also be required to show how your disposable income puts you close to or below the poverty line.*” That is an entirely inappropriate measure for any meaningful help, though it is a recognition of the depths of penury and despair to which you believe some leaseholders will have sunk.

The fair market value at which WG might buy at flat will then take into account the state of the flat i.e. including all its defects. In effect, all the “support” offered by the Scheme does is

acknowledge that the leaseholder has been reduced to a state of poverty. It does not alleviate that poverty. To have his/her new status as having fallen below the poverty line confirmed, the leaseholder will need to go through a laborious application process based on a standard financial information request used with the industry for, e.g., a mortgage application.

Smoke and Mirrors

In a letter dated 22 June 2022 to Vaughan Gething, you used the expression “*smoke and mirrors*” to describe information provided by the UK Treasury. Your Scheme is just that, but is more reprehensible because it is directed – as the Scheme anticipates - at very vulnerable individuals.

I wrote to Linda Thorne, Chair of the Housing Committee on Cardiff City Council, on 14 March 2022 and a copy of that letter has been put before the Senedd committee and sent to you. I attach a further copy. Paragraph 10 of that letter reads: -

*“My personal view is that you should also seek to dissuade WG from wasting any time, energy and resource on the plan announced by Julie James to bail out the very small minority of leaseholders worst affected. **This will do nothing to repair a single building and will be unworkable. It would be divisive. It is distracting resource and planning. It is a waste of public money.**”*

All those anticipated criticisms – which I have not repeated above - have been borne out. The Scheme is actually worse than I anticipated, which seems to be a consequence of the realisation within your department that the Scheme is unworkable: it is now so vague as to be impossible to judge. The best possible outcome is that the Scheme is ignored by leaseholders and no further funds are wasted on financial advice or administration costs.

Effective Legislation

In the meantime, progress on the real issues remains glacial. Survey work is progressing so slowly that it will be years before it is completed. The flow of information is almost zero: we at Celestia have heard nothing since lodging an Expression of Interest 9 months ago. We do not even know: -

- What list we are on i.e. whether our buildings require further intrusive surveys
- What further surveys might be required
- When those surveys will be done.
- Where we are in the queue.

There is no news on legislative progress in Wales and nothing on any of the specific areas raised in my letter to Linda Thorne. There is a vague suggestion – three months on - that some developers will now treat Welsh leaseholders similarly to those in England, but

- You now seem to be linking this with final contracts rather than the pledges – and there is no news on progress there.
- The pledges themselves contained undertakings to provide remedial plans for developments where defects had already been identified e.g. Celestia, within 30 days. That period expired in England 8 weeks ago. When does that period begin to run in Wales?

- I note you refer to developers “contributing to” rather than “paying for”, which is clearly a significant step back.
- Your recent announcements refer to “*fire safety issues*” rather than “*safety issues*”. This is at odds with WG’s holistic approach. Some of the significant safety issues at Celestia are not fire related.

The most critically important actions required are those related to the Remediation Orders and Remediation Contribution Orders referred to in my attached letter (though the section numbers have changed since the draft available in March to SS 124 & 125).

I am sure all leaseholders would be grateful if you could answer the questions set out in §9.1 – 9.4 of my attached letter.

Kind regards



Gareth Wilson

Cc Mark Drakeford FM
John Griffiths MS
Andrew RT Davies MS
Vaughan Gething MS
Jane Dodds MS
Rhys ab Owen MS
Linda Thorne – Head of Housing CCC

Gareth Wilson

Councillor Lynda Thorne
Cabinet Member for Housing and
Communities

14 March 2022

Dear Lynda,

Re: What can Cardiff City Council (“CCC”) do to help solve the building safety crisis in Cardiff – without further damaging delay?

Thank you for inviting me to the Zoom meeting on Thursday, 10th March with Vaughan Gething. At the meeting, you expressed your clear desire to assist in solving the building safety crisis in Cardiff, but highlighted CCC’s funding difficulties. You asked for comments and suggestions, and I write to set out a clear path forward for CCC.

Unworkable suggestions

1. **Council tax relief:** CCC does not have funding available to repair buildings itself. Welsh Government (“WG”) has the budget. Any major CCC contribution, for example, to give relief against council tax would necessarily have to be found from elsewhere i.e. other council tax payers. I agree with you that this is a non-starter.
2. **Council funded sprinklers:** Sprinklers are a good thing, but CCC funding simply introduces a layer of unnecessary bureaucracy, delay and cost. WG has the funds. These can be made available direct to CMCL and others rather than through the council.

Summary: Practical low-cost proposals

3. Delay is the key issue. There are proposals in English draft legislation, the Building Safety Bill (“BSB”) that will help leaseholders in Wales. Therefore,
 - 3.1. CCC needs to pressurise WG to ensure that those proposals are enacted into Welsh law at the soonest possible date.
 - 3.2. CCC also needs to enforce the new legislation immediately it is enacted.
 - 3.3. CCC can also pressurise developers and builders even before the measures become law by announcing and demonstrating its intention to take immediate action.

The key legislative proposals

4. Sections 125 and 126 of the Building Safety Bill (attached) contain provisions for “*Remediation Orders*” and “*Remediation Contribution Orders*” to be made against a “*relevant landlord*”, which is widely defined to cover developers and their associated companies.
5. Both Orders can be sought by a local authority. However, because this area is devolved, section 29(2) of the BSB effectively restricts the provisions to England.
6. CCC will therefore be able to apply for Orders provided only that similar legislation is enacted in Wales.

Process and timetable in Wales

7. I have now asked two key Senedd members, including Vaughan Gething at our Zoom meeting what the process and timetable is for enacting this legislation in Wales and intend to continue to ask that question of all Senedd members. As you will have heard from Vaughan, in both cases the answers have been totally unsatisfactory i.e. “*I don’t know.*” I interpret this as “*there is no meaningful plan.*”
8. We all know that the first step is for the BSB to be passed in Westminster and that is not within our control. However, we also know that the BSB is expected to be passed within the next couple of months and the time for detailed planning to take this forward in Wales has long since passed.
9. CCC should be making clear to WG its urgent need to be granted the powers under Sections 125 and 126 of the BSB and its intention to use them immediately. To that end CCC should ask WG to provide it with assurances that will happen and to publish details of :-
 - 9.1. What steps WG has taken to date to prepare Welsh legislation?
 - 9.2. What resources are being devoted to this?
 - 9.3. What the process is for passing the legislation?
 - 9.4. Most importantly (and bearing in mind the legislation has cross-party support) a **detailed timetable for the legislative process and the date** – which could be related to the passing of the BSB i.e. within 6 weeks of enactment of the BSB – on which WG expects the legislation to reach the timetable.
10. My personal view is that you should also seek to dissuade WG from wasting any time, energy and resource on the plan announced by Julie James to bail out the very small minority of leaseholders worst affected. This will do nothing to repair a single building and will be unworkable. It would be divisive. It is distracting resource and planning. It is a waste of public money.

CCC’s preparations

11. The council itself needs to plan, train and resource so that it is in a position to enforce the legislation – including issuing Remediation Orders and Contribution Orders – from Day 1. This will require a clear legal understanding of the new legislation and an early identification of target developments.
12. As stated above, developers could be notified of the council’s intention to issue Orders even before the new legislation reached the statute books. It is still possible that the threat of the use of the powers will be enough for some developers to take action.
13. CCC will need to liaise with South Wales Fire and Rescue and also with other “interested persons” to prevent duplication of effort. Fire authorities should have power to apply for both Orders. Other interested persons e.g. leaseholders can apply for Contribution Orders.
14. It would be helpful if you could keep us advised of the steps you are taking as this will impact directly on our planning and the financial strains this will put on leaseholders. As I expect you know, I have been in contact with Dave Holland over the last two years and I

am sure he will be keen to move forward on this. I would be happy to contribute in any way I can.

The reality of leaseholders' position and potential impact on CCC

15. CMCL is currently trying to raise a small part (20% this year) of our total estimated repair bill from leaseholders. The first half of this £1.2 million (10% of total) should have been paid on 1 January this year. As of now, only 147 of 457 leaseholders have paid in full. 196 leaseholders have paid nothing. A further 33 are falling behind instalment plans that CMCL have agreed with them.
16. A further £1.2 million will be due on 1 July – less than 3 months away. We will have to ask for further substantial payments at the end of the year as the money we are currently attempting to collect will not be sufficient even for Phase 1 of our planned remediation. The prospects for many leaseholders look very bleak.
17. It is CMCL's duty to pursue leaseholders who do not pay and letters before action are going out this month. If we pursue debt action, this will affect credit ratings, further costs will be incurred and ultimately, we will be forced to foreclose. It is a downward spiral and CCC will ultimately be picking up the pieces of potentially hundreds of people rendered homeless. This is happening **now**.
18. Delay will effectively negate any possible benefit of a WG scheme to remediate. A perfect scheme that does not appear in time is not perfect, it is useless. The one thing that could ameliorate a delay is the interim and immediate availability of WG backed or sponsored loan finance, which will enable CMCL to undertake repairs without bankrupting and otherwise destroying the lives of leaseholders in the process.

As there is no process for leaseholders and management companies like ours to contribute to the WG's thinking, it would be helpful if you could do this for us. Better still, persuade WG to set up a process that enables leaseholders to contribute.

I am sure this has wide cross-party support within CCC and am copying this to other councillors listed below. I hope this is helpful and look forward to hearing from you.

Kind regards



Gareth Wilson

CC: Huw Thomas, Adrian Robson, Rhys Taylor, Saeed Ebrahim, Neil McEvoy,

Mae cyfyngiadau ar y ddogfen hon

Yn rhinwedd paragraff(au) vi o Reol Sefydlog 17.42

Mae cyfyngiadau ar y ddogfen hon

Eitem 5

Yn rhinwedd paragraff(au) ix o Reol Sefydlog 17.42

Mae cyfyngiadau ar y ddogfen hon



[Cwmpas](#) is a development agency working for positive change. We are a co-operative, and our focus is on building a fairer, greener economy and a more equal society, where people and planet come first. The current economic system is failing to tackle the key challenges our communities face today, from climate change to economic hardship. It does not have to be this way. Established in 1982 as the Wales Co-operative Centre, at Cwmpas we've made it our mission to change the way our economy and society works.

Our Communities Creating Homes project offers support and advice to new and existing organisations looking to develop community-led housing schemes in Wales. In March 2022, we published a report titled "Community ownership of land and assets: enabling the delivery of community-led housing in Wales" to stimulate discussion on community ownership in Wales in relation to housing. Below, we will respond to the terms of reference set out in this consultation in the context of how they relate to community-led housing in Wales.

- **Whether the current statutory and policy framework empowers communities in Wales to develop community assets;**

There is a clear political will for community-led housing to be developed further in Wales. Community-led housing is set out in the Programme for Government as a specific aim, with Welsh Government stating that "*We will... Support co-operative housing, community-led initiatives, and community land trusts*". Communities Creating Homes works to support community-led housing projects across Wales with funding from the Welsh Government, and we engage consistently with them and other partners and stakeholders to support the development of the sector.

However, there are clear barriers within the statutory and policy infrastructure that must be removed in order to achieve a supportive and empowering framework. Our "Community Ownership of Land and Assets" report found that "In Wales, we have far fewer options for community ownership of land and assets" and that Scotland and England have more progressive legislation than Wales to allow community ownership of land and assets. It noted that "while we already have some community ownership rights in Wales, we need to strengthen these and develop a bespoke approach that works for our communities across the country".

Recent reports from the [Bevan Foundation](#) and the [Institute of Welsh Affairs](#) agree with this assessment in relation to rights to community ownership. The Institute of Welsh Affairs found that communities face an "an arduous and demoralising process" and that it was "extremely likely" that the situation in Wales has led to many assets being permanently lost to communities.

- **The extent the Community Asset Transfer scheme promotes and supports effective development of community assets;**

Whilst some community ownership rights already exist in Wales, Community Asset Transfers and Compulsory Purchase Orders, they do not go far enough to enable communities to take real control of land and assets to deliver more affordable homes. While the programme has had some success, there have been several issues, mainly relating to lack of capacity and support for community groups, and public bodies transferring liabilities, not assets.

The report published by the IWA also highlighted the inconsistency in the scheme across Wales, with people in some areas seeing CATs as a collaborative process, whereas in other areas there is perceived to be a lack of trust. We have recommended that the Welsh Government should develop a formal process for Community Asset Transfers so that there is a standardised approach across all local authorities and public bodies.

- **To explore barriers and challenges faced by communities in taking ownership of public or privately owned assets, including finance and support services;**

Through our work supporting community-led housing projects in Wales, we have seen the barriers that exist to the development of this sector, and have identified policy levers that can be used to overcome them:

Access to Land

One of the fundamental obstacles that we have identified facing several potential community-led housing projects in Wales is finding suitable sites available for purchase. As already discussed, policy has been developed in England and Scotland that could be replicated (and improved) in Wales. More information on this is given in response to the next question.

Access to Capital

The most common barrier or challenge for groups looking to set up community-led or co-operative housing projects is access to finance. This can come in different forms, including:

- A shortage of grant funding/risk capital for pre-development costs such as finding accessible sites and planning applications
- Lack of dedicated funding for land acquisitions
- Lack of a single financial pathway for making multiple applications to different funders.

The establishment of a capital fund, such as the revolving loan fund set out in the report, is necessary to ensure that community groups are able to make the leap from group formation and development of their plans to accessing land and making headway on developing homes. Whilst we have supported some groups who have overcome the lack of available public finance, this has often been via the involvement of philanthropic land-owners,

sympathetic to the aims of the community groups seeking to develop CLH. As an example, a group we are supporting in Gwynedd have been offered a site at £100,000 below market-rate by a former resident of the area, who is keen to ensure that the community survives despite an extraordinarily high rate of second home-ownership. Elsewhere, we have seen the potential of loanstock offers (where a community invest in a CLH proposal at a low return rate) to deliver some of the finance needed to provide affordable housing. Again, this requires a philanthropic mindset: loanstock is unsecured and the interest rates involved are small. Helping CLH groups tap into their wider communities' altruistic aspirations is undoubtedly part of the service that the CCH programme can further explore, but this alone cannot be relied upon to secure affordable housing for all CLH groups in future. Input of grant funding was necessary to move CLH forward in England (£163 million was made available in 2018) so it is reasonable to determine that the same will be true in Wales.

Cwmpas have been working with WG officials to develop a 'proof of concept' capital grant fund for CLH schemes. If successful, the fund will enable groups to access the much-needed capital grant to purchase the land/buildings necessary to deliver truly affordable homes.

Skills

The different stages of preparing, successfully launching and managing a community-led or co-operative housing scheme each present challenges, and require a variety of skills and knowledge. As a result, ensuring that these projects have access to specialist support is essential. Communities Creating Homes has had considerable experience of nurturing and growing this sector in Wales, and we look forward to continuing to do this as the model expands even further.

Lack of Awareness

It is vital that communities are aware of the potential of this model of housing and development, and particularly that they are aware of their rights as a community to have a say in the future of housing and the wider economy of their area. While success stories across Wales and elsewhere, as well as the policy initiatives within Government, are increasing the awareness of this model as a potential option, more needs to be done to ensure that everyone in Wales is aware of the benefits and potential of community-led housing. This is true of both the general public and communities themselves, and awareness within Government, Local Authorities and other public bodies, who must play a key role in the development of this sector.

- **To discover what lessons can be learnt from beyond the Welsh border.**

In Scotland, there have been consistent policy interventions seeking to develop community rights and community ownership. The Land Reform Act 2003 provided certain community bodies with a pre-emptive right to have the first option to buy land that went to the market. The Community Empowerment Act 2015 allows communities to have a greater say in decision-making, increased the level of funding available, and extended the right to buy to all communities. The Land Reform Act 2016 developed a Land Rights and Responsibility

Statement and developed the right to buy land for sustainable development. In addition, the Scottish Land Fund has allowed greater levels of funding for community-led projects. They have developed a Route Map for Asset Transfer Requests that can be seen [here](#) to fully explain the process to communities.

In the past 10 years, there has also been a growth in policy in this area in England, including the Localism Act 2011 and the development of the Community Right to Build, Challenge and Bid for Land. Wales lags behind in this area of policy, at present.

While Scotland and England have more progressive legislation than Wales to allow community ownership of land and assets, it is important to understand the barriers still faced by communities when trying to take on ownership of land and assets, this will allow us to develop a system that works for the people of Wales. Some of the barriers remaining that have been identified include:

- Land Valuation Systems - When a community nominates an asset and registers an interest, the sale price is determined by an independent assessor. While this is fairer than the English system (where the land/property owner determines the price), it still makes community ownership impossible for many.
- There is limited capital funding available for feasibility studies, meaning the pre-launch stage of developing community-led housing proposals is extremely challenging.
- There remains a limited level of capacity, resources and skills within communities, and further support is necessary. In addition, the level of capacity within communities is inconsistent across different places, with those in rural areas or highly-deprived areas, for example, less likely to have access to the necessary skills and resources.

If you would like to know more about the work of Cwmpas and Communities Creating Homes in developing the community-led housing sector in Wales, please get in touch and we would be delighted to meet to discuss further.

IWA Briefing: Community Empowerment

A briefing for the short debate 'Protecting community spaces: taking back control' tabled by Rhys ab Owen MS on 09 03 2022

During 2021 the Institute of Welsh Affairs undertook research into community empowerment measures in Wales, Scotland and England.

We spoke to policy professionals working on this topic, undertook desk-based research into community rights in Scotland and England, and held policy roundtables with community groups and farmers.

Key Findings

- We found that **Welsh communities are the least empowered in Britain.**
- Community groups we spoke to had near-universally negative views of the situation in Wales – they told us about an **arbitrary, demoralising scenario** with little real process for communities to take ownership of public or private assets.
- Scottish communities have a statutory **right to buy** (essentially a right of first refusal to buy) community assets such as land or pubs when they come up for sale or transfer.
- Scottish communities can even buy assets **without a willing seller** if they are derelict or if it is for sustainable development, if Scottish Ministers agree.
- English communities have a statutory **right to bid** for community assets – with a six-month moratorium on sale if communities express an interest.
- English communities also have a **right to build** (small-scale developments such as community-led housing with fewer planning restrictions) and a **right to challenge** to take over public services.
- Welsh communities have **no statutory rights** of this nature– [various commissions](#) have recommended Wales develop its own system of community empowerment but this has never materialised.
- We are concerned that some decision-makers do not see the value of community empowerment – we believe that as well as revitalising high streets, enabling community-led renewable energy and housing projects, and more, **community empowerment is a desirable outcome in itself.**

Our Recommendations

Recommendation 1: The Welsh Government should begin work on a **Community Empowerment Bill** that establishes a register of community assets, and gives communities a statutory first right of refusal over these assets when they are proposed for sale or transfer.

It is vital that any community empowerment rights in this Bill do not endanger the viability of the agricultural industry that underpins rural Wales, and it should therefore not be considered without a mechanism to ensure land and assets are sold for market value. We do not recommend compulsory purchasing measures as in Scotland, due to the differential context in Wales, the fragility of rural communities, and their importance to the Welsh language.

Recommendation 2: The Welsh Government should establish a well-financed **Community Asset Fund**, based on the successful Scottish Land Fund that distributes grants of between £5,000 and £1m. This should be dedicated to underpinning the Community Empowerment Bill's provisions, financially supporting community ownership, and ensuring that those seeking to sell receive a fair price for their assets.

Recommendation 3: The Welsh Government should establish a **coordinated support package** to support communities that are seeking to buy or lease land or assets. This should be particularly targeted at deprived communities to ensure those without the resources or time to engage as fully in the process are not disadvantaged.

Recommendation 4: The Welsh Government should adopt a **social value policy** that applies to public bodies looking to dispose of or lease land or assets. This should be auditable and communicated clearly with local authorities, public bodies, and Audit Wales. The National TOMs Framework should be used as a starting point to develop this social value policy.

Recommendation 5: In situations where asset transfer is not possible, the Welsh Government should support public bodies to co-produce, with communities as equal partners, future **asset management plans** that reflect community values and vision but also reflect the legal and professional requirements of asset management.

YouGov Polling

We commissioned [YouGov polling](#) that found overwhelming support for our recommendations amongst the Welsh public – crucially, amongst all parties and demographic groups in Wales.

1. To what extent, if at all, would you support or oppose the Welsh Government introducing legislation that gives communities a right of first refusal to buy key community assets such as land, village halls and pubs before they are listed on the open market?

Total Support – 68%, Total Oppose – 8%

2. To what extent, if at all, would you support or oppose the Welsh Government funding grants for communities to buy or lease community assets such as land, village halls and pubs to be run by the community?

Total Support – 71%, Total Oppose – 8%

3. To what extent, if at all, would you support or oppose the Welsh Government creating a coordinated support package (i.e. advisors, detailed guidance) to help assist communities to run their assets such as land, village halls and pubs?

Total Support – 67%, Total Oppose – 9%

4. The Welsh Government, local authorities and public bodies sometimes sell off public assets for various reasons. When a decision is made to sell a public asset, which of the following comes closest to your view?

0

Assets should be sold to whoever offers the wider social benefits, even if this is at a lower price – 59%

Assets should be sold to whoever offers the highest price, even if this doesn't have wider benefits – 8%

Further Reading

[Our Land: Communities and Land Use](#) – Institute of Welsh Affairs

[Libraries and public land lost in Wales as people lack power - report](#) – BBC Wales

[Welsh public overwhelmingly back giving communities more land rights, says new poll](#) – Nation.Cymru

[IWA report finds support for boosting community right to land](#) – The National

[Community Ownership and Empowerment Act would lead to the delivery of more affordable community-led housing in Wales](#), says Wales Co-operative Centre

[Report of the Welsh Co-operative and Mutuals Commission](#)



Cyflwyniad i'r Ymchwiliad i Asedau Cymunedol

Ynglŷn â'r Ymddiriedolaeth Adeiladu Cymunedau

Elusen Gymreig yw'r Ymddiriedolaeth Adeiladu Cymunedau. Rydym yn cefnogi pobl leol i adeiladu ar y cryfderau a'r talentau o fewn eu cymunedau a gweithredu i wneud eu hardaloedd yn llefydd hyn yn oed gwell i fyw.

