

Community Asset Transfer Procedures

carmarthenshire.gov.wales

Cyngor **Sir Gâr**
Carmarthenshire
County Council



DRAFT

Contents

Introduction	4
Purpose of the Procedures	4
What is Community Asset Transfer	5
The Local Context	5
The Well-being of Future Generations (Wales) Act 2015	5
Disposal of Surplus Assets	6
Aims of Community Asset Transfer	6
Community Asset Transfer - Key Principles	7
Who Can Apply	8
The Application Process	8
Timescales	9
Support from Carmarthenshire County Council	10
Appendix 1 - Expression of Interest Form	

Carmarthenshire County Council

Community Asset Transfer Procedures

Introduction

Carmarthenshire County Council believes that Community Asset Transfer is about giving local people and community groups greater control of their area and their community. Local organisations are often best placed to manage facilities within their community as they can make extensive use of volunteers and their local knowledge. The hands on management of the asset is likely to result in better value for money, as well as leading to a more intensive and inclusive use of the asset.

Community ownership and management of assets empowers local communities, puts local organisations in control, encourages pride of place, enhances the local environment and raises people's aspirations. Carmarthenshire County Council is committed to working with community groups and local organisations to ensure that the transfer of assets within Carmarthenshire are successful and sustainable in the long-term. The Council, where possible, will also offer community development advice and assistance and access to funding opportunities via its Community Bureau Team.

Purpose of the Procedures

This document replaces the earlier version (Community Asset Transfer Procedures 2013 - 2016) and sets a transparent, positive and proactive framework to enable asset transfers to take place. The principal changes include:

- A commitment that the County Council will endeavour to provide the organisation with whatever information is available and relevant in each case.
- The provision of a more realistic timetable of the Community Asset Transfer process as it is acknowledged and must be recognised by all parties that some transfers can take some time to complete.
- Information regarding where up to date funding information relevant to each project and information regarding the availability of Section 106 contributions can be obtained.

These Procedures explain what is meant by the term Community Asset Transfer and sets out how it will be achieved. It provides a clear framework to support the transfer of land and buildings from the County Council to local organisations.

The Procedures are not intended to cover property that is surplus to the Council's requirements with no requirement for ongoing service provision. Such property would continue to be disposed of in accordance with the County Council's Acquisition and Disposal of Property Policy.

What is Community Asset Transfer?

Community Asset Transfer is the transfer of ownership or management of publicly owned assets to a community based organisation to allow the continuation of facilities and service provision previously undertaken by the County Council.

Community Asset Transfer supports community empowerment by ensuring that land, buildings and the services provided are retained or transformed and used for public benefit through community asset ownership and management.

The Local Context

Carmarthenshire County Council believes that local organisations are key partners in the delivery of services and provide a vital link with local people. It recognises that working in partnership with these organisations can help achieve some of the outcomes of the Council's Corporate Strategy and help promote the social, environmental and economic well-being of Carmarthenshire.

Carmarthenshire County Council recognises that:

- The way its physical assets are managed can have a very positive impact on the long-term strength of local communities and the third sector more generally.
- Through asset ownership or management, community organisations can grow and become more secure, gaining access to sources of additional investment that the County Council itself may not be able to access.
- Successful asset transfer requires a long-term partnership approach between the County Council and the community groups that take over the management of an asset and provision of a service.

The Well-being of Future Generations (Wales) Act 2015

The Well-being of Future Generations (Wales) Act 2015 aims to improve the social, economic, environmental and cultural well-being of Wales and to ensure that the governance arrangement of public bodies for improving the well-being of Wales takes the need of future generations into account.

Public bodies listed in the Act, including ones that wish to transfer assets, need to think more about the long-term by involving people and communities and collaborating with partners from all sectors to take a more integrated and sustainable approach.

The way we work needs to focus on the long term; working in partnership and collaboration; involving people more; preventing problems before they materialise and ensuring we work in an integrated way to maximise our resources and reduce duplication.

