

BCP Council

Community Asset Transfer Policy

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1.0	Introduction
1.1	BCP Council wishes to support local communities, including town and parish councils, and community, voluntary and faith-based organisations to come forward with plans and proposals for community asset transfers. This policy seeks to clarify the process being followed by BCP Council in relation to assets being transferred to these community groups.
1.2	<p>What is Community Asset Transfer (CAT)?</p> <p><i>Community Asset Transfer (CAT) is an established mechanism used to enable the community ownership and management of publicly owned land and buildings.</i></p>
1.3	<p>The devolution of assets to local communities can in the right circumstances make a significant contribution to enabling them to be stronger, more resilient, and sustainable.</p> <p>This perspective accords with the Council's Corporate Strategy which promotes "vibrant communities with outstanding quality of life where everyone plays an active role", and this headline is framed by the following 5 Strategic Objectives:</p> <ul style="list-style-type: none"> • Sustainable Environment • Dynamic Places • Connected Communities • Brighter Futures • Fulfilled Lives
1.4	<p>BCP Council is therefore committed to engaging with and enable local groups with transferring appropriate assets in order to provide real benefits to local communities.</p> <p>This policy sets out the principles and processes for how community groups can approach the Council with regards to potential community asset transfers and the mechanisms within which each proposed transfer will be assessed.</p> <p>Asset transfer means moving the responsibility for the ownership, management and running of assets from the council to a community organisation. Transfers are therefore done on a full repairing, maintenance, and insuring basis.</p> <p>This policy document is part of the Council's Corporate Asset Management Plan ("CAMP") that sets out how the Council manages its land and built assets in support of service delivery and corporate priorities. This CAT Policy will be reviewed annually, as part of the wider annual CAMP review, in accordance with any relevant legislation as currently set out in Appendix A and any updates to such legislation or new government guidance/legislation on Community Asset Transfers.</p>
1.5	<p>The Financial Regulations of BCP Council adopt a particular position with regard to asset disposals, in that best consideration should be sought at all times, and a scheme of delegation is in operation.</p> <p>This means that any transfer to any organisation or individual including a community group would be at a market rent or at market value and would need Council approval in line with the thresholds set out in the Financial Regulations of BCP Council. However, BPC Council recognises the social value and community benefit that a community group can contribute and this will have a bearing on the concessionary terms that the council and community group are able to agree upon.</p> <p>It is important to note that any asset disposals would have to comply with the Council's Financial Regulations as set out in the Constitution, and therefore, depending on the value of the asset (and particularly if a below best value transfer</p>

	was proposed) BCP Council might not be able to be deal with the disposal under delegated powers and may require further authority from Cabinet or Council. Each asset transfer request will be dealt with on a case-by-case basis and at the earliest opportunity it will be established what if any additional approval routes might be required so timescales are understood by both parties.
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2.0	The Benefits of Community Asset Transfer
2.1	<p>The security of tenure from principally leasehold interest and freehold ownership in land and buildings allows community organisations to conduct strategic long term and business planning, and also the ability to attract external investment from both grant funders and social and commercial investors.</p> <p>Surpluses generated from assets allow re-investment into activities and services conducted from those buildings; provide critical finance for the development and provision of new services, and provide crucial matched funding against grant funding and ability to repay against loan finance.</p>
2.2	Asset transfer can also enable the community sector to act as a developer; taking forward the development of sites that the private sector does not find attractive or profitable, and acting as a catalyst for regeneration of a neighbourhood. It may also be able to attract finance towards a development not available to either public or private sectors.
2.3	The overall purpose of this policy is therefore to enable and facilitate the transfer of assets to the community as a mechanism to strengthen the stability, viability and capacity of the community sector to be able to work to maximum effect in partnership with BCP Council in the delivery of services to the communities of Bournemouth, Christchurch and Poole.
3.0	Background
3.1	<p>BCP Council has responsibility for land and buildings through various means:</p> <ul style="list-style-type: none"> • Owned assets – these are either freehold or long lease (virtual freehold, usually in excess of 100 years) of the asset • Dedicated assets – BCP Council has responsibility to maintain land due to a historical obligation but does not have the freehold ownership for example areas of public open space or play areas under planning agreements • Statutory responsibility – BCP Council has the responsibility for maintaining assets and provide services under legislations, for example highways land or closed burial grounds.
3.2	<p>The disposal of assets by BCP Council broadly fall under two types:</p> <ul style="list-style-type: none"> • Market sales – this is where best consideration is obtained widely interpreted as the best price / market value (as defined by the Red Book) • Disposal at less than best consideration – this could either be a transfer for a nominal sum or reduced purchase price but will certainly be lower than the market value
3.3	<p>The Council's Financial Regulations set out the threshold limits and approval routes for disposing of assets BCP Council Financial Regulations</p> <p>Assets will be considered for transfer where one or more of the following benefits will be provided:</p>

