

Thanet District Council



Community Asset Transfer Policy

January 2018 - December 2021

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Policy

Executive summary

- The Strategic Asset Management Plan 2017 – 2021 documents Thanet District Council's priorities in relation to property and land, including a commitment to Community Asset Transfers. This policy supplements the Strategic Asset Management Plan.
- A Community Asset Transfer involves the transfer of management or and/or ownership of a property and/or land asset from the owner, Thanet District Council, to a community or voluntary organization.
- This policy is a guide for community organisations interested in Community Asset Transfer. It is not intended to provide advice to individual organisations about their rights or capabilities for stewardship of Council property. Each organisation should seek their own legal advice when considering Community Asset Transfer agreements although there is a reference section provided at the end of this policy with further information.
- This document does not cover the community rights established under the Localism Act 2011 such as Community Right to Bid and Community Right to Challenge, further information on this can be found on the Government web site <https://www.gov.uk/> and on Thanet District Council web site:

<https://www.thanet.gov.uk/your-services/community-engagement/community-right-to-bid/community-right-to-bid/>

Thanet District Council Commitment to Community Asset Transfer

Effective and carefully managed transfer of assets to the local community can bring benefits not only to the Council, but also to its local statutory, voluntary and community partners. Such transfers provide the potential to strengthen the role and future sustainability of local community organisations.

There is much national policy and guidance supporting the empowerment of communities to achieve social aims. Thanet District Council recognises the important role that assets can play in meeting these aims including:

- Bringing communities together
- Enhancing the social opportunities for local people.
- Operating close to the people that the local authority wants to reach.
- Creating opportunities for partnership working between Third Party Sector (TPS) organisations and the Council to share service delivery for the benefit of the community.
- The community organisation may be able to access funding opportunities that are not available to the Council in order to deliver the social aims.

The contexts within which the community asset transfer strategy is developed are below:

- Community Strategies and Neighbourhood or Parish Plans
- Strategic partnerships
- Local Area Agreements
- Duties to Involve the community

Benefits of Voluntary and Community Sectors

A voluntary and community sector ie Third Party Sector (TSP) is one which:

- Is independent of government;
- Is value driven, ie motivated by the desire to achieve social goals (e.g. improving public welfare, the environment or economic well-being) rather than the desire to distribute profit and
- Reinvests surpluses generated in the pursuit of their goals. They need to make surpluses (profits) to be financially sustainable

TPS organisations have the expertise and ability to resource and deliver social and economic benefits tailored to specific measurable outcomes;

- Greater understanding the needs of service users and communities.
- Ability to delivery outcomes that the public sector finds it hard to deliver on its own.
- Innovation in delivering solutions.
- Performance in delivering services.
- Contributing to the health and wellbeing of communities.

These organisations have the qualities and expertise to support Thanet Council's corporate aims by supporting neighbourhoods.

Assets available for Community Asset Transfer

A strategic approach to reviewing property and land ownership includes identification of assets that are appropriate for community use.

Thanet Council holds a list of community assets which includes parks, play areas, allotments, fountains, bandstands and shelters. These assets may be suitable for transfer subject to the community asset transfer process.

There may be other properties and land considered by the TPS with potential to further their social aims. However, if the property or land is required for the following purposes it will not be possible to transfer the asset to the community.

Instances where CAT is not possible

- The asset is surplus and the proceeds of the sale are required as a capital receipt to fund the capital programme;
- The asset is held by the Council to earn an income which is used to support service delivery;
- The asset is held for regeneration projects;
- The asset is held to support housing requirements;
- The asset is required for operational purposes for use by the Council.

Much of the corporate portfolio is held for investment purposes and with the decrease in central government funding for local authorities; this income plays an increasingly important role in supporting the Medium Term Financial Strategy. A full list of property can be found on our website the link is below

<https://www.thanet.gov.uk/publications/properties/properties-list/>

It is the Council's role to determine whether an asset is to be made available for Community Asset Transfer or not.

Considerations given to the transfer of a Community Asset

The Government in response to a review of community management and ownership of public assets and community empowerment (The Quirk Review – Making Assets Work) agreed with the three main conclusions:-

- Any sale or transfer of public assets to community ownership and management needs to realise social or community benefits without risking wider public interest concerns and without community purposes becoming overly burdened by operational considerations
- the benefits of community management and ownership of public assets can outweigh the risks and opportunity costs in appropriate circumstances and
- there are risks, but they can be minimised and managed

This policy, the application and evaluation process are designed to ensure Thanet District Council manages the risks associated in transferring publically held assets to eligible community organisations.

Mitigating risks associations with Community Asset Transfer

The process begins with an application designed to support the Council to determine whether the asset is suitable for community asset transfer and the most appropriate method of transferring the asset to the community organisation. The TPS completes the application and submits this to the Council for consideration.

The transfer of assets can involve different degrees of handover of land and/or buildings depending on the information submitted, for example:-

- Licence (eg right to use the property but not grant exclusive terms) This can be useful intermediary stage for a recently formed organisation who may not have the technical expertise to manage property and or may not yet have the financial ability to invest in the premises. This is also appropriate for organisations that wish to support the maintenance of land such as parks and open spaces.
- Short-term lease (ie up to seven years with no protected right to renew the lease).

