



Carmarthenshire County Council
**Community Asset
Transfer Procedures**
2013-2016



Corporate Property



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Carmarthenshire County Council Community Asset Transfer Procedures

Introduction

Carmarthenshire County Council believes that community asset transfer is fundamentally about giving local people and community groups greater control in the future of their area and their community.

Communities are often best placed to manage facilities in their local environment. They make extensive use of volunteers and their local knowledge and hands on management of the asset is likely to result in better value-for-money, as well as a more intensive use of the asset.

Community management and ownership of assets empowers local communities, puts local organisations in control, encourages pride of place, enhances the local environment and raises local people's aspirations.

What is meant by Community Asset Transfer?

Community Asset Transfer is the transfer of land or buildings from the Council to the stewardship and / or ownership of a local organisation.

Purpose of these Procedures

- These Procedures describes how the Authority will work with communities to support the transfer of Authority-owned land and buildings to local people, for the benefit of the community.
- These Procedures explains 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 Authority to local people. Transfer to a town / community council or a strong community based group of local people will maximise the likelihood that the transfer will be successful and sustainable in the longer term.
- These Procedures are not intended to cover property that is surplus to the Authority's requirements; such property would continue to be disposed of in accordance with existing policies.

The local context

Carmarthenshire County Council believes that community based groups are key partners in the delivery of services and provide a vital link with local people. It recognises that working in partnership with community based groups can help us achieve some of the outcomes of our Integrated Community Strategy and help promote the social, environmental and economic well being of the County.

The Authority 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 based groups can grow and become more secure, gaining access to sources of additional investment that the Authority itself may not be able to access.
- Successful asset transfer requires a long-term partnership approach between the Authority and the community based groups that take over the management of an asset.

Aims of Community Asset Transfer

The Authority'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 Authority and other public sector service providers.

Public assets could often be used more frequently and more effectively. Changing ownership or management offers opportunities to extend the use of a building or piece of land, increasing its social value in relation to the numbers of local people that benefit and the range of opportunities it offers. Community-led ownership offers additional opportunities to secure resources within a local area and to empower local people and communities.

Rationalisation of Assets

In 2010/11 The Authority undertook a comprehensive review of its assets and held seminars with local groups and town & community councils in various areas of the County. There has subsequently been an ongoing rationalisation programme. As part of this process, The Council has identified buildings and land holdings which are currently or potentially surplus.

Through discussion with various organisations the Authority is also aware of properties that could be run and managed by community groups, Town and Community Councils and other local groups.

These Procedures are intended to cover those assets which are being used for current service delivery and could be managed more effectively by local groups. Those assets which have been, and will in the future be identified as surplus to the County Council's requirements, will continue to be disposed of in accordance with existing policies, which are described in the next Section.

Given financial pressures on the public sector it is anticipated that a number of non-statutory services will need to be delivered in different ways and it is expected that the delivery of these services by community based organisations (and the assets necessary to deliver those services) will play a significant role in reducing future costs.

Disposal of Surplus Assets

The Authority has previously adopted a policy for disposal of surplus property as a result of the schools modernisation programme but these principles are now used for all assets:

- Where the Authority's assets are identified as surplus to requirements they will generally be sold on the open market.
- In exceptional 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 also for the ongoing revenue funding of the project.

- In assessing any application under this exceptions policy it will also be necessary to identify whether any requirements can reasonably be accommodated in other facilities serving the community (e.g. a proposed new extended school, local community halls, play areas, recreation grounds, public houses, 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. The County Council would have an option to repurchase for the original purchase price if the community use ceased, or a building was unused for 6 months or more.
- All applications for surplus assets to be made available for community use will be evaluated by the Head of Corporate Property 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 Corporate Property. Any disposal which has not been openly marketed and at less than market value would require Executive Board approval.
- 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, on a similar basis to other community groups

Community Asset Transfer – Key Principles

The Authority's procedures on community asset transfer are underpinned by the following principles: -

- Transfer will only be approved of property required for continuation of a service;
- Any proposed asset transfer must promote social, economic or environmental wellbeing and/or support the aims and priorities of the Authority;
- The Authority will encourage collaboration between community based groups and the sharing of assets to optimise social value and value for money;
- Asset transfers to community based groups will be in exchange for agreement by the community based groups to deliver agreed benefits for local people;

- 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.