	<ul style="list-style-type: none"> a) The transfer will make a positive difference socially, economically, or environmentally adding value to the local community b) The asset has the potential to provide a community facility which a community organisation has demonstrated they have the skills, drive and access to resources to deliver (this includes good governance, financial stability and funding profiles that are sustainable) c) A willingness to take on liability for the asset e.g. ensuring adequate staff / volunteer capacity, knowledge and skills to manage and maintain the facility or space, and insurance as applicable d) It is believed that the applicant organisation would be able to secure a grant and / or have access to funding streams not available to BCP Council e) The transfer would be a tidying up exercise passing incidental pieces of land and landscaping or parts of these to a local level f) A catalyst for facilitating wider collaboration with other public / third sector partners in the vicinity or with a need for a presence in the area
3.4	<p>BCP Council has a fiduciary duty to ensure there is a clear and compelling case for any transfer, therefore, it reserves the right not to dispose or transfer its assets to others for reasons including but not limited to:</p> <ul style="list-style-type: none"> a) The financial impact or potential impact from loss of income or the benefit of a capital receipt which outweighs the social value created in isolation b) Affecting a future strategic policy for BCP Council c) Potential impact on operational / logistical factors relating to council services d) Where adjoining / surrounding land is not being transferred e) Potential for redevelopment or future income generation either with or without BCP Council land f) Historical and or complex land issues which make a disposal/ transfer resource prohibitive to BCP Council g) There being a large number of small non-strategic open space land parcels that require significant due diligence and incur significant legal costs and may be best served through a service delegation agreement h) There is a statutory responsibility, and any transfer would also require the transfer or undertaking of any service responsibilities
4.0	Scope of this policy
4.1	<p>The scope of this policy document applies to community asset transfers.</p> <p>Community asset transfers involve the transferring of land, buildings, or other property assets (referred to as assets throughout this document) from a statutory body to a community, voluntary or faith-based organisation or Town or Parish Council in order to achieve public benefit. To be clear this organisation must be not for profit.</p>
4.2	<p>The application of this policy may be triggered by either external requests from local organisations and / or triggered by BCP Council through identifying that an asset is declared 'surplus' to requirements following a review of a particular asset or part of a programme of possible asset transfer reviews.</p> <p>Assets that are currently outside of the scope of this Policy, and therefore not considered for asset transfer, are listed in Appendix B.</p>
5.0	Alignment with other Localism Act Initiatives