- Long-term lease (over 7 years) may or may not have protected right to renew the lease.
- Freehold (permanent transfer of asset, usually with restrictions on use and development, suitable for established community organisations, already able to demonstrate good custodianship of assets and financial ability to invest in the property in order to benefit ongoing social aims).

Council's duties around property and land transfer

Property and Land owned by the council have a value. This value may be measured in monetary terms or social output, quite often the value is a mixture of both of these measurements, see the Strategic Asset Management Plan 2017 – 2021 for details of the asset classifications.

Either way there are fiduciary duties of those handling public resources to work to high standards of probity. The standards of public services are set out below:

• Honesty	• Impartiality	• Openness
• Accountability	• Accuracy	• Fairness
• Integrity	• Transparency	• Objectivity
• Reliability	• Value for Money	

Thanet District Council's Constitution delegates asset management to accountable officers. These officers are responsible for the use, maintenance and disposal of the asset working within the laws, policy and frameworks that apply to property and land management.

The Council therefore has a responsibility as far as reasonably practicable to ensure that a transfer of the asset, whether a short term licence or a longer term arrangement, achieves not only the reason for the transfer but in addition to this, that the community organisation has demonstrated that they have the skills and financial ability to become the new custodian of the facility.

New opportunities for community asset transfer will be identified by the Council and advertised through the web site and by press release. Enquiries will be processed following the Community Asset Transfer process.

For longer term transfers the Council will ensure that the issues surrounding property and land disposal follow best value, procurement and state aid statutory laws and best practice processes.

A disposal process applies where the Council holds a freehold interest in land and:

- (1) The intention is to grant an appropriation of land or
- (2) The intention is to grant a freehold sale of the property or land or
- (3) The property is vacant and the intention is to grant lease over 7 years at less than best value or
- (4) The property is vacant and the intention is to grant a lease over 25 years at best value

The Property and Land disposal policy was adopted through Cabinet in October 2014 a copy of this can be read by contacting the Estates department. An updated policy will be published in

2018 to incorporate developing policies including Part 8 of the Housing and Planning Act 2016 and Historic England guidance, The Disposal of Heritage Assets.

How to apply for a Community Asset Transfer?

Having read this policy note the next stage is to complete the Community Asset Transfer application form. Please also refer to Community Asset Transfer process guide - copies of both of these documents are requested from the Estates department.

Equality & Diversity

The Council will take reasonable steps to ensure the CAT policy and processes are accessible to all. This may include changing some aspects of the service are delivered to customers with disabilities for example. Should a customer have a particular need in respect of the "Protected Characteristics" defined within the Equality Act 2010, they are encouraged to discuss these with the Councils Estates Team who will be happy to assist.

In these cases, the customers journey will be documented on the case file to ensure that the council has met its statutory duties. Please see the councils Equality Policy for further information.

General Data Protection Regulations

Thanet District Council will process Personal Data strictly in accordance with the Data Protection Act 1998, GDPR and any other approved data protection laws and regulations (including amended, supplemental or replacement laws and regulations) applicable in the United Kingdom and approved codes of practice, guidelines and recommendations issued by the Information Commissioner or any replacement body, all of which are current at the time of Processing of Personal Data.

Publicity

Photographs of the premises may be taken by the council and these are sometimes subsequently used for publicity and marketing purposes. The council will give due consideration to an individuals and/or organisations right to privacy and respect in writing before publishing any photographs or features which include an individual and/or organisation. If an organisation or individual does not wish to be featured in council publicity it is the responsibility of the individual or organisation to make the Estates Surveyor aware so that this can be communicated to the Communications Team.

References:

Department for Communities and Local Government

<https://www.gov.uk/government/organisations/department-for-communities-and-local-government>

The Quirk Review, Making Assets Work

<http://webarchive.nationalarchives.gov.uk/20120920020552/http://www.communities.gov.uk/publications/communities/makingassetswork>

The Localism Act 2011

<http://www.legislation.gov.uk/ukpga/2011/20/contents/enacted>

Locality UK: <http://locality.org.uk/>

Economic Appraisal of Community Asset Transfers

<https://mediaserver.responsesource.com/mediabank/26151/PBEsEconomicAppraisalofCommunityAssetTransfersforpowertoChangeAshortguide2.pdf>

Visible Communities

<http://www.visiblecommunities.org.uk/downloads/PreVISIBLE%20Text.pdf>

Thanet Council Corporate Property list:

<https://www.thanet.gov.uk/publications/properties/properties-list/>

Thanet District Council Financial Due Diligence Protocol:

<https://www.thanet.gov.uk/media/3344346/Due-Diligence-Protocol.pdf>

Thanet Council Corporate Property and Land Disposal Process and the Strategic Asset Management Plan available from

Strategic Asset Management Plan 2017 – 2021

<https://democracy.thanet.gov.uk/documents/s54145/Annex%201%20-%20SAMP%202017-2021.pdf>

Cabinet Office: Guide for the Disposal of Surplus Land March 2017

<https://www.gov.uk/government/publications/guide-for-the-disposal-of-surplus-government-land>

HM Treasury Managing Public Money, annex 4.15 Asset Management

<https://www.gov.uk/government/publications/managing-public-money>

Contact details

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Document Information

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CMT Sponsor	Director of Corporate Governance
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Review to be undertaken by	Head of Asset Management
EIA signed off	

Document History

Version	Date	Agreed by	Minute ref
1	January 2018	Cabinet	

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