



Community Asset Transfer

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Responsible officer	John Groves	Review date	December 2013
Location	Intranet and Council Website		

VERSION HISTORY

Date	Version	Authors/Editor	Comments
3 January 2012	0.6	Barbara Green, Clinton Boyce and Jessica Hall	Approved by Full Council on 22 January 2013 Recommended by Executive to Full Council on 9 January 2013

Equality Impact Assessment Record

Date	Type of assessment conducted	Stage/level completed (where applicable)	Summary of actions taken decisions made	Completed by	Impact Assessment review date
	Initial	Initial	(NFA)	Jessica Hall	December 2013
Responsible officer	John Groves	Review date	December 2013		

Corporate Quality Assessment Record

Date	8 January 2013
Completed by	Penny Mell

Document retention

Document retention period	Permanent
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Protective Marking

	Not protectively marked
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Related policies/procedures

Asset Register

Contract Procedure Rules

Introduction

Community Asset Transfer (CAT) is not new. Up to 2010, the policy basis for CAT was underpinned by the vision for Sustainable Communities. The Quirk Review in 2007 “Making Assets Work: The Quirk Review of community management and ownership of public assets” concluded strongly in favour of local ownership and management of public assets.

While the Quirk Review remains a touchstone for CAT, a challenging financial reality means the Council will increasingly consider CAT to enable communities to meet their needs and to achieve our own aims and priorities.

Community Benefits of Community Asset Transfer

Copeland Borough Council has long recognised the benefits of CAT and this is demonstrated by a long standing policy position supporting CAT in Copeland as well as a number of real examples across the Borough.

The Council knows that the way physical assets are managed can have a positive impact on the long term strength of local communities. Through asset ownership, community organisations can grow and become more secure, gaining access to sources of additional investment that the Council itself is not able to access. Our policy enables community organisations to become more sustainable on long term basis.

What is Community Asset Transfer?

CAT in Copeland relates to the freehold or long leasehold management and ownership arrangement on certain buildings or land.

Copeland Borough Council encourages CAT on certain buildings or land which have been identified as surplus and available for disposal at less than best value.

Public assets are rarely used by everyone: their ‘value’ being locked-in to a particular use or a particular group of people. Changing ownership or management can offer opportunities to extend the use of a building or piece of land, increasing its value in relation to the numbers of people that benefit and the range of opportunities it offers. Community-led ownership can offer additional opportunities to secure resources within a local area and to empower local citizens and communities.

Less than best value

Less than best value is permitted under the Local Government Act 1972 providing that a disposal promotes or improves economic, environmental and social wellbeing and the discounted value is less than £2m. A valuation is required in all CAT disposals.

If an asset is to be transferred at less than best value, the applicant will need to demonstrate that it will generate social, economic and environmental benefits. Examples include service continuation, employment or volunteering opportunities and providing an

accessible community facility.

When will we consider CAT?

The Council has a range of assets (buildings or land) which are used for operational or investment requirements. On occasions assets may become surplus to these requirements. In these circumstances, the Council may consider disposal of such assets under CAT, which enables the disposal of the asset to take place at less than best value.

CAT will be considered for assets owned by Copeland Borough Council which are categorised as surplus and may be transferred at less than best value.

The Council will consider CAT in line with its own policies and procedures, including the Asset Register and Contract Procedure Rule 28.

Assets for **essential** operational or investment purposes will not be considered for CAT.

Which organisations will we consider transferring assets to?

The types of organisations that would be considered for community asset transfer are those bodies listed in regulation 5 of the Assets of Community Value (England) Regulations 2012 namely:

- (a) A body designated as a neighbourhood forum;
- (b) A Parish Council or other statutory body with a local connection, for example, the Whitehaven Harbour Commissioners;
- (c) An unincorporated body whose members include at least 21 individuals, with a local connection and does not distribute any profit it makes to its members;
- (d) A charity; or
- (e) A company limited by guarantee, a community interest company or an industrial or provident society which does not distribute any profit it makes to its members;

In addition unincorporated bodies as described in (c) having less than 21 individuals will be considered.

In exceptional circumstances, the Council may consider other types of organisations. Organisations which do not constitute those listed above at *a-e* are asked to contact the Council in the first instance to discuss the possibility of CAT.

To enable transfers at less than best value, applicants will need to demonstrate that their acquisition of the asset will support, promote and benefit the economic, environmental or social wellbeing of the community.

How will we assess CATs?

The Council will proactively seek opportunities for transferring assets that it has identified as eligible in line with its Strategic Asset Management Strategy.

The assessment will be proportionate to the organisation applying for the asset, the value of the asset and its proposed use. It will also ensure that due consideration of the aspects of CAT and what is involved in taking on an asset are covered.

