

Bath & North East Somerset Council		
MEETING/ DECISION MAKER:	Cabinet	
MEETING/ DECISION DATE:	6 th February 2019	EXECUTIVE FORWARD PLAN REFERENCE:
		E 3108
TITLE:	Community Asset Transfer Policy and Guidance	
WARD:	All	
AN OPEN PUBLIC ITEM		
List of attachments to this report:		
Appendix 1 - Community Asset Transfer Policy and Guidance		
Appendix 2 - Equalities Impact Assessment		
Appendix 3 - Consultation feedback table and responses		

1 THE ISSUE

- 1.1 The Council has incorporated its learning from the Community Asset Transfers it has undertaken over recent years to develop a new Community Asset Transfer Policy and Guidance document. This document aims to provide a more structured approach and a clear and transparent process.
- 1.2 This report contains a recommendation to adopt the policy, following a consultation on a draft document and incorporation of feedback.

2 RECOMMENDATION

The Cabinet is asked to;

- 2.1 Consider the outcomes of the consultation on the draft document as set out in Appendix 3.
- 2.2 Confirm that the feedback received through the consultation process has been accurately reflected and is now incorporated into the current draft of the Community Asset Transfer Policy and Guidance (attached at Appendix 1), and agree the new document.
- 2.3 Thank those who responded to the consultation and agree to circulate the outcomes of the process and next steps.

- 2.4 Agree that the implementation of the policy be reviewed within twelve months of operation to make any further refinements required.

3 RESOURCE IMPLICATIONS (FINANCE, PROPERTY, PEOPLE)

- 3.1 There are significant implications of the Policy for the Council's approach to assets. These are contained within the document itself. All financial implications for the Council will be assessed and outlined as part of each decision.
- 3.2 The Policy will form part of the Council's Corporate Asset Management Plan.
- 3.3 The process will be managed within existing resources.

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).

5 THE REPORT

- 5.1 Since Council agreed to undertake a programme of Community Asset Transfers in February 2013, completed transfers have included Scout land at Kelston Road, Alexandra Bowls Club and Somerset & Dorset Heritage Railway. A number of other projects are at an advanced stage. In addition, the Council has also begun to use Community Asset Transfers as a way of sustaining and developing services, for example Community Run Libraries and Youth Services.
- 5.2 These asset transfers have delivered a number of key outcomes for the local community. As such, they have received tailored support from council officers. It is now timely that the learning and experience from these individual projects be incorporated into a clear Policy document that provides a future framework for this approach.
- 5.3 A draft Policy has therefore been prepared, drawing on our local experience and also the principles set out in the guidance document produced by "Locality" on

community asset transfer. Examples from other local authorities including Bristol, Isle of Wight and Wigan have also been used in drawing up the policy.

5.4 As a result of this work, a Community Asset Transfer Policy has been drawn up and is attached for consideration. It provides a detailed framework and criteria for organisations wishing to apply. This framework includes:

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

5.5 To achieve this, the Policy sets out a four -stage process, as follows:

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

5.6 This structured process will enable the most appropriate level of support to be provided at each stage, this ensuring a more sustainable outcome for each project. In particular, it will do this by ensuring that, for each transfer, there is:

- 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 organisation and the Council's own Corporate Plan objectives.
- Opportunities for enhancing the capacity of local voluntary and community organisations and empowering them to deliver local outcomes.

5.7 The policy will complement the Council's emerging core services offer through supporting communities to contribute to the overall wellbeing of the area.

6 RATIONALE

6.1 It is considered appropriate that, given that a number of asset transfers have been completed or are in development since Council adopted its programme in 2013, a formal Policy document be adopted to secure future sustainability of schemes and clarity of approach.

7 OTHER OPTIONS CONSIDERED

7.1 None.

8 CONSULTATION

- 8.1 A consultation on the draft policy took place between the 17th December 2018 and 25th January 2019. Comments received have been summarised in Appendix 3 of this report.
- 8.2 The policy has been produced in collaboration between the Estates and the Communities Team. Other council service areas have been invited to comment on the draft.
- 8.3 Organisations in discussion with the Council regarding community asset transfers and those organisations who have been through the process were invited to take part in the consultation. Ward Councillors, all Parish Councils, 3SG Group and the six Connecting Communities Forums were also been encouraged to comment.
- 8.4 An Equalities Impact Assessment has been produced and is attached to this report.
- 8.5 This report was presented to the CTE Panel on 21st January. The policy builds upon the work already undertaken by the Resources Policy Development & Scrutiny Panel Task and Finish Group in 2013. The CTE Panel made the following comments:
- This progress is encouraging and the Policy will streamline the process.
 - Encouraged by the determination to learn from best practice.
 - Support from the Panel for the draft policy.
- 8.6 18 individual comments were received, these included comments from:
- Organisations that have been through the process and those that are currently in discussions with the Council
 - Advisory bodies
 - Individuals
 - Ward Councillor
 - Parish Councils including a detailed response by Keynsham Town Council following a discussion at their council meeting
- 8.7 The overall feedback was positive and the introduction of the Policy was welcomed. Appendix 3 provides a list of all the feedback received and responses given.
- 8.8 A summary of the key issues raised is set out below:
- The length of the transfers and the process set out.
 - Recognition of the role and function of parish and town councils.
 - Concern regarding the amount of work required to be completed by organisations.
 - The nature in which assets become available.
 - Protecting the asset in the future.
 - The appropriate term and tenure of the asset as well as the level of agreements required.
 - Support and guidance for organisations throughout the process.

- 8.9 All feedback received has been fully considered. Some of the feedback received has been noted whilst, as appropriate, amendments and additions have been proposed in the document. These are highlighted in red in Appendix 1 and 3.
- 8.10 Further work is being undertaken on developing a minimum standard of repair and building / land conditions. These will form part of the appendices.
- 8.11 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.

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.

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