

<b>Subject:</b>	Community Asset Transfer Policy	<b>Status:</b>	For Publication
<b>Report to:</b>	Policy Scrutiny Committee Cabinet	<b>Date:</b>	21 <sup>st</sup> January 2013 13 <sup>th</sup> February 2013
<b>Report of:</b>	<b>Director for Business</b>	<b>Portfolio Holder:</b>	<b>Finance &amp; Resources</b>
<b>Key Decision:</b>	<input checked="" type="checkbox"/> Forward Plan <input checked="" type="checkbox"/>	General Exception <input type="checkbox"/>	Special Urgency <input type="checkbox"/>
<b>Equality Impact Assessment:</b>	Required:	Yes/No	Attached: Yes/No
<b>Biodiversity Impact Assessment</b>	Required:	Yes/No	Attached: Yes/No
<b>Contact Officer:</b>	<b>Stuart Sugarman</b> <b>Mike Forster</b>	<b>Telephone:</b>	01706 252447 01706 252442
<b>Email:</b>	<a href="mailto:stuartsugarman@rossendalebc.gov.uk">stuartsugarman@rossendalebc.gov.uk</a> <a href="mailto:michaelforster@rossendalebc.gov.uk">michaelforster@rossendalebc.gov.uk</a>		

<b>1.</b>	<b>RECOMMENDATION(S)</b>
1.1	That Policy Scrutiny consider the content of this report, policy document and supporting appendices in relation to the Community Asset Transfer process, and approve for recommendation to Cabinet that this is implemented.
1.2	That all future minor amendments to the policy to be delegated to the Director for Business and the Head of Finance and Property Services in consultation with the Portfolio Holder. This includes designated authority to pursue associated actions in relation to completing the Community Asset Transfer process as appropriate.

## 2. PURPOSE OF REPORT

- 2.1 To consult the Policy Scrutiny Committee on the development of the Community Asset Transfer policy and guidance for approval by Cabinet to implement.

## 3. CORPORATE PRIORITIES

- 3.1 The matters discussed in this report impact directly on the following corporate priorities:
- **A healthy and successful Rossendale** – supporting vibrant communities and a strong economy.
  - **Responsive and value for money local services** – responding to and meeting the different needs of customers and improving the cost effectiveness of services.

## 4. RISK ASSESSMENT IMPLICATIONS

- 4.1 All the issues raised and the recommendation(s) in this report involve risk considerations as set out below:
- Poor governance of the process and associated reputational risks.
  - Not carrying out local authority responsibilities from the Localism Act.
  - Not providing responsive and value for money local services.
  - Not having a procedure in place to deal with Community Asset Transfer should an opportunity arise.

## 5. BACKGROUND AND OPTIONS

### 5.1 What is Community Asset Transfer?

- 5.2 Community Asset Transfer (CAT) is where the management and/or ownership of public assets (buildings or land) are transferred to a voluntary or community group. This could be through long term lease or permanent transfer of ownership. The transfer is usually at 'less than best consideration' – that is at less than its full market value – in order to further local

social, economic and/or environmental objectives.

- 5.3 Community Asset Transfer has been around for some time and has recently been reinvigorated as part of the Localism Act 2011, which encourages the public sector to transfer assets that are no longer needed for operational delivery to the community. As the Council looks for efficiency savings Community Asset Transfer's may be able to contribute to these savings whilst also empowering Communities.
- 5.4 Attached in Appendix A and is a draft Community Asset Transfer Policy and Guidance or consideration. The main aims/objectives of the Community Asset Transfer Policy & Guidance are to provide clear information and guidance for staff, elected members and community organisations/groups of the Community Asset Transfer process.
- 5.5 It is intended that Property Services will be the designated lead for this process. Rossendale Borough Council owned assets identified as surplus or for possible asset transfer will be listed on the Council's website. Applicants who meet the essential criteria can submit an expression of interest.
- 5.6 **Dealing with a CAT Expression of Interest**
- 5.7 An 'Asset Review Panel' will be established to assess any expressions of interest that are received from the community. It is recommended that the Panel includes Director of Business, Head of Finance & Property Service and Property Services Manager in consultation with relevant Ward Councillors and Cabinet Members as appropriate.
- 5.8 Successful expressions of interest will be subject to a full business plan application and review by Full Council for a final decision. The process is set out in full in the policy document in Appendix A for approval.
- 5.9 Although a list of potential assets for possible community asset transfer are included within Appendix A, every case must be treated on its merits as individual sites/properties may have considerable development potential and value.

#### **COMMENTS FROM STATUTORY OFFICERS:**

##### **6. SECTION 151 OFFICER**

- 6.1 Financial implications will be detailed on an ad hoc basis as each application and business plan is assessed prior to Members final approval.

##### **7. MONITORING OFFICER**

- 7.1 No additional comments to be made on this report.

##### **8. HEAD OF PEOPLE AND POLICY (ON BEHALF OF THE HEAD OF PAID SERVICE)**

- 8.1 Human Resources implications are detailed in the report and supporting documents.
- 8.2 The Equality Act 2010 requires the Council to have due regard in the exercising of its functions in relation to the three aims of the Equality Duty, for the need to:
- Eliminate discrimination, harassment and victimisation and any other conduct that is prohibited by or under the Act.
  - Advanced equality of opportunity between people who share a relevant protected characteristic and people who do not share it.
  - Foster good relations between people who share a relevant protected characteristic and those who do not share it.

8.3 The amount of regard that is “due” is set out in the Act and will depend on the circumstances of the case. Under the general equality duty there is a requirement to engage with people with protected characteristics and to have an adequate evidence base for Council decision-making. The duty to inform, consult or involve requires that the council must involve communities and those directly affected at the most appropriate and proportionate level in ‘routine functions, in addition to one-off decisions.’ Further, under the duty of Best Value the Council is required to consult representatives of a wide range of local people; this should include local voluntary and community organisations and small businesses in such consultation.

**9. CONSULTATION CARRIED OUT**

9.1 Management Team, Portfolio Holder, Leader, Policy Scrutiny Committee

**10. CONCLUSION**

10.1 The Council is needs to ensure it has a central efficient and effective process in place to deal with expressions of interest for a community asset transfer. It is proposed that the attached policy and supporting appendices are adopted as the Council’s formal approach to this process.

No background papers