Disposal of Surplus Assets

The disposal of County Council assets is usually carried out on a commercial basis due to the general legal requirement that a Public Authority must achieve best value for the asset. Any disposal will be in accordance with the County Council's Acquisition and Disposal of Property Policy and where the Council's assets are identified as surplus to requirements, they will generally be sold on the open market. However, there will be circumstances where the County Council may dispose of an asset at below full market value, usually when a disposal will benefit the community where the economic, social or environmental well-being of the area will be improved.

In some circumstances, it may be appropriate to consider community use of the property. Such a use would only be approved if there is a clear identified need for such use in the area and where there is a business plan in place which demonstrates the viability of the alternative use - both in terms of the availability of capital funding for any conversion / refurbishment costs, and for the ongoing revenue funding of the project.

In assessing any application, it will also be necessary to identify whether any requirements can reasonably be accommodated in other facilities within the locality such as a proposed new school, community halls, play areas, recreation grounds, public houses or churches etc.

Where a surplus asset is let or sold for community use, the use of the property would be restricted to community use only. Commercial uses may also be considered, subject to the funds raised being used to support community activities.

All applications for surplus assets to be made available for community use will be evaluated by the Head of Regeneration in consultation with appropriate departmental heads. Following this appraisal, the terms of any proposed disposal for community purposes would generally be at open market value for the restricted use but would be determined by the Head of Regeneration.

Any disposal which has not been openly marketed and does not reflect market value would require Cabinet approval.

Aims of Community Asset Transfer

The County Council's land and buildings are used for a variety of different social, community and public purposes. For some of these assets community management and ownership could deliver benefits to the local community; benefits for community based groups; and benefits to the County Council and other public sector service providers.

Changing ownership or management offers opportunities to extend the use of a building or parcels of land, increasing their social value in relation to the numbers of local people that benefit and the range of opportunities they offer.

Community-led ownership and management offers additional opportunities to secure resources within a local area and to empower local people and communities.

Community Asset Transfer - Key Principles

The County Council's procedure on Community Asset Transfers are underpinned by the following principles:

- Asset transfer will only be approved if the property is required for continuation of a service and any proposed asset transfer must promote social, economic or environmental wellbeing and / or support the aims and priorities of the Council.
- The Council will encourage collaboration between community based groups and the sharing of assets to optimise social value and value for money.
- The proposed use of the asset is genuinely for the benefit of the community, and would offer real opportunities for successful and independent, community or third sector organisations to become more sustainable in the long term.
- The proposed use would enable communities to have more access to facilities and / or opportunities that respond to their local needs.
- Community Asset Transfers within Carmarthenshire will usually be by way of a lease or licence and freehold transfers will only be considered in exceptional circumstances. The tenure offered will be determined on a case-by-case basis dependant on the strength of the applicant and sustainability of the application, but the Council will endeavour to meet funders' requirements for security of tenure.
- The decision whether to charge an open market rent for the asset will be determined on a case-by-case basis. The social, economic or environmental benefits of the proposed transfer will be taken into account in determining the value.
- There will be a presumption that the transfer will be on a full repairing and insuring basis and that the organisation will be responsible for all running costs associated with the asset as well as maintenance and compliance with any statutory requirements. The Council will however adopt a flexible approach to the lease terms if the circumstances of a particular Community Asset Transfer so require.
- Where possible, the Council will provide condition surveys, historical maintenance and running costs of the asset, and relevant legal contractual information regarding service providers to the property.

- The Council will also provide, where it can, information on repairing responsibilities, planning conditions, restricted covenants, access requirements etc.
- It is important to note that there is no standard Community Asset Transfer and the information for each asset will be different. Some transfers are just the property asset which in some cases could have been vacant for several years, while others come with the existing service being delivered out of the asset and transferred.
- The organisation applying for an asset transfer will need to set out how they have considered the effect of the opportunities for people to use the Welsh language; or how the Welsh language will be treated no less favourably than the English language?
- The organisation will also need to show how can it be assured that the Welsh language is treated no less favourably than the English language post asset transfer including any service provision currently provided through the medium of Welsh and how these services will continue.
- If community use is agreed, then the County Council would offer community development advice and assistance and access to funding opportunities for feasibility / business planning support via its Community Bureau Team. The Bureau can assist community, voluntary and charitable groups and social enterprises in Carmarthenshire to access support and advice where needed. They can also provide up to date funding information relevant to each project and information regarding the availability of Section 106 contributions. Further information can be obtained by emailing: bureau@carmarthenshire.gov.uk