5.1	There are a number of other mechanisms that facilitate the acquisition of buildings and land for the community. These include:
5.2	Community Right to Bid – an asset nomination process which can result in an asset being registered as an Asset of Community Value and is entered into by the Council and is intended to stimulate social wellbeing, in keeping with the provisions outlined within the Localism Act 2011. However, whilst this assists community groups looking to acquire a certain property it is not limited to Local Authority owned assets and does not provide a current user community group with a ‘first refusal’ opportunity.
5.3	Community Right to Reclaim Land – a request, response and sale entered into by the Council with a community or social enterprise, to stimulate the development and use of disused or underutilised land and buildings owned by public bodies, in keeping with the provisions outlined within the Local Government, Planning and Land Act 1980.
5.4	Compulsory Purchase for Communities – a request, support and back-to-back transfer process entered into by the Council with a Community and Social Enterprise, to stimulate regeneration through the acquisition of disused or under-used assets owned by private individuals or entities, in keeping with the provisions outlined within Circular 06/04: Compulsory Purchase and the Crichel Down Rules – Appendix KA (2011)
5.5	Meanwhile Use of Assets – a short term leasehold arrangement entered into by the Council with a Community and Social Enterprise to stimulate interim usage of disused or under-utilised land and buildings, in keeping with the provisions outlined within Circular 06/03: Local Government Act (1972) General Disposal Consent (2003) and the Public Services (Social Value) Act (2012).
6.0	The Asset Transfer Process
6.1	<p>A flow chart for the Asset Transfer process is as set out in Appendix C.</p> <p>All documentation will be available on the Council’s website and the first step for any interested party is to submit an application form (see appendix D). This can be sent to estates@bcpcouncil.gov.uk</p> <p>On receipt of the application form Stage 1 is initiated and the responsible service unit for the asset will be notified. The service unit will nominate a single point of contact for the applicant and advise them that their application has been received and will be assessed. This point of contact will also facilitate consultation with the relevant portfolio holders, ward councillors and internal council officer groups.</p> <p>The Council’s Communities team will be able to assist with relevant assets such as community centres. A small working group of officers will be available to support each transfer and give advice.</p> <p>On receipt of an asset transfer application form the BCP Estates Team and representative from the asset’s responsible service will:</p> <ul style="list-style-type: none"> • Check that the application meets the policy criteria • Check that the applicant meets the eligibility criteria to be considered and notify the applicant accordingly (Legal Services to be engaged with for any clarity required) • Inform the applicant if there is more than one interested party and whether shortlisting is required

	<p>Once an application has been confirmed as meeting the policy criteria and the Council confirms it is willing to consider any such transfers the nominated point of contact will update the applicant.</p> <p>The application will then be screened by the responsible service unit and BCP's Estates team against the eligibility & assessment criteria, benefits, and guiding principles. The feedback of this screening will be presented to the Council's Corporate Property Group for a decision.</p> <p>If the application form is successful the applicant will be advised of Stage 2 which will require a submission of a business case (see Appendix E for template).</p>
6.2	<p>In general, applications should make it easy for BCP Council to understand:</p> <ol style="list-style-type: none"> a) what community benefits will be realised by transfer b) how the interests of local people will be better served c) the business plan and financial viability of the plans for the premises d) any legal implications of the transfer and the applicant organisation's future plans e) the applicant's view of the market rental value or market value in the case of freehold transfer proposals of the premises (land and/or buildings) and the difference between that and the proposed transfer value
6.3	<p>The following information will be provided to the applicant, if requested, to assist if they want to continue with Stage 2:</p> <ul style="list-style-type: none"> • Estimated maintenance costs • Estimated value of the property (if any) • Condition survey report and any other relevant information <p>Applicants may wish to undertake their own due diligence exercises and in doing so will be responsible for any such works and legal costs associated with them.</p>
6.4	<p>The Legal department at BCP Council will not be able to provide any advice to the applicant on the Community Asset Transfer as this would be a potential conflict of interest under the Solicitors Regulation Authority code of conduct.</p> <p>The applicant will need to obtain independent legal advice in respect of the Community Asset Transfer from a law firm preferably with experience of community asset transfers. The law firm would need to have lawyers specialising in property/ planning law, but it may also be appropriate to have additional specialisms in charitable/ employment and intellectual property law depending on the legal structure for the applicant.</p>
6.5	<p>The Council wants to ensure that any transfer is successful, so the business case is a crucial part of the process. Completing a business case takes time and effort and the nominate point of contact will provide support to the applicant with regards this process. However, it is the applicant's responsibility to complete the business case to the best of their ability.</p> <p>On receipt of the business case, it will initially be evaluated by BCP Estates team and the asset's responsible service unit in relation to all aspects of this policy. The Council's Corporate Property Group will also be notified for comment. The responsible service will then present to the Council's Asset Investment Panel for their determination, the preferred applicant (if more than one interested party), whether to agree to the transfer and any conditions that may form part of the</p>

