

## Bath & North East Somerset Council

MEETING/ DECISION MAKER:	<b>Communities, Transport and Environment Policy Development &amp; Scrutiny Panel</b>	
MEETING/ DECISION DATE:	<b>21<sup>st</sup> January 2019</b>	EXECUTIVE FORWARD PLAN REFERENCE:  <i>n/a</i>
		<b>E 9999</b>
TITLE:	<b>Community Asset Transfer Policy and Guidance</b>	
WARD:	All	
<b>AN OPEN PUBLIC ITEM</b>		
<p><b>List of attachments to this report:</b>  Draft Community Asset Transfer Policy and Guidance  Draft Equalities Impact Assessment</p>		

### 1 THE ISSUE

- 1.1 A draft Community Asset Transfer policy and guidance has been prepared. This builds on the review of Community Asset Transfers undertaken by the Resources Policy Development & Scrutiny Panel Task and Finish Group in 2013, and follows the Council's agreement to a programme of transferring Council community assets

### 2 RECOMMENDATION

- 2.1 The Community, Transport and Environment Policy Development & Scrutiny Panel is asked to review the draft policy and provide comments ahead of the report being presented to Cabinet in February.

### 3 RESOURCE IMPLICATIONS (FINANCE, PROPERTY, PEOPLE)

- 3.1 There are significant implications of the draft policy on the Council's approach to assets, and these are contained within the draft.

### 4 STATUTORY CONSIDERATIONS AND BASIS FOR PROPOSAL

- 4.1 Under s123 of the Local Government Act 1972, any disposal by the Council of an asset in excess of 7 years (including leasehold interests) must obtain "best consideration", unless the General Disposal Consent (England) 2003 can be applied or a specific consent is obtained.
- 4.2 The General Consent allows specified circumstances where the consent can be applied:

4.3 The local authority considers that the purpose for which the land is to be disposed is likely to contribute to the achievement of any one or more of the following objects in respect of the whole or any part of its area, or of all or any persons resident or present in its area;

- i) the promotion or improvement of economic well-being;
- ii) the promotion or improvement of social well-being;
- iii) the promotion or improvement of environmental well-being;

and;

4.4 The difference between the unrestricted value of the land to be disposed of and the consideration for the disposal does not exceed £2,000,000 (two million pounds).

4.5 The aim of the draft policy provides a detailed framework and criteria for organisations wishing to apply. It follows the principles set out in the guidance document produced by “Locality” on community asset transfer and draws also from examples taken from other local authorities including Bristol, Isle of Wight and Wigan.

## **5 THE REPORT**

5.1 Since 2013, the Council has undertaken a series of Community Asset Transfers including Scout land at Kelston Road, Alexandra Bowls Club and Somerset & Dorset Heritage Railway. These have been built around the following outcomes:-

- An appropriate, not-for-profit legal entity, and governance structure to ensure effective management of the asset.
- Alignment between the work and objects of the organisations and the Council’s own Corporate Plan objectives.
- Opportunities for enhancing the capacity of local voluntary and community organisations and empowering them to deliver their objects.

5.2 The draft policy has built upon these principles and will provide a more structured process for dealing with requests. Whilst it will not restrict the opportunities available, it will provide clarity regarding assets that are not in scope.

5.3 It is proposed that the Council will operate a four -stage process, this includes;

1. Assessment of the Asset;
2. Expression of Interest;
3. Business plan and;
4. Completion.

5.4 As part of stage 1, Assessment of the Asset, it will be essential that the condition of the asset is understood so that an assessment can be made regarding the need for future investment weighed against the long term community benefit.

5.5 Defining a more structured process and offering more support to the community, it is hoped that organisations will understand their responsibilities, ensure that they have an effective and appropriate governance structure in place and have the financial capability to manage an asset.

5.6 The draft policy recognises that the Council may, in future, use Community Asset Transfers as a route to continue a service, an example being Community Run Libraries and Youth Services. A similar process has been successfully used as part of the Modern Libraries Programme to implement a series of Community Run Libraries. This process has enabled organisations to understand their responsibilities, potential liabilities and ensure they have the resources to deliver the service.

- 5.7 Subject to approval, the policy will form part of the Council's Corporate Asset Management Plan.
- 5.8 The process will be managed within existing resources and in collaboration between Property Services and the Communities Team.