Rydym yn gwneud hynny drwy ein rhaglen Buddsoddi Lleol, sef menter datblygu cymunedol fwyaf Cymru sy'n seiliedig ar asedau. Wedi'i sefydlu ers 2016 a'i chyllido gan waddol y Loteri o dros £16m, mae wedi cefnogi preswylwyr mewn 13 o gymunedau ledled Cymru. Wrth wraidd y rhaglen y mae'r "cynnig" o £1m i bob un o'r cymunedau, sy'n penderfynu sut ac ar beth maen nhw'n gwario'r arian. Rydym hefyd yn cynnal rhwydwaith cymorth, dysgu ac eiriolaeth ar gyfer dros 120 o fudiadau cymunedol.

Yr ymateb hwn

Caiff yr ymateb hwn ei lywio gan [Mapio Asedau Cymunedol yng Nghymru](#), ymarfer cenedlaethol i nodi'r nifer fawr o asedau cymunedol yng Nghymru, ein Maniffesto yn 2021 [Cymunedau Cryf Cymru](#), a chanfyddiadau arolwg diweddar a gwblhawyd gan ein rhanddeiliaid sy'n dweud wrthym am eu profiadau a'u gwybodaeth o Drosglwyddo Asedau Cymunedol. Fe wnaethom hefyd gynnal nifer fach o drafodaethau anffurfiol gydag aelodau allweddol o fewn ein rhwydwaith.

Trosolwg

Mae Ymddiriedolaeth Adeiladu Cymunedau yn credu mewn cefnogi pobl yn eu cymunedau eu hunain i wneud y pethau sy'n bwysig iddyn nhw. Yn y gorffennol, rydym wedi pwysu ar Lywodraeth Cymru i "roi hawliau cryfach i gymunedau i fod yn berchen ar adeiladau a thir lleol a'u rheoli, gyda deddfwriaeth newydd sy'n seiliedig ar Ddeddf Grymuso Cymunedol yr Alban 2015."¹ Credwn y dylai'r ymgynghoriad hwn fod yn rhagflaenydd i ddatblygu strategaeth gymunedol sy'n cydnabod rôl sylfaenol grwpiau cymunedol llawr gwlad ar draws Cymru. Rydym yn nodi bod cylch gwaith y pwyllgor hwn yn cynnwys llywodraeth leol, cymunedau a thai.

Rydym eisoes yn gwybod y gall buddsoddi mewn asedau cymunedol ddod â manteision eang i gymunedau lleol drwy ddarparu mannau i grwpiau cymunedol weithredu a galluogi pobl leol i gwrdd ac ysgogi gweithredu cymunedol. Fodd bynnag, mae angen gweithio'n galed ar y canlyniadau hyn ac nid ydyn nhw'n sicr o gwbl. Dywedodd un ymatebwr wrthym fod eu "clwb wedi mynd o nerth i nerth ers i ni ddechrau'r broses o Drosglwyddo Asedau.

¹ Ymddiriedolaeth Adeiladu Cymunedau, [Cymunedau Cryf Cymru: Maniffesto ar gyfer cymunedol iachach, hapusach, mwy cydnorth yng Nghymru](#), 2021, t. 3

Serch hynny, mae wedi bod yn heriol ar adegau...rydym yn ymdopi gorau gallwn, ond yn y pen draw, mae ein clwb/busnes wedi'i adeiladu ar dywod ar hyn o bryd.”

Mae ymchwil gan Local Trust yn Lloegr yn dangos bod gan ardaloedd tlotach sydd â mwy o asedau a gweithredu cymunedol ganlyniadau iechyd a llesiant gwell, cyfraddau uwch o gyflogaeth a lefelau is o dlodi plant o'i gymharu ag ardaloedd tlotach hebddynt.² Mae hyn yn cyd-fynd â'n profiad ein hunain yng Nghymru, ac rydym yn datblygu ymchwil pellach i archwilio hyn, a fydd yn cael ei gyhoeddi ddiwedd 2022. Mae canfyddiadau'r ymchwil yn cefnogi ein barn bod asedau cymunedol yn hanfodol nid yn unig o ran darparu manau ffisegol a chyfluoedd ystyrlon i unigolion a grwpiau cymunedol, ond hefyd o ran meithrin gwytnwch cymunedol. Serch hynny, mae'r broses o drosglwyddo asedau yn golygu newid sylweddol i wneud y mwyaf o'i effaith positif yn ein cymunedau.

Y fframwaith polisi a statudol cyfredol

Nid ydym yn ystyried bod y fframwaith polisi a statudol cyfredol o ran Trosglwyddo Asedau Cymunedol o help penodol i gymunedau yng Nghymru ddatblygu asedau cymunedol neu ddiogelu asedau sydd mewn perygl o gael eu colli i'r gymuned. Mae'r Sefydliad Materion Cymreig yn dadlau bod Cymru “ymhell ar ei hôl hi o ran rhoi hawl i gymunedau gael mynediad at dir ac asedau eraill, gyda phroses lafurus a digalon a gynlluniwyd bron iawn i gadw asedau o reolaeth gymunedol...[gan arwain at] gymunedau yng Nghymru yn cael yr hawliau statudol lleiaf o bell ffordd ym Mhrydain Fawr mewn perthynas â thir”.³

Mae'r fframwaith polisi a statudol cyfredol yng Nghymru mewn perthynas â Throsglwyddo Asedau Cymunedol yn wan. Ceir canllawiau ar lefel genedlaethol gan Lywodraeth Cymru ynglŷn â Throsglwyddo Asedau Cymunedol ond nid yw hynny'n gyfystyr â darpariaeth polisi na phersonél Trosglwyddo Asedau Cymunedol penodol o fewn awdurdodau lleol. Nid oes unrhyw ofyniad statudol chwaith na rhwymedigaeth ar awdurdodau lleol i drosglwyddo tir. Mae cymunedau yn ddibynnol ar gyrff cyhoeddus yn dewis gwaredu asedau, heb lwybr mynediad ffurfiol eu hunain. Wrth ystyried hawliau grwpiau cymunedol i berchen ar dir ac asedau preifat, mae'r darlun yn fwy llwm – heb unrhyw fecanwaith go iawn i grwpiau cymunedol brynu tir neu asedau yng Nghymru, heblaw prynu yn y ffordd draddodiadol. Mae diffyg unrhyw fecanwaith ffurfiol yn golygu bod grwpiau cymunedol yn wynebu cystadleuaeth agored gyda gweddill y farchnad, sydd ag adnoddau gwell yn amlach na pheidio.

Canfu ymchwil a gomisiynwyd gan Lywodraeth Cymru ac Ystadau Cymru, o'r 15 o awdurdodau lleol a holwyd, roedd gan 11 bolisi Trosglwyddo Asedau Cymunedol ffurfiol ar waith sy'n “gosod proses a chanllawiau penodol ar gyfer swyddogion Trosglwyddo Asedau Cymunedol sy'n rheoli trosglwyddo asedau.” Ar y llaw arall, dim ond 4 o'r 15 a holwyd oedd â swyddog Trosglwyddo Asedau Cymunedol arweiniol, gyda rhai yn dewis tîm ar draws

² Local Trust/OCSI, [Left behind? Understanding communities on the edge, 2019](#)

³ Sefydliad Materion Cymreig, [Ein Tir: Cymunedau a Defnydd Tir](#), 2022, t.2 -7.

gwasanaethau a oedd yn trafod materion Trosglwyddo Asedau Cymunedol yn ôl yr angen.⁴ At hynny, nid oedd 65% o'r rhai a ymatebodd i'n harolwg yn ymwybodol bod canllawiau Llywodraeth Cymru yn bodoli er gwaetha'r ffaith bod nifer sylweddol o ymatebwyr wedi cwblhau trosglwyddiad asedau. Aeth un mor bell â dweud: "hyd heddiw, dydw i ddim yn ymwybodol o ganllawiau Llywodraeth Cymru ar hyn, er gwaetha'r ffaith fy mod wedi bod yn gysylltiedig â dau drosglwyddiad asedau."

Er gwaetha'r canllawiau cenedlaethol, mae bodolaeth polisi ac adnoddau ar lefel leol i gefnogi Trosglwyddo Asedau Cymunedol ymhell o fod yn gyffredin ar draws Cymru, sy'n awgrymu bod angen cryfhau neu ail-fframio'r fframwaith polisi a statudol cyfredol, yn enwedig ar lefel leol. Mae ein hymchwil yn dangos bod cyfraddau Trosglwyddo Asedau Cymunedol yn amrywiol iawn ar draws Cymru, gyda nifer fach yn unig o awdurdodau yn bwrw ati yn frwd i fynd i'r afael â'r polisi hwn.⁵ Yr ardaloedd sy'n ymddangos fel pe baent wedi cynnal Trosglwyddiadau Asedau Cymunedol yn fwy cyffredinol yw Blaenau Gwent, Rhondda Cynon Taf a Chastell-nedd Port Talbot.⁶ Rydym yn cydnabod amgylchiadau a safbwyntiau gwahanol ond yn awgrymu bod y canllawiau cenedlaethol yn cael eu hadolygu, gan annog datblygu a gweithredu polisiâu ar lefel awdurdodau lleol. Tynnodd nifer o ymatebwyr sylw at ddiffyg capasiti o fewn awdurdodau lleol fel her fawr sy'n rhwystro cynnydd gyda'u Trosglwyddo Asedau Cymunedol. Rhaid i ganllawiau diwygiedig ystyried hyn; annog adnoddau digonol i gefnogi a chyflwyno Trosglwyddo Asedau Cymunedol.

ARGYMHELLION:

- Adolygu canllawiau cyfredol Llywodraeth Cymru ar Drosglwyddo Asedau Cymunedol i'w diweddarau a'u hadolygu, yn seiliedig ar brofiadau'r rhai sydd wedi cwblhau trosglwyddiad asedau.
- Datblygu mecanwaith sy'n gorfodi awdurdodau lleol, a chyrrff cyhoeddus eraill, i adolygu a chyhoeddi eu polisiâu Trosglwyddo Asedau Cymunedol eu hunain yn ogystal â rhoi digon o adnoddau i drosglwyddo asedau.
- Sicrhau bod y gwaith hwn ar Asedau Cymunedol yn rhan o ddatblygiad strategaeth gymunedol holistig i Gymru.

Cynllun Trosglwyddo Asedau Cymunedol sy'n hyrwyddo a chefnogi datblygiad effeithiol asedau cymunedol

Mae'r ffordd y mae Trosglwyddo Asedau Cymunedol yn gweithredu ar hyn o bryd yn rhoi'r pŵer i ddechrau yn nwylo cyrff cyhoeddus, yn bennaf awdurdodau lleol. Fel mae'r canllawiau yn nodi "nid oes rheidrwydd ar awdurdodau lleol yng Nghymru i ymgymryd â

⁴ Coates, J., Nickson, S., Owens, N., a Smith, H. [Trosglwyddo asedau cymunedol: ymchwil gyda'r trydydd sector, awdurdodau lleol a chynghorau cymuned a thref](#) Caerdydd: Llywodraeth Cymru, Rhif adroddiad GSR 33/2021 p.26-27.

⁵ Ymddiriedolaeth Adeiladu Cymunedau, CGGC, Canolfan Cydweithredol Cymru, DTA Cymru, Ymddiriedolaeth Adfywio'r Meysydd Glo, [Mapio Asedau Cymunedol yng Nghymru](#), 2020, t.5

⁶ [Mapio Asedau Cymunedol yng Nghymru](#), t.33

Throsglwyddo Asedau Cymunedol, ac mae'n rhaid i Awdurdodau Lleol ddechrau'r broses eu hunain," sy'n codi cwestiynau difrifol am lefel rheolaeth a mewnbwn cymunedol i'r cynllun.⁷

Yn ogystal, mae'n ymddangos mai'r prif sbardun sy'n arwain awdurdodau lleol i roi Trosglwyddo Asedau Cymunedol ar waith yw lleihau costau, yn dilyn cyfnod hir o galedi.⁸ Mae hynny'n cyferbynnu'n uniongyrchol ag agwedd gymunedol a hyrwyddir gan ganllawiau Llywodraeth Cymru, sy'n nodi bod Trosglwyddo Asedau Cymunedol yn cefnogi grymuso cymunedol, y dylai gael ei arwain gan y gymuned, ac sy'n bodloni "anghenion a galw'r gymuned."⁹ Ceir camgyharu amlwg rhwng y canllawiau a gyhoeddwyd a phrofiad cymunedau o drosglwyddo asedau ledled Cymru. Dywedodd ymatebwyr i'n harolwg wrthym fod Trosglwyddo Asedau Cymunedol "yn cael eu gorfodi arnyn nhw yn y bôn", er mwyn sicrhau parhad wrth ddarparu'r gwasanaeth: "gallem fod wedi dweud na, ond byddem wedi bod ar ein colled." "Os na fyddem yn cwblhau'r trosglwyddo a gofalu amdano ein hunain, dywedodd y cyngor na fydden nhw'n cynnal a chadw'r cyfleuster mwyach."

Hyd yn oed os yw'r fframwaith Trosglwyddo Asedau Cymunedol cyfredol yn cael ei ddiwygio, ceir ffactorau eraill sy'n effeithio ar ddatblygiad asedau cymunedol. Waeth beth fo'r fframwaith statudol a pholisi mewn perthynas â Throsglwyddo Asedau Cymunedol, mae angen sgiliau ac ymrwymiad unigolion a grwpiau cymunedol ar ddatblygiad asedau cymunedol hefyd; ochr yn ochr â chwblhau'r broses o drosglwyddo asedau - proses drafodiadol a chyfreithiol yn y pen draw. Heb unigolion a grwpiau cymunedol ymroddedig, byddai datblygiad asedau cymunedol yn parhau'n amhosibl. I ddatblygu asedau cymunedol yn effeithiol, mae'n angenrheidiol ailymweld â'r fframwaith polisi a statudol cyfredol ar Drosglwyddo Asedau Cymunedol, tra hefyd yn cydnabod ac yn buddsoddi mewn grwpiau cymunedol. Mae profiad yn dangos bod unigolion a grwpiau cymunedol angen cymorth nid yn unig o'r cychwyn cyntaf, ond yn barhaus ac yn enwedig wrth ymgymryd â datblygiadau arwyddocaol fel trosglwyddo asedau.

Yn amlwg, mae profiadau yn amrywio ac ni cheir un llwybr llinol i ddatblygu asedau cymunedol. Er bod gan Drosglwyddo Asedau Cymunedol ran i'w chwarae yn hyn, maen nhw'n cynrychioli rhan fach ond hanfodol o ddarlun llawer ehangach. Ar hyn o bryd, nid oes unrhyw gofrestr ffurfiol o asedau cymunedol yng Nghymru, sy'n arwain at heriau difrifol i feintio'i'n llawn ystod a chwmpas yr asedau cymunedol sy'n bodoli. Mae ymchwil a gomisiynwyd gennym ni ac eraill yn dangos bod trosglwyddo asedau yn unig gyfystyr â rhan fach yn unig o'r gweithredu cymunedol sy'n digwydd ar draws Cymru. O'r 438 o asedau a nodwyd yn [Mapio Asedau Cymunedol yng Nghymru](#), roedd yr ymchwilwyr yn gallu cadarnhau 63 o drosglwyddiadau asedau cymunedol yn unig, er bod rhai o'r rhain 'ar y gweill' yn hytrach nag wedi'u cwblhau. Mae'r ffigwr hwn tua 14% o'r asedau a fapiwyd yn yr astudiaeth hon, gyda 21% pellach o'r rheini a fapiwyd yn berchen ar eu safleoedd eu hunain naill ai drwy eu prynu neu berchnogaeth hanesyddol, a thua 11% yn berchen ar les hirdymor

⁷ Llywodraeth Cymru, [Canllawiau Trosglwyddo Asedau Cymunedol](#), 2019, t. 5

⁸ [Trosglwyddo asedau cymunedol: ymchwil gyda'r trydydd sector, awdurdodau lleol a chynghorau cymuned a thref](#) t.44

⁹ [Canllawiau Trosglwyddo Asedau Cymunedol](#), t.3

wrth yr awdurdod lleol.¹⁰ Mae'r pwyslais cymharol gyfyng ar Drosglwyddo Asedau Cymunedol yn cynrychioli cyfran fach yn unig o'r profiadau mwy cynnil o ddatblygiad trosglwyddo asedau cymunedol ar draws Cymru.

ARGYMHELLION

- Ymgymryd â phroses fapio o asedau cymunedol, a'r rhai sydd mewn perygl o gael eu colli ledled Cymru i ddatblygu cofrestr hygyrch, sydd ar gael i'r cyhoedd, o asedau cymunedol wedi'i ddadgyfuno ag ôl-troed awdurdodau lleol.
- Archwilio'r opsiynau sydd ar gael i gyflwyno hawl i fidio cymunedol, o'i gymharu â chaniatáu i gyrff cyhoeddus ddechrau Trosglwyddo Asedau Cymunedol yn unig.

Y rhwystrau a'r heriau sy'n wynebu cymunedau

Mae'r rhwystrau a'r heriau sy'n wynebu cymunedau wrth gymryd perchnogaeth o asedau cymunedol cyhoeddus neu breifat yn niferus ac wedi cael cryn sylw. Dywedodd un ymatebwr i'n harolwg fod y grŵp y maen nhw'n perthyn iddo wedi dewis **peidio** â mynd ar y trywydd hwnnw'n fwriadol oherwydd y "profiadau hunllefus" maen nhw wedi clywed amdany'n nhw. Dywedodd eraill a oedd wedi cwblhau trosglwyddiad, o edrych yn ôl, y bydden nhw'n "cadw'n glir" ohonyn nhw'n y dyfodol.

Ceir nifer o adroddiadau am yr "amser hir a chymhlethdod y broses a oedd yn amlygu ei hun yn aml drwy ddiffyg capasiti ac eglurder."¹¹ Mae *Mapio Asedau Cymunedol* yn crynhoi'r rhwystrau pennaf i drosglwyddo asedau cymunedol, sef:

- Gwerth marchnadol yr ased
- Diffyg capasiti o fewn awdurdodau lleol i ddelio â chymhlethdodau trosglwyddo asedau
- Gwrthwynebiad gwleidyddol
- Diffyg parodrwydd ac ymddiriedaeth rhwng awdurdod lleol a grwpiau cymunedol
- Diffyg hyder, sgiliau ac argaeledd aelodau cymunedol i ymgymryd â rhedeg yr ased
- Diffyg cymorth proffesiynol i helpu i uwchsgilio cymunedau i ddatblygu cynlluniau busnes a cheisiadau am gyllid
- Angen dibyniaeth ar gyllid allanol i gefnogi datblygiad ased.¹²

Ymhelaethwyd ymhellach ar nifer o'r rhwystrau a amlinellwyd uchod gan ymatebwyr yr arolwg.

Cyllido

Pan ofynnwyd ynglŷn â heriau, soniodd bron i 65% o ymatebwyr yr arolwg y costau a'r rhwystrau ariannol, a oedd yn cynnwys trefniadau cyllid grantiau yn amodol ar fodloni cerrig milltir penodol yn y broses drosglwyddo. Nid dim ond wrth brynu ased am y tro cyntaf y ceir rhwystrau ariannol; yn aml ceir costau parhaus ar gyfer datblygiad asedau, ac mewn rhai achosion, ei atgyweirio. Mae nifer o drosglwyddiadau asedau cymunedol a lesiodd hirdymor yn seiliedig ar 'atgyweiriad llawn', sy'n golygu bod grwpiau cymunedol yn atebol am unrhyw atgyweirio a chynnal a chadw ar adeiladau sy'n hynafol yn amlach na pheidio

¹⁰ *Mapio Asedau Cymunedol yng Nghymru*, t.19

¹¹ *Mapio Asedau Cymunedol yng Nghymru*, t.5

¹² *Mapio Asedau Cymunedol yng Nghymru*, t.33

gyda chyfleusterau sy'n heneiddio. Dywedodd aelodau ein rhwydwaith wrthym ynglŷn â sut wnaethon nhw wynebu "problemau gyda'r system wresogi sydd wedi costio bron i £1000 i'w gadw i fynd", a sut mae "codi arian ar gyfer y gwaith adnewyddu yn heriol." Dywedodd ymatebwr arall wrthym fod eu grŵp "yn ymwybodol o'r cyfleustodau cyffredinol etc. ond y profion statudol sydd wir yn rhwystru'r busnes rhag ffynnu!"

Wedi dweud hynny, mae sawl llwybr i gael mynediad at gyllid ar gyfer asedau cymunedol, gan gynnwys y [Gronfa Benthyciadau Asedau Cymunedol](#)- benthyciad hyd at £300,000 y gellir ei ad-dalu ac sy'n cynnig 100% o werth yr eiddo yn wahanol i fenthyciadau traddodiadol mewn banciau a chynllun grant cyfalaf y [Rhaglen Cyfleusterau Cymunedol](#) sy'n cynnig grantiau hyd at £250,000 at ddibenion gwella cyfleusterau cymunedol. Yn y gorffennol, rydym wedi galw am wella'r Rhaglen Cyfleusterau Cymunedol i gefnogi gweithgareddau a gwaith datblygu sy'n adeiladu ar gapasiti cymunedol yn ogystal â chyfleusterau, a ystyrir yn fanylach isod.¹³ Ceir hefyd y [Gronfa Perchnogaeth Gymunedol](#), y gall mudiadau cymunedol o Gymru wneud cais amdani, gan roi cyfle prin i grwpiau cymunedol gael mynediad at asedau sy'n eiddo preifat. Rydym yn deall bod angen elfen o arian cyfatebol ar y Gronfa Perchnogaeth Gymunedol, a allai fod yn rhwystr pellach i rai grwpiau llai, mwy newydd, neu'r rheini sydd wedi'u lleoli mewn ardaloedd sy'n wynebu mwy o amddifadedd economaidd-gymdeithasol. Er bod amrywiaeth o lwybrau ariannu ar gael, fel arfer bydd mynediad at y ffrydiau ariannu hyn yn ei gwneud yn ofynnol i grwpiau gael cyfansoddiad a chael tystiolaeth o fod wedi rheoli cyllid yn y gorffennol. Yn amlwg, mae angen hyn at ddibenion diwydrwydd dyladwy, ond mae'n rhwystr pellach i fudiadau cymunedol llawr gwlad wrth ymgymryd â throsglwyddo asedau cymunedol.

