

# **Maidstone Borough Council**

## **Community Asset Transfer and Expressions of Interest Form**

### **Section 1: Community Asset Transfer**

#### **1. Introduction**

Community Asset Transfer is about giving local people and community groups greater control in the future of their area and their community. If local groups own or manage community buildings, such as community centres or village halls, it can help promote a sense of belonging in the community and bring people from different backgrounds together to work towards a shared goal.

Community ownership can also play a part in raising people's aspirations, in enhancing the local environment and in helping alleviate poverty. The Council is committed to working with community groups and local people to ensure that community asset transfer in Maidstone borough is successful and sustainable in the long-term.

#### **2. Aims of Asset Transfer**

The Council has buildings and land that are used for a variety of social, community and public purposes. For some Council buildings and land, community management and ownership could bring benefits to the local community, benefits for the community-based group and benefits to the Council and other public service providers.

Asset transfer may mean that public assets get used more frequently and more effectively. It may mean that the use of those buildings or land extends the life of that facility. Community-led ownership may also allow additional opportunities for groups to secure extra funding or resources. Where the Council transfers assets to community based groups it will continue to promote public value, including:

- Community empowerment
- Area-wide benefits
- Building the capacity of, and encouraging a sustainable third sector
- Economic development and economic well-being
- Social enterprise and social well-being
- Environmental improvements and environmental well-being
- Improvements to public services
- Value for money

#### **3. Who can express interest?**

Expressions of interest will be welcomed from community and voluntary sector groups. Appropriate groups may be area-based, based around particular social groups or have some other shared interest. Ideally, applicants should meet the following criteria:

- They must be community-led, with strong links to the local community. Local people must be able to control the organisation's decision making processes
- Their primary purpose must be non-commercial and they must have an understanding of the activities they wish to deliver
- They must demonstrate good governance by operating through open and accountable processes, with clear management and financial systems
- They must be open to and demonstrate an inclusive approach to members of the community

They should also:

- Have the skills and capacity to effectively deliver services and manage the asset to be transferred and/or have access to the necessary skills and capacity or
- Be aware of any need to build capacity within their organisation and demonstrate how they intend to do this, perhaps by working with the Council or other partners.

#### **4. Assessment of Expression of Interest**

The assessment process will require applicants to provide information to enable the Council to assess how they satisfy the criteria. Groups applying will need to provide information about the following as part of their application:

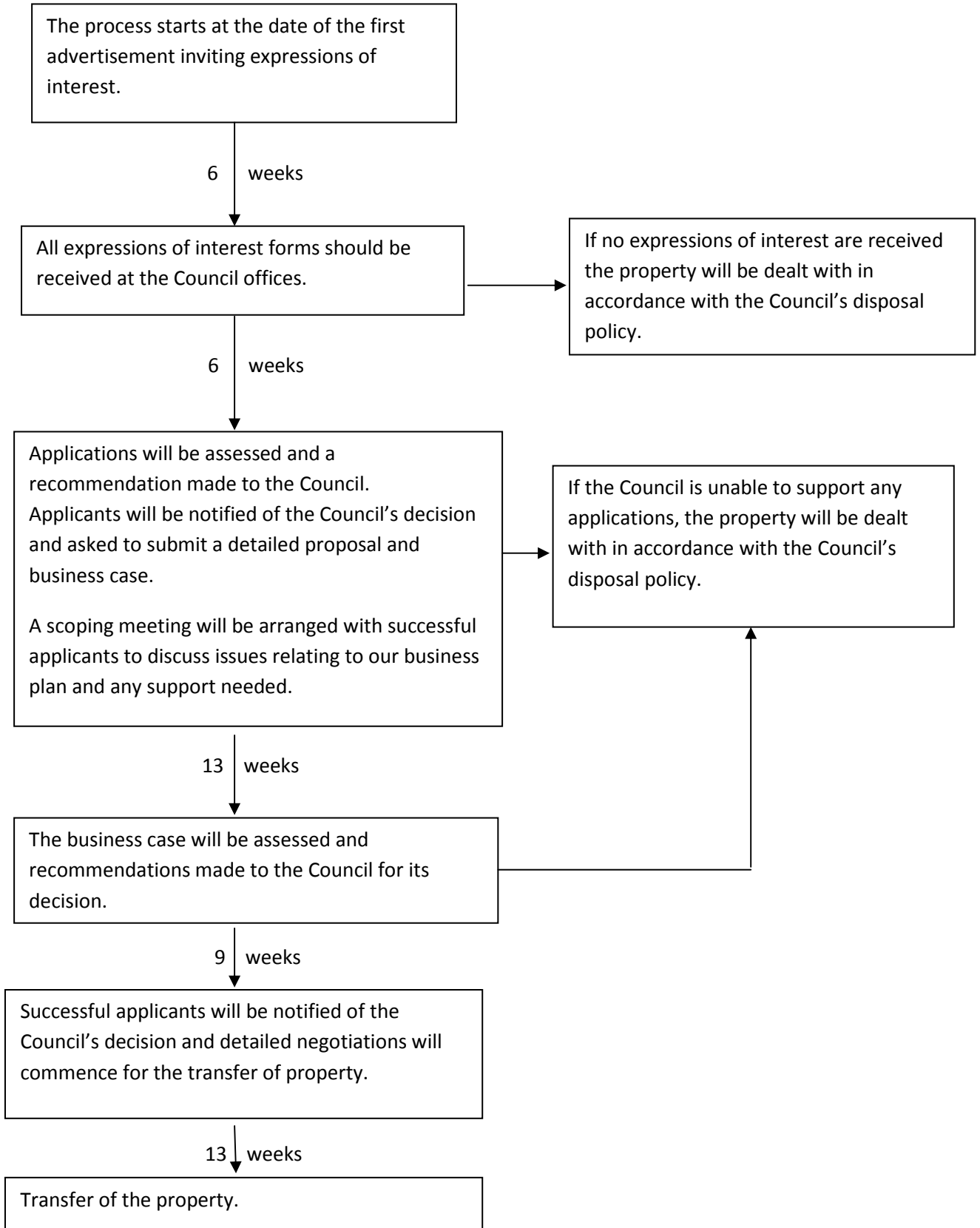
- Proposals for the use and maintenance of the asset
- Benefits - to the Council, the community and to the group applying
- Capacity of the group to manage the asset
- A robust business plan
- Type of key terms of transfer sought
- Capacity-building plan, where appropriate, and how this will be delivered
- Liabilities and how these will be addressed