Who Can Apply

The County Council will accept expressions of interest from all types of organisations as well as Town and Community Councils. Applicants should demonstrate that they have strong links with the local community and are able to meet the following criteria:

- Their primary purpose must be to continue and enhance service provision within the local community and must be open to and demonstrate an inclusive approach to members of the wider community.
- The proposed use of the asset should not duplicate activities, services or facilities already being provided within the local community.
- The organisation and key individuals managing the asset and associated project must have appropriate skills, knowledge and expertise to sustain the project in the long term.
- Only incorporated organisations with legal rights and responsibilities can complete a transfer; the Council will not complete a lease to individuals acting as trustees, although do acknowledge that sometimes a request from a community asset

transfer may be made by an organisation which proposes to become incorporated during the process.

The Application Process

The County Council has established a cross-departmental team of officers from Legal, Leisure, Grounds Maintenance, Education and Regeneration to deal with transfer requests, co-ordinated and chaired by the Property team. Applicants will be supported through the transfer process and provided with any relevant information to assist their application where it is available.

Organisations applying for asset transfer will need to complete an Expression of Interest form where the following information will be required:

- Proposals for the use and maintenance of the asset along with its benefits to the community.
- Evidence of consultation carried out within the community.
- Consideration of whether there are, and will continue to be, any conflicts / overlap of other similar facilities in the locality.
- Capacity of the community groups to manage and insure the asset as well as evidence of financial support for future development.
- Some form of business plan, the detail of which will reflect the scale of asset being transferred.
- Suggestions as to how the organisation will contribute towards the Well-being Act and the National well-being goals.
- Ideas as to how the organisation will consider and promote Equality and the Welsh Language.
- A community governance structure (how local people will be involved in decision making in relation to the asset and its use).

A copy of the Expression of Interest form can be seen in **Appendix 1**.

The Council's assessment of an asset transfer request and any subsequent decision to proceed will consider the physical condition of the building and the availability of other suitable premises from which the proposed activities could take place.

Where there is little or no likelihood of a community group taking over a building or area of land that has been identified for transfer and it is not considered viable for the Council to continue running / maintaining it, then the asset will normally be considered for disposal in line with the Council's Acquisition and Disposal of Property Policy.

Timescales

The table below summarises the process Carmarthenshire County Council will follow where an expression of interest has been made:

Stage	Responsibility	Timescale
Expression of interest submitted for consideration	Community Group	
Application appraised and recommendations made	Asset Transfer Team	6 - 8 weeks
Business plan submitted (<i>if deemed necessary</i>)	Community Group	To be agreed - depending on the circumstances
Appraisal of business plan (<i>if deemed necessary</i>)	Asset Transfer Team	6 - 8 weeks
Decision on whether to proceed with the transfer (<i>with Cabinet / Local Member involvement as necessary</i>)	Asset Transfer Team	12 - 16 weeks
Detailed terms agreed and transfer completed	Asset Transfer Team	24 - 28 weeks

Please note that the timescales are for **guidance** only and that flexibility is essential, as other types of requirements may need to be addresses such as ownership or title issues, restrictive covenants, charitable land, fields in trust, rights of way, etc. It is also acknowledged and must be recognised by all parties that some transfers can take some time to complete.

The timescales within the table run consecutively. They will be monitored and where insufficient progress is made the County Council may withdraw from the transfer process and dispose of the asset in accordance with its Acquisition and Disposal of Property Policy. The Council will be prepared to consider reasonable requests for extensions of time to facilitate proposals.

Support from Carmarthenshire County Council

Whilst community groups are expected to take their own advice, the County Council will try to help and support them through the application process. It will try making appropriate resources available to provide that support and to appraise applications within the target timescales. In return, it expects applications for transfer to contain, at each stage, sufficient information to enable appraisals to be completed and decisions made.

Carmarthenshire County Council is keen for Community Asset Transfer to succeed within the County and will provide community groups with guidance and support from its officers to help applicants through the transfer process.

