

15 DECEMBER 2009

Cabinet Member: Councillor Toby Sturgis - Waste, Property & Environment

COMMUNITY ASSET TRANSFER POLICY

Executive Summary

1. In April 2008 a report was submitted to the former Wiltshire County Council's Cabinet which approved a framework for considering requests from community organisations and local councils regarding the Council's assets (see Appendix 1).
2. Since that time the Service Director for Community Leadership and Governance has consulted with Town and Parish Councils, the November edition of the Parish newsletter has outlined the Council's intentions on service delegation, and work has advanced on the amalgamation of property records from the 5 previous authorities.
3. A request from the community may take the form of either service delegation or asset transfer. There is a clear distinction between the two.
4. Service delegation involves a community organisation taking over the running of the service whereas Asset Transfer relates to a transfer of property, in order for the community to deliver a specific project of local benefit.
5. This report proposes a process to be followed when a proposal is put forward by a community organisation or Council and specific matters Area Board Members will need to consider.
6. It is also proposed that Area Board Members should be pro-active in identifying priority community projects to ascertain whether the Council can assist the delivery of that project through an asset transfer.

Proposal

That Cabinet approve the arrangements set out in this report for dealing with applications for the transfer of Council assets for community purposes within the framework of the main body of the report and requests officers to consult representatives of relevant bodies about the application of these arrangements (including the supply and demand for allotments).

Reason for Proposal

The proposal represents a clear and transparent process for implementation of the Framework Strategy for Community Asset Transfer.

CABINET
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COMMUNITY ASSET TRANSFER POLICY

Purpose of Report

1. To invite the Cabinet to consider its policy and associated arrangements for the transfer of land and property assets for Community purposes.

Background

2. At its meeting in April 2008, the former Wiltshire County Council's Cabinet approved a framework report for considering requests received from Town and Parish Councils and other Community organisations for a change in the use of and/or ownership of Council assets. (See **Appendix 1**).
3. This was written in the context of a national initiative – the Quirk Review 'Making Assets Work': Community Management and Ownership of Public Assets - which identified the potential for communities to become more involved in the use of public buildings from which to provide more locally responsive services. This initiative also supported the new Council's wider goals of high quality, low cost public services organised around the 'customer', together with local decision making and public involvement.
4. The Report identified a number of principles underpinning the further development of a Community Assets Policy:-
 - (i) *All land and property owned by the Council should be owned for a purpose. If there is no such purpose the Council should dispose of it.*
 - (ii) *The assessment of the purpose, or use, of an asset must relate to the Council's statutory responsibilities and/or its goals for the county.*
 - (iii) *In practice, land or property will have several potential uses;*
 - *To assist the Council in meeting its statutory responsibilities – either directly by providing an asset for use or indirectly by generating a capital receipt for investment in other assets.*
 - *To support the local community by applying the asset for a local use by the community, thereby promoting the Council's goal of strong and resilient communities.*
 - *To support the economic regeneration and development of the locality by applying the asset for commercial or related development.*
 - (iv) *In such cases, the choice between these potential uses will depend upon their respective assessed benefits.*

- (v) *Once the Council has reviewed and confirmed the purpose of specific land or property, the further issue arises, of its ownership. Where an asset is designated for community use, there should be a presumption in favour of community ownership (or long lease), provided a suitable body is available to which ownership can be formally assigned.*
5. Since April 2009, work has been proceeding on the amalgamation of the property records of the 5 Councils into a single database. We are developing a better understanding of the unified property portfolio and of how each asset relates to the specific objectives of the new Council.
6. Many existing property assets are directly linked to the provision of locally provided Council services, e.g. Community buildings, allotments, community play areas, etc., and as such also need to be considered in that context.
7. The Service Director for Community Leadership and Governance prepared a Report earlier this year on work which had been carried out between Spring 2008 and Spring 2009 on the potential for delegating services to Town and Parish Councils. A list of possible services which could be considered for delegation was discussed with all Town and Parish Councils, approximately 40 expressed an interest in taking on such services on the basis that responsibility for providing the service, and any budget associated with it, would transfer under an agreement between the two Councils.
8. Since that time there has been a growing interest from community representatives in the outcome of the Cabinet's deliberations on Asset Transfer.

Main Considerations for the Council

9. The Council requires a process which covers not only the general principles identified above, but also has the flexibility to deal with the specific circumstances of each particular case.
10. It is important also to distinguish between requests for a service delegation and for an asset transfer.
11. Service delegation is where a service is provided by the Council as a statutory or discretionary function. The latter would include street naming, management of allotments, and maintaining rights of way. As stated in the November edition of the Parish Newsletter, a number of pilot service delegations are scheduled to be set up before April next year.

Asset Transfer:

12. A request for the transfer of an asset could come about when a Parish/Town Council or Community Group has a project in mind and requires a site, building or facility in order to deliver specific objectives. Examples of such projects might include the provision of allotments (which are considered further in paragraph 22), a village hall, a specific community building or playing fields on part of the non-strategic Council Farms Estate or under-utilised open space.

