

**MAIDSTONE BOROUGH COUNCIL**

**CABINET**

**14 OCTOBER 2009**

**REPORT OF ASSISTANT DIRECTOR OF RESOURCES AND PARTNERSHIPS**

**Report prepared by Ian Park**

**1. COMMUNITY ASSET TRANSFER STRATEGY**

1.1 Issue for Decision

1.1.1 The Cabinet is asked to consider the draft community asset transfer strategy, which is attached as Appendix A to this report.

1.2 Recommendation of The Assistant Director of Resources and Partnerships

It is recommended that the community asset transfer strategy be approved.

1.3 Reasons for Recommendation

1.3.1 The policy background to the principles of community asset transfer is laid out in sections 4 and 5 of the draft strategy. A brief summary of the most important elements is outlined below:

1.3.2 National Policy

The 2006 Local Government White Paper confirmed the Government's intention to increase opportunities for community asset ownership and management and promoted asset transfer as part of a local authority's 'place-shaping' role. A review was commissioned to see how this could be expedited.

The 'Quirk Review's findings in Making Assets Work were published in May 2007. All the review's recommendations were accepted by the Government and published a week later as an implementation plan in Opening the transfer window : the Government's response to the Quirk Review.

The Quirk Review found that a careful increase in the community's stake in an asset can bring a wide range of additional benefits for the

community, the organisation receiving the asset and the local authority facilitating the transfer. The benefits of community ownership and management can outweigh risks and opportunity costs.

The Government's Empowerment Action Plan published in 2007 includes actions relating to the transfer of assets and to a programme of support including the availability of further support funding.

In July 2008 the White Paper Communities in Control: real people real power confirmed ongoing support for the Quirk review, announced the establishment of a national Asset Transfer Unit, extended the Advancing Assets programme by a further year and announced a £70mn "community builders" fund. A number of capital bids from those organisations who had existing asset management transfer strategies were successful.

### 1.3.3 Council Policy

The council is committed in the Sustainable Community Strategy to using council assets, land and property, to enable the delivery of the Sustainable Community Strategy's vision for the borough. The Asset Management Plan (2008-2011) has a number of strategic objectives which are directly relevant to asset transfer including ensuring that the council's asset portfolio supports the delivery of its services and objectives, that it meets the challenge of working in an environment of change, and that it ensures that all assets are demonstrably managed in the most economic, efficient and effective manner.

In addition the Asset Management Plan identifies involving partner organizations as part of the options appraisal process, where the future use or disposal of property or land which is surplus to requirements is being considered. The plan states that "future management of community halls (*should be pursued*) in line with the Quirk Review of community management and ownership of public assets". The plan commits the council to adopting an approach of greater community management of such assets, within the framework of appropriate lease arrangements and service level agreements and aided by a supportive framework for training and guidance delivered by the council.

The council was successful in its application for stage 2 funding under the Quirk Review (see above) to provide specialist support to help develop a community asset transfer strategy. It is considered that should there be a further round of funding available from the Government to facilitate community asset transfer that the council would be in a good position to make a successful bid. Such a bid could focus on funding for asset improvement to facilitate transfer in respect of Heather House and/or Fant Hall, as outlined in the Asset

Management Plan. The likelihood of a second round of this funding is at present unknown.

#### 1.3.4 The Community Asset Transfer (CAT) Strategy and Process

The draft CAT strategy and process is attached at Appendix A. It is accompanied by an assessment toolkit and a guide to the process for organizations in the voluntary and community sector. The strategy also sets out the process which commits the council to an audit of all existing community facilities whether owned /operated by the council, other public bodies or third sector organizations, and to the development of a set of standards for community halls.

Action with Communities in Rural Kent (ACRK) was commissioned by the council in May to establish the numbers, location, lease type and financial state of the community halls within the borough, and to point to examples of management practice that might be shared, as the first step in this process and more broadly to establish a strategy and framework for delivering community hall provision.

Further information on the state of community-owned buildings will be available in late 2009 / early 2010, when the results of the ACRE National Village Halls Survey are known. This survey, conducted every 10 years, examines provision of services, car parking, facilities and other information provided by each hall and this should provide more detailed information to help the council perform the audit and to develop the standards referred to in the draft Community Asset Transfer (CAT) process.

#### 1.3.5 Review of community Halls

A separate report regarding a strategy for community hall provision is on elsewhere on this agenda. It is intended to carry out a review of all community halls in the borough with the aim of developing a set of consistent standards in respect of them, reporting to Cabinet in Spring 2010.

Officers attended a meeting of the Environment and Leisure Overview and Scrutiny Committee on 22 September to discuss the Asset Transfer Strategy prior to it being approved by the Cabinet. The Committee were supportive of the aims of the strategy but requested that careful consideration be given to the issue of overage in respect of any freehold transfer by the Council: this would result in the Council being entitled to receive a sum of money should the site subsequently be redeveloped.

1.4 Alternative Action and why not Recommended

1.4.1 It would be possible either to adopt an alternative community asset transfer strategy or not to have such a strategy at all. This strategy however has been drawn up with specialist input provided by Government, is based on best practice and has involved discussions with stakeholders in its preparation. The council requires a community asset transfer strategy as a framework to achieve greater community management of its assets.

1.5 Impact on Corporate Objectives

The council has as key priorities, creating “a place that has strong communities” and “a place with effective public services”. Key objectives include promoting effective partnership working with the voluntary and community sectors, encouraging greater community involvement, improving social inclusion in the borough, and reviewing the services the council provides to ensure they meet the needs of local people and provide value for money.

1.6 Risk Management

1.6.1 Transferring council community assets to the third party potentially entails reputational and financial risks. These are mitigated by the proposed assessment toolkit which is designed to help the Council to determine the appropriateness of any transfer proposal, and includes financial considerations as well as considerations of suitability and sustainability.

1.7 Other Implications

1.7.1

1.	Financial	X
2.	Staffing	
3.	Legal	X
4.	Equality Impact Needs Assessment	X
5.	Environmental/Sustainable Development	
6.	Community Safety	
7.	Human Rights Act	

- 8. Procurement
- 9. Asset Management

X

1.7.2 For asset transfer to work effectively, assets for transfer consideration need to be, or to have the potential to become assets rather than liabilities. The financial implications of any proposal for asset transfer are considered in the assessment toolkit.

1.7.3 Transfer of an individual community asset from the council to a third party will have legal implications, the exact nature of which will depend on the asset under consideration

1.7.4 The self assessment toolkit considers the equality impact in the context of social benefit.

1.7.5 The strategy has been drawn up in the context of the council's Asset Management Plan (2008-2011).

1.8 Background Documents

None

**NO REPORT WILL BE ACCEPTED WITHOUT THIS BOX BEING COMPLETED**

Is this a Key Decision?      Yes            No     

If yes, when did it appear in the Forward Plan? \_\_\_\_\_

Is this an Urgent Key Decision?      Yes            No     

Reason for Urgency

N/A