Community Asset Transfer is not new to Carmarthenshire County Council and many organisations already utilise the Council's buildings and land. The key message from these Procedures is that both parties to any potential transfer enter the process in a

transparent way, with a mutual understanding of the long term implications and opportunities, as well as the fullest picture of the impact of these implications on the potential future success of the venture.

DRAFT

EXPRESSION OF INTEREST FOR TRANSFER OF ASSETS FOR COMMUNITY USE

Your expression of interest form should be completed in full. If your form has not been completed, cannot be read or is not on an appropriate form, it will be returned to you to update / complete before assessment commences.

Council officers will then process and review your proposal. If the asset is suitable for transfer and the proposal is considered viable, you may be asked to supply further details in relation to the proposal.

DATA PROTECTION STATEMENT

We require the information requested in this form to allow us to process your application. All information provided in support of an application, including personal details, will be held in a database. Carmarthenshire County Council complies with strict security procedures in the storage and disclosure of your information. These procedures are in accordance with the principles of the Data Protection Act 1998.



EXPRESSION OF INTEREST FORM

FOR TRANSFER OF ASSETS FOR COMMUNITY USE

Please complete all sections of the form

ABOUT YOUR ORGANISATION

Name of Organisation:	
Address of Organisation:	
Applicant Name / Key Contact: <i>This should be the individual approved by the organisation to act on their behalf</i>	
Position held within Organisation:	
Telephone Number:	
Email Address:	
Date:	

TYPE OF ORGANISATION

What type of organisation are you e.g. registered charity?	
Do you have a formal constitution, governance documents or set of rules?	

<p>If you are not currently established, please outline the type of organisation you are considering establishing e.g. registered charity, company limited by guarantee?</p>		
<p>When was your organisation established?</p>		
<p>How many people are involved in your organisation?</p>	<p>Management Committee:</p>	
	<p>Full Time Employees:</p>	
	<p>Part Time Employees:</p>	
	<p>Volunteers:</p>	
<p>What is the purpose and main aims of your organisation?</p>		
<p>Does your organisation have experience of managing an asset? If yes, please provide detail:</p>		

Please indicate which of the following insurance cover your organisation holds and provide levels:	Public Liability:	
	Employer Liability:	
	Professional Indemnity:	

ABOUT YOUR PROPOSAL

Title of Project:	
Please provide details of the asset (building or land) you are interested in (name, address, etc.):	
Please state the preferred tenure (please indicate the desired lease term):	
Please provide a brief description of your proposal, including the reason why you are applying for a council asset and what the intended use will be:	

<p>Please outline how the facility will be maintained after the project has completed / land had been transferred:</p>	
--	--

COMMUNITY BENEFIT

How will the community benefit from the proposal? *(please attach any supporting documentation or further notes, if applicable)*

Community Benefits	Yes / No	If 'Yes', please provide further details
Will your proposal enable access by all members of the community?		
Will your proposal maintain an existing service or activity in the local community?		
Will your proposal create a new service or activity in the local community?		
Will your proposal have wider community benefits?		

<p>Will your proposal create opportunities for local organisations to work together?</p>		
<p>Will your proposal bring additional financial investment into the area (e.g. through grants unavailable to the Council)?</p>		
<p>Will your proposal create opportunities for developing local enterprise or additional employment?</p>		
<p>How will the organisation contribute towards the Well-being Act and National well-being goals?</p>		
<p>How will the organisation consider and promote Equality?</p>		
<p>How will the organisation consider and promote the Welsh language and how will it ensure that it provides services and opportunities to members of the community through the medium of Welsh and treat the Welsh language no less favourably than the English language?</p>		

Will the project present conflict / overlap with other similar facilities in the locality?

Consider whether there are any similar facilities already in the vicinity and whether this project may have a negative impact on these

--

What is your evidence of need for your project and who have you consulted with?

--

SIGNATURE

--

Name:	Position:	Date:
--------------	------------------	--------------

Please return completed forms to:

Community Asset Transfer Officer
Regeneration Department
Carmarthenshire County Council
County Hall
Carmarthen
SA31 1JP

Email: ehughes@carmarthenshire.gov.uk

Telephone: 01267 246767