Ceir hefyd enghreifftiau o godi arian drwy dulliau arloesol fel cyfranddaliadau cymunedol. Serch hynny, nid yw'r dull hwn wastad yn bosib, yn enwedig mewn ardaloedd sy'n wynebu mwy o anfantais economaidd-gymdeithasol. At hynny, mae'n debygol y bydd yr argyfwng costau byw ar hyn o bryd yn effeithio ar allu pobl i gyfrannu at gynlluniau cyfranddaliadau cymunedol yn y dyfodol.

Capasiti o fewn awdurdodau lleol a chyrrff cyhoeddus

Soniodd 40% ychwanegol o'r rheini a ymatebodd i'r arolwg am ddiffyg gwybodaeth a/neu gapasiti o fewn awdurdodau lleol i gyflawni Trosglwyddo Asedau Cymunedol. Dywedodd un ymatebwr wrthym mai'r newid yr hoffai ei weld yn digwydd o ran trosglwyddo asedau oedd "cymorth wrth yr ALL, yn hytrach na theimlo bod yna rwystrau cyson." Dywedodd un arall: "Nid oedd gan y Cyngor unrhyw ymateb a pharhaodd i lusgo'i draed, a oedd yn helpu neb. Maen nhw dal yn berchen ar yr ased." Yn yr un modd, rydym yn ymwybodol bod rhai mudiadau yn teimlo unwaith y bydd ased wedi'i drosglwyddo, eu bod yn cael eu gadael ar eu pen eu hunain, gyda rhai'n awgrymu y byddai "wedi bod yn ddefnyddiol cael deialog barhaus, rhywun y gallent siarad ag e, a fyddai'n gwranddo, yn cefnogi ac yn dangos diddordeb. Yn benodol, tynnu sylw at yr angen am gefnogaeth ar agweddau cyfreithiol, AD, ac iechyd a diogelwch, o ystyried cymhlethdod trosglwyddo asedau cymunedol."¹⁴

Dehonglodd unigolyn arall y lefel o "ddim gwybodaeth" am Drosglwyddo Asedau Cymunedol o fewn yr awdurdod lleol yn wahanol. Canfuwyd eu bod yn gallu gweithio gydag

¹³ *Cymunedau Cryf Cymru*, t. 5

¹⁴ *Mapio Asedau Cymunedol yng Nghymru*, t.34

unigolion allweddol i greu ffordd a fyddai'n gweithio ar gyfer eu grŵp. Roedd hyn yn cynnwys cyfnod peilot lle wnaeth y mudiad feddiannu'r adeilad am flwyddyn, o dan gytundeb trwydded cyn ymgymryd â throsglwyddiad llawn maes o law, gan arwain at gytundeb les 99 mlynedd. Soniodd yr unigolyn hwn hefyd am eu profiad o dreulio diwrnod gyda gofalwr yr eiddo, yn ceisio cael cymaint o wybodaeth â phosib am y boeler a materion gweithredol, oherwydd prinder gwaith papur ynglŷn â chontractau neu osodiadau cyfredol.

Roedd 71% o'r rhai a ymatebodd i'n harolwg wedi gallu cael mynediad at gymorth mewn perthynas â'u Trosglwyddo Asedau Cymunedol, ac mae'n drawiadol bod y gefnogaeth hon yn dueddol o ddod o fudiadau eraill o fewn y trydydd sector neu gyrff seilwaith y trydydd sector fel Cynghorau Gwirfoddol Cymunedol. Mae'r gefnogaeth yn amrywio ar draws Cymru, gyda rhai asiantaethau arbenigol yn gweithredu'n unig o fewn ôl troed daearyddol cyfyngedig. Roedd y rhan fwyaf o'r cymorth a gafwyd yn cael ei ddarparu'n ddidrafferth i grwpiau cymunedol, ond roedd cymorth arbenigol fel arbenigedd cyfreithiol neu gyngor am adeiladau rhestredig fel arfer yn golygu mynd i gostau. Dywedodd un ymatebwr wrthym "ar y dechrau mae nifer o sefydliadau yn rhoi cyngor i chi (rhai'n dda a rhai'n ddibwys) ond wrth i amser fynd heibio mae'r cymorth hwn yn prinhaus," sy'n awgrymu y gallai ymweliadau parhaus neu chwarterol fod yn fanteisiol. Galwodd un unigolyn am "becyn cymorth neu restr wirio da" sy'n cwmpasu'r prif bethau y dylai grŵp sy'n ymgymryd â chynnal ased fod yn ymwybodol ohonyn nhw: gweithdrefnau iechyd a diogelwch, sut i reoli rhanddeiliaid allweddol, agor a chau, yswiriant etc.

Cytunodd aelodau ein rhwydwaith fod angen cymorth ychwanegol am ddim i grwpiau sydd eisieu archwilio neu ymgymryd â throsglwyddo asedau. Serch hynny, mae'r farn, yn ddealladwy, yn rhanedig o ran lle y byddai'r capasiti ychwanegol hwn yn gweithio orau; yn fewnol o fewn awdurdodau lleol, cyrff seilwaith y trydydd sector neu fudiadau arbenigol sy'n canolbwyntio ar drosglwyddo asedau.

Amserlenni

Rhwystr cyffredin arall a grybwyllwyd oedd yr amserlenni ar gyfer Trosglwyddo Asedau Cymunedol. Soniodd nifer o rhanddeiliaid am oedi hir a gafodd effaith uniongyrchol ar gyflwr yr ased. Disgrifiodd ymatebwr y broses o drosglwyddo asedau fel "ffordd wych o ddadlwytho adeiladau sydd mewn cyflwr gwael ar y gymuned, sy'n gwaethygu gan fod y broses yn cymryd mor hir". Ymateb cyffredin a glywn yw nad yw'n fater o drosglwyddo asedau, ond trosglwyddo rhwymedigaethau. Gofynnodd eraill am broses gyfreithiol symlach a chyflymach. Mae her amserlenni hir yn fwy difrifol pan fo grwpiau'n chwilio am gyllid grantiau allanol, gan nad yw'r amserlenni'n debygol o gyd-fynd â'i gilydd, sy'n achosi ansicrwydd pellach.

Capasiti o fewn grwpiau cymunedol

Nid yw grwpiau cymunedol yn unffurf o bell ffordd, ac felly bydd lefelau capasiti yn amrywio. Dywedodd un ymatebwr wrthym am y "capasiti staff sylweddol" a neilltuwyd ar gyfer trosglwyddo asedau, ac eto roedd yr unigolyn hwn "yn teimlo wedi'i lethu'n llwyr" ac yn meddwl tybed a oedd y grŵp wedi gwneud y penderfyniad cywir. Roedd eraill yn dweud wrthym fod yr her adnoddau wir yn amlwg unwaith y mae'r trosglwyddiad wedi'i wneud: "y brif broblem yw prinder pobl sy'n barod i ymwneud â chynnal y cyfleuster o ddydd i ddydd."

Y tu hwnt i'r enghreifftiau penodol hyn, mae angen ystyried sgiliau, gwybodaeth ac arbenigedd o fewn grwpiau cymunedol. Ceir unigolion a grwpiau cymunedol sy'n gallu rheoli trosglwyddo asedau yn effeithiol ac yn gwneud hynny. Serch hynny, ni fydd gan bob grŵp cymunedol y sgiliau a'r arbenigedd angenrheidiol. Er enghraifft, arbenigedd i ddatblygu cynllun busnes, fel rhan o'r broses diwydrwydd dyladwy. Ni fydd gan nifer o grwpiau anffurfiol, llai, gofnod o reoli cyllid grantiau neu'r trefniadau llywodraethu iawn ar waith. Wrth reswm, mae angen diwydrwydd dyladwy wrth ystyried trosglwyddo asedau, ond gellid gwneud ymdrechion ychwanegol i feithrin capasiti cymunedol. Galwodd ein *Maniffesto Cymunedau Cryf Cymru* i wella'r Gronfa Cyfleusterau Cymunedol i gefnogi gweithgareddau a gwaith datblygu sy'n meithrin capasiti cymunedol yn ogystal â chyfleusterau.¹⁵ Yn ein barn ni, ni allwch gael asedau neu gyfleusterau cymunedol cryf heb fudiadau cymunedol cryf. Er na fyddai cofrestr o asedau cymunedol sydd ar gael yn hygyrch i'r cyhoedd yn ffordd o feithrin capasiti yn uniongyrchol o fewn grwpiau cymunedol, gallai ei datblygu alluogi mentora anffurfiol a chyfleoedd i ddysgu wrth gymheiriaid i'r rheini sy'n ceisio datblygu eu harbenigedd mewn perthynas â throsglwyddo asedau.

ARGYMHELLION

- Gwellu'r Rhaglen Cyfleusterau Cymunedol i gefnogi gweithgareddau a gwaith datblygu sy'n meithrin capasiti cymunedol yn ogystal â chyfleusterau. Dylai'r cymorth hwn i feithrin capasiti fod yn barhaus ac am ddim, gan fwrw ati yn rhagweithiol i leihau'r rhwystrau.
- Datblygu pecyn cymorth neu restr wirio i grwpiau cymunedol sydd eisieu gwybod mwy neu ymgymryd â throsglwyddo asedau.
- Annog cyrff trosglwyddo i ddatblygu dulliau arloesol i sicrhau y bodlonir gwiriadau diwydrwydd dyladwy tra'n bwrw ati yn rhagweithiol i leihau'r rhwystrau sy'n wynebu grwpiau cymunedol.
- Ehangu'r ddarpariaeth cymorth am ddim sydd ar gael i grwpiau cymunedol sy'n ystyried ymgymryd â throsglwyddo asedau.

Gwersi y tu hwnt i Gymru

Galwodd ein maniffesto ar Lywodraeth nesaf Cymru i roi "hawliau cryfach i gymunedau i berchen ar adeiladau a thir lleol a'u rheoli, gyda deddfwriaeth newydd sy'n seiliedig ar Ddeddf Grymuso Cymunedol yr Alban 2015."¹⁶ Mae Rhan 5 o'r ddeddf yn cyflwyno hawl i gymunedau wneud ceisiadau i awdurdodau lleol, Gweinidogion yr Alban, ac ystod o gyrff cyhoeddus ar gyfer unrhyw dir neu adeiladau y maen nhw'n teimlo y gallent wneud gwell defnydd ohonyn nhw. Mae hyn yn wahaniaeth amlwg yma ac yn yr Alban. Er yr hoffem weld hawliau cryfach ar gyfer cymunedau i berchen ar adeiladau a thir a'u rheoli, mae'n amlwg bod angen i unrhyw ddeddfwriaeth a ddatblygir adlewyrchu neu gryfhau'r tirlun deddfwriaethol Cymreig sydd eisoes yn orlawn.

¹⁵ *Cymunedau Cryf Cymru*, t.5

¹⁶ *Cymunedau Cryf Cymru*, t. 3

ARGYMHELLION

- Rhoi hawliau cryfach i gymunedau berchen ar adeiladau a thir lleol a'u rheoli yn seiliedig ar yr hyn a ddysgwyd o Ddeddf Grymuso Cymunedol yr Alban 2015, mewn ffordd sy'n adlewyrchu neu'n cryfhau'r tirlun deddfwriaethol Cymreig cyfredol.

Cysylltwch â'n Swyddog Polisi Eleri Williams am fwy o wybodaeth ynglŷn â'r ymateb hwn.

Tystiolaeth i Bwyllgor Llywodraeth Leol a Thai'r Senedd: Asedau Cymunedol

Jon Rae, Cyfarwyddwr Adnoddau

Cymdeithas Llywodraeth Leol Cymru – Llais Cyngorau Cymru

Mae Cymdeithas Llywodraeth Leol Cymru (CLILC) yn sefydliad trawsbleidiol dan arweiniad gwleidyddol sy'n ceisio rhoi llais cryf i lywodraeth leol ar lefel genedlaethol.

Rydym yn cynrychioli buddiannau llywodraeth leol ac yn hybu democratiaeth leol yng Nghymru.

Y 22 cyngor yng Nghymru yw ein haelodau ac mae'r tri awdurdod tân ac achub ac awdurdodau'r tri pharc cenedlaethol yn aelodau cyswllt.

Credwn fod y syniadau sy'n newid bywydau pobl yn digwydd yn lleol.

Mae cymunedau ar eu gorau pan maent yn teimlo cysylltiad â'u cyngor drwy ddemocratiaeth leol. Trwy gefnogi'r cysylltiadau hyn, eu hwyluso a'u creu, gallwn ddatblygu democratiaeth leol fywiog sy'n galluogi cymunedau i ffynnu.

Ein nod pennaf yw hyrwyddo, diogelu, cefnogi a datblygu llywodraeth leol ddemocrataidd a buddiannau awdurdodau lleol yng Nghymru.

Byddwn yn cyflawni ein gweledigaeth drwy

- Hyrwyddo rôl ac amlygrwydd cyngorwyr ac arweinwyr cyngorau
- Sicrhau'r mwyaf o ryddid yn lleol wrth weithredu deddfwriaeth neu ganllawiau statudol
- Cefnogi a sicrhau cyllid cynaliadwy a hirdymor i gynghorau
- Hybu gwelliant dan arweiniad y sector
- Annog democratiaeth leol fywiog, gan hybu mwy o amrywiaeth
- Cefnogi cynghorau i reoli eu gweithluoedd yn effeithiol.

Rhagarweiniad

1. Dros ddwy flynedd ddiwethaf y pandemig bu newid mewn diwylliant, ymarfer a'r cysylltiadau rhwng cymunedau a gwasanaethau cyhoeddus, ac mae grym gweithredu cymunedol yn dod yn fwyfwy amlwg ac yn ennyn mwy o werthfawrogiad a pharch. Mae yno awydd ymysg pawb sy'n gweithio yn yr amryw sectorau i sicrhau fod y momentwm a'r cynnydd a wnaed yn cael eu gosod wrth wraidd y cynlluniau ar gyfer adfer. Mewn rhai meysydd roedd hynny'n beth hollol



newydd ac mewn rhai eraill roedd y gwaith yn barhad o'r cysylltiadau a ddatblygwyd cyn y pandemig. Dysgwyd gwersi ymhob achos a chyflwynwyd ffyrdd o weithio y dymuna pobl ddal ati â hwy a'u datblygu ymhellach.

2. Bu'r trefniadau cydweithio lleol rhwng cynghorau, cynghorau tref a chymuned a sefydliadau yn y trydydd sector, gan gynnwys Cynghorau Gwirfoddol Sirol, yn allweddol wrth ddefnyddio cyllid Llywodraeth Cymru i hybu gwirfoddoli, lleihau unigedd ac arwahanrwydd a sefydlu canolfannau a phrosiectau cymorth cymunedol ac ati, gyda'r nod o ddiogelu a gwarchod dinasyddion a chymunedau.
3. Yn ogystal â hynny, wrth inni symud ymlaen o'r pandemig bydd y polisiau presennol a'r gwasgfeydd ar adnoddau, ar ben yr argyfwng costau byw, yn golygu bod angen i wasanaethau ganolbwyntio mwy ar y gymuned, a bydd hynny'n gofyn am fwy o gydweithio rhwng y partneriaid.
4. Mae Trosglwyddo Asedau Cymunedol yn cyd-fynd ag agenda cynghorau Cymru ar gyfer lleoliaeth a chreu cymunedau lleol cydnerth sydd â grym yn eu dwylo. Bydd cynghorau'n dal i weithio mewn partneriaeth ar sail dulliau gweithredu sy'n canolbwyntio ar ddinasyddion a chymunedau wrth gynnal gwasanaethau lleol cynaliadwy, gan gynnwys Trosglwyddo Adnoddau Cymunedol, er mwyn galluogi cymunedau i gynnal neu wella cyfleusterau a gwasanaethau cymunedol.
5. Yn **Atodiad 1** gwelir y sylwadau a gyfrannodd Cangen Cymru o Gymdeithas y Prif Syrffwyr Ystadau i'r ymchwiliad ac a ddefnyddiwyd yn sail ar gyfer ymateb y Gymdeithas Llywodraeth Leol.
 - **A yw'r fframwaith presennol o statudau a pholisiau'n grymuso cymunedau yng Nghymru i ddatblygu asedau cymunedol;**
6. Ar hyn o bryd mae cynghorau'n ymdrin â Throsglwyddo Asedau Cymunedol drwy'r Caniatâd Gwaredu Cyffredinol, sy'n galluogi cyrff cyhoeddus i drosglwyddo perchnogaeth a rheolaeth dros dir ac adeiladau i gymunedau lleol am "lai na'r pris gorau" ac yn unol â'r Rheolau Gweithdrefnau Trafodion Tir.
7. Mae'r cysylltiadau â phartneriaid a budd-ddeiliaid, boed y rheiny'n rhai newydd neu'n hirsefydlog, wedi cryfhau er mwyn mynd i'r afael â heriau llymder a'r adferiad wedi'r pandemig. Dylai unrhyw ofyniad ychwanegol ategu ac atgyfnerthu'r dull gwirfoddol o gydweithio sydd ar waith ar hyn o bryd, gan ddatblygu cysylltiadau presennol, rhannu arferion da ymhob sector a'u dysgu, a manteisio ar bartneriaethau amlasiantaethol cenedlaethol a lleol er mwyn hwyluso Trosglwyddiadau Asedau Cymunedol effeithiol.
8. Os bwriedir ystyried unrhyw ofynion statudol eraill dylai hynny fod ar ffurf pŵer caniatool yn hytrach na phŵer gorfodol a rhwymol, gan y byddai hynny'n galluogi



cymunedau i gychwyn trafodaethau â chyrrff cyhoeddus ynghylch trosglwyddo asedau pan mae cynigion gerbron i gau neu gwtogi ar ased cymunedol, neu pan mae cymuned yn mynegi consensws cyffredinol ei bod yn dymuno rheoli ryw ased cymunedol penodol yn y dyfodol.

9. Dylai unrhyw bŵer a gynigir, felly, fod ar ffurf 'datganiad o ddiddordeb y gymuned' er mwyn ei gwneud yn eglur nad yw hwn yn rym a fedrai fod yn drech na chynlluniau cyrrff cyhoeddus ar gyfer rheoli asedau nac yn un y gellid ei arfer heb gymeradwyaeth briodol gan aelodau etholedig. Byddai hefyd angen rhoi trefniadau diogelu priodol ar waith er mwyn sicrhau 'diwydrwydd dyladwy' ar ran sefydliadau cymunedol cyfansoddedig, darparu tystiolaeth bendant o gefnogaeth y gymuned ehangach a'r buddion i'r economi a lles dinasyddion a'r gymuned, a datblygu cynllun busnes hyfyw ar gyfer cynaladwyedd ariannol hirdymor.
10. Mae'r dystiolaeth o'r cynlluniau sydd wedi llwyddo hyd yn hyn yn awgrymu bod angen cefnogaeth helaeth yn y gymuned cyn ac ar ôl Trosglwyddo Asedau Cymunedol.
11. Bydd gofyn i gynghorau neilltuo adnoddau sylweddol ar gyfer rheoli unrhyw gofrestr arfaethedig o asedau cyhoeddus a phreifat a chefnogi cymunedau i reoli asedau a drosglwyddwyd. Bydd gofyn am ymrwymiad cenedlaethol i ddarparu adnoddau i gynghorau ac asiantaethau eraill er mwyn sicrhau fod Trosglwyddo Asedau Cymunedol yn cyfrannu'n effeithiol at rymuso cymunedau a meithrin eu cadernid.

I ba raddau y mae'r cynllun Trosglwyddo Asedau Cymunedol yn hybu a chefnogi datblygiad effeithiol asedau cymunedol

12. Dros y ddegawd ddiwethaf mae'r drefn ar gyfer Trosglwyddo Asedau Cymunedol wedi bod yn esblygu a lluniwyd canllawiau i gynorthwyo yn hynny o beth, gan gynnwys: Pecyn gwaith Trosglwyddo Asedau Cymunedol a ddatblygwyd gan y Gweithgor Asedau Cenedlaethol, a elwir bellach yn Ystadau Cymru, ac a lanswyd ar ffurf ddiwygiedig yng nghynhadledd gyntaf y corff hwnnw ar 3 Hydref 2019; canllawiau mwy penodol ynglŷn â Throsglwyddo Asedau Cymunedol a gomisiynodd Ken Skates AC pan oedd yn Ddirprwy Weinidog Diwylliant, Chwaraeon a Thwristiaeth; a'r rhaglen beilot a gomisiynodd Lesley Griffiths AC, y Gweinidog Cymunedau a Threchu Tlodi, i gefnogi sefydliadau cymunedol yn ardal Gwent wrth feddiannu a rheoli asedau lleol a datblygu'r gwaith a wnaed eisoes gan Gyngor Bwrdeistref Sirol Blaenau Gwent.
13. Sefydlodd Cymdeithas Llywodraeth Cymru ac Un Llais Cymru grŵp tasg a gorffen dan arweiniad aelodau yn 2019 er mwyn ystyried canlyniadau [Adolygiad Annibynnol o gynghorau tref a chymuned](#) a gynhaliwyd ar ran Llywodraeth



Cymru, a thrafod sut fedrai'r Gymdeithas ac Un Llais Cymru weithredu'r argymhellion perthnasol ar y cyd. Roedd y pynciau dan sylw'n cynnwys atgyfnerthu partneriaethau lleol, dirprwyo asedau a gwasanaethau, cynllunio ar sail lleoedd, democratiaeth leol ac ehangu cyfranogiad.