The assessment will be based on the following:

- Eligibility of the asset for CAT
- Eligibility of the organisation applying for CAT
- How the transfer meets community need and what the asset is and will be used for
- Details of anticipated community benefit - What social, economic and environmental benefits will the transfer deliver (e.g service continuation, an accessible community service)

To help with this process, an application form for interested bodies is attached.

In some circumstances, the Council will proactively seek CAT for specific assets that it is no longer able to provide or maintain. In these circumstances, the Council may directly approach a specific organisation to explore the viability of a CAT. Should a CAT not be viable for any reason, alternative forms of disposal will be considered.

Asset Transfer Terms and Restrictions

We want to support community organisations and enable them to effectively manage and develop an asset.

Having carried out an initial assessment of suitability we will, where appropriate, work with groups to affect a transfer. In doing this we will refer to the Council's relevant rules and procedures.

In the first instance the Council's Surveyor will be requested to prepare heads of terms relating to the proposed disposal in consultation with you, the applicant.

In some instances, the Council will need assurance about particular matters as part of the transfer process. These include the following:

- (a) If the asset comprises of public open space statutory notice will be given in a local newspaper for two consecutive weeks in accordance with section 123 of the Local Government Act 1972;
- (b) If the applicant is required to obtain any planning permission for the asset the applicant will be required to do so now; and

- (c) If the applicant's proposal is dependent on the receipt of grant, the applicant will be required to submit such an application now and obtain a grant approval. This is to allow the Council to ensure that no claw back conditions will be attached to it if a leasehold disposal is intended. The Council is not willing to be the accountable body for such grants.

CAT terms will be as flexible as possible, each transfer will be considered on its own merits to enable the applicant to effectively manage and develop the asset.

The type of disposal will depend on many factors including type of asset, size and value of asset, status of the group, financial stability of the group, period the group has been in existence and track record for delivering services of a type which the asset relates to.

A disposal could be a freehold or leasehold transfer the latter being of any period. In certain circumstances grant funding conditions might dictate the length of the lease.

Working together through the process will help ensure that you enter into the most appropriate arrangement going forward.

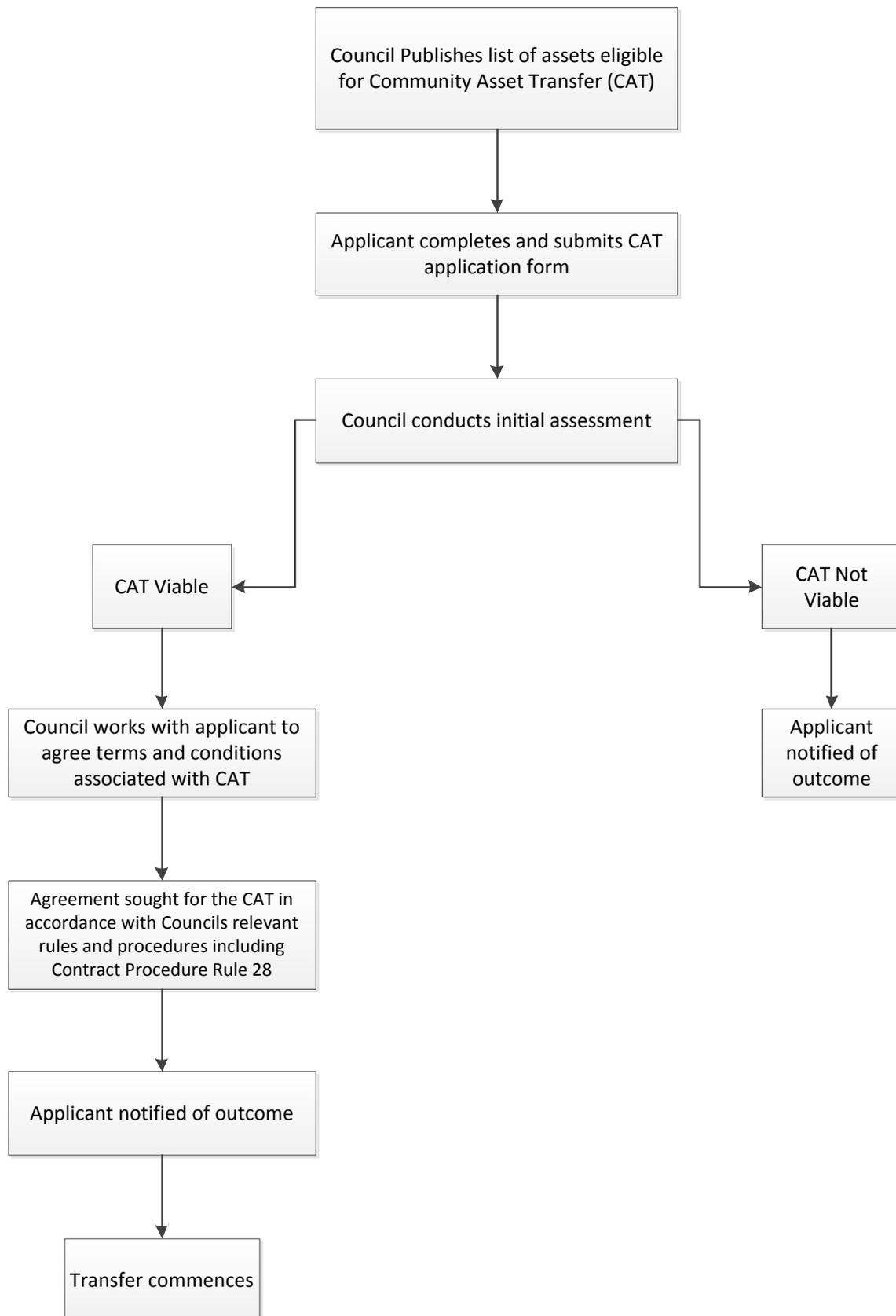
We strongly recommend that groups considering CAT read the advice and information available to assess its advantages and potential implications. We have included some details of where to find further information and advice later in this document.

