

ASSET DISPOSAL– COMMUNITY ASSET TRANSFER POLICY

Cabinet	30 January 2018
Report Author	Director of Corporate Governance
Portfolio Holder	Cllr John Townend, Portfolio Holder (Finance & Estates)
Status	For Decision
Classification:	Unrestricted
Key Decision	Yes
Reasons for Key	Significant effect on communities
Ward:	All

Executive Summary:

Thanet District Council are committed to supporting neighbourhoods, this is a Corporate Priority.

Additionally, there is much policy supporting the empowerment of communities. Part of this empowerment is an acknowledgement that in certain circumstances a property and or land asset owned by Thanet District Council should form part of the success of achieving social and therefore corporate aims.

However, there is no one law or policy that covers asset transfer and it is a complex subject. Therefore, Thanet District Council has produced a policy and supporting documentation as a guide for Community Organisations when considering asset transfer. The policy sets out a framework to support decision making and an agreed method of assessing applications.

Recommendation(s):

That the Community Asset Policy 2018 – 2021 is adopted.

CORPORATE IMPLICATIONS

Financial and Value for Money	The Policy aims to enhance the objectives in the Medium Term Financial Plan and Contract Standing Order procedures. All assets considered for transfer will be considered on case by case bases, and the policy is clear on the circumstances when a community asset transfer will not be applicable. The policy supports the programme of rationalisation of the portfolio.
Legal	There are references to the legal framework surrounding disposals however the Policy does not commit the Council to any specific property or land transfer, guidance would be requested as and when each asset is considered.
Corporate	The aim of the Policy is to provide direction and mitigate the risks associated with community and voluntary sector asset transfer. The Policy provides a framework for robust decision making. Supporting Neighbourhoods is a corporate priority and this Policy aims to positively impact this priority. The Policy proactively supports transparency and communications, it would be published on the council's web site.
Equality Act	Members are reminded of the requirement, under the Public Sector

2010 & Public Sector Equality Duty	<p>Equality Duty (section 149 of the Equality Act 2010) to have due regard to the aims of the Duty at the time the decision is taken. The aims of the Duty are: (i) eliminate unlawful discrimination, harassment, victimisation and other conduct prohibited by the Act, (ii) advance equality of opportunity between people who share a protected characteristic and people who do not share it, and (iii) foster good relations between people who share a protected characteristic and people who do not share it.</p> <p>Protected characteristics: age, gender, disability, race, sexual orientation, gender reassignment, religion or belief and pregnancy & maternity. Only aim (i) of the Duty applies to Marriage & civil partnership.</p>
<p>Please indicate which aim is relevant to the report.</p>	
<p>Eliminate unlawful discrimination, harassment, victimisation and other conduct prohibited by the Act,</p>	<p>x</p>
<p>Advance equality of opportunity between people who share a protected characteristic and people who do not share it</p>	<p>x</p>
<p>Foster good relations between people who share a protected characteristic and people who do not share it.</p>	<p>x</p>
<p>The Community Asset Transfer Policy and supporting processes aim to increase opportunities for supporting neighbourhoods and specifically support community and voluntary organisations by giving a focus for and direction on property and land opportunities to support social welfare.</p>	
<p>An EIA assessment has been completed and the Community Asset Transfer Policy and supporting processes will improve engagement and communication with those with protected characteristics.</p>	

CORPORATE PRIORITIES (tick those relevant)✓	
A clean and welcoming Environment	
Promoting inward investment and job creation	X
Supporting neighbourhoods	x

CORPORATE VALUES (tick those relevant)✓	
Delivering value for money	x
Supporting the Workforce	
Promoting open communications	x

1.0 Introduction and Background

- 1.1 Thanet District Council is committed to working with the public, private, voluntary and community sectors to ensure the best outcomes for Thanet. The voluntary and community organisations, known as the Third Party Sector (TPS) organisations, are important participants in achieving the Corporate aims to improve opportunities for residents and visitors.
- 1.2 There are instances where the transfer of an asset (property and or land) may be mutually beneficial to achieving these aims but these transfers are highly regulated by statute and policy. Without specific guidance there is opportunity for confusion and misunderstanding surrounding this complex subject.
- 1.3 With this in mind the council has developed a Community Asset Policy (annex 1) and associated guidance to confirm our commitment to enabling communities. The Policy shall provide direction to Third Party Sectors of the way that Thanet District Council shall consider asset transfer and the method of assessing requests.

2.0 The Current Situation

- 2.1 Community Asset Transfer forms part of the asset management function. The overarching Policy, Strategic Asset Management Plan (SAMP) 2017 – 2021 sets out what the council intends to do in the future to ensure property assets support corporate priorities, increase the Council's financial resources and deliver value for money.
- 2.2 The SAMP documents the overall commitment to proactive asset management including Community Asset Transfer and recognising the complexity of the subject mentioned that there would be a separate policy as an annex to the main strategy.
- 2.3 The Community Asset Transfer policy provides this information, but should be read in conjunction with the SAMP and the adopted disposal framework (annex 2).
- 2.4 Asset Management within the public sector is undergoing a significant change programme; these policies will be reviewed each year to take into account new legislation and changing national policy. The disposal process is currently under review with an updated version being brought to Cabinet in the spring of 2018.
- 2.4 The Community Asset Policy is considered by Cabinet, the administrative processes are undertaken by officers, but are provided annexed to this paper for completeness, to give Members an understanding of the process. Please note that the evaluation process will be tailored relevant to the type of transfer and may be modified in response to changes in legislation and best practice.

3.0 Options

- 3.1 Members could choose to reject the policy and rely on the existing disposal policy and delegations for processing Community Asset Transfers. However, this does not provide any guidance for the community and would not support our corporate aims.
- 3.2 However, an approved documented policy, one subject to regular review and updating as laws change, will provide all stakeholders with much needed clarity on an otherwise complicated subject.

Contact Officer:	Tim Howes, Director of Corporate Governance
Reporting to:	Madeline Homer, Chief Executive

Annex List

Annex 1	Community Asset Transfer Policy 2018 - 2021
Annex 2	TDC Property and Land Disposal Process
Annex 3	CAT Process Guide
Annex 4	CAT Expressions of Interest
Annex 5	CAT Application
Annex 6	CAT Application Evaluation

Background Papers

Strategic Asset Management Plan 2017 - 2021	https://democracy.thanet.gov.uk/documents/s54145/Annex%201%20-%20SAMP%202017-2021.pdf
---	---

Corporate Consultation

Finance	Ramesh Prashar, Head of Financial Services
Legal	Sophia Nartey, Interim Head of Legal Services