14. Mae penderfyniadau'r grŵp ynglŷn â Throsglwyddo Asedau Cymunedol wedi'u disodli bellach gan ddulliau gweithredu cenedlaethol fel [Ystadau Cymru](#) a bydd cynlluniau Llywodraeth Cymru i weithredu argymhellion yr [astudiaeth Trosglwyddo Asedau Cymunedol \(Mawrth 2021\)](#) yn ogystal â'r Polisi Cymunedol arfaethedig yn dylanwadu ar ddulliau gweithredu.
15. Gwelwyd fod hyrwyddo arferion da ar draws y sectorau wedi bod o fudd aruthrol wrth annog Trosglwyddo Asedau Cymunedol yn effeithiol. Mae Cymdeithas Llywodraeth Leol Cymru wedi cymryd rhan yng nghynadledau Llywodraeth Cymru ac Ystadau Cymru.
16. Ceir nifer o enghreifftiau o arferion da wrth Drosglwyddo Asedau Cymunedol, megis:
 - Cyngor Bwrdeistref Sirol Rhondda Cynon Taf, sydd wedi datgan nad oes arno angen nifer o'i asedau mwyach (cyfeirir atynt fel 'Asedau o Werth Cymunedol'). Ar wefan y Cyngor darperir canllawiau, thempledi ar-lein, disgrifiad manwl o bob adeilad a phwynt cyswllt i gael gwybodaeth, oll â'r nod o helpu i sicrhau y trosglwyddir asedau'n ddidrafferth.
 - Mae Cyngor Sir Powys yn hysbysebu asedau tir ac adeiladau y byddai modd eu trosglwyddo. Darperir ffurflenni datgan diddordeb ar-lein a thempled ar gyfer llunio achosion busnes er mwyn annog pawn i fagu dealltwriaeth drylwyr o risgiau pob prosiect.
 - Mae gan Gyngor Bro Morgannwg becyn gwaith cynhwysfawr gyda chanllawiau a thempledi ac mae'n cyfeirio ymgeiswyr at wybodaeth ychwanegol, gan gynnwys ffynonellau cyllid.
17. Ar sail y profiadau'n genedlaethol ceir awgrym mai'r ffordd orau o drefnu Trosglwyddiadau Asedau Cymunedol llwyddiannus a chynaliadwy sy'n bodloni anghenion cymunedau lleol i'r eithaf yw meithrin cyswllt effeithiol â darparwyr posib fel cynghorau tref a chymuned, sefydliadau trydydd sector a grwpiau cymunedol. Dylid gwneud hynny drwy gefnogi'r gymuned a meithrin ei gallu i gyflawni mewn meysydd fel llunio cynlluniau busnes cadarn, diwydrwydd dyladwy a chynladwyedd ariannol hirdymor.



Ymchwilio i'r rhwystrau a heriau y mae cymunedau'n eu hwynebu wrth feddiannu asedau cyhoeddus neu breifat, gan gynnwys cyllid a gwasanaethau cynnal;

18. Cynhaliodd Llywodraeth Cymru [astudiaeth](#) ym mis Mai 2019 er mwyn deall profiadau cynghorau wrth Drosglwyddo Asedau Cymunedol i'r Trydydd Sector a Chynghorau Tref a Chymuned. Ymatebodd pymtheg o awdurdodau lleol a'r rhain oedd y canfyddiadau pwysicaf:

- Dywedodd un ar ddeg o gynghorau fod ganddynt bolisi ffurfiol ar Drosglwyddo Asedau Cymunedol.
- Roedd pump o gynghorau wedi ffurfioli'u polisi Trosglwyddo Asedau Cymunedol a'i ymgorffori yn eu polisi Asedau/Ystadau cyffredinol neu gynllun corfforaethol y sefydliad.
- Dywedodd y cynghorau y bu mwy o alw am Drosglwyddo Asedau Cymunedol mewn blynyddoedd diweddar oherwydd llymder.
- Mae anfanteision Trosglwyddo Asedau Cymunedol yn cynnwys prinder cyllid ac adnoddau i drosglwyddo asedau'n ddiymdroi; mae'r drefn yn aml yn gymhleth ac mewn rhai achosion bu gofyn neilltuo swyddog penodol ar gyfer y gwaith.
- Cydnabuwyd fod angen cynyddu gallu'r derbynwyr i dderbyn a rheoli asedau mewn meysydd arbenigol, gan gynnwys rheoli a chynnal a chadw adeiladau, iechyd a diogelwch a meysydd eraill a gaiff eu rheoleiddio.

19. Yn ogystal â hynny, roedd adroddiad Archwilio Cymru: *Darpariaeth Gwasanaethau Llywodraeth Leol i Gymunedau Gwledig: Trosglwyddo Asedau Cymunedol (Tachwedd 2018)*¹ yn cynnwys yr argymhellion a ganlyn:

“Er mwyn cynorthwyo i gynnal cymunedau gwledig, mae ar wasanaethau angen gwneud pethau'n wahanol yn y dyfodol [a bod] cynghorau yn gwneud mwy i ddatblygu cydnerthedd cymunedol a hunangymorth trwy weithio â chyrff perthnasol fel Canolfan Cydweithredol Cymru [[Cwmpas Cymru](#), bellach] i gefnogi menter gymdeithasol a modelau busnes mwy cydweithredol... galluogi gweithredu lleol trwy gefnogi trosglwyddiad asedau cymunedol ac adnabod yr asedau hynny y byddai'n addas eu trosglwyddo...”.

20. Mae'n hanfodol rhoi pob cefnogaeth i gymunedau er mwyn eu galluogi i benderfynu ar sail yr holl wybodaeth a ddylid bwrw ymlaen â throsglwyddo ased. Os yw grwpiau cymunedol â diddordeb mewn meddiannu ased, maent yn aml yn

¹ <https://busnes.senedd.cymru/documents/s81163/PAC5-31-18%20PTN1%20-%20Adroddiad%20ACC%20-%20Gwasanaethau%20Llywodraeth%20Leol%20i%20Gymunedau.pdf>



orhyderus am bethau fel talu costau gweithredu a defnyddio, a'u gallu/amser i gyflawni. Mae'n ddoeth i'r Cyngor, felly, fod yn onest ynglŷn â chostau gweithredu, gofynion lechyd a Diogelwch, atebolrwydd cyhoeddus ac yn y blaen (os mai ased y cyngor ydyw) a gweithio gyda'r grŵp cymunedol neu ddod o hyd i sefydliad arall a fedrai weithio â hwy wrth lunio cynllun busnes realistig.

21. Mae'n hanfodol felly bod cynghorau a darpar ymgeiswyr yn trafod materion cyllidebol cyn dod i unrhyw benderfyniad. Mae'n arfer da i feithrin cyswllt yn gynnar wrth ragamcanu a chynllunio cyllidebau; er bod y setliad llywodraeth leol yn newid yn hwyr yn aml iawn, gellir llunio cyllidebau lleol dangosol neu dros dro ar sail tybiaethau.
22. Yn ogystal â hynny, dylai cynghorau fynd ati â'u partneriaid i ymchwilio i'r goblygiadau posib i wasanaethau ar sail tybiaethau cyllidebol fel hynny, fel bod ganddynt gymaint o amser â phosib i'r cyfraniad y gallent ei wneud wrth ategu neu ddarparu unrhyw wasanaethau a chynllunio eu cyllidebau eu hunain.
23. Gallai trafodaethau felly gynnwys sôn am y posibilrwydd o sicrhau cyllid trosiannol mewn cysylltiad â dirprwyo unrhyw wasanaethau neu drosglwyddo unrhyw asedau, a dylai hynny fod yn un o'r pethau pennaf i'w hystyried cyn cytuno ar unrhyw drefniadau gwahanol. Dros y ddegawd ddiwethaf o lynder bu'n rhaid i gynghorau warchod gwasanaethau statudol fel addysg a gwasanaethau cymdeithasol, a syrthiodd yr ergydion trymaf ar wasanaethau a chyllidebau dewisol; y gwasgfeydd cyllidebol hyn a'r gostyngiad cyffredinol mewn termau real yn y Grant Cynnal Refeniw, sydd wedi arwain at gwtogi ar nifer o wasanaethau cymunedol neu'u trosglwyddo i ddarparwyr eraill fel cynghorau tref a chymuned neu'r trydydd sector.

Darganfod pa wersi y gellir eu dysgu o'r tu hwnt i'r ffin

24. Yn Lloegr, o dan Ddeddf Lleoliaeth 2011 mae Llywodraeth y Deyrnas Gyfunol wedi mynd ati i gyflwyno 'Hawl y Gymuned i Gynnig' er mwyn grymuso cymunedau i ymateb i'r heriau hyn drwy gymryd hyd yn oed mwy o reolaeth dros dir ac adeiladau lleol. Gweithiodd y Gymdeithas Llywodraeth Leol yn Lloegr â [Locality](#) wrth ddatblygu nifer o adnoddau i gymunedau ac aelodau etholedig er mwyn hyrwyddo dulliau effeithiol o Drosglwyddo Asedau Cymunedol.
25. Mae'r Ddeddf Grymuso Cymunedol (Yr Alban) wedi diffinio proses gyfreithiol ar gyfer trosglwyddo asedau sy'n rhoi hawliau newydd i gymunedau ac yn gosod dyletswyddau ar gyrff cyhoeddus. Mae [Cymdeithas Ymddiriedolaethau Datblygu'r Alban](#) wedi datblygu nifer o adnoddau i gynorthwyo cymunedau i feddiannu asedau cymunedol.



26. Mae [New Local](#) hefyd wedi nodi nifer o adnoddau ac astudiaethau achos sy'n dangos sut fedr cyfleusterau lleol ffynnu dan berchnogaeth gymunedol.



Atodiad A

Geoff Bacon
Pennaeth Gwasanaethau Eiddo Cyngor Abertawe
Cadeirydd Cangen Cymru o Gymdeithas y Prif Syrffwyr Ystadau

Trosglwyddo Asedau Cymunedol

Mae Trosglwyddo Asedau Cymunedol yn ddull a ddefnyddiwyd ers tro i alluogi cymunedau i berchnogi a rheoli tir ac adeiladau sy'n eiddo i'r cyhoedd.

Mae'r Caniatâd Gwaredu Cyffredinol yn galluogi amrywiaeth o gyrff cyhoeddus i drosglwyddo perchnogaeth a rheolaeth eu tir a'u hadeiladau i gymunedau lleol am 'lai na'r pris gorau' – llai na'r pris llawn ar y farchnad.

Gall cymunedau gychwyn trafodaethau â chyrrff cyhoeddus ynglŷn â Throsglwyddo Asedau Cymunedol os ydynt yn bwriadu hybu lles cymdeithasol, economaidd neu amgylcheddol.

Mae Cyngor Abertawe wedi mabwysiadu polisi Trosglwyddo Asedau Cymunedol sydd wedi'i ymgorffori yn y Cyfansoddiad fel rhan o'r Rheolau Gweithdrefnau Trafodion Tir. Mae'n nodi bod yn rhaid i Bennaeth Gwasanaeth a'r Aelod Cabinet perthnasol gefnogi unrhyw gais i Drosglwyddo Ased Cymunedol. Os nad oes cefnogaeth i'r cynnig o fewn y Cyngor yna ni all fynd yn ei flaen.

Os yw'r Cyngor yn gefnogol, mae'n rhaid ymgynghori â'r Pennaeth Gwasanaethau Eiddo yn unol â'r Rheolau Gweithdrefnau Trafodion Tir. Bydd y Pennaeth yn asesu statws yr eiddo, ei ddaliadaeth, ei werth ar y farchnad agored a'r potensial ar gyfer sicrhau derbyniad cyfalaf, a bydd hefyd yn meithrin cyswllt â'r adran gefnogol. Mae'n rhaid ymgynghori â'r Gwasanaethau Eiddo a'r Adran Gyllid cyn adrodd ynghylch y cais, fel bod modd ystyried goblygiadau ariannol y trosglwyddiad a sicrhau nad yw'n mynd yn groes i reolau cymorthdaliadau. Yn y cam hwn hefyd bydd angen rhoi sylw i unrhyw oblygiadau cyfreithiol ac ariannol, ac efallai materion cydraddoldeb ac ymgysylltu.

Wedi hynny bydd yn rhaid bod yr adran gefnogol yn fodlon cyflwyno adroddiad i'r Cabinet yn manylu ynghylch manteision y cynnig i'r Cyngor a'r gymuned yng nghydestun hybu lles cymdeithasol, economaidd neu amgylcheddol yn yr ardal dan sylw.

Nod Trosglwyddo Asedau Cymunedol yn y pen draw yw grymuso cymunedau – hynny yw, sicrhau y caiff tir ac adeiladau eu cadw neu'u gweddnewid er budd y cyhoedd drwy roi'r asedau hyn ym mherchnogaeth a rheolaeth y gymuned.

Mae gweithdrefnau Cyngor Abertawe ar gyfer Trosglwyddo Asedau Cymunedol yn seiliedig ar yr egwyddorion a ganlyn:



- Fel arfer ni chymeradwyir trosglwyddo ased ond os oes angen yr eiddo er parhad gwasanaeth;
- Mae'n rhaid i'r trosglwyddiad ddod â mantais i'r Cyngor a'r Gymuned fel ei gilydd drwy hybu lles cymdeithasol, economaidd neu amgylcheddol a chefnogi nodau a blaenoriaethau'r Awdurdod;
- Yn amlach na pheidio dylai fod yno elfen o fudd ariannol i'r Awdurdod ar y cychwyn.
- Bydd yr Awdurdod yn annog grwpiau cymunedol i gydweithio a rhannu asedau er mwyn sicrhau'r gwerth cymdeithasol mwyaf a'r gwerth gorau am arian;
- Mae'n rhaid fod bwriad i ddefnyddio'r ased er budd y gymuned ac i gynnig cyfleoedd go iawn i sefydliadau llwyddiannus ac annibynnol yn y gymuned neu'r trydydd sector i ddod yn fwy cynaliadwy i'r dyfodol;
- Nid yw'r Awdurdod yn rhwym i Drosglwyddo Asedau Cymunedol.
- Fel arfer ni fydd telerau sylfaenol unrhyw drosglwyddiad yn agored i drafodaeth, a byddant yn seiliedig ar drosglwyddo'r ased i'r sefydliad drwy brydles hir am rent pupur corn, a bod y prydlesai'n cymryd llwyr gyfrifoldeb dros waith trwsio ac unrhyw wariant ar y tir neu'r ased dan sylw.

Mae'r polisi'n gweithio ar y sail y byddwn yn ymateb i gais gan grŵp lleol neu gyngor tref neu gymuned. Nid yw Cyngor Abertawe'n marchnata asedau'n rhagweithiol ond mae'n rhaid iddo fod yn ffyddiog bod yr holl grwpiau cymunedol yn cyfranogi o unrhyw gais, ac mae'n annog grwpiau cymunedol i gydweithio a rhannu asedau er mwyn sicrhau'r gwerth cymdeithasol mwyaf a'r gwerth gorau am arian.

Mae'n rhaid i unrhyw grŵp sy'n dymuno gwneud cais gyflwyno datganiad o ddiddordeb yn gyntaf.

Mae 'r uchod yn gosod trefn bendant ac mae'r un fath yn wir ar gyfer holl awdurdodau lleol Cymru, ac er bod yno lawer o enghreifftiau calonogol yma ac acw, gwelir fod yr un problemau'n codi ymhobman.

- Mae'n rhaid bod gan unrhyw sefydliad â diddordeb gyfansoddiad, ac mae'n rhaid iddo fod yn ddigon cadarn i ateb yr her.
- Yn aml iawn mae'r gofyniad i lenwi ffurflen datgan diddordeb yn ddigon i drechu diddordeb pobl!
- Mae angen ennyn cyfranogiad y gymuned ehangach neu fel arall ni fydd pawb yn gefnogol.
- Mae angen i wasanaeth eirioli yn y Cyngor ysgwyddo'r cyfrifoldeb o hyrwyddo'r achos.



- Mae angen cryn gefnogaeth ar unrhyw sefydliad i ysgwyddo'r cyfrifoldeb ac mae angen darparu adnoddau priodol ar gyfer hynny.

Gyda golwg ar hynny, cynhaliodd Cyngor Sir Gâr ymgynghoriad yn ddiweddar â'r holl Gynghorau Tref a Chymuned yn gofyn iddynt sôn am eu profiadau hyd yn hyn wrth ymdrin â Throsglwyddo Asedau Cymunedol. Parciau a chaeau chwarae yw'r rhan helaeth o'r asedau a drosglwyddwyd ar hyd y blynyddoedd.

Dyma'r prif bwyntiau y soniodd Cynghorau Tref a Chymuned yn eu cylch:

Ymateb 1: 'Nid cymaint fod trosglwyddo'r ased wedi bod yn aflwyddiannus, ond yn hytrach y straen ariannol y mae'r asedau wedi'u rhoi ar y Cyngor Cymuned. Yn 2020 bu'n rhaid i'r Cyngor wario £14,230 wrth fynd i'r afael â chlefyd coed ynn yn y parc a £1,100 arall yn 2021 i dorri mwy o goed, ac mae'r coed ynn sydd ar ôl yn y parc yn dangos arwyddion o'r clefyd ac yn cael eu monitro.'

Ymateb 2: 'Cymerodd y Cyngor Cymuned y cae chwarae drosodd ym mis Mehefin 2019 ar ôl i nifer o drigolion ddweud nad oeddent am ei weld yn diflannu. Mae'r offer yn y cae chwarae'n dirywio ac mae angen pethau newydd yno. Nid oes gan y Cyngor Cymuned yr arian i wneud hyn. Byddai grant cynnal a chadw gan Gyngor Sir Gâr o fudd mawr, byddai'n gymorth aruthrol pe gallem gael hynny.'

Ymateb 3: 'Dylid fod wedi trosglwyddo'r asedau ar sail rhydd-ddaliad yn hytrach na lesddaliad. Nid oedd digon o wybodaeth ar gael am yr eiddo a drosglwyddwyd. Byddai'n fuddiol cael trafodaeth fwy agored â'r Cyngor Sir a llunio cynllun ar y cyd i sicrhau bod y cyfleuster yn llwyddo yn y dyfodol, yn hytrach na'i fod yn fater o drosglwyddo rhwymedigaeth.'

Ymateb 4: 'Byddai'n fuddiol cael pecyn gwaith cynhwysfawr ar gyfer yr ased, gan gynnwys adroddiadau, chwiliadau ac yn y blaen.'

Ymateb 5: 'Dim digon o brofiad gan Gynghorau Cymuned â phethau fel cynllunio parhaus ar gyfer cynnal a chadw'r asedau. Byddai'n fuddiol cael hyfforddiant.'

Mae'r uchod yn tanlinellu'r pwynt fod ar sefydliad angen cryn gymorth nid yn unig i reoli'r ased ffisegol ond hefyd y gwasanaeth a ddarperir ynddo, ac mewn llawer o achosion mae awdurdodau lleol wedi colli'r adnoddau angenrheidiol i gefnogi cymunedau.



One Voice Wales submission to the Local Government and Housing Committee inquiry into Community Assets July 2022

Introduction

One Voice Wales is recognised by the Welsh Government as the national representative body for community and town councils in Wales. It represents the sector on the Local Government Partnership Council and over 89% of the 732 community and town councils are in membership, with numbers growing year on year. As well as our representative role, we also provide support and advice to councils on an individual basis and have previously launched, with Welsh Government support, a modular training programme for councillors. We believe strongly that community councils are well-placed to develop the economic, social and environmental well-being of the areas they serve and, as such, are active and proactive in debating key issues such as energy policies, environmental issues and strategic planning. Our sector is therefore well placed to contribute to a successful future nation, building community and public services from the bottom up.

One Voice Wales is delighted to contribute to the Local Government and Housing Committee's inquiry into Community Assets. The response has been co-ordinated and written by Mr Lyn Cadwallader, Chief Executive of One Voice Wales. He has represented the Community and Town Council sector on the Welsh Government Ystadau Cymru Advisory Board (formerly known as the National Assets Working Group) for over 10 years and has been leading on the work on community assets within this group. Our response to the 4 broad areas identified in the Committee's terms of reference are set out below:

1. The current statutory and policy framework empowers communities in Wales to develop community assets.

One Voice Wales has witnessed the growth and importance of the community asset agenda to community and town councils over the last decade. As Unitary Authority budgets have been challenged increasing opportunities for community and town councils to take on the assets (and associated services where applicable) of principal councils has become increasingly prevalent. At the same time there has been a significant volume of work undertaken by Welsh Government and other

national bodies to support these developments - One Voice Wales has played an active role in supporting government and stakeholder organisations. Working with Welsh Government and other bodies a number of developments have occurred over this 10 year period:

- The National Assets Working Group (NAWG) publication Community Asset Transfers in Wales – A Best Practice Guide dated March 2016
- The development of an Assets and Services Toolkit for Community and Town Councils by Welsh Government (currently hosted on the One Voice Wales website)
- Two very detailed studies of the Community and Town Council sector via a Community Asset Transfer in 2018 (“Management and delivery of services and assets in community and town councils: Research with the sector” Welsh Government January 2018)
- and a second broader study covering the Third Sector, Local Authorities and Community and Town Councils released in 2021.
- A comprehensive review by Wales Audit Office on the “Provision of Local Government Services to Rural Communities: Community Asset Transfer” (Wales Audit Office, November 2018)
- The development by Welsh Government in collaboration with stakeholders of a Land Transfer Protocol which has subsequently been updated to Estate Co-location and Land Transfer Protocol - a Best Practice Guide for the disposal, transfer, shared use and co-occupation of land and property assets between publicly funded bodies in Wales. July 2020
- Welsh Government Community Asset Transfer Guidance (2019) which was designed for:
 - Decision makers within Transferring Bodies, primarily Public Bodies such as local government, who are planning to transfer assets in their area;
 - Town and Community Councils (TCCs) and Community-led Third Sector Organisations (such as Community Associations, Voluntary Organisations, Charities, Social Enterprises, Community businesses, Development Trusts, Co-operatives and Mutual Organisations), who are looking to apply for a CAT; and
 - The wider public who want to benefit from an Asset Transfer and the services it provides to the community.
- £5m community asset scheme launches for Welsh charities in November 2021.

Despite this significant volume of work One Voice Wales considers that much more needs to be done legislatively and on a policy front to enable community assets of value to be maintained within communities across Wales. One Voice Wales would direct the Committee to the two Welsh Government research reports highlighted above as well as the Wales Audit Office report that clearly set out the issues and challenges facing organisations involved with this agenda and articulate explicitly - in One Voice Wales opinion – the recommendations highlighted in the reports set out the actions needed to improve the current operating environment for Unitary

Authorities, Community and Town Councils, Third Sector organisations and community organisations. Broadly, this will require further legislation, dedicated financial resources to support each individual sector involved as well as a national strategy setting out the actions collectively required by those organisations mentioned to collaborate effectively within.