## **6 RATIONALE**

6.1 The draft policy will ensure that:

- there is clarity regarding what assets are within the scope of the policy;
- a fair and transparent process is followed, allowing, where appropriate, communities to bid for assets that are considered of community benefit;
- organisations are fit for purpose, have good governance, understanding their liabilities and have the financial capability to successfully operate;
- the Council's corporate priorities are delivered;
- community interests are safeguarded in the longer term.

## **7 OTHER OPTIONS CONSIDERED**

7.1 None.

## **8 CONSULTATION**

- 8.1 The consultation on the draft policy has been open since 17<sup>th</sup> December 2018 and will run until 25<sup>th</sup> January 2019.
- 8.2 The draft policy has been produced in collaboration between the Estates and the Communities Team. Other service areas have been invited to input in the draft and make comments. An Equalities Impact Assessment has been produced and is attached to this report.
- 8.3 In addition, details have been sent to organisations currently in discussion with the Council regarding community asset transfers and those organisations who have been through the process. Ward Councillors, all Parish Councils, 3SG Group and the six Connecting Communities Forums have also been encouraged to comment.
- 8.4 The consultation has been made available on the Council's website. A press statement to announce the details of the draft policy was issued on 21<sup>st</sup> December.
- 8.5 Further work will be carried out on refining the appendices to the draft policy particularly developing a minimum standard of repair and building conditions as well as the assessment criteria in line with the Council's procurement standards.
- 8.6 Additional material will be produced including a shorter and simplified version of the policy to assist organisations considering community asset transfers in understanding the process and their responsibilities.
- 8.7 All comments received from the consultation will be presented to the Council's Cabinet meeting on the 6<sup>th</sup> February.
- 8.8 The policy will be reviewed within 12 months of adoption.

## **9 RISK MANAGEMENT**

- 9.1 A risk assessment related to the issue and recommendations has been undertaken, in compliance with the Council's decision making risk management guidance.

<b>Contact person</b>	<p><i>Richard Long, Head of Estates, Property Services</i></p> <p><i>Andy Thomas, Head of Strategy, Engagement and Marketing</i></p> <p><i>Sara Dixon, Locality Manager, Communities Team</i></p>
<b>Background papers</b>	<p>A review by the Resources Policy Development and Scrutiny Panel Task and Finish Group Review March 2013 - <a href="https://democracy.bathnes.gov.uk/documents/s24822/CommAssetApp.pdf">https://democracy.bathnes.gov.uk/documents/s24822/CommAssetApp.pdf</a></p> <p>Bath &amp; North East Somerset Council Budget report February 2013 - <a href="https://democracy.bathnes.gov.uk/documents/g3217/Public%20reports%20pack%2019th-Feb-2013%2018.30%20Council.pdf?T=10">https://democracy.bathnes.gov.uk/documents/g3217/Public%20reports%20pack%2019th-Feb-2013%2018.30%20Council.pdf?T=10</a></p> <p>Locality Guidelines Community Asset Transfers - <a href="https://locality.org.uk/services-tools/support-for-councils-service-providers/community-asset-transfer/">https://locality.org.uk/services-tools/support-for-councils-service-providers/community-asset-transfer/</a></p> <p>Bristol City Council Community Asset Transfer Policy - <a href="https://www.bristol.gov.uk/people-communities/community-asset-transfer">https://www.bristol.gov.uk/people-communities/community-asset-transfer</a></p> <p>Isle of Wight Community Asset Transfer Policy - <a href="https://webcache.googleusercontent.com/search?q=cache:T8f-t5D56X0J:https://www.iow.gov.uk/documentlibrary/download/isle-of-wight-community-asset-transfer-process-a-how-to-guide-for-applicants+&amp;cd=1&amp;hl=en&amp;ct=clnk&amp;gl=uk">https://webcache.googleusercontent.com/search?q=cache:T8f-t5D56X0J:https://www.iow.gov.uk/documentlibrary/download/isle-of-wight-community-asset-transfer-process-a-how-to-guide-for-applicants+&amp;cd=1&amp;hl=en&amp;ct=clnk&amp;gl=uk</a></p> <p>Wigan Council – Community Asset Transfer Policy - <a href="https://www.wigan.gov.uk/Council/Strategies-Plans-and-Policies/Community-asset-transfer.aspx">https://www.wigan.gov.uk/Council/Strategies-Plans-and-Policies/Community-asset-transfer.aspx</a></p>
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