Any applications received will be evaluated on the basis of the responses given in the expression of interest form.

#### **5. Conclusion**

The Council is determined that the concept of community asset transfer will be successful in the Maidstone borough and is committed to providing guidance and support to help applicants through the transfer process. In addition, the Council accepts that in respect of some buildings, it may need to consider addressing essential repairs ahead of transfer.

**6. Community Asset Transfer process have legal/procurement seen and commented on this?**



## **7. Some things to think about**

This document is intended to be a guide for any voluntary and community organisations that are thinking of seeking a Community Asset Transfer. It is intended to help organisations to think through the implications and responsibilities before making a decision about managing a building or land.

*What is the purpose of your organisation?*

It is important that you are clear about your terms and objectives and the activities you want to deliver, to assess whether your proposal meets the objectives of Community Asset Transfer and that it makes the best use of the space available.

*Do you know what other activities are going on in your area?*

It is important to ensure that there is both a need and demand for the activities you are planning and whether this is currently being addressed by another organisation. If another organisation is delivering similar activities in the area, it doesn't mean that there is not still demand or unmet need, but it is still important to establish this. By finding out about another organisation in your area, you may find useful links and sources of support. You should fully explore opportunities for co-location/shared facilities with other similar minded organisations in considering requests for asset transfer.

*Can you afford to run a building, play area, open space etc.*

Have you thought through the costs of running a building, play area, open space etc.? Please refer to the financial issues for the likely sources of outgoings.

*What are the other options?*

Having considered the points overleaf, it is also worth looking at other options e.g. would it be more practical to share a building with another organisation or rent a room for specific periods.

## **8. Practicalities Checklist**

Once you have decided in principle to pursue Community Asset Transfer you then need to consider some of the practicalities. It is important that you write a business plan outlining your aims and objectives, and demonstrating that your organisation is prepared to take on the responsibilities of buying or renting premises/land. A written plan should include:

*Financial Issues*

The plan should include a financial plan, outlining the funding for your organisation and how you will meet the outgoing costs for the premises or land. These may include:

- Rates
- Utilities - electricity, telephone bills, water etc.
- Insurance - building, contents and public liability.
- Repairs - potentially both major and minor. The condition of the property will be established prior to transfer, the maintenance thereafter will be the responsibility of your organisation.
- Staff e.g. cleaning and caretaking
- Security
- Administration
- Potential alterations and/or adaptations
- Land management
- Maintenance
- Health and Safety

You will need to ensure that you have considered all the various costs and have funding in place to meet them. You will also need to think about costs/charges for advising on the lease documents and the heads of terms mention other documents relating to land.

Further financial considerations include sustainability and forward planning i.e. whether you have the funding to enable you to sustain the project and premises in the future. For example, if you are relying on a source of funding that comes to an end in the next six months, what are your plans/provisions for securing funding after this period.

### *Management Structure*

Acquiring a property or land is a major commitment for community groups, which involves considerable responsibilities and should not be underestimated. One of the key considerations should be whether occupying a building or land will enhance your ability to achieve the aims and objectives of your organisation or in reality mean that you have less time to focus on your core activities.