One Voice Wales agrees with the commentary within the recent report by the Institute of Welsh Affairs 'Our Land: Communities and Land Use' identifying that communities feel disenfranchised regarding community owned assets. Furthermore, One Voice Wales agrees with the proposals to give communities in Wales the first right of refusal to buy community assets that are proposed for sale or transfer, and to give social value a greater role in decisions around the sale of public property as well as the other key recommendations set out in the IWA's report below:

- The Welsh Government should begin work on a Community Empowerment Bill that establishes a register of community assets and gives communities (community and town councils, third sector, community organisations) a statutory first right of refusal over these assets when they are proposed for sale or transfer.
- The Welsh Government should establish a well-financed Community Asset Fund, based on the successful Scottish Land Fund that distributes grants of between £5,000 and £1m to the bodies set out above.
- The Welsh Government should establish a coordinated support package to support communities that are seeking to buy or lease land or assets. This should be particularly targeted at deprived communities.
- The Welsh Government should adopt a social value policy that applies to public bodies looking to dispose of or lease land or assets.
- In situations where asset transfer is not possible, the Welsh Government should support public bodies to co-produce, with communities as equal partners, future asset management plans that reflect community values and vision.

To enable the above to happen One Voice Wales would also welcome the piloting of a Community Partnership approach (community planning) at the sub unitary authority level that provides a model for collaboration (on community owned assets amongst other locally important matters) between community and town councils, third sector bodies and local businesses, that is, those entities who are most likely to be involved in taking on community assets.

2. The extent the Community Asset Transfer scheme promotes and supports effective development of community assets;

As set out above One Voice Wales believes that there have been some positive developments over the years in terms of guidance materials however for all the reasons set out in Welsh Governments own research reports in 2018 and 2021 and the findings within the Wales Audit Office report much more needs to be done to enable a scheme within the Wales which actively promotes and supports effective development of community assets.

In terms of the community and town council sector it manages approximately £200 million worth of assets and yet there are no specific specialist advisory resources available to the 732 community and town councils in Wales – within each of the Unitary Authorities, Natural Resources Wales and Health etc bodies there are dedicated specialist asset teams in part funded by Welsh Government. One Voice Wales as the advisory body for the sector does not have such resources to offer the sector.

3. To explore barriers and challenges faced by communities in taking ownership of public or privately owned community assets, including finance and support services

Again, One Voice Wales would direct the Local Government and Housing Committee to the Welsh Government research reports and the work of Wales Audit which clearly set out the issues faced by community councils, third sector organisations or community bodies in taking ownership of public or privately owned assets.

To address the issues the following recommendations were made:

Welsh Government research 2018:

1. Consideration is given to whether the guidance currently available on the management of services and assets could be improved, better signposted or more tailored to the needs of the sector
2. There would be benefit in reviewing the processes for initiating asset and service transfer from principal councils to better account for the capacities of community and town councils.
3. Further discussion could take place around the types of training that would be most beneficial to councillors and clerks and how that training could be delivered most effectively
4. The sector as a whole should revisit the role of charters as a means of strengthening partnerships with principal authorities.
5. Conduct further research with the sector around the degree to which councils understand and use specific powers
6. Facilitate opportunities for councils to properly consider the joint delivery of services or management of assets
7. Explore the benefits of centrally co-ordinating tailored communications to the sector

Welsh Government research 2021

Outlined below is a set of recommendations for LAs, transferees and support organisations to consider based on the findings of this report. The recommendations are presented as a set of strategic headings, with subsequent practical actions linked to these headings and aimed at particular stakeholders.

1. LAs should adopt a more strategic approach to CAT which places the needs of the community front and centre. It is suggested that LAs should re-orientate their approach to CAT in a way that places community need as the primary driver for decisions around asset transfer as opposed to the need to cut costs within the LA. This approach has already been adopted by a small number of LAs in Wales and the following actions are proposed to test the feasibility of this approach and share learning between stakeholders.

a. LAs that are taking a community needs-based approach to CAT should be provided with a platform to discuss their approach, share learning with others, and where possible, assist others to establish this approach in other LAs.

b. Welsh Government should work with LAs, transferees and WCVA to set up a programme of knowledge sharing for successful transfers, particularly in authorities taking a community needs-based approach. This could take the form of short sessions where LAs and transferees reflect on a particular transfer process and discuss how the strategic approach informed the transfer, key challenges and how they were resolved, and steps being taken to establish success indicators and the data used to evidence this.

2. LAs should develop a more formalised approach to engaging with transferees at every stage of the CAT process. The research revealed that engagement between transferors and transferees could be patchy, with lapses in communication causing delays to the transfer process at important stages. A formalised approach to communication during a CAT, adopting the following actions, may help to reduce delays and misunderstandings.

a. LAs are advised to undertake a programme of engagement at the start of the transfer process, particularly when a large programme of CAT is proposed.

This would outline the LAs objectives for asset transfer, the process and key stages, clear information about what should be included in a business case, and

how financial sustainability of the CAT will be assessed prior to transfer.

Engagement should take place at least annually and in time to inform transferees'

decisions on setting the precept (for community councils) or other sources of income so as to ensure transferees are prepared for any proposed CATs.

b. Formal CAT policies should be produced by all local authorities and made publicly available. Publication of each LA CAT policy has several benefits for potential transferees. Firstly, it helps understand the key principles and processes

of CAT, and helps transferees decide whether they have the capacity to undertake a transfer. It also acts as a roadmap in resolving delays in the transfer

process. It is recommended that CAT policies should be available on the LAs website in the interests of openness and transparency.

c. A nominated LA official should be responsible for day-to-day contact with transferees. Transferees reported positive relationships with designated CAT officers. It is suggested that having one point of contact for transferees would make raising and resolving issues easier, and enable potential risks and delays to

be quickly identified and addressed.

d. LAs and transferees should consider making a communications agreement for each transfer process. This could take the form of a memorandum of understanding to outline who the key contacts are, how delays are avoided, a checklist of actions to be completed, stating who is responsible for completing them.

3. LAs, support organisations and transferees should work together to understand the support that is required for effective asset transfer and post-transfer management, what the support gaps are, and how those gaps can be addressed. The research reported gaps in knowledge, expertise and capacity in LAs, community organisations and CVCs, both with regard to the transfer process and post-transfer. It is advised that gaps in the provision of support be identified holistically and proposals for addressing these gaps proposed strategically via the following actions.

a. Transferees should undertake an audit of gaps in their expertise and training needs to understand where support is required during and posttransfer. This would enable support organisations such as One Voice Wales, WCVA, and others to match their resources and capacity to address those skills gaps with training or seek alternatives where necessary.

b. Further engagement is required with CVCs to understand their capacity and capabilities to support community organisations in their locality, and specifically where demand for support is outstripping capacity. This would inform any potential increase in capacity to CVCs.

c. Data should be gathered on the uptake of grants and other forms of financial assistance to transferees, what they were used for, and whether they were sufficient for their needs post-transfer. These data would help build a picture of how financially sustainable a CAT has been and whether current offers of financial support from LAs and other organisations are sufficient to help achieve financial sustainability post-transfer. This could then feed into wider monitoring for evaluation purposes.

4. Transferees and LAs should ensure due diligence procedures regarding CAT and post-transfer arrangements are clear. In addition to developing effective communication between LA and transferee, it is also necessary to ensure that certain aspects of the CAT process identified in the research as problematic are addressed. The main issues for transferees included difficulty ensuring that the asset transferred would be financially sustainable post-transfer, and agreeing the terms of the transfer agreement, specifically the extent to which assets could be modified for community use.

The following actions are proposed.

a. Undertake a risk assessment of each CAT to ensure community organisations can sustainably manage the asset, and to prevent financial

risk to transferees before the transfer process is complete. Some transferees highlighted the issues they encountered around managing assets which could not generate income. These assets were in fact considered liabilities and were a considerable financial drain on the community organisation. Additional scrutiny of financial risk to transferees could enable a more sustainable transfer and reduce the risk of the asset being returned to the LA. License agreements, where assets are transferred on a trial basis to assess whether the transferee can manage them, are a tool that could be more widely used. Where non-income-generating assets are transferred e.g. public toilets, an accompanying asset that is income-generating could also be included to offset any financial losses.

b. Proposals around modifying the asset post-transfer should be discussed and agreed during the transfer process. This would allow any potential modifications to an asset under a leasehold agreement to be agreed upfront and would reduce the need for further negotiations which may negatively affect the management of the asset.

5. All parties should implement formal monitoring and evaluation approaches to both the CAT process and post-transfer period. The research revealed that different parties in the CAT process have different definitions of success and have different levels of interest in the outcomes of a CAT post-transfer. It is argued that it is in the interests of all parties to measure the outcomes of a transfer, both to assess the benefits to the community and to improve CAT processes in the future. The proposed actions are;

a. The steering group for this research should consider the proposed indicators and data sources provided in Tables 6.1 and 6.2 of this report and engage with transferors, transferees and support organisations as to what data are obtainable and practical to use as evidence of impact. It is advised that indicators and associated data that could be collected against agreed-upon indicators be collected by both transferors and transferees to improve the CAT process, but also to ensure the sustainability of assets once transferred and that they continue to provide a valuable service to the community.

b. Knowledge sharing sessions should be used to share new approaches to monitoring and evaluation approaches. This would allow stakeholders to assess whether these approaches could be used in transfers they are involved with.

c. Training for community organisations in the key principles and benefits of monitoring and evaluation should be considered. Building expertise within community organisations would enable them to undertake their own monitoring, and more importantly they would be able to recognise the benefits of doing so for highlighting their successes and challenges. This would potentially be useful in leveraging future funding and undertaking long-term planning and development of transferred assets.

Wales Audit November 2018

Recommendations included:

R1 Local authorities need to do more to make CATs simpler and more appealing, help build the capacity of community and town councils, give them more guidance in raising finance, and look to support other community development models such as social enterprises that support social value and citizen involvement. In addition, we recommend that local authorities monitor and publish CAT numbers and measure the social impact of CATs.

R2 Local authorities have significant scope to provide better and more visible help and support before, during, and after the community asset transfer process. We conclude that there is considerable scope to improve the business planning, preparation, and aftercare for community asset transfer. We recommend that local authorities:

- identify community assets transfer's role in establishing community hubs, networks of expertise and clusters of advice and prevention services;
- work with town and community councils to develop their ability to take on more CATs;
- identify which assets are suitable to transfer, and clarify what the authority needs to do to enable their transfer;
- ensure their CAT policy adequately covers aftercare, long term support, post transfer support, signposting access to finance, and sharing the learning about works well; and
- support community-based leadership by developing networks of interest, training and coaching, and encouraging volunteering.

As the Local Government and Housing Committee will observe from the three sets of recommendations there is a degree of repetition and overlap – the challenge will be to secure the resources and commitment to take these actions and make them a reality across the communities of Wales. To date many of these recommendations remain merely recommendations. One Voice Wales believes that these should be used to develop a national strategy for community assets taking into account the work of Scottish Government around this agenda as well as the work of some Unitary Authorities in England who have developed detailed approaches such as Cornwall and Dorset Unitary Authorities.

4. To discover what lessons can be learnt from beyond the Welsh border.

One Voice Wales would direct the Local Government and Housing Committee to the following:

1. Scottish Government – Community Empowerment (Scotland) Act 2015

The **Community Empowerment (Scotland) Act 2015** is an Act of the Scottish Parliament. The act is notable for expanding the Community Right to Buy established by the Land Reform Act (Scotland) Act 2003 to include urban communities and for introducing new powers for Scottish Ministers to compel owners of abandoned or neglected land to interested community bodies.

Provisions

Provisions of the act are spread over eleven parts, covering different areas relating to community empowerment and public participation in policy and planning.

Part 1, National Outcomes, requires Scottish Ministers to continue the existing practice of setting national outcomes for Scotland, to which public authorities, people and organisations are to have regard when carrying out public functions. Ministers must regularly report progress toward them and to review them at least every five years.

Part 2, Community Planning, creates a statutory basis for Community Planning Partnerships, imposing duties on them to involve community bodies in the delivery of local outcomes and to produce “locality plans” for particularly disadvantaged areas.

Part 3, Participation Requests, provides a mechanism for community bodies to request participation in services to improve local outcomes, which can include community bodies taking responsibility for the delivery of services.

Part 4, Community Rights to Buy Land, amends the Land Reform (Scotland) Act 2003 to extend the community right to buy to communities of any size, allowing urban communities to register an interest in land granting them first right of refusal should the land come up for sale. The act also introduces a new community right to buy land which is abandoned, neglected or causing harm to the environmental wellbeing of the community. This allows Scottish ministers to compel private owners of land to community bodies if they deem the sale likely to contribute to sustainable local development.

Part 5, Asset Transfer Requests, provides community bodies with the right to request to purchase, lease, manage or use land and buildings held by local authorities, Scottish ministers and other Scottish public bodies, of which relevant authorities will be required to create and maintain a publicly available register. In deciding whether to agree to asset transfers, public bodies are to consider the reduction of inequalities though there is a presumption of agreement unless there are reasonable grounds for refusal.

Part 6, Delegation of Forestry Commissioners’ Functions, allows for different types of community body to be involved in forestry leasing and to request asset transfers from Scotland’s National Forest Estate.

Part 7, Football Clubs, provides powers for Ministers to make regulations to facilitate supporters’ involvement in the decision making, and potentially ownership, of football clubs and give fans rights in these areas.

Part 8, Common Good Property, requires local authorities to establish and maintain a register of all [common good property](#) which they hold. It also requires local authorities to inform and consult community bodies before disposing of or changing the use of common good assets.

Part 9, Allotments, updates and simplifies legislation on allotments. It requires local authorities to take reasonable steps to provide [allotments](#) if waiting lists exceed certain trigger points and strengthens the protection for allotments. Provisions allow allotments to be 250 square metres in size or a different size that is to be agreed between the person requesting an allotment and the local

authority. The Act also requires fair rents to be set and allows tenants to sell surplus produce grown on an allotment, provided this is not intended to produce a profit. There is a requirement for local authorities to develop a food growing strategy for their area, including identifying land that may be used as allotment sites and identifying other areas of land that could be used by a community for the cultivation of vegetables, fruit, herbs or flowers.

Part 10, Participation in Public Decision-Making, creates new regulation-making powers enabling Ministers to require Scottish public authorities to promote and facilitate public participation in the decisions and activities of the authority, including in the allocation of its resources.

Part 11, Non-domestic rates, allows councils to create and fund their own localised business rates relief schemes, in addition to existing national rates relief.

2. Cornwall - [Localism - Cornwall Council](#) which sets out the approach the Unitary Authority has undertaken over several years to manage the transfer of assets and services to the local level.
3. Dorset - [Transfer of community assets - Dorset Council](#) which details the two approaches Dorset Council take to assets of low value and assets of high value.

Mr Lyn Cadwallader

Chief Executive, One Voice Wales

24 June 2022

Community Ownership Group

Grŵp Perchnogaeth Gymunedol

Ynglŷn â'r Grŵp Perchnogaeth Gymunedol

Mae'r Grŵp Perchnogaeth Gymunedol yn rhwydwaith o fudiadau sydd eisiau gweld mwy o asedau yn cael eu rhedeg gan gymunedau, yn enwedig os yw'r asedau hynny mewn perygl o gael eu colli gan y gymuned fel arall. Mae pob un ohonom yn ystyried mynediad at fannau cymunedol – boed y rheini yn adeiladau neu yn dir – yn rhan hanfodol o gymunedau ffyniannus, a gwyddom o'n gwaith ni a gwaith grwpiau eraill fod hyn yn cyflwyno amrediad eang o fuddion i gymunedau a bywyd cymunedol.

Gellir gweld rhestr o'r mudiadau hynny sydd wedi cymeradwyo'r ddogfen hon yn benodol ar ddiwedd y ddogfen. Er bod rhai ohonom yn gyrrff aelodaeth, mae gan ein haelodau eu barn eu hunain ar y materion hyn.

Er bod y Grŵp Perchnogaeth Gymunedol yn canolbwyntio ar hybu perchnogaeth gymunedol o asedau, nid ydym yn credu y dylai hyn eistedd ar wahân i newidiadau ehangach i bolisi cymunedol Llywodraeth Cymru; gan gynnwys datblygu strategaeth gymunedol newydd, edrych ar ffynonellau cyllido ychwanegol ar gyfer mudiadau cymunedol ac adeiladu cyfoeth cymunedol. Yn wir, byddai polisi asedau cymunedol cryf yn atgyfnerthu'r pethau hyn.

Cyflwyniad

Mae asedau cymunedol, waeth a ydynt yn dir neu'n adeiladau, yn cyflwyno buddion enfawr i gymunedau lleol drwy roi manau i grwpiau o'r sector gwirfoddol weithredu a galluogi pobl leol i gwrdd ac ysgogi gweithredu cymunedol. Canfu gwaith ymchwil gan Ymddiriedolaeth Adeiladu Cymunedau fod Cymru yn gartref i filoedd o grwpiau cymunedol lleol, gyda channoedd yn rhedeg asedau sylweddol sy'n cyflwyno amrywiaeth enfawr o weithgareddau, o dwristiaeth i chwaraeon a hamdden, siopau a chanolfannau cymdeithasol.¹ Mae llywodraethau wedi rhoi cyllid i gynorthwyo cymunedau i gael gafael ar asedau a'u datblygu.

Fodd bynnag, mae astudiaeth gan y 'Local Trust' yn Lloegr hefyd wedi dangos bod ardaloedd tlotach â mwy o asedau a gweithredu cymunedol yn cael canlyniadau iechyd a lles gwell, gyda chyfraddau uwch o gyflogaeth a chyda llai o dlodi plant o'u cymharu ag ardaloedd tlotach heb hyn.² Mae hyn yn cyfateb â'n profiad ein hun yng Nghymru, ac rydyn ni'n datblygu gwaith ymchwil pellach i edrych ar hyn.

Canfu adroddiad diweddar gan y Sefydliad Materion Cymreig fod cymunedau yn wynebu "proses anodd a thorcalonnus" a'i fod yn "debygol iawn" fod y sefyllfa yng Nghymru wedi peri i gymunedau golli llawer o asedau am byth³. Mae Sefydliad Bevan yn amlygu y gall set well o hawliau a fframweithiau ar gyfer perchnogaeth gymunedol helpu ffurfiau newydd o arloesedd ac adfywio cymunedol i ddod i'r amlwg.⁴

¹ Yr Ymddiriedolaeth Adeiladu Cymunedau (BCT) mewn partneriaeth ag CCGC, Canolfan Cydweithredol Cymru, y Gymdeithas Ymddiriedolaethau Datblygu Cymru ac Ymddiriedolaeth Adfywio'r Meysydd Glo, Mai 2020, [Mapio Asedau Cymunedol yng Nghymru](#)

² Local Trust/OCSI, 2019, [Left behind? Understanding communities on the edge \(Saesneg yn unig\)](#)

³ Sefydliad Materion Cymreig, 2022, [Ein Tir: Cymunedau a Defnyddio Tir](#)

⁴ Sefydliad Bevan, 2020, [Asedau cymunedol adeiladol: creu'r buddion \(Saesneg yn unig\)](#), tud 8 a Chrynodeb

Gall asedau fod yn dir neu'n adeiladau. Gallant fod yn eiddo i gorff cyhoeddus, neu gorff preifat. Gall rhai asedau hefyd fod yn fasnachol hyfyw, tra bod eraill angen cymorth parhaus. Yn benodol, gall prynu asedau sydd ym meddiant elusennau fod yn gymhleth, yn gyfreithiol ac yn ariannol, a gall effeithio ar hyfywedd parhaus gwaith y mudiad, a byddai angen i Lywodraeth Cymru ystyried hyn o bob ochr mewn unrhyw bolisi asedau cymunedol newydd.

A yw'r fframwaith statudol a pholisi cyfredol yn grymuso cymunedau yng Nghymru i ddatblygu asedau cymunedol;

Nid ydym yn credu bod y fframwaith statudol a pholisi cyfredol yn grymuso cymunedau'n ddigonol i geisio meddu ar asedau sydd mewn perygl o gael eu colli yn y gymuned neu i sicrhau eu bod yn cael eu datblygu. Dylai fod pecyn cymorth ehangach ar gyfer perchnogaeth gymunedol, ochr yn ochr â strategaeth gymunedol newydd. Gall trosglwyddo asedau i gymuned fod yn gymhleth a gellir cefnogi'r gwaith hwn mewn nifer o ffyrdd, fel rhoi cyngor a chymorth, diffinio ased cymunedol, gwella canllawiau ar Drosoglwyddo Asedau Cymunedol (CATs), ennyn mwy o ddealltwriaeth o berchnogaeth gymunedol a newidiadau cyfreithiol. Dylai newidiadau i'r fframwaith statudol a pholisi ymdrin â'r holl ffactorau hyn.

Newidiadau cyfreithiol

Nid oes gan Gymru **gofrestr o asedau cymunedol**. Mae mudiadau amrywiol o'r sector gwirfoddol wedi ceisio mapio a meintioli asedau cymunedol ar hyd a lled Cymru, ond mae hyn yn parhau i fod yn heriol. O ganlyniad, mae'n anodd asesu'r ddarpariaeth mewn cymunedau unigol, ac i nodi pa asedau a mannau cymunedol a allai fod angen eu diogelu. Dylai unrhyw gofrestr gael ei chadw gan y cyngor lleol ond caniatáu cyflwyniadau gan grwpiau cymunedol ac unigolion.

Dylai Llywodraeth Cymru ddatblygu polisi sydd wedi'i deilwra i Gymru sy'n rhoi mwy o gyfle i gymunedau yng Nghymru gael gafael ar asedau y mae'r gymuned mewn perygl o'u colli. Dylai hwn ystyried cyfansoddiad penodol cymunedau yng Nghymru, ynghyd â'n fframwaith deddfwriaethol a pholisi ein hunain. Yn benodol, byddai hyn yn cynnwys goblygiadau Deddf Llesiant Cenedlaethau'r Dyfodol a'n strwythurau llywodraeth lleol ein hunain. Dylai Llywodraeth Cymru ddatblygu polisi ar **wella perchnogaeth gymunedol**, gan adeiladu ar y gwaith sydd wedi'i wneud gan y sector gwirfoddol, Comisiwn Cwmnïau Cydweithredol a Chydfuddiannol Cymru a Gweithgor Asedau Cymunedol Llywodraeth Cymru. Dylai'r gwaith hwn gynnwys yr holl randdeiliaid a dylai edrych ar:

- Fapio asedau cymunedol a chreu cofrestr o'r asedau hynny.
- Hawliau cymunedau os yw asedau mewn perygl o gael eu colli i'r gymuned
- Y cysylltiad â'r gymuned ac uchelgeisiau llesiant yn Neddf Cenedlaethau'r Dyfodol
- Yr heriau a wynebir gan gymunedau tlotach o ran cynyddu cyfalaf a datblygu capasiti i ymgymryd ag ased.