Who can apply?

Expressions of interest (see Appendix 2) will be welcomed from individuals, community and voluntary sector groups or Town / Community Councils. Ideally interested parties should meet the following criteria:

- They should be community-led, with strong links with the local community. Local people must be able to control the organisation's decision making processes;
- Their primary purpose must be to enhance service provision to the local community;
- The organisation and key individuals, managing the asset and associated project, have appropriate skills, knowledge and expertise to sustain the project in the long term.
- They must be open to and demonstrate an inclusive approach to members of the wider community.
- They must not duplicate activities, services or facilities already provided in the local community.

The basis of transfer

- The Council will normally transfer on a leasehold basis to ensure continuation of use. In the event that the use ceases the asset would return to the Authority.
- The Authority will discuss with interested parties what length of lease would be most suitable to meet the needs and expectations of the groups and local people. Funding bodies may have requirements that must be met if a community based group is to be eligible to receive grant monies. Freehold transfers may be appropriate in exceptional circumstances e.g. specific funding requirements however, the approval of the Council would be required to such a transfer.

- During the lease period the Authority will normally expect the community organisation to be responsible for the running costs of the building, including repairs, maintenance and all insurances. Transfer discussions that have taken place to date have sometimes offered specific financial or other assistance in the transfer process which reflect specific categories of property to be transferred. While the process of evaluation will be consistent it is probable that each request will have specific issues. Each request will therefore be dealt with on a case by case basis.
- The Authority will share with any interested parties all available information regarding the condition and operating costs of any asset that may be transferred. In some cases, the Authority may be willing to invest some money towards improving the condition of the transferring asset. The community organisation will, however, be expected to satisfy the Authority that they will be able to maintain the building satisfactorily after transfer. The level of any Authority contribution (if any) would need to be proportionate to the likely future community benefits resulting from the transfer of the asset having regard to the current condition of the asset and its likely economic life. It should be noted that the Authority's funds are limited and contributions may not be available in all cases. Any group taking on an asset will be expected to take a lead role in putting and keeping the asset into repair.
- The Authority will encourage collaboration between community based groups and the sharing of assets to optimise social value and value for money.
- There may be competing groups interested in the same asset. In such cases the Authority will expect community groups to work together and organise themselves in such a way that sharing and use of the asset is optimised between them. If a joint approach is not agreed, the Authority will balance the merits of the different organisations' proposals and decide to which group (if any) the asset should be transferred. Failure of competing interested community organisations to collaborate on a joint approach may make it less likely that any acceptable proposal for asset transfer will be achievable. Town or Community Councils may have a role in such cases to take the lead in managing the asset on behalf of a number of users.
- The transfer would normally be at market value for the proposed use of the asset, but transfer at below market value would be considered as part of the business case.

How Applications are Assessed and Decisions Made

The Council has established a cross-departmental team of officers to deal with transfer requests, co-ordinated by the Corporate Property Division.

Individuals, groups or Town / Community Councils applying for asset transfer will need to set out the following:

- Proposals for the use and maintenance of the asset
- Benefits to the Authority, the community based group and the wider/community, together with planned outcomes
- Consideration of whether there are, and will continue to be, any conflicts/overlap of other similar facilities in the locality
- Capacity of the community based group(s) to manage (and insure) the asset
- Some form of business plan, the detail of which will reflect the scale of asset being transferred
- A community governance structure (how local people will be involved in decision making in relation to the asset and its use)
- Evidence of financial support for future development
- Liabilities and how these will be addressed

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

The table below summarises the process the Authority will follow where an asset transfer request has been made:-