You need to ensure that you have a clear management structure and have thought out how premises will be managed on a day to day basis, in addition to how the premises or land will be financed, usage and so on. This will include key questions such as:

- Do you have a clear constitution and established management committee?
- Have you got a clear process for making decisions in relation to the building e.g. who will be responsible for room bookings, site problems, compliance with legal issues such as Health and Safety, and so on.
- Have you considered who will be responsible for maintenance? caretaking and cleaning responsibilities?
- Who will take responsibility for managing payments for utility bills, rates and so on?

### *Legal Issues*

You need to ensure that your organisation has the capacity to meet the legal requirements in respect of property management. Examples of some of the legislation that impacts on buildings and premises can be found on the table below.

<b>Statute or Regulation</b>	
Health and Safety at Work Act 1974 and subsequent regulations.	Public Liability Insurance; Health and Safety policy and procedures; Risk Assessment for fire and other risks; Fire Safety Certificate; Employers Liability Insurance
Fire Precautions Act 1971 and subsequent regulations	Public Liability Insurance; Risk Assessment for fire and other risks; Security of Premises
Occupiers Liability Act 1957	Need for clarity for type of tenure and what rights or duties you may have
Landlord and Tenant Act 1954	If buying premises on a mortgage, you will need appropriate financial advice and survey in writing from a suitably qualified person
Charities Act 1993	Need for appropriate planning permission
Town and Country Planning Act 1990 and regulations	Disability Audit; making reasonable adjustments to ensure goods, premises or services accessible in respect of a wide range of disabilities
Disability Discrimination Act 1995 and code of practice on goods, services and premises	Building regulations cover new buildings, extensions and renovations
Building Act 1994 and subsequent regulations	

## Section 2: Expression of Interest Form

All information provided will be treated confidentially.

**1. Name of Asset:** \_\_\_\_\_

**2. Your Details:** \_\_\_\_\_

Name of Organisation/Group: \_\_\_\_\_

Contact details: \_\_\_\_\_

Name of contact: \_\_\_\_\_

Address: \_\_\_\_\_

Post Code: \_\_\_\_\_

Email address: \_\_\_\_\_

Telephone number: \_\_\_\_\_ Mobile number: \_\_\_\_\_

### 3. WHAT TYPE OF ORGANISATION/GROUP ARE YOU? (please tick all boxes that apply)

Partnership       Constituted Group

Company Limited by Guarantee       Newly formed group for asset transfer

Charity       Voluntary organisation

Community Interest Company       Other (please state \_\_\_\_\_)

Public Sector       \_\_\_\_\_

### 4. WHAT YEAR WERE YOU FORMED? \_\_\_\_\_

(If you have a current business plan, please attach it to this expression of interest form.)

**5. WHAT SKILLS DOES YOUR GROUP/ ORGANISATION HAVE?**

<b>SKILLS</b>	<b>YES/NO</b>	<b>IF'YES', PLEASE GIVE FURTHER DETAILS</b>
<b>Management</b>		
<b>Financial Management</b>		
<b>Marketing</b>		
<b>Community Knowledge</b>		
<b>Partnership Working</b>		
<b>Managing assets</b>		
<b>Human Resources</b>		
<b>Business Planning</b>		
<b>Legal</b>		
<b>Fund Raising</b>		

**6. TO WHAT RESOURCES DOES YOUR GROUP/ORGANISATION HAVE ACCESS?**

<b>RESOURCES</b>	<b>YES/NO</b>	<b>IF'YES', PLEASE GIVE FURTHER DETAILS</b>
<b>Financial (own)</b>		
<b>Financial (Grant sources)</b>		
<b>People</b>		
<b>Time</b>		
<b>Capital</b>		
<b>Revenue</b>		

**7. DESCRIBE IN NO MORE THAN 500 WORDS WHY YOU ARE INTERESTED IN THE ASSET AND WHAT YOUR PROPOSALS ARE FOR IT.**



**8. HOW WILL THE COMMUNITY BENEFIT FROM THE PROPOSAL?**

<b>COMMUNITY BENEFITS</b>	<b>YES/NO</b>	<b>IF 'YES', PLEASE GIVE FURTHER DETAILS</b>
<b>Will your proposal enable access by all members of the community?</b>		
<b>Will your proposal maintain an existing service or activity in the local community?</b>		
<b>Will your proposal create a new service or activity in the local community?</b>		
<b>Will your proposal have wider community benefits?</b>		
<b>Will your proposal create opportunities for local organisations to work together?</b>		
<b>Will your proposal bring additional financial investment into the area (eg through grants unavailable to the Council)?</b>		

SIGNATURE: \_\_\_\_\_

NAME: (PRINT) \_\_\_\_\_

POSITION IN ORGANISATION: \_\_\_\_\_

DATE: \_\_\_\_\_

**PLEASE RETURN TO:**

Robin Harris  
 Corporate Law and Legal  
 Maidstone Borough Council, Maidstone House  
 King Street, Maidstone, Kent ME15 6JQ  
 E-mail: robinharris@maidstone.gov.uk