Cyllid

I gael perchnogaeth gymunedol o asedau, mae angen **cyllid**; waeth a yw hyn ar gyfer y prynu cychwynnol, y datblygu, neu (mewn rhai achosion) er mwyn cefnogi costau parhaus. Yn ystod y blynyddoedd diwethaf, mae llywodraethau ledled y DU wedi bod yn edrych ar ffyrdd o gynorthwyo cymunedau i ddal gafael ar adeiladau a thir sydd wedi'u defnyddio gan y gymuned, boed y rheini'n eiddo cyhoeddus neu breifat. Yma yng Nghymru, er enghraifft, mae Llywodraeth Cymru wedi cyllido [Cronfa Benthyciadau Asedau Cymunedol](#) CGGC ac yn rhedeg ei [rhaglen cyfleusterau cymunedol](#) ei hun. Yn yr un modd, gall mudiadau yng Nghymru wneud cais i [Gronfa Perchnogaeth Gymunedol](#) Llywodraeth y DU.

Yn gyffredinol, roedd ymatebwyr prosiect ymchwil y Sefydliad Materion Cymreig (IWA) yn gadarnhaol ynghylch argaeledd y cyllid a ddarperir gan gyrff llywodraethol a chyllidwyr mawr. Fodd bynnag, nodwn fod rhai heriau o ran codi arian o fewn yr amserlenni byr a ganiateir i grwpiau cymunedol wneud hynny. Yn ogystal â hyn, gall y cynnydd sylweddol mewn gwerth tir o'i gymharu ag incwm ei gwneud hi'n fwy heriol i gymunedau godi arian, a disgwyli'r tueddiad hwn barhau mewn rhai rhannau o Gymru. Mae hyn hefyd yn wir yn sgil costau uwch treuliau bob dydd fel tanwydd.

Yn olaf, rydym yn cefnogi'r defnydd o **gyfrannau cymunedol** fel ffordd o gefnogi rhai prosiectau sydd o dan berchnogaeth gymunedol. Mae hwn yn ffurf hirdymor, amyneddgar o gyllid sydd hefyd yn creu "aelodaeth" neu "fudiad" i gefnogi prosiect perchnogaeth gymunedol. Mae hwn yn sector sy'n tyfu; yn y ddegawd ddiwethaf, mae mwy na £200 miliwn wedi'i godi ledled y DU drwy gyfrannau cymunedol ac mae 92% o fudiadau sydd wedi defnyddio cyfrannau cymunedol yn parhau i fasnachu.⁵

Opsiynau amgen i berchnogaeth

Gall bod yn berchen ar asedau, o ran tir ac adeiladau, gyflwyno manteision sylweddol i gymunedau. Fodd bynnag, nid yw trosglwyddiad teitl llawn bob amser yn bosibl nac yn ddymunol. Gall canolbwyntio ar drosglwyddo teitl yn unig arwain at golli cyfleoedd i gefnogi cymunedau.

Mewn sefyllfaoedd lle na fydd trosglwyddo ased yn bosibl, dylai Llywodraeth Cymru gynorthwyo cyrff cyhoeddus i gyd-gynhyrchu, gyda chymunedau fel partneriaid cyfartal, **cynlluniau rheoli asedau ar gyfer y dyfodol** sy'n adlewyrchu gwerthoedd a gweledigaeth cymuned ond sydd hefyd yn adlewyrchu gofynion cyfreithiol a phroffesiynol rheoli asedau.

Mae trosglwyddo asedau i'r gymuned yn ffordd lwyddiannus o roi llais i gymunedau yn y ffordd y caiff cymunedau lleol a'u hamgylcheddau eu rheoli. Pan na fydd hynny'n bosibl, gall cefnogi'r gwaith o gyd-gynhyrchu cynlluniau rheoli ar gyfer y dyfodol a **rhoi hawliau hirdymor i gymunedau o dan gyntundeb stiwardiaeth** gyflwyno llawer o fuddion cymunedol trosglwyddo ased.

⁵ Co-operatives UK (2021). [Milestone £200 million invested to transform communities \(Saesneg yn unig\)](#)

Argymhellwn fod Llywodraeth Cymru yn gwneud y canlynol:

- Mynd ati ar unwaith i fapio asedau cymunedol, waeth a yw'r rhain yn y sector cyhoeddus, y sector preifat neu'r sector gwirfoddol.
- Llundio polisi ar gefnogi gallu grwpiau cymunedol i gael gafael ar asedau y mae'r gymuned mewn perygl o'u colli. Dylai'r systemau yn Lloegr a'r Alban lywio'r dull penodol o wneud hyn, ond dylid ei deilwra i amgylchiadau Cymru. Dylai hefyd gynnwys opsiynau perchnogaeth eraill fel lesio hirdymor.
- Parhau i roi mynediad at gyllid hyblyg i gynorthwyo pobl i gael a datblygu asedau cymunedol.

I ba raddau mae'r cynllun Trosglwyddo Asedau Cymunedol yn hybu a chefnogi datblygiad effeithiol asedau cymunedol;

Mae'r rhan fwyaf o asedau sydd wedi'u trosglwyddo i berchnogaeth gymunedol yn ystod y blynyddoedd diwethaf wedi gwneud hynny fel rhan o'r cynllun Trosglwyddo Asedau Cymunedol, o dan ganllawiau Llywodraeth Cymru. Mae grwpiau cymunedol wedi cael profiadau amrywiol o ba mor llwyddiannus oedd hyn.

Yn benodol, rydym yn poeni nad yw'r broses o Drosglwyddo Asedau Cymunedol yn gyson ledled Cymru. Yn gyffredinol, nid yw'r drefn arferol yn cynnig cyfle cyfartal i gymunedau ar hyd a lled y wlad. Credwn fod angen polisi asedau cymunedol newydd i fynd i'r afael â'r anghydbwysedd mewn mynediad.

Cydberthnasau â'r sector cyhoeddus

Mae cydberthnasau yn amrywio rhwng cyrff cyhoeddus, ac yn aml o'u mewn. Er enghraifft, mewn rhai ardaloedd, caiff Trosglwyddo Asedau Cymunedol ei hystyried yn broses gydweithredol, ond mewn ardaloedd eraill, caiff ei ddiffinio gan **ddiffyg ymddiriedaeth**, gyda'r sector cyhoeddus yn aml yn diystyru gallu'r sector gwirfoddol i reoli asedau'n dda. Dengys ymchwil gan Lywodraeth Cymru 'mai'r cyd-destun pennaf ar gyfer [dechrau trosglwyddo] oedd yr angen gan yr awdurdod lleol i leihau ei gostau bob blwyddyn ariannol'⁶.

Mae hyn yn ymwneud â phryder ehangach ynghylch prosesau caffael ar gyfer lesio mwy hirdymor. Rydym yn cydnabod y gwaith y mae Llywodraeth Cymru yn ei wneud o ran gwerth cymdeithasol ac yn credu y dylai hwn gael ei adlewyrchu mewn contractau lesio a rheoli tir mwy hirdymor.

Cafwyd profiadau amrywiol o ran yr heriau a wynebwyd wrth drosglwyddo asedau cymunedol. Nododd rai bod cymunedau yn teimlo weithiau eu bod yn cael **asedau anghynladwy**, neu fod rhai swyddogion o dan yr argraff bod gweithgarwch cymunedol yn

⁶ Coates, J., Nickson, S., Owens, N., a Smith, H. (2021). [Trosglwyddo asedau cymunedol: ymchwil gyda'r trydydd sector, awdurdodau lleol a chynghorau cymuned a thref](#) Caerdydd, Llywodraeth Cymru, Adroddiad GSR rhf 33/2021

arwain at weithgarwch cyfyngedig, neu y byddent yn cael eu rhedeg gan grŵp heb graffter masnachol⁷.

Mae'n bwysig pwysleisio'r **gwerth ychwanegol a gyflwynir drwy ddefnydd cymunedol**. Y peth cyntaf yw bod yr ased, mewn rhai achosion yn cael ei reoli mewn modd sy'n ysgogi'r economi leol, yn enwedig os oes agwedd fasnachol ar brosiect. Ond, mae hefyd buddion cymunedol o ran llesiant, cynnal a chadw manau cyhoeddus a dwyn pobl ynghyd.

Yn olaf, rydym yn credu bod y ddadl ynghylch perchnogaeth gymunedol asedau yn canolbwyntio yn rhy aml ar Drosoglwyddo Asedau Cymunedol yn unig a'r adeiladau hynny sy'n eiddo cyhoeddus. Er bod hyn yn rhan annatod o hybu perchnogaeth gymunedol, dylai fod yn rhan o strategaeth ehangach sy'n ymdrin ag amrediad ehangach o asedau.

Argymhellwn fod Llywodraeth Cymru yn gwneud y canlynol:

- Diweddarau ei chanllawiau ar Drosoglwyddo Asedau Cymunedol ar ôl ymgynghori â grwpiau cymunedol.
- Llunio rhaglen waith i wella'r ddealltwriaeth o werth trosglwyddo asedau cymunedol a sut i sicrhau bod asedau cymunedol yn cael eu trosglwyddo'n llwyddiannus.
- Sicrhau bod y cynllun Trosglwyddo Asedau Cymunedol yn rhan o bolisi ehangach i hybu perchnogaeth gymunedol o asedau, yn enwedig y rheini y mae'r gymuned mewn perygl o'u colli.
- Sicrhau, pan na fydd trosglwyddo asedau cymunedol yn bosibl, bod cymunedau yn cael eu cynnwys mewn trafodaethau ynghylch dyfodol asedau cymunedol. Mae hyn yn arbennig o bwysig mewn perthynas â thir.

Edrych ar y rhwystrau a'r heriau a wynebir gan gymunedau wrth gymryd perchnogaeth o asedau sy'n eiddo cyhoeddus neu breifat, gan gynnwys gwasanaethau cyllid a chymorth;

Yn ogystal â heriau o ran y gyfraith a chyllid, mae digon o dystiolaeth fod rhwystrau llai yn wynebu grwpiau cymunedol sy'n ceisio rhedeg asedau.

Mae her benodol yn wynebu **cymunedau sy'n wynebu amddifadedd** sydd eisiau datblygu asedau cymunedol; fel lefelau is o gapasiti a sgiliau, a heriau o ran codi arian yn lleol. Mae'n debygol y byddai angen cymorth ychwanegol yma, a byddai angen i'r cymorth hwn fod yn fwy na chyllid yn unig, gan efallai gynnwys adeiladu capasiti cymunedol a mentora ar gyfer arweinwyr cymunedol. Gall heriau tebyg wynebu rhai **cymunedau buddiant**.

Yn ogystal â'r heriau hyn, mae amrediad eang o fodelau ar gyfer perchnogaeth gymunedol, fel yr amlinellwyd uchod, ac mae hyn yn arwain at amrediad eang o heriau i fudiadau sy'n ceisio dod ag ased o dan berchnogaeth gymunedol. Teimlwyd rhai o'r heriau hyn gan wahanol fathau o grwpiau cymunedol.

Roedd y rhain yn cynnwys heriau ar ddechrau'r broses perchnogaeth gymunedol, fel **pa mor gyflym yr oedd angen codi arian**, a oedd y tu hwnt i allu grwpiau cymunedol. Yn aml, nid oedd gan gyrff cyhoeddus lawer o wybodaeth i'w chyflwyno am gostau rhedeg cyn

⁷ Dengys ymchwil gan y Plunkett Foundation (Saesneg yn unig) ar [siopau sy'n eiddo i'r gymuned](#) a [thafarnai sy'n eiddo i'r gymuned](#) fod gan y sectorau gyfradd llwyddo hirdymor o 92.5% (siopau) a 99% (tafarnai) (o ran masnachu y tu hwnt i 5 mlynedd).

trosglwyddo ac roedd llai fyth o wybodaeth ar gael am asedau a oedd mewn meddiant preifat ar y pryd. Mae angen **rhoi mwy o bwyslais ar gyllid** ar gyfer gwasanaethau proffesiynol fel syrfewyr fel y gellir gwneud penderfyniadau gwybodus ynghylch mynd i'r afael ag ased.

Gall asedau fod yn rhwymedigaethau hefyd, yn enwedig o ran gwaith cynnal a chadw a thrwsio. Mae hyn yn arbennig o wir ar hyn o bryd, pan mae'r gost o redeg lleoliad yn cynyddu (yn rhannol oherwydd costau tanwydd, ond mae ffactorau eraill hefyd yn bwysig), ond nid incymau.

Yn olaf, byddai **cymorth a mentora** o ran gwneud ased yn gynaliadwy o'r ochr ariannol yn fuddiol i lawer o grwpiau (waeth a yw wedi'i gynllunio i fod yn fasnachol hyfyw neu beidio). Mae hyn yn cynnwys cyngor sy'n ymwneud â chael cymaint â phosibl o ffrydiau incwm. Mae hyn yn berthnasol iawn yn ystod yr argyfwng costau byw cyfredol.

Argymhellwn y dylai cymunedau a chyrrff cyhoeddus, ochr yn ochr â newidiadau eraill i'r fframwaith polisi ar gyfer asedau cymunedol a pherchnogaeth gymunedol, gael cymorth technegol, gan gynnwys:

- Pecyn cymorth cydlynol ar gyfer mudiadau sy'n ystyried cael gafael ar asedau a'u rhedeg.
- Mwy o bwyslais ar gyllid i ddatblygu cynigion, yn enwedig mewn cymunedau mwy difreintiedig.
- Cefnogi'r gwaith o adeiladu capasiti o fewn cymunedau, yn enwedig mewn cymunedau mwy difreintiedig.
- Cydgysylltu gwell a mwy o ddealltwriaeth o fewn y sector cyhoeddus o berchnogaeth gymunedol.
- Addysg ar lefel lawr gwlad ar werth perchnogaeth gymunedol.

Darganfod pa wersi y gellir eu dysgu o du draw ffiniau Cymru.

Mae digonedd o enghreifftiau o brosiectau perchnogaeth gymunedol llwyddiannus yng ngweddill y DU, ac yn fyd-eang. Yn aml, daw'r rhain o amgylchedd sy'n hybu perchnogaeth gymunedol o asedau drwy gymorth cyfreithiol ac ariannol. Bydd cyflwyniadau gan fudiadau eraill yn amlygu enghreifftiau o'u meysydd gwaith penodol.

Caiff y briff hwn ei gymeradwyo gan:



Nid yw'r briff hwn o reidrwydd yn cynrychioli barn aelodau'r mudiadau a restrwyd uchod sy'n gyrrff aelodaeth

Whether the current statutory and policy framework empowers communities in Wales to develop community assets;

The Future Generations Act has the potential to greatly empower communities. This would be by aligning public policy, and the use of community assets, to the long-term wellbeing of communities. This neatly aligns to the legal framework for the Community Land Trust (CLT) in particular, which is defined (as an English body in the Westminster Housing and Regeneration Act 2008) in terms that require CLTs to only use assets for the social, environmental and economic wellbeing of their local community.

However, in practice that Act - and related aspects eg of the planning system - have not helped. For example, a CLT Bronllys has been unable to secure any interest in the underused land in the local community hospital despite wide and universal political and community support, and a very compelling case that aligns with the statutory and policy framework. This is because the Powys Teaching Health Board doesn't want to engage, and there are no powers in the hands of the community to force them to.

In respect of housing - affordable housing being a key focus for many CLTs - the policy framework hinders communities. To access capital grant, a housing provider needs to be a Registered Social Landlord. But the Welsh Government is resistant to new organisations registering. This is in contrast to England, where 18 CLTs have become or are in the process of registering to become Registered Providers (the equivalent). So that path is effectively closed to communities. The alternative is for them to partner with an RSL, typically in a model whereby the community owns the freehold of the land and the RSL develops and manages the homes under agreement and with a leasehold arrangement. This is popular in England but has yet to take off in Wales, and there is nothing in the policy framework to encourage it. Cwmpas is working to establish the model, and there was some work by PLANED in Pembrokeshire that foundered - I believe - partly because of a lack of understanding or commitment to the idea of community led development on the part of the county council and the RSL involved.

The extent the Community Asset Transfer scheme promotes and supports effective development of community assets;

To date this scheme has not been used by CLTs, to my knowledge, so I have nothing to contribute on this.

To explore barriers and challenges faced by communities in taking ownership of public or privately owned community assets, including finance and support services;

There are three ingredients to CLTs taking ownership of and developing assets: the asset, finance, and support. These three are interlinked. But in brief:

- Accessing public assets depends very much on the attitudes of the public body and the degree to which it has any duties to local wellbeing vs its wider remit (e.g. the example of PTHB and Bronllys CLT mentioned above).
- Accessing private assets is less difficult but depends more upon finance being available at the right point, unless the landowner is supportive and patient.
- Support has been improving thanks to the work of Cwmpas, linked into a wider network of community led housing professionals covering England and Scotland as well as Wales. It is positive that the Welsh Government has part-funded this work.
- The hardest bit of finance is pre-development finance for a CLT to identify and secure a site and take plans through feasibility studies up to a planning application submission. Once a CLT has the land and planning it is able to access a variety of finance sources, or to attract a development partner that can do this. In England we have had - on and off - a funding framework to provide this called the Community Housing Fund, which provides a route for communities into the main capital programme for affordable housing. But in Wales we lack any equivalent.

To discover what lessons can be learnt from beyond the Welsh border.

I have discussed the learning from the Community Housing Fund with ministers, and attach a letter from 2018 describing this.

One other lesson is that I believe it is a mistake to focus on statutory 'community rights' frameworks in isolation from the planning system and an understanding of how land and other asset markets work. The Localism Act in England made this mistake, introducing a number of fairly tokenistic 'rights' which set communities up to fail. A tiny proportion - I believe about 0.5% - of Assets of Community Value have successfully been bought by communities. The Community Right to Build Order has almost never been used, and the one CLT that did regretted it - they found it was more expensive and bureaucratic than a normal planning application. The Community Right to Bid is pointless. The Scottish version, the Community Right to Buy, is more powerful but is again rarely used and - I am told by our

friends in Scotland - acts more as a threat in your back pocket and a way to give legitimacy to community ownership, rather than acting as a useful tool for communities.

I commend the work of the IWA and Cwmpas on this agenda, but caution against leaping to a similarly toothless set of 'rights'. Instead, Wales has a unique opportunity to build from its Future Generations Act and its planning system to genuinely empower communities to play a stronger role in the mainstream asset markets.

Yours sincerely,

Tom Chance

Welsh Parliament: Local Government and Housing Committee

Inquiry into community assets

Response from the Plunkett Foundation, 24 June 2022

Who are the Plunkett Foundation?

Plunkett Foundation is a national charity with a vision for resilient, thriving and inclusive rural communities. To achieve this, we support people in rural areas to set up and run a wide range of businesses which are genuinely owned by local communities, whereby members have equal and democratic control. Today, we represent over 800 'community-owned businesses' throughout the UK, from shops and pubs through to woodlands, farms and fisheries.

What is a community-owned business?

Plunkett defines a community-owned business as businesses that trade products and services for community benefit, and which is democratically owned and controlled by the local community.

What is the problem we hope to address?

Interest in community-ownership has never been at a higher level. Plunkett currently receives 500 new enquiries annually – this is 30% increase since the beginning of the pandemic. Of these new enquiries, only 1 in 10 succeed in bringing local assets into community ownership.

Plunkett Foundation records show that a lack of available premises (to trade from) and/or an uncooperative or unwilling seller are the biggest challenges facing community-ownership projects. We believe that with greater educational awareness of this form of business, improved access to support available and legislative change that the sector could grow significantly in Wales.

Plunkett activity in Wales

To date Plunkett Foundation has supported 51 community-owned businesses that are currently trading in Wales. This includes 21 shops, 14 pubs and 5 community woodlands as well as a range of other forms of enterprise including multi-service hubs, bakeries, food producers and farms.

Plunkett is also actively engaged and currently supporting a further 50 groups to progress their community-ownership ambitions. This pipeline includes a further 20 pub groups and 13 more projects looking at community-ownership of shops and post offices.

Community-owned businesses, based on a commercial operating model, are a remarkably resilient business type and have excellent survival rates. For the two main enterprise types

supported by Plunkett Foundation; shops have a long term survival rate of 92.5%¹ (12 out of every 13 survive); for pubs it is even higher at 99%.²

We feel that these statistics show that this is a sector worth investing in and supporting to grow in future.

Introduction

Plunkett Foundation welcomes this inquiry into community assets across Wales. Community assets, such buildings, land and other service centres are so important in creating inclusive communities where people are proud to work and live.

Community assets can often take the form of local businesses that are contributing significantly to the local economy, driving positive social action and those that are operating with a commitment to positive environmental practice. In the context of this inquiry Plunkett Foundation wishes to represent the views of the 101 community-owned businesses that we are working with in Wales, 51 that are already trading and a further 50 that are in development.

At present there is no legislative mechanism that empowers local residents in Wales to recognise and identify the assets of value in their community. In England, where communities are provided the power to register “Assets of Community Value” it has led to over 6000 assets being identified as locally important and providing an element of protection (by way of a moratorium period of 6 months) should the asset ever become available for sale.

The majority of community-ownership projects that Plunkett supports are the subject of a private sale, rather than a public asset transfer. At this present time they are also often the result of a reactionary measure by local residents seeking to reopen or “save” a closed business that becomes available for sale. Whilst legislation does exist to support projects in England and Scotland to explore community-ownership, the “Community Rights” available are inconsistent. In England the “Right to Bid” leaves communities beholden to a willing seller and in Scotland the lack of transparency around private land ownership has meant that the “Right to Buy” has, to date been relatively underused in terms of creating a significant number of new community-owned assets.

In Wales, there have been recently published reports by Cwmpas (formerly Wales Cooperative Centre³) and Institute of Welsh Affairs⁴, as well as recognised studies from the Bevan Foundation⁵ and Building Communities Trust⁶ that have led the calls for the implementations of community rights in Wales. Plunkett Foundation supports the calls for the creation of a Community Rights framework in Wales.

