

Report to: Cabinet
Date of Meeting: 2 October 2019
Public Document: Yes
Exemption: None
Review date for release: None



Subject: **Community Asset Devolution Procedure**

Purpose of report:

This report is seeking Members support that the Community Asset Transfer Policy approach and the Community Asset Transfer Procedure be endorsed in principle, and the consultation with town and parish councils commence.

Once the consultation is concluded a further report will come back to Asset Management Forum to consider responses and any amendments needed before coming back to Cabinet before being adopted.

Recommendation:

The Community Asset Transfer Policy approach and the Community Asset Transfer Procedure be endorsed in principle, and the consultation with town and parish councils commence.

Reason for recommendation:

To enable progression of work to conclude in an asset devolution approach and Procedure being adopted to provide Parish and Town Councils and others with a clear understanding of the Council's approach and support towards asset devolution, the process and timelines involved.

Officer:

Tim Child
Senior Manager – Property & Estates
01395 571692

Financial implications:

The overarching financial principle for the Council in the asset transfer policy is to achieve savings for the Council but also to give benefits and opportunities to the local community.

Legal implications:

Legal Services are happy to provide additional guidance and advice as individual proposals are brought forward, each proposal is likely to be unique in the issues which it raises and these will need to be considered at the time. Legal Services would like to see the cost of the legal resource required to support each proposal and ultimate transfer being factored into each proposal.

Equalities impact:

Low Impact

This recommendation relates to commencing a consultation exercise only. A further recommendation will come forward following consultation and relating then to the adoption of an approach and Procedure.

Climate change:

Low Impact

This recommendation relates to commencing a consultation only. Every effort will be made to ensure this consultation is undertaken using electronic means and avoiding printing and postage where possible.

Risk: Low Risk

This recommendation relates to commencing a consultation only.

Links to background information: [Draft Community Asset Transfer Procedure](#)
[Appendix A](#)
[Appendix B](#)

Link to Council Plan: Encouraging communities to be outstanding
Continuously improving to be an outstanding Council

Report in full

1.0 Background

1.1 The attached Community Asset Transfer Procedure along with appendices A and B were considered by Asset Management Forum on 2nd September to initiate debate into the development of a Community Asset Devolution Policy that reviews the purpose, use and cost of all assets owned by the council to identify those assets required by the council to discharge its statutory duties, those best owned and managed by the council to deliver the aims of the council plan and those that may deliver greatest community benefit through ownership and management by the communities in which they lie. The following resolution was made:

RECOMMEND to Cabinet that the Community Asset Transfer Policy approach and the Community Asset Transfer Procedure be endorsed in principle, and the consultation with town and parish councils commence.

1.2 The Beer Pilot is a pilot project to explore opportunities for asset devolution within a locality. Challenges arose through having no clearly defined procedure, through having limited cost data initially and through creating a sound business case which supported the transfer of assets and worked for all parties. The attached Procedure along with appendices seeks to bring some structure and timetable to the procedure along with making clear the fundamental principles and expectations, encouraging towns, parishes and others to come forward but only if there is a credible business case to do so and it is to be clear that not all assets will be considered i.e. there must be a strong business case for both parties if a transfer is to be considered.

1.3 There are wide opportunities across the District to consider asset devolution at a local level and many opportunities to EDDC, the transferee and the community of doing just this.

1.4 The Asset Transfer Procedure sets out a process for communities to follow, where they wish to initiate asset transfers. Applications must recognise that proposals must be on a broadly balanced basis where an asset with additional revenue earning potential must be balanced against other assets, which may while delivering community value also incur a community cost.

- 1.5 The overall aim of the Community Asset Devolution approach and Procedure should be to deliver benefits and opportunities to communities through the transfer of assets. Financial implications for both parties should be cost neutral in year 1, giving revenue earning and cost saving opportunities to communities and financial savings to the council thereafter.
- 1.6 Community asset transfers will not be appropriate in all instances but where they are appropriate this Procedure seeks to bring clarity and structure to the process and clearly sets out expectations and responsibilities.
- 1.7 Once adopted, EDDC intend to actively engage with others where opportunities clearly exist.