Stage	Who is responsible	Timescale
Expression of interest submitted for consideration (Appendix 2)	Community Group	
Application form appraised and recommendations made	CCC Asset Transfer Team	6 weeks
<i>Business plan submitted (if deemed necessary)</i>	<i>Community Group</i>	<i>To be agreed, depending on the circumstances</i>
<i>Appraisal of business plan (if deemed necessary)</i>	<i>CCC Asset Transfer Team</i>	<i>6 weeks</i>
Decision on whether to proceed with transfer (with Executive Board/Local Member involvement as necessary)	CCC Asset Transfer Team	6 weeks
Detailed terms agreed and transfer completed	CCC Asset Transfer Team	12 weeks

Qualifications to the Illustrative Timetable Above

(1) These timescales run consecutively. They will be monitored and where insufficient progress is made the Authority may withdraw from the transfer process and dispose of the asset in accordance with its Disposal Policy. The Authority will be prepared to consider reasonable requests for extensions of time to facilitate proposals.

(2) Whilst community based groups are expected to take their own advice the Authority will try to help and support them as appropriate through the application process. It will make 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.

(3) The Authority's assessment of an asset transfer request and any subsequent decision to proceed will take into account the physical

condition of the building, the availability of other suitable premises from which the proposed activities could take place, support required from the Authority to enable the transfer to proceed.

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

Useful Links and documents: -

The Community Sport Asset Transfer Toolkit: - this toolkit should be the first point of information on asset transfer from a sports perspective for National Governing Bodies, County Sports Partnerships, community and voluntary sector groups (including community sports organisations), local authorities and other sport partners.

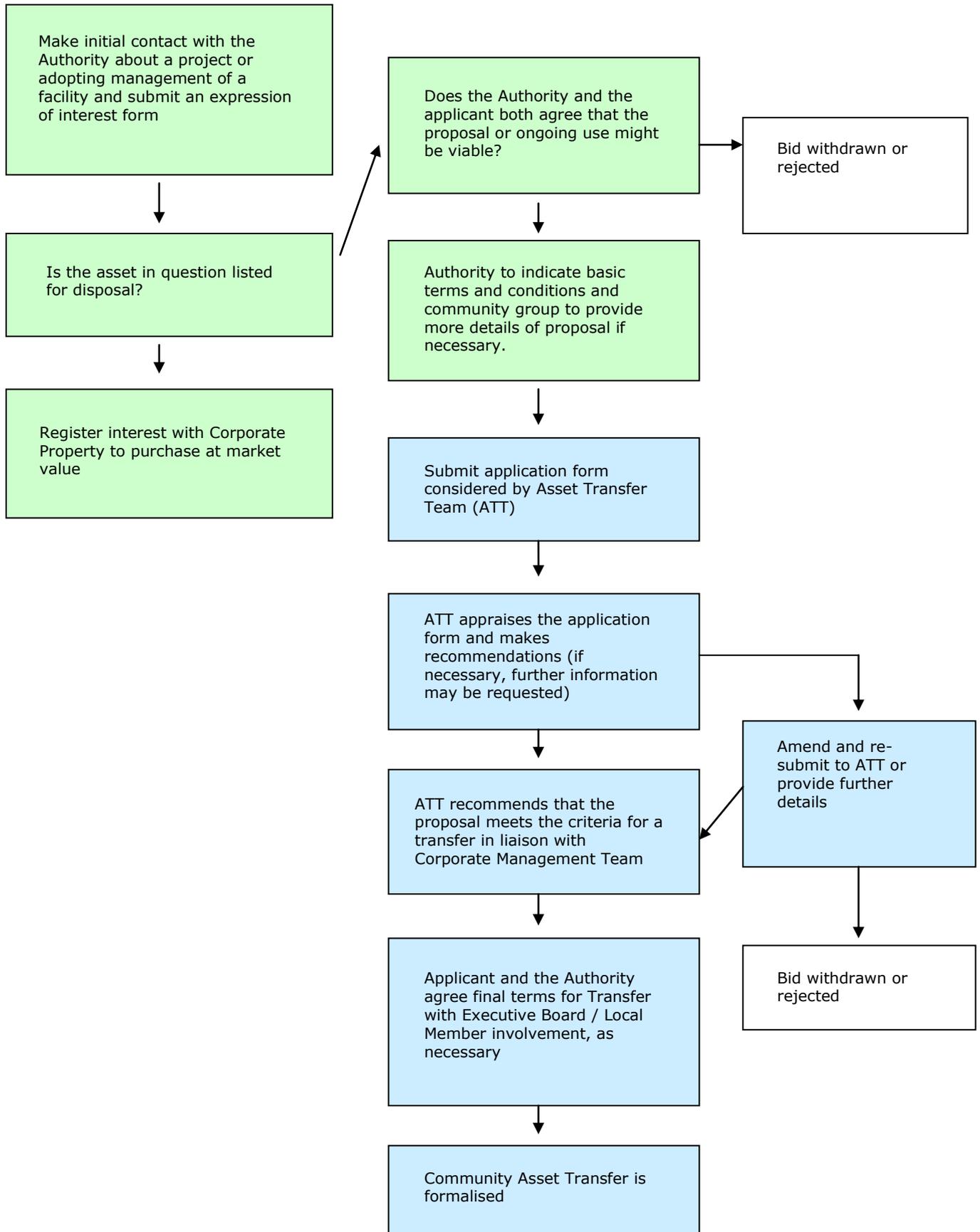
<http://www.sportengland.org/facilities-planning/tools-guidance/asset-transfer/>