It should be noted that negotiations, if successful, are then subject to contract.

Covenants

If appropriate, on transfer, covenants regulating use will be included to ensure that the disposal continues to support relevant wellbeing powers.

COMMUNITY ASSET TRANSFER PROCESS



For further information and an informal discussion about Community Asset Transfer in the first instance, please contact:

Barbara Green
Estates and Valuation Manager
Tel. 01946 598515
Email. Barbara.green@copeland.gov.uk

[Application forms](#) for Community Asset Transfer (attached) can also be submitted to barbara.green@copeland.gov.uk or by post to:

Barbara Green
Estates and Valuations Manager
Copeland Borough Council
The Copeland Centre
Catherine Street
Whitehaven
CA28 7SJ

Other Sources of Advice and Support

The Asset Transfer Unit has a comprehensive website with a wide range of information, guidance and templates to support groups thinking about asset transfer. Contact 0845 345 4564 or www.ATU.org.uk for further information.

Locality is the UK's leading network for community led organisations supporting community led change. For further information go to www.locality.org.uk

Sport England has a community sport asset transfer toolkit is a bespoke interactive web based tool that provides a step by step guide through the asset transfer process. This has been developed specifically for sports clubs in partnership with Locality. For further information go to www.sportengland.org/support

My Community Rights is a source of information about asset transfer and the Community Right to Bid. For further information go to www.mycommunityrights.org.uk

ACTION PLAN TEMPLATE

Please list the policy or strategy's objective in the table below. Try to be as specific as possible about what you are going to do and how you are going to measure both progress and success.

Objective	Link to Council/directorate Priority	Measure (s)	Target (s)	Projects/Actions	Resources	Responsible Officer	Impact
The specific objective identified in order to address a need. Please also indicate, in bold at the end of the objective, which balanced scorecard perspective the objective falls into- customer, process, finance or learning and development.	State which Council or Directorate priority, or statutory requirement, the objective is contributing to.	The measures you will use to assess progress and success; often these will take the form of performance indicators, but could also be significant outputs or benefits to be realised, etc	What level of achievement are you aiming to attain and by when, to know if you have delivered on the objective?	A breakdown of what you are going to do to ensure the objective is met, but ensure conciseness by listing only headline activities and/or key deliverables	Not an exact costing (unless you have one), but are the necessary resources available (money, staff, time, etc) to deliver the objective- YES/NO	Senior officer responsible for driving and delivering the objective	Does the objective require significant input from other services and partnership organisations or will it have significant impact upon other services or partnership organisations? If so list those here
An understanding of the Council's Policy Position on Community Asset Transfer	Community Asset Transfer	Completion of CAT in Copeland.		Monitoring and review Proactive approach to CAT	Held in Property Management Services	Pat Graham	Members Legal Services Policy & Transformation

Risks- Please list the key risks to achieving the objectives detailed in the table above

Risk number	Risk Name	Risk definition	Risk Score Likelihood x Impact	Current Position/Action Being Taken (including responsible officer
Service initials followed by number E.g. F1 (Finance 1)	This should be a short name for the full risk	This should be in the following format: The risk is that the(Service, Directorate, Partnership, Contractor, Council) will fail to..... resulting in.....by.....	How likely is this:- 1-5 What would the impact be 1-5	What controls are currently in place? What needs to be done to reduce the risk and by whom?