13. Members may wish to use the Area Boards to encourage such organisations to present officers with outlines of such schemes. These could then be compared to the Council's portfolio to ascertain whether it had any property that would be suitable by reference to the potential uses lists in para. (iii) of the policy quoted at 4 above, namely.
- *To assist the Council in meeting its statutory responsibilities – either directly by providing an asset for use or indirectly by generating a capital receipt for investment in other assets.*
 - *To support the local community by applying the asset for a local use by the community, thereby promoting the Council's goal of strong and resilient communities.*
 - *To support the economic regeneration and development of the locality by applying the asset for commercial or related development.*
14. This would enable the Council to be pro-active in enabling the delivery of such projects. Some Parish/Town Councils already provide the facilities in paragraph 12 above procured and managed through their own funds as they largely benefit their own communities. It is proposed that Wiltshire Council's Community Asset Transfer Policy should adhere to this model, and that there should not be a presumption to transfer the revenue budget with the asset.
15. In addition to Community schemes emerging through pro-active interaction by Area Board Members, opportunities may present themselves when Wiltshire Council, after considering demands for its services, declares a property surplus to requirements.
16. Members will no doubt recall that at its October meeting, Cabinet approved a report (see **Appendix 2**) setting out the process for dealing with the sale of assets relating not only to the Workplace Transformation Programme but to all surplus property.
17. It is appropriate that this process should also apply to proposals put forward by community groups/Councils.
18. Area Board Members in consultation with officers may need to consider:
- (i) Any Legal matters relating to the property/terms of transfer.
 - (ii) Any financial costs/benefits/issues arising from the proposal.
 - (iii) Experience/capacity/capability of the Council/organisation involved.
 - (iv) Detailed risk assessment of the proposal.
 - (v) Details of the transfer agreement.
19. In all cases, the community proposal applicant would be required to submit a formal Business Case to support the proposal. This would enable officers to fully consider the implications to the Council of any asset transfer.
20. In straight forward cases, this could be done using a short form, the template for which could be prepared and managed by the Area Neighbourhood

Manager in conjunction with the Town/Parish Council to speed up the process of assessing applications.

21. If Cabinet approves the proposals in this report, officers will consult representatives of local councils and community groups about the template and the overall process, and report back to the Cabinet Member with responsibility for property and assets.
22. One valuable community use concerns allotments and market gardens. This is an area which the Cabinet may wish particularly to encourage as it has obvious health, recreational and environmental benefits. There is evidence that the demand for allotments exceeds the supply in many parts of the country and some local Councils in Wiltshire are understood to maintain waiting lists. Responsibility for managing allotments seems best left to local Councils but the Cabinet may wish to consider how the supply could be increased in areas of high demand. If the Cabinet wishes officers can include this topic within the consultations proposed above.

Environmental Impact

23. This is a policy report which does not have any direct environmental impact. There may be environmental issues connected with some specific proposals but these will be dealt with as part of the individual assessment of each case.

Equalities Impact.

24. None.

Risk Assessment

25. Whilst there is a clear intention in favour of transfer of assets to provide local community services in appropriate cases, the Council has to consider its statutory and financial obligations as part of any such arrangements.
26. The Quirk Review, referred to earlier, made the point that Asset Transfer Policies should not pass across properties that become liabilities to community projects. There is a risk that a community proposal identifies a property that is not fit for purpose thereby undermining the sustainability of that project through an opportunistic transfer.
27. There may be risks resulting from some specific proposals but these will be dealt with as part of the individual assessment of each case.

Financial & Legal Implications

28. Members will be aware that in some cases the asset will underpin the Council's budget in terms of specific service reviews, including the Workplace Transformation Programme. The loss of a significant capital receipt may be financially and legally unacceptable without being off-set by identified compensatory savings, irrespective of the merits of the community proposal.

29. There may be other financial and legal issues connected with some specific proposals but these will be dealt with as part of the individual assessment of each case.
30. Depending upon the number of requests that the Council receives from local communities in the future, there may be implications on resources in terms of prioritising this work.

Proposal

31. That Cabinet approve the arrangements set out in this report for dealing with applications for the transfer of Council assets for community purposes within the framework of paragraph 4(iii) above and requests officers to consult representatives of relevant bodies about the application of these arrangements (including the supply and demand for allotments).

Reason for Proposal

32. The proposal represents a clear and transparent process for implementation of the Framework Strategy for Community Asset Transfer.

GEORGE BATTEN
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Background Papers

Unpublished documents relied on - None

Appendices

1. Community Assets Policy Report to Cabinet – 22 April 2008
2. Appendix 3 to the Workplace Transportation Programme Report to Cabinet - 20 October 2009
3. Extract from November Parish Newsletter