CCC Disposal Policy

http://online.carmarthenshire.gov.uk/agendas/eng/exeb20050711/REP03_01.HTM

APPENDIX 1

Community Asset Transfer Process Flow Chart



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.

For office use only:

Reference No:

Date Received:

EXPRESSION OF INTEREST FORM FOR TRANSFER OF ASSETS FOR COMMUNITY USE

Please complete all elements of the form

A ABOUT YOUR ORGANISATION

1. Name of organisation

2. Contact Details

Main contact for this application – this must be someone who knows about your project

Title:	First Name:	Surname:
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Is the above your: Organisation address Home address

3. Status of your Organisation

What type of organisation / group are you? Tick/fill in whichever boxes apply

Charity	<input type="checkbox"/>		<input type="text"/>
Community group/club/society	<input type="checkbox"/>	Town/Community Council	<input type="text"/>
Company Limited by guarantee	<input type="checkbox"/>	Company Reg. Number	<input type="text"/>
Community Interest Company	<input type="checkbox"/>	Other please give details	<input type="text"/>

4. When was your organisation set up?

Year

5. Governance

Does your organisation have a written constitution, governing document or set of rules?

Yes

No

comments

How many people are involved in your organisation?

Management committee

Paid staff full-time

Paid staff part-time

Volunteers

Please mark which of the following insurance cover your organisation holds (or plans to put in place) and provide levels?

Public Liability

Employer Liability

Professional Indemnity

6. What is the purpose and main aims of your organisation?

Please also provide any relevant background documents

B ABOUT YOUR PROPOSAL

7. Title of Project (please keep this short):

8. Please provide details of the asset (building or land) you are interested in (name, address etc).

It is essential that you clearly identify the asset – if you have plans or drawings please forward copies.

Or if no land or building has been identified – please provide details of requirements, including size and location:

9. Please state the length of lease required. *Please consider whether this meets the likely requirements of current or future grant funder(s).*

10. 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:

11. Please outline how the amenity or facility will be maintained after the project has been completed / land has been transferred:

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12. 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 GIVE 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?		
Will your proposal create opportunities for local organisations to work together?		
Will your proposal bring additional financial investment into the area (e.g. through grants unavailable to the Council)?		
Will your proposal create the opportunities for developing local enterprise or additional employment?		

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13. Will the project present a 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.

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

This application refers to asset transfer only and is not an application for financial assistance.

C) SIGNATURE

I confirm that, to the best of my knowledge and belief, all the details in this application are accurate. I understand that the council may ask for additional information at any stage of the application process and that you may check this with other sources.

Signed Date

Name

Please return completed form to:

**Corporate Property Division
Building 8, St David's Park
Job's Well Road
Carmarthen
SA31 3HB**

Email: smmorgan@carmarthenshire.gov.uk

Phone: (01267) 246247

