

# Arun District Council

<b>REPORT TO:</b>	<b>Economy Committee, 23 January 2025</b>
<b>SUBJECT:</b>	<b>Community Asset Transfer Policy</b>
<b>LEAD OFFICER:</b>	<b>Karl Roberts, Director of Growth</b>
<b>LEAD MEMBER:</b>	Councillor Roger Nash, Chair of Economy Committee
<b>WARDS:</b>	<b>All</b>
<b>CORPORATE PRIORITY / POLICY CONTEXT / CORPORATE VISION:</b>	
This policy is considered to support directly the objective of Improving the Wellbeing of Arun and indirectly the other three objectives.	
<b>DIRECTORATE POLICY CONTEXT:</b>	
Provides a clear approach for the Property & Estates team to follow in considering opportunities and requests for the transfer of assets to other organisations.	
<b>FINANCIAL SUMMARY:</b>	
This report does not have can direct financial implications. However, the financial implications of any proposed transfer will need to be considered during the course of its assessment.	

## 1. PURPOSE OF REPORT

- 1.1 The purpose of this report is to consider the adoption of a policy on the possible transfer of assets to community organisations.

## 2. RECOMMENDATIONS

- 2.1 It is recommended that the Committee:
- a. Adopt the policy document.

## 3. EXECUTIVE SUMMARY

- 3.1 This report seeks Committee support for the adoption of a policy document which provides a transparent and consistent approach to applications and the decision-making process governing the transfer of assets to community organisations (where applicable). To achieve this, the policy document requires that it be demonstrated how community asset transfer supports direct service delivery, the Council's Corporate Plan, its objectives and other corporate plans and policies.

## **4. DETAIL**

- 4.1 Community Asset Transfer (CAT) is an established mechanism used to enable the community ownership and/or management of publicly owned land and buildings.
- 4.2 The General Disposal Consent 2003 allows a range of public bodies including this Council to transfer the ownership and management of land and buildings they own to local communities at 'less than best consideration' i.e. at less than full market value subject to certain exceptions.
- 4.3 The ultimate aim of Community Asset Transfer is community empowerment – that is, to ensure that land and buildings are retained or transformed then operated for public benefit through community asset ownership and management.
- 4.4 The document attached as Appendix A sets out a transparent and consistent approach to applications and the decision-making process governing the transfer of assets to community organisations (where applicable). To achieve this, it is necessary to demonstrate how community asset transfer supports direct service delivery, the Council's Corporate Plan, its objectives and other corporate plans and policies.

## **5. CONSULTATION**

- 5.1 There hasn't been any consultation with external partners although this could be arranged if the Committee considered it necessary.

## **6. OPTIONS / ALTERNATIVES CONSIDERED**

- 6.1 The Committee has the option to approve or reject the document or seek amendments. In drafting this document, a number of CAT policies from other Councils have been reviewed.

## **7. COMMENTS BY THE GROUP HEAD OF FINANCE/SECTION 151 OFFICER**

- 7.1 This report does not have any direct financial implications. However, the financial implications of any proposed transfer will need to be considered during the course of its assessment. [TBC]

## **8. RISK ASSESSMENT CONSIDERATIONS**

- 8.1 There are no specific risk issues identified with the adoption of the policy document. However, any proposals that come forward for consideration under the terms of this policy will need to be risk assessed.

## **9. COMMENTS OF THE GROUP HEAD OF LAW AND GOVERNANCE & MONITORING OFFICER**

- 9.1 This is not a Full Council function to determine as it sits outside of the Budget and Policy Framework.
- 9.2 Community Asset Transfers are made possible under by the General Disposals Consent (England) Act 2003 which permits the consideration of less-than-best disposal of local authority assets.
- 9.3 The council cannot dispose of land for less than the best consideration that can reasonably be obtained, except with the consent of the Secretary of State (S123 of the Local Government Act 1972). Specific consent is not required for the disposal of any interest in land for an undervalue of up to £2 million provided that the authority considers it will help it secure the promotion of improvement of the economic, social or environmental well-being of its area.
- 9.4 Each transfer will require an analysis of the activities of the organisation receiving the assistance to ensure that the disposal does not amount to unlawful subsidy.
- 9.5 The legal implications of each transfer will be considered on a case-by-case basis.

## **10. HUMAN RESOURCES IMPACT**

- 10.1 The adoption of the policy may lead to the submission of proposals for the transfer of assets. However, such proposals could still be submitted without a policy. Overall, it is considered that the adoption of the policy is likely to reduce the amount of time each proposal would take to assess

## **11. HEALTH & SAFETY IMPACT**

- 11.1 There are no health & safety matters directly arising from this report

## **12. PROPERTY & ESTATES IMPACT**

- 12.1 The property and estate issues that arise from this report are addressed in the policy document attached.

## **13. EQUALITIES IMPACT ASSESSMENT (EIA) / SOCIAL VALUE**

- 13.1 There are no EIA issues directly arising from this report.

## **14. CLIMATE CHANGE & ENVIRONMENTAL IMPACT/SOCIAL VALUE**

- 14.1 There are no climate change or environmental impact directly arising from this report.

**15. CRIME AND DISORDER REDUCTION IMPACT**

15.1 There are no crime, and disorder matters directly arising from this report.

**16. HUMAN RIGHTS IMPACT**

16.1 There are no human right matters directly arising from this report.

**17. FREEDOM OF INFORMATION / DATA PROTECTION CONSIDERATIONS**

17.1 There are no FOI/data protection matters directly arising from this report.

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**CONTACT OFFICER:**

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**BACKGROUND DOCUMENTS:**

*None*