We believe that the existence of the Well-being of Future Generations Act 2015 in Wales will have significant and connected relevance for any future community ownership project in the country. The considerations for the long-term impact of decisions (made primarily by public bodies), to work better with people, communities and each other, and to prevent persistent

¹ [Plunkett Foundation \(2021\), Community Shops Better Business report](#)

² [Plunkett Foundation \(2021\), Community Pubs Better Business report](#)

³ [Wales Cooperative Centre \(2022\), Community ownership of land and assets: enabling the delivery of community-led housing in Wales](#)

⁴ [Institute of Welsh Affairs \(2022\) Our Land: Communities and Land Use](#)

⁵ [Bevan Foundation \(2020\) Community assets: generating the benefits](#)

⁶ [Building Communities Trust \(2021\) The Case for a Welsh Community Rights Act](#)

problems such as poverty, health inequalities and climate change could lead to some of the strongest Community Rights legislation in the UK.

Furthermore with an increase in centralised funding, delivered through the UK Government in Westminster, that could benefit community-ownership projects means that there has never been a greater need to have consistency in legislation across all 4 UK nations. Not having consistent community rights in all four UK nations is prohibiting the number of groups that succeed with a community-ownership project at present.

Through implementing consistent and supportive legislation UK-wide, offering a Right to Buy, it will create an equal chance for successful community-ownership regardless of where the project is located.

Plunkett responses to the following issues being considered by the inquiry:

Whether the current statutory and policy framework empowers communities in Wales to develop community assets:

Plunkett Foundation does not believe that the current framework empowers communities in Wales to proactively bring local assets in to community-ownership.

To encourage and nurture an increasing pipeline of community-ownership projects in Wales, Plunkett Foundation recommends:

1. **Create a process to register Assets of Community Value:** There needs to be a national register of community assets in Wales which enables local residents to identify community assets, and to register new assets of community value as appropriate. A project led by Building Communities Trust⁷ in partnership with WCVA, Cwmpas (formerly Wales Cooperative Centre), DTA Wales, Coalfields Regeneration Trust and Planed created a map of community-owned or run assets in Wales, and Plunkett Foundation⁸ also has our own UK map (which is searchable for Wales-only data) containing similar information. Having one single, comprehensive data set that contains records of all community assets in one place would support recommendation number 3, below, about raising awareness of how to bring more assets in to community-ownership longer term.

In respect of registering assets of community value, Plunkett Foundation has recently re-launched the '[Keep it in the Community](#)' online platform which contains information about 6700 community assets in England, of which 3700 are current registered Assets of Community Value with local councils using the Localism Act 2010 definition. The platform does not complete the registration process currently and that still has to happen with the appropriate authority. Our ambition, with KIITC, is to educate about community-ownership at the same time as getting people to review assets of value to them.

We believe that this is a fundamental improvement that could be made to the current legislation in England and would prevent spurious listing of assets, where there is no intention to pursue or explore community-ownership with assets being listed as an attempt to block any other kind of development. At present only 15 out of every 1000 assets⁹ listed in England ends up in community-hands, Plunkett Foundation believes that

⁷ [Building Communities Trust Mapping Community Assets in Wales](#)

⁸ [Plunkett Foundation Community Business Map](#)

⁹ [Power to Change \(2019\) Our Assets, Our Future](#)

a Community Right to Buy and improved awareness and education about community-ownership could close this gap.

2. **Enact a Community Right to Buy:** To enable more communities bring local assets into community-ownership, Plunkett is calling for a consistent *Community Right to Buy* to be enacted in all 4 UK nations.

We believe that where local residents have identified assets of value and importance to their community, that they should be afforded a *right of first refusal* to purchase the asset should it become available for sale. Furthermore we believe that the asset for sale, should be available a fair price that has been set by an independent valuation.

3. **Raise the awareness of the community-ownership model:** Despite receiving over 500 enquiries per year from groups looking at and considering community-ownership of a local business or assets, Plunkett Foundation recognises that more needs to be done to raise awareness of the community-ownership model.

Too few are seeing the model as proactive opportunity to future proof businesses, assets and services and at present it is a model of business that is more often than not progressed as a reaction to a negative situation such as business failure, closure and sale. Should the Welsh Government enact a Community Right to Buy, a coordinated communications campaign would be required to raise awareness of this community empowerment activity.

The current infrastructure in Wales should be supported and resourced to complete outreach work. The educational curriculum could cover community and social enterprise more widely and an intensive programme of training should be offered to all community and town councils across Wales, as well as representatives of the local authority network too. Plunkett Foundation produced a guide¹⁰ for local councils in England, working in association with the National Association of Local Councils and something similar should be produced for the Welsh context in future.

The extent the Community Asset Transfer scheme promotes and supports effective development of community assets;

Plunkett Foundation supports relatively few projects using Community Asset Transfer to achieve their community-ownership ambition in Wales.

Plunkett Foundation supports the observations and recommendations submitted by the Community Ownership Group (COG), convened by the Wales Council for Voluntary Action. A separate response from the COG has been submitted to this inquiry which includes the following recommendations:

4. the Welsh Government refresh its Community Asset Transfer guidelines following consultation with community groups.
5. a programme of work to improve understanding the value of community asset transfer and how to ensure community assets are transferred successfully.

¹⁰ [Plunkett Foundation \(2020\): Good Councillors guide to Community Business](#)

6. that the Community Asset Transfer scheme sits within a wider set of policy to promote community ownership of assets, especially those at risk of being lost to the community.
7. ensure that, where community asset transfer is not possible, communities are involved in discussions about the future of community assets. This is especially important in relation to land

To explore barriers and challenges faced by communities in taking ownership of public or privately owned assets, including finance and support services;

The amount of start-up funding required by a group looking to establish a community-owned business can vary hugely, e.g. depending on local market values and the amount of renovation work needed once an asset is in community hands. Groups may need to raise funds to value the building, buy the asset or lease the premises, refurbish the building, purchase stock, marketing activities etc. It is therefore a significant part of any community-ownership project and for some a real barrier to progress.

To address the barriers related to start-up funding, Plunkett Foundation recommends:

8. **Support and promote community shares:** A common form of finance used by most community business supported by Plunkett Foundation is community shares. Community businesses use this form of finance for two reasons: firstly to build a movement and momentum for their project by developing a membership base for their organisation. The fact that the majority of community pubs operate as a Community Benefit Society indicates a desire to embed democratic accountability in their operation. Secondly – and for many equally important – is to raise funding towards their project. Cooperatives UK estimate that community share investments have recently passed the £200m mark, this form of long-term, patient finance is a powerful resource available to support community-ownership ambitions.
9. **Create Welsh gateways to UK-wide delivered funds:** The presence of the Community Ownership Fund, delivered centrally by the UK Government provides groups with the opportunity to access up to £250k of grant investment (or 50% of their purchase cost) to bring more assets in to community ownership. Whilst work is underway to establish an infrastructure support body or consortium to operate alongside the fund and to support the pipeline of applicants, it will be imperative to ensure that groups in Wales are proactively encouraged to apply for funding. The Inquiry should consider whether more can be done to support the bodies already operating across Wales (such as the members of the Community Ownership Group), with a specific brief to encourage more applications for the Community Ownership Fund from Wales.

The same approach could be used to promote access to post-Brexit funding, such as the UK Shared Prosperity Fund, making sure it truly reaches the communities needing the support most in Wales.

10. **Enhance the funding offer from the Welsh Government:** Welsh Government has funded WCVA's [Community Asset Loan Fund](#), runs its own [community facilities programme](#) and funds [Social Business Wales](#). To continue growing the number of community-ownership projects in Wales it is important that such initiatives are expanded and extended to provide long term investments in the sector.

Beyond start-up finance, the revenue costs associated with community-ownership projects can be significant and in the main the responsibility for progressing such initiatives is shouldered by volunteers. For some groups there is also a lack of local capacity to progress a project, and even a lack of self-belief that a community-ownership initiative could succeed in their community. Groups in areas with lower social capital, or those originating in an area of deprivation may require additional support beyond capital finance to achieve their community-ownership ambition.

To address the barriers related to revenue support, Plunkett Foundation recommends:

11. **Fund capacity and revenue support:** In our recent research in to why there are currently fewer community-owned pubs in urban¹¹ areas we identified that “paid for” capacity and leadership (project management) could be transformative in terms of supporting more groups from “left behind” areas. This type of support already exists in Scotland, whereby community groups can apply for funding from programmes such as the Crown Estates Community Capacity Programme to “buy in” a project manager to work alongside and be accountable to the local community.
12. **Fund other revenue costs:** As well as raising funds to buy a building or take on the lease, community-ownership projects have to cover a huge range of other fees such as; professional costs for valuation of a premises, legal advice or costs associated with human resources. The majority of funding programmes currently supporting community-ownership projects do not sufficiently cover these costs and they are a burden for groups, which in some areas may prevent their progress or success. In Scotland, under the Community Empowerment Act 2015 it is the responsibility of Scottish Government to cover some of these costs including the setting of a fair valuation of an asset subject to a Community Right to Buy order – clearly this could be a huge benefit for communities if adopted UK-wide.

The majority of businesses that Plunkett Foundation supports to come in to community-ownership are commercial assets that have closed due to market failure, often purchased by local residents as a “last resort”. It is important the previous failures are therefore resolved prior to community-ownership status, so that the local area is not responsible for a liability longer term. Groups must therefore be able to consider the business viability and be fully confident of its sustainability longer term (with or without further grant investments) as part of their community-ownership project.

To address this challenge, Plunkett Foundation recommends:

13. **Promote transparency in the “support offer” available:** Plunkett Foundation is fully committed to partnership and collaboration in our operation. We seek to add value to the offer of support from other providers working with community-ownership projects and also address any gaps there may in support. It is important that groups in Wales do not have to navigate silos of support in order to progress projects which will benefit their local area. The Community Ownership Group, referenced multiple times in this submission is a great example of organisations working for a common goal. We would also like to promote initiatives that Plunkett Foundation contributes to in Scotland ([Community Business: Making it Easy](#)) and in England ([MyCommunity](#)). These are both web based resources, set up by our partners Community shares Scotland and Locality respectively, but which have a similar ambition of making it easier and simple to access

¹¹ [Plunkett Foundation \(2022\) “We need a Right to Buy, not to try”](#)

any advice and support available. For the community-ownership sector grow and flourish in Wales, we would welcome the opportunity to contribute to similar initiatives in Wales in future.

14. Fund more infrastructure support: With higher levels of interest in community-ownership there will be greater demand on the support available. More funding opportunities to run and deliver programmes of support for groups looking to create community-owned businesses would therefore be beneficial.

To discover what lessons can be learnt from beyond the Welsh border

The COVID-19 crisis has brought the benefits of community business sharply into focus. In our State of the Community Business Sector¹² report in June 2020, we highlighted how community businesses clearly stepped up to the plate to support their communities. Their long-term survival rate also makes community businesses an economically viable solution for preserving assets and services – particularly in rural areas, where these have been steadily declining, even before the pandemic.

With the increasing likelihood that the impact of COVID-19 and now the cost of living crisis, the impact of the war in Ukraine and Brexit will lead to more businesses and local assets facing closure and coming onto market – such as theatres, community hubs, cinemas, and pubs - now is the time to act. Bringing these assets into community ownership could offer an opportunity to continue delivering social value for their local communities.

We also see enormous potential for community ownership to tackle the climate crisis. Through our [Making Local Woods Work](#) and [Making Local Food Work](#), projects run by Plunkett Foundation we have seen first-hand how community businesses can reduce food miles and conserve green space and biodiversity. Furthermore businesses such as community-owned shops and pubs often rely on a local supply network, something brought sharply in to focus with the pandemic when national supply chains were under increased pressure and not fulfilling orders. We have also seen an increased interest in community businesses starting ‘refill’ schemes to reduce single-use plastic packaging; in installing charging points for electric vehicles; in green energy generation projects; in keeping business local and fostering 20 minute neighbourhoods. Community ownership has accountability built into its core principles, and we believe that is the key to ensuring a sustainable economy.

As shown in our recent annual Impact Report¹³ community-owned businesses:

- Improve community cohesion
- Boost the local economy
- Offer jobs, new skills and training
- Provide access to or host essential services, such as Post Offices or healthcare
- Protect and conserve the environment
- Promote good health and wellbeing

We therefore support this inquiry to consider how more community owned businesses a can be supported to open in Wales and thank you for the opportunity to submit a response.

¹² [Plunkett Foundation \(2020\), State of the Rural Community Business Sector](#)

¹³ [Plunkett Foundation \(2022\), Annual Impact Report](#)

Senedd Local Government and Housing Committee inquiry into community assets

Response from CAMRA, the Campaign
for Real Ale



1. Introduction:

1.1 - The Campaign for Real Ale, CAMRA, is a consumer group that campaigns for quality beer and thriving pubs in every community in Wales and across the UK.

1.2 - CAMRA is grateful for the opportunity to contribute to the Committee's inquiry into community assets. We will be focusing our response on protection and support for public houses as community assets.

1.3 - We are happy for our response to be published, and to be contacted further about the contents of our response.

1.4 - If you have questions about our response, please contact Paul Edgeworth, Campaigns Manager

2. The importance of pubs as community assets:

2.1 - Pubs are more than just businesses – they play a crucial role in building and maintaining cohesive communities. Pubs are the best place to enjoy alcohol responsibly, in a supervised environment, and they promote personal happiness and wellbeing. The role of pubs as community hubs is particularly important in rural communities where they often house other local services such as post offices.

2.2 - Pubs contribute to fulfilling the Welsh Government's wellbeing goals as set out in the Wellbeing of Future Generations Act 2015 – in particular, the goals to deliver a healthier Wales and a Wales of cohesive communities.

2.3 - The Welsh Government's 2018 *Subordinate Legislation Consolidation and Review* consultation acknowledges the importance of community pubs and trends of permanent pub closures in recent years. In addition, the Welsh Government's Loneliness strategy also recognises that the closure of community spaces like pubs make it difficult for people to develop and maintain social networks.

2.4 - Our latest statistics show that in 2021, 11 pubs in Wales closed permanently (were demolished or converted), with a further 24 being classed as a long-term closure where a premises is not currently trading.

2.5 It is vital that the statutory and policy framework in Wales protects local pubs as community assets, and supports communities to take ownership of a community pub when it is under threat of closure, conversion, or demolition.

3. Changes to the planning system in Wales:

3.1 - There are significant gaps in planning law in Wales. The lack of legislation to protect community pubs is leaving them particularly vulnerable to demolition or conversion to other uses. Pubs in Wales are afforded the weakest safeguards out of any UK nation.

3.2 - Allowing communities to own and run their local pub as a community asset is an important way to protect valued local pubs, however for this to be a realistic option for communities there needs to be changes to the law.

3.3 - Alongside the need for a community right to buy which we mention later in this response, for Wales to have a thriving community-owned pubs sector, there needs to be reform of the planning system to better protect pubs and to give local groups a fighting chance of saving their community pub.

CAMRA would like to see action in the following areas:

Use Class Orders:

3.4 - The planning system in Wales, and the lack of measures to ensure that all proposals to demolish or change the use of a public house require planning permission, mean that pubs in Wales have the lowest levels of protection within the planning system than anywhere else in the UK.

3.5 - The current Use Class Order is not fit for purpose in managing the social and cultural impact of changes of use. The Use Class Order fails to adequately value the role of community pubs not just as important community assets, but also as cultural and heritage assets.

3.6 - Amending the Town and Country Planning (Use Classes) Order 1987 to recognise pubs as a unique (*sui generis*) use would allow for greater protections and safeguards to be applied to public houses over and above the current A3 (food and drink) classification.

3.7 - Pubs and restaurants or other food and drink establishments serve different roles in the community with pubs offering a more informal setting and a space for the community to meet. Equally, pubs are unique to these islands, whereas restaurants can be found in similar formats across the globe. As an essential aspect of Welsh and British culture it is important that pubs are specifically protected.

3.8 - That is why CAMRA would like to see changes to the Use Classes Order to recognise pubs as a unique use class. Alternatively,

the Welsh Government could make sure that any new use class for drinking establishments and restaurants (as proposed in the Welsh Government's consultation on Permitted Development launched in November 2021) does not come with any permitted change of use from this use class without planning permission.

Permitted Development Rights:

3.9 - CAMRA believes that in Wales change of use or demolition without planning permission should not be permitted for a public house.

3.10 - Any change to a pub should always be subject to a full planning application. This is an important step in safeguarding public houses and allows for the community to object via the planning process should proposals for change of use come forward.

3.11 - The objective should not be to prevent all such changes but to ensure that appropriate evaluation is undertaken where public amenities are concerned before the change takes place. Local communities and local authorities are currently often powerless to protect those public houses that are valued by the community and financially viable.

3.12 - This would bring planning policy in Wales in line with England where protections are in place to require planning permission before a public house is allowed to be converted to another use, giving communities a chance to have their say through the planning process, and local authorities a chance to apply local planning policies on retention of community assets.

3.13 - Pubs are vital to both the Welsh economy, to our culture, enhance the personal and social wellbeing of those who use them, and play a unique role in our communities, both urban and rural.

3.14 - We remain extremely concerned that current planning law in Wales offers less protection than in any other part of Great Britain when it comes to protecting pubs from unwanted development and stemming the tide of unnecessary pub closures.

3.15 - Planning loopholes are systematically exploited by developers leading to the loss of community pubs. These pubs are often bought by companies looking to convert them into housing, other uses such as supermarkets and take-aways, or seeking to demolish them altogether and develop the land for another use.

3.16 - It is vital that the existing permitted development rights that allow pubs to be converted into other uses or demolished without local communities having a say through the planning process are be

removed. This is an important step in safeguarding public houses and allows for the community to object via the planning process

3.17 - CAMRA agreed with the proposals contained with the 2018 *Subordinate Legislation Consolidation and Review* consultation on proposals to consolidate and amend the General Permitted Development Order to change permitted development rights to afford greater protection to public houses in communities where their loss would unacceptably affect local amenity.

3.18 - We would urge the Welsh Government to take forward these proposals as part of the changes to Permitted Development Rights as a result of this consultation.

3.19 - Given the threats to the future of community pubs, both urban and rural, by speculative developers as the industry recovers from the COVID-19 pandemic, we believe that now is the correct time to introduce measures to require planning permission to be sought in every instance where a public house is facing a change of use or demolition.

3.20 - It is important to mention that it is not just rural pubs which are at considerable risk, or which are considerable community assets – in city and town centres, inner suburbs, and surrounding housing estates, pubs are just as vital to those who live around them and, in many cases, just as much at risk. The key is not the location but the function of the pub as a centre for social interaction, promoting community cohesion and the wellbeing of local residents

Changes to Permitted Development Rights in town centres:

3.21 - CAMRA is concerned that the Welsh Government's proposal to allow greater flexibility when it comes to change of use in town centres, as proposed in the Consultation on Permitted Development that was launched in November 2021. We fear that this would put pubs in urban areas at greater risk of being lost to communities.

3.22 - Research by the Plunkett Foundation shows that across the UK only 15% of trading community-owned pubs are in urban areas; and that community groups in urban areas often face greater challenges when trying to take community ownership of their local pub. The most common reason cited in research carried out by the Plunkett Foundation was private competition for the asset.

3.23 - CAMRA believes that it would be unacceptable for the Welsh government's proposals on relaxing change of use protections in town centres to be applied to pubs.

3.24 - Rather than consider a permanent relaxation in the already weak rules, we believe that the proposal should be amended to better protect public houses from demolition or change of use without planning permission.

3.25 - In order to safeguard public houses, CAMRA would like to see the Welsh Government make a slight alteration to exempt public houses from the permitted changes of use within town centres on a permanent basis in addition to the provisions for hot food for consumption off the premises and uses within Class B1(c) of Schedule 1 to the Use Classes Order.

3.26 - Temporary relaxation of planning controls in town centres introduced as a response to the COVID-19 pandemic must be reversed to prevent pubs permanently being converted into other uses and lost to communities for good.

3.27 - We do not believe that allowing a public house to be converted to another use in perpetuity under this proposal is fair or reasonable, and fear that this would lead to further closures of pubs without local communities being able to have a say over their future.

3.28 - As well as being key to increasing footfall and have a positive impact on shops, services and the local economy in town centres across the country, pubs are a vital part of our social fabric.

3.29 - Public houses have a significant positive impact on their community. Pubs in town centres and urban settings are just as vital to their communities as rural pubs and in many cases just as at risk.

Assets of Community Value:

3.30 - CAMRA would also like to see the Welsh Government reconsider its position on the introduction of an Asset of Community Value programme, similar to that operating in England.

3.31 - We are aware of a small number of communities in Wales successfully taking pubs into community ownership, however a lack of enabling listing system and support schemes mean that the process is significantly more challenging than in England and Scotland.

3.32 - Introducing an Asset of Community Value programme, with a genuine Right to Buy power, could help communities to be able to list their local pubs, demonstrating the importance of a pub to their area and offering an additional layer of protections for local pubs and social clubs.

Article 4 Directions:

3.33 - In the absence of planning protections for pubs across Wales, CAMRA would like to see the removal of the need for approval of the Welsh Ministers for Article 4 Directions made by local planning authorities.

3.34 - Article 4 Directions can be a tool to help local communities to be able to have their say through the planning process if a public house is facing change of use or demolition.

3.35 - Allowing Immediate Directions to be used would withdraw permitted development rights in relation to change of use, temporary buildings and uses, and demolition of buildings.

3.36 - The Welsh Government should also extend the ability for local planning authorities to issue Article 4 directions in relation to any public house or houses in their authority area, and not just in conservation areas, in order to offer some additional protections against the conversion or demolition of pubs as vital community assets.

3.37 - However, this would not be substitute for improved protections for community pubs in the planning system in Wales, as discussed elsewhere in this submission

4. Community Right to Buy:

4.1 - In addition to the need to reform the planning system in Wales to better protect pubs from conversion and demolition, CAMRA would like to see enhanced rights for community groups to buy community assets including pubs.

4.2 - There is a need for legislation on community rights to explicitly provide for the protection of privately owned assets such as pubs, over and above the current Community Asset Transfer scheme.

4.3 - It is our belief that a robust and effective route to community ownership of Assets is needed through the introduction of a genuine 'Community Right to Buy', as is already the case in Scotland where communities are afforded the first right of refusal.

4.4 - This would allow a community group putting in a genuine market level bid would be granted first refusal on purchasing any registered pub buildings when they come up for sale.

