

STANDARDS COMMITTEE

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| Date of Meeting | Monday, 2 September 2019 |
| Report Subject | Update on the Community Asset Transfer Progress |
| Report Author | Gareth Owens |

EXECUTIVE SUMMARY

In 2014 the Council launched its Community Asset Transfer Scheme (CATS) to enable local Councils and community groups to take on assets which it was unsustainable for the Council to maintain and operate. Since then 13 assets have transferred and 68 applications are in progress against a total asset base of 253.

Ethically there are potential difficulties during the negotiation of the transfer and subsequently where Councillors are involved in the management of the newly transferred asset. However, there are mechanisms within the Code and ways of working which can ease those potential difficulties.

RECOMMENDATIONS

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| 1 | That the Committee is assured that the mechanisms within the code of conduct/dispensation process are satisfactory for managing any potential ethical issues arising from the Community Asset Transfer Scheme. |
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REPORT DETAILS

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| 1.00 | EXPLAINING THE ETHICAL ISSUES ASSOCIATED WITH CATS |
| 1.01 | Since 2014 the Council has transferred 13 assets to community groups, including high profile assets such as Holywell Leisure Centre and Connah's Quay Baths under not proceeded. There were 240 assets remaining which are potentially suitable for transfer. |
| 1.02 | A County Councillor who is a member of a Town/Community Council or community group that wishes to take a transfer of the asset has a personal interest in any discussions/negotiations with County Council officers relating to the transfer. It is possible that the personal interest may also be prejudicial. This could make it difficult for the Councillor to participate in the transfer process. |
| 1.03 | Likewise where a Councillor is a member of the Town/Community Council or community group that has taken a transfer of an asset then s/he will have a personal interest in any funding applications or planning applications relating to the asset. Again such an interest may well also be prejudicial. This may prevent the Councillor from participating in debate on a public asset in their community. |
| 1.04 | <p>Within the Code there are a number of provisions that can ease the difficulties. Paragraph 12 (2) of the Code provides that a Councillor's interest is only ever personal (i.e. it is not considered prejudicial) where</p> <ol style="list-style-type: none">1) A Councillor was appointed as the authority's representative on the management group of the asset; and2) The asset is owned or run by another public authority or a body exercising functions of a public nature <p>Paragraph 12(3) of the code also permits town and community Councillors to consider grant funding applications of up to £500 for community or voluntary organisations.</p> |
| 1.05 | The Standards Committee also has the power to grant dispensations. It has developed a "standard" form of dispensation for Councillors involved in CATS that permits them to negotiate with council officers provided at least 3 people are present and the meeting is minuted. This ensures that there can be no collusion/coercion and that there is an audit trail of such meetings. |
| 1.06 | The Monitoring Officer and Deputy Monitoring Officer have provided advice to Councillors on how to progress transfers in a manner compliant with the Code of conduct. |

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| 2.00 | RESOURCE IMPLICATIONS |
| 2.01 | The Council has sufficient resources to manage the ethical issues associated with CATS. |

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| 3.00 | CONSULTATIONS REQUIRED / CARRIED OUT |
| 3.01 | None. |

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| 4.00 | RISK MANAGEMENT |
| 4.01 | The key ethical risk associated with CATS is that a Councillor might seek to influence a decision on the terms of an asset transfer in favour of a community group of which s/he is also a member. Equally, there may be the fear or impression of undue influence/advantage on the part of a “competing” community group also seeking a transfer of the same asset. Transparency is clearly the best way to manage such risks and the code/dispensation process ensures that this will happen. |
| 4.02 | The Council also avoided the creation of competition between community groups for assets by insisting on combined/collaborative bids where more than one group was interested in an asset. The transfer process was therefore structured in a way that reduced competition and promoted access to the widest number of people. |

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| 5.00 | APPENDICES |
| 5.01 | None. |

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| 6.00 | LIST OF ACCESSIBLE BACKGROUND DOCUMENTS |
| 6.01 | None. Contact Officer: Gareth Owens, Chief Officer Governance Telephone: 01352 702344 E-mail: Gareth.legal@flintshire.gov.uk |

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| 7.00 | GLOSSARY OF TERMS |
| 7.01 | Terms are explained with in the body of the report. |