4.5 - This enhanced right to buy is needed rather than a 'Community Right to Bid' which currently operates in England. Under this right, does not guarantee that a bid (even a genuine, market level bid) will be accepted by an asset owner.

4.6 - Until communities have a right to buy a community asset, there will always be the problem of trying to fight off private competition for community pubs. Until legislation is reformed, finance needs to be available to help urban communities intervene quickly if their pub comes up for sale.

5. Finance and support services:

5.1 - Alongside a community right to buy, the Welsh Government should also provide funding and support services for community groups to successfully take on assets as community-run venues.

5.2 - CAMRA would like to see a pub-specific programme of funding and advice, as was the case with the successful *More Than A Pub* programme which operated in England and provided business development support and funding to enable community groups in both urban and rural areas to take on their local pub as a community-owned business.

5.3 - In England, CAMRA worked alongside organisations like Pub Is the Hub, Locality, the British Beer and Pub Association, Co-operative and Community Finance and KeyFund to support the Plunkett Foundation and Power to Change to support the *More Than A Pub* project.

5.4 - We would like to see a similar scheme in Wales supported by organisations across the beer and pubs sector as well as organisations promoting voluntary groups and community rights to offer support and funding to community groups looking to save their local pub and take it on as a community-owned asset.

5.5 - Any such scheme should include:

- a dedicated advisory service
- pre-project advice
- access to varied funding programmes covering both revenue and capital funding for community-owned pub projects
- support to build capacity within communities in order to successfully run a local pub as a community-owned business.
- Support for urban communities in addition to the existing support available for assets in rural areas

6. Conclusion

6.1 - In conclusion, CAMRA urges the Committee to consider making recommendations to the Welsh Government to act quickly to protect local pubs as valued community assets.

6.2 - As part of any solution, the Welsh Government should remove permitted development rights for pubs recognised as valued community assets, so that so communities have a say before a pub is demolished or converted to another use.

6.3 - Communities should be given a right to buy privately-owned community assets and a pub-specific funding and support programme should be introduced to ensure that all communities are empowered to save their local and take it on as a community-owned pub.

6.4 - CAMRA recognises that not all pubs can be saved and community ownership of pubs will not be a viable option in all cases. For us, the most important element of protecting community assets is to give local people the chance to save them from redevelopment and ensure they continue to serve local people.



Coalfields Regeneration Trust (CRT)

CRT welcomes this opportunity to engage with the Local Government and Housing Committee on their Inquiry into Community Assets.

Established in 1999 the Coalfields Regeneration Trust (CRT) is a national charity and social enterprise that is solely dedicated to building prosperity and opportunity in former mining communities across the UK. Since inception CRT has prioritised the protection and development of vital community assets and services and the creation of community owned businesses in some of the most deprived areas of the UK, working in long term partnerships to develop resilient communities and local economies for the future. Our mission statement is: “To create opportunities for social and economic growth, deliver a positive lasting impact and ensure former mining communities are not disadvantaged by the legacy of the past.”

The Trust is a registered Charity in Scotland (SCO39277) and England and Wales (1074930) and Company Limited by Guarantee (3738566).

As a UK organisation CRT has office bases in Tredegar, Pontypridd, Barnsley, and Kincardine operating across 60 Local Authority areas providing support community empowerment, public and third sector engagement at various stages of an asset transfer journey in some of the most deprived communities in Wales, England and Scotland.

Community buildings and community spaces play an important role in bringing people together for health, social, well-being, education and recreation purposes. The importance of people being able to access local facilities was emphasised during COVID-19. Many community buildings are in public ownership and as Local Authorities seek to reduce costs these assets are now at risk of closure, particularly those within deprived communities where they may not generate sufficient income to be sustainable. Austerity measures have further been compounded by COVID-19, the energy and cost of living crisis and **urgent** work is required to recognise and safeguard our current community facilities. The importance of place is a key consideration of Planning Policy Wales for future developments – we should not lose sight of the importance of these physical and natural assets which exist now.

Response

1. Does the current statutory and policy framework empower communities in Wales to develop community assets?

Welsh Government have expressed a commitment “to work with communities to help maintain local facilities that bring people together, including pubs, libraries, museums, greenspace, arts and leisure centres, helping communities take ownership of assets in their local area where this is the best option”.¹ In 2015 the National Asset Working Group (NAWG) produced best practice guidance for Community Asset Transfer (CAT). This was updated in 2019 and published by

¹ Ystadau Cymru – Community Asset transfer Guide 2019-2020

Ystadau Cymru (previously NAWG). There is also the Protocol for Estate Co-Location and Land Transfer (2020) which focuses on disposal, transfer and shared use between public bodies but also recognises the important role of communities and assets which deliver well-being outcomes.

Our View

Whilst the commitment and guidance exists from Welsh Government, without regulatory requirement this guidance is not firmly embedded across all Local Authority areas which have resulted in regional disparities. Whilst we are aware that 'not one size fits all' and in the absence of a policy there could be a perception of greater flexibility, in our experience without open and transparent guidance it is reliant on individual officers to interpret and manage expectations of both parties and often take considerably longer.

As a minimum the current guidance needs to be expanded to include disposal of charitable land where a public body is seeking to discharge their duties. We are increasingly seeing asset transfers where public bodies do not realise that there are restrictions on use, or if a lease over 7 years has been negotiated then the asset may have to be disposed of according to Charity Law. One community group have been stuck with a Local Authority Legal Department for over 5 years! Others have failed to transfer wasting public and community time and resources which has resulted in the loss of community assets.

We also feel that the guidance needs to be proportionate, a small scale transfer for a community growing project should not require the same level of information and business plan as a leisure facility.

Recommendations

The implementation of legislation and a regulatory framework which provides clear, transparent and proportionate processes. The process for identifying the social value and return should also be included within the framework.

In the absence of legislative policy to include in the current CAT guidance information on the disposal of charitable land or assets which may be subject to charitable trusts or restrictions for use.

Playing Field Regulations 2015 require Local Authorities to consult with communities prior to disposing of part/all of a playing field.

Our View

A Local Authority is often balancing competing interests. In our experience consultation only takes place as part of the planning process for proposed end use of the land, rather than the impact of the loss of the playing field itself and a separate impact assessment. Particularly as many of the playing fields within communities may fall under education department which are an exception for these regulations.

Recommendation

To be effective and empower communities Local Authorities should be required to undertake a public consultation on the loss, or change of use, of all community accessed playing fields and following this produce an impact assessment before proceeding to planning consultation. If at this stage a percentage of objections relevant to the population size were received, or was objected to by one of the statutory consultees then this could automatically trigger a referral to Welsh Government – or an independent Land Commission if one existed - for an impartial decision. Often if a decision is called in at planning stage then it is reviewed in line with Planning Law rather than these specific regulations which should be a pre-requisite to planning.

Future Generations Act 2015: securing economic, environmental, social and cultural well-being of future generations. Working collaboratively with communities and securing assets for the benefit of future generations is a requirement under this Welsh legislation.

Our View

Unfortunately the Commissioner cannot act on behalf of individual asset transfers/communities and once an asset is lost then it is too late.

Recommendation

Using a community of interest or place based approach to establish loss of assets in a geographical area, or type of asset, can indicate a systemic issue which could trigger the Commissioner's involvement. Currently public bodies have a duty to report on the impact of their decisions and consider the longer term implications of any actions taken if this was expanded to include reporting on the current community assets available and the scale of asset transfers undertaken this will improve oversight and help inform a targeted approach and can be done within the public bodies current reporting framework.

It is a requirement for public bodies to register their assets on e-PIMS – if this was expanded to include assets of community value then this would give a more accurate picture of any patterns of loss within our communities. A public body will know which of their assets are currently used by communities and therefore have a community value. This will not include assets which the community may value which are outside of the public estate, however the potential to expand the database could be a consideration.

Socio Economic Duty 2020: Public bodies should aim to reduce the inequalities of outcome which result from socio economic disadvantage. 2019 research by Local Trust and Oxford Consultants for Social Inclusion state that “**places to meet**, connectivity – both physical and digital – and an active, engaged community are vital to secure better social and economic outcomes for people

living in deprived neighbourhoods.”² Greater access to community facilities will have better health, well-being and economic outcomes than deprived communities with less access.

Our View

The closure of a community building, the loss of a green space or playing field is often looked at in isolation and the cumulative effect of these losses can leave many communities with limited access to services and recreational opportunities which can mean that people are further isolated and financially worse off as they may have to travel to access services and facilities elsewhere. There is also disparity with access to public transport outside of towns and cities with many bus services no longer operating their less profitable routes further impacting on disadvantaged communities.

Recommendation

Using a place based approach to ensure that people have access to facilities within a certain distance of their home e.g. Future Generations Commissioner states that people should have access to Green Space within 4 minutes from their home. If facilities have to close then this included within an impact assessment and where identified additional resources allocated to ensure that the facility/green space is supported to be retained within the community – this could be additional funding, or resources for community capacity building.

Local Government Act 1972: General Disposal Consent (Wales) 2003 allows Local Authorities to dispose of land for less than market value providing they can justify a social value for the asset.

Our View

There is disparity on how social value is calculated we are aware of unincorporated groups who have taken on public assets such as parks, playgrounds and public toilets at market value with no means to generate income to maintain and operate the asset. This then goes against the best practice guidance which states that assets should be sustainable. Many others have rent review periods linked to the market value of the property therefore as groups refurbish their property this could increase their market value so dis-incentivises them to invest in their property. There have also been others where rent reviews will be linked to income generation – again dis-incentivising groups to thrive.

Recommendation

To assist Local Authorities establish social value there are tools available e.g. The Social Value of Community Asset Transfers (CAT): Bristol and Bath CAT Social Value and Financial Savings Calculator 2019. If a legislative framework was introduced the process to calculate social value should be included to ensure a consistent approach.

² 2019 Local Trust and Oxford Consultants for Social Inclusion (OCSI) Left Behind? Understanding communities on the edge.

Although community assets are often linked to service delivery we are concerned to see Service Level Agreements (SLA) tied into a lease which may invalidate the lease. We have also seen many leases where the Local Authority divest themselves from the responsibility for an asset, yet wish to retain control and will insert clauses which would be considered unreasonable for the private sector.

Example of unreasonable clauses:

1. *The tenant is not to assign, sublet or **hire** out the whole or any part of the property without written consent from the Landlord's Estate Officer.*
2. *The tenant is not permitted to assign, underlet, charge or share any part of the demised premises without Landlords prior written consent.*
3. *The tenant must notify us of any media or political events happening from the premises. At least 1 weeks notice is required to the site manager (if applicable) or Head of Corporate Estates {Local Authority}. To fail to do so will invalidate this lease agreement.*
4. *Improvement of the pitch facilities with the ability to obtain any appropriate grant funding subject [to] prior discussions and written approval from the Councils Estates Department.*
5. *Within two months after the end of each year of this lease the Tenant shall deliver to the Landlord a certificate given by a professionally qualified accountant which shall confirm the amount of Gross Income receivable by the Tenant during the immediately preceding year of this lease by reference to the applicable payment rates and the amount of electricity generated, exported and sold. If that certificate discloses that the Gross Income for that year is greater than the Minimum Second Rent the Tenant shall pay to the Landlord the difference between the Gross Income for that year and the Minimum Second Rent within ten working days of the date of the relevant certificate.*

Recommendation

The examples provided are from Local Authorities which have CAT policies in place that recommend working in partnership with voluntary organisations. We would therefore recommend a package of training to support local authority officers involved in asset transfer to ensure that the principles of community empowerment is understood and embedded.

We would recommend that service delivery and income generation is kept separate from lease agreements which should just focus on the property.

Sharing Best Practice

Rhondda Cynon Taff County Borough Council established a community asset transfer group for the voluntary sector which involved a number of development agencies, funding bodies and local authority staff. The group would meet on a quarterly basis in a community building which had recently been transferred. The third sector organisation who had taken on the asset was invited to provide an

honest account of their journey and invited them to make recommendations for improvements and identify any areas for further support.

CRT chair and provide secretariat support to a CAT group in Blaenau Gwent comprising of Local Authority, development support agencies and representatives of national governing bodies these meetings provide an opportunity to discuss support requirements, opportunities and share learning.

White Paper Reforming Local Government: Power to Local People 2015
Local Government and Elections (Wales) Bill 2020 allows for greater transparency of Local Government decision making and encouraging communities to get involved.

Our View

At the consultation stage for this Bill it was suggested that communities should be given notice when assets of a certain value were under consideration for disposal – advertising these assets and encouraging communities to consider future use could have provided greater potential for collaboration and innovation.

Although advertising on a ‘window of opportunity’ is included within Ystadau Cymru CAT guidance in practice this rarely happens. Many Local Authorities may identify a ‘surplus’ asset and then identify and approach a potential anchor tenant directly. In this situation the tenant will often fear if they do not take it on their organisation/services will be at risk therefore starting with a power imbalance and often a fractious/distrusting relationship. Local Authorities should also consider whether it is within the power and objects of the community group to take on and manage an asset and whether advertising widely would encourage more people within the community to consider a wider range of uses for the community asset helping the asset to meet a community need and potentially becoming more cohesive and sustainable.

Recommendation

To follow CAT Guidance and advertise assets – whether identified by a community organisation, or local authority as surplus to requirements – on a ‘Window of Opportunity’ which is then widely circulated through elected representatives, social media and third sector support organisations.

2. To what extent does the Community Asset Transfer scheme promote and support effective development of community assets?

Our View

When communities express an interest to safeguard an asset which is at risk in their community then we should have processes in place to facilitate and encourage this. When an asset transfer is done well they provide communities with opportunities to protect valued local spaces, maintain local services, strengthen partnership working and can help build a vibrant local economy. We have the framework for doing this with the Future Generations Act, Power to Local People and Best Practice Guidance on Community Asset Transfer (CAT). If a group is undertaking a CAT then they have to consider how they are meeting a community need, what social value they are providing and how they will become

sustainable which may require them to diversify services or re-consider how they operate.

Case Study

Dyfed Road Bowls Club have recently taken on a long term lease on their pavilion and green from the Local Authority. Since doing so they have opened up their facilities for a local tennis and cricket club and become a hub for daytime well-being activities with residents from nearby sheltered accommodation and now have a kitchen, providing volunteering opportunities and training. The income raised from diversifying their activities has enabled them to become financially sustainable. The CAT process has therefore ensured that a community facility is retained and that it is meeting a wider community need and will be available for future generations.

However, not having a **proportionate scheme** can restrict the development of a community asset e.g. a small parcel of land required for community growing should not have to produce a 5-10 year business plan and require a group to become incorporated. A management agreement rather than a lease may then be considered proportionate.

Recommendation

A proportionate approach to an asset transfer which reflects both the type of asset and the period of transfer. This ensures effective use of resources for both the community group and the Landlord.

3. What are the barriers and challenges faced by communities in taking ownership of public or privately owned assets, including finance and support services?

At the time of this response our communities are facing an **energy and cost of living crisis** which is presenting additional challenges to an already difficult situation. The services which operate from many of our community facilities address a social need at the same time these assets, which are still recovering from COVID-19, are now facing a significant increase in energy costs. This may escalate the closure of community facilities our concern is that this will be at a dis-proportionate rate in more deprived communities. Voluntary organisations looking to retain these assets may find it even more difficult to provide a business plan and cash flow forecast which will show sustainability in the short term and therefore may not acquire the asset or the funding required to open.

Our view

- Dedicated CAT funding and support not available in most Local Authority areas.
- Disadvantaged communities often lack human as well as funding resource, they are also not able to raise the same funding through crowd source funding or community shares within these communities.
- Community buildings in areas of high deprivation are often used to provide valuable services such as food banks and other activities which they are not able to generate an income from, this means that they will

struggle to be sustainable and will either not be considered for transfer, or will remain at risk.

- Insufficient resource within third sector support agencies to provide capacity building. There are good examples of where this works well but resources to support capacity building do not meet the scale of need, particularly in deprived communities.
- Lack of consistency across Local Authority areas and between Local Authority departments.
- No CAT policy or process – or where it does exist, less flexibility for different types of asset e.g. small scale community growing projects.
- Estates Team prioritising assets for market value, or assets which are in a poor state of repair.
- No clear guidance on measuring social value impact.
- Lack of Local Authority staff/resources.
- Not completing Impact Assessments and consultations in accordance with guidance.
- Considering community assets in isolation rather than a place based approach.
- Insufficient information available on some assets e.g. running costs.
- No central register of publically owned assets of community value.
- No central register of publically owned assets available for community asset transfer.
- No 'right to bid' or 'right to buy' for assets of community value.
- No community right to reclaim disused land owned by public bodies.
- No dedicated funding pots for community asset transfer in Wales. Can access from Department of Levelling Up Housing and Communities however this has to be matched 50% and is retrospective so groups have to spend the money first and then claim – this is a barrier to most organisations – particularly in more deprived communities.

In September 2015 a consultation on community assets closed and a number of recommendations were considered which will help overcome some of these issues <https://gov.wales/written-statement-assets-community-value-0>

4. Lessons beyond the Welsh border?

It has been identified in the 2020 Bevan Foundation report: Productive community assets: generating the benefits and the more recent Institute of Welsh Affairs 2022 Our Land: communities and land use, that Wales falls behind the rest of the country in relation to powers related to community ownership. However, lessons should be learnt from our neighbouring UK countries on how effective this legislation is. The 'Community Right to Bid' in England allows communities to register an Asset of Community Value (ACV) and when that ACV is available for sale/disposal then there is a process in place to ensure that a community have time to submit an interest – 6 months is not long enough in most cases for a community to organise themselves, and get together a financial package to enable them to do this – and a right to bid is not the same as a right to buy.

Scotland have far more powers and established processes in place along with funding support either through their Scottish Land fund or Community Empowering Communities Fund and a 'Community Right to Buy'.

Summary of Recommendations

Implementation of legislation and a regulatory framework

To introduce legislation which provides clear, transparent and proportionate processes to include the process of measuring social value. In the meantime to include within the guidance the process for disposal of charitable land/assets.

Identify communities in need – placed based or communities of interest

Although each Local Authority may keep a record of assets which have been transferred to a community organisation there is no overview of scale of transfers and/or loss of facilities in a particular area to identify need for targeted support and capacity building. This could include the loss of certain types of facilities e.g. libraries, bowls clubs which generally find it difficult to demonstrate sustainability. It is recommended that further research is required to ensure resources are targeted effectively and to help inform policy.

The e-PIMS register of assets could be expanded to include those of community value which could then help identify any areas of concern.

Support a community asset network to deliver general support and training across the sectors and share best practice.

Since 2017 CRT has also created and supported regular multi agency community asset transfer groups pulling together public sector, community sector support agencies and sporting governing bodies to help support the scale of asset transfer of facilities in targeted local authority areas of high need with poor social infrastructure. We have also hosted and facilitated a number of community asset transfer workshops with key speakers including Ethical Property Foundation, Geldards Solicitors, funders, energy efficiency providers and third sector support agencies. It is recommended that this work is replicated in areas where resources are limited to further build the capacity of the sector.

Steady and long term investment:

- **Investment in local capacity building – empowering community ownership**

Development support required for both pre and post asset transfer. Since 2018 we have been contracted by a Local Authority to deliver CAT support to groups in Bridgend, South Wales. BCBC have a dedicated CAT Officer. The contract between CRT, Cwmpas and BCBC includes: organisation health checks; governance support;

feasibility; business planning; financial forecasts and developing fundraising strategies. They also have a specific fund allocated to support capital refurbishments post transfer. This level of support is not available in other regions. CRT would recommend additional similar resources to enable organisations to build their capacity.

CRT would also recommend that post transfer support is provided which will include training and support in land registry requirements, property management, statutory compliance, energy efficiency, measuring outcomes, monitoring requirements, publicising their project and sharing best practice. Post asset transfer support is critical given the cost of living and energy crisis pressures being faced by voluntary organisations

- **Further targeted investment in deprived communities**

We know that the scale of loss of community facilities effects those areas which are most deprived (OCSI, 2019). The additional unprecedented challenges of climate change³, COVID-19⁴ and the cost of living crisis will have a further disproportionate effect on deprived communities. We need to identify and target public investment. A tool for mapping areas with poor social infrastructure has been done in England but not yet in Wales and Scotland <https://ocsi.uk/left-behind-areas/>

- **Capital and revenue funding for communities.**

Prior to an asset transfer taking place communities require specialist technical and legal advice to ensure that they are making an informed decision for their community and their organisation. Unfortunately very few funders allow for professional fees such as: solicitors; conveyancing; building condition surveys; energy efficiency surveys; asbestos reports; HR (TUPE) support; fire risk assessment; health and safety risk assessments; property management training; accountancy support and pitch surveys. CRT would recommend revenue funding for professional fees attached to any potential community asset transfer support or capital funding programme.

Although we are aware of capital funding available through the Communities Facilities Programme this fund is not specifically for Community Ownership. The Community Ownership Fund (COF) administered by the Department of Levelling Up Housing and Communities is available in Wales, however this is retrospective funding and only for 50% of the costs. Organisations – particularly those in deprived communities – are not in a position to meet these costs therefore are being left further behind. The key barriers to accessing COF is community capacity, the ability to match fund or to have funding retrospectively. More work is needed to ensure that our communities benefit from levelling up funding.

Designated Land Commission and Fund

We recommend that a separate Land Commission and fund is established to improve access to public land where the land will be used for community growing, increasing

³ Joseph Rowntree Foundation 2014. Climate Change and Social Justice: an evidence review

⁴ Sheffield Hallam University – The Centre for Regional Economic and Social Research 2021. The Impact on Coronavirus Crisis on Older Industrial Britain.

biodiversity or establishing community owned renewable energy projects. These are key priorities for Welsh Government and communities can help Welsh government achieve their goals.

The Land Commission could also then hold a register for assets of 'common good' such as public parks, playing fields, monuments, playgrounds. A register and regulations already exist for areas of common land. There would be a specific process for disposing or changing use of these assets.

If approved (currently open consultation <https://gov.wales/coal-tip-safety-wales-white-paper>) there is proposed to be a supervisory authority for former coalfield sites and an asset register which could be incorporated into a Land Commission regulatory body.

Introduction of a 'Community Right to Buy' abandoned, neglected or detrimental land.

If a community right to buy process was established this would empower communities to improve the areas where they live and work.

Response submitted on behalf of the Coalfields Regeneration Trust by:

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