	<p>transaction or to place it on hold for further investigations into other possible options or to reject it.</p> <p>The Council will consult local councillors and relevant portfolio holders prior to a decision on transfers that require a business case.</p> <p>The Asset Investment Panel includes the Chief Executive, the Council's Chief Financial Officer and Corporate Property Officer, the Director for Law & Governance (Monitoring Officer), the Leader of the Council, the Deputy Leader of the Council, supported by senior officers from Estates, Legal and Finance. For consideration of all CATs the Portfolio Holder for Communities, Health and Leisure will be invited to attend along with a senior officer to represent the Communities directorate.</p>
7.0	Consideration of Applications – guiding principles
7.1	<p>BCP Council is committed to applying the following principles in how it considers asset transfer requests:</p> <ul style="list-style-type: none"> a) Provision of a named contact within the Council and to respond in a timely manner to all property transfer requests b) Assessing asset transfer requests fairly through the application of this policy c) Being transparent in the process for asset transfers including timelines and decision making with as much information published on line as possible d) Providing timely information to local organisations to make an initial view on whether they are interested in discussing property transfer arrangements e) No capital or other funding will be provided as part of the transfer and all future costs would be covered by the organisation taking on the asset unless otherwise agreed by Cabinet f) No rents or charges will be applied for use by BCP Council should there be any potential ongoing or temporary space requirement identified by the Council g) Where assets are identified as being surplus and no interest in them has been expressed by other parties the Council will consider closure of a facility, cease maintaining an asset where it is safe to do so, 'stopping up' a building or facility and/or its possible demolition taking due regard of any historical significance and requirements to consult h) That building condition data is provided prior to the asset transfer or a survey is carried out (funded by the applicants) to ensure that they are fully aware of the potential liabilities that they are taking on regards the maintenance of the asset
7.2	<p>One of the first aims of the process will be to assess at an early stage that applicants are eligible under the terms of this policy. Applications will be assessed against clear criteria as set out herein.</p>
8.0	Terms of Community Asset Transfer
8.1	<p>There is a policy presumption that where an asset is to be transferred this will be offered on the basis of a freehold transfer as a default position, or long-term lease basis.</p>

8.2	<p>The Corporate Property Officer (“CPO”), who also Chairs the Corporate Property Group (Strategic), will decide on the most appropriate arrangements for transfer on a case-by-case basis taking into consideration factors such as ensuring future community use and the applicant’s preference, financial and legal considerations.</p> <p>The CPO must protect the future community use of the property by any one or more of the following arrangements but not limited too; restrictions, covenants, preferential arrangements for BCP Council use, overage, right of first refusal on buy back and future sale of the property by way of an equitable share in any benefits derived, use of reversionary mechanisms, break clauses etc.</p>
8.3	<p>The different types of arrangements are broadly:</p> <ul style="list-style-type: none"> • Freehold transfer – this would be the Council’s preferred option and is where an asset is permanently transferred to a local organisation in accordance with BCP Council’s standard terms and conditions. This means the applicants will take on all legal and statutory responsibilities • Long term lease – 25 years or more in relation to an asset in accordance with BCP Council’s standard terms and conditions • Short lease and other management arrangement on BCP Council’s standard terms and conditions
8.4	<p>BCP Council’s Estate and Legal teams may suggest other types of solutions in specific circumstances. With regards Freehold transfer the Estates and Legal teams will be asked to comment on the inclusion of suitable clauses.</p>
8.5	<p>Leases will be accompanied by a service/ management agreement that will secure the longer-term benefits of the CAT. This will set out the agreed minimum standards, opening hours and activities, and how these will be measured and monitored.</p> <p>It will also ensure that the community organisation meets all necessary requirements to achieve optimum community benefit and use of the asset.</p>
8.6	<p>Leases longer than 7 years will normally only be granted to organisations that have an ‘asset lock’ and will contain clauses that prevent the asset being assigned or sold on for unintended financial gain and the loss of the agreed benefits.</p>
8.7	<p>Leases will contain suitable clauses to ensure the return of the asset to the council if the terms of the service agreement are not met, or in the case of dissolution, insolvency or corruption.</p>
8.8	<p>The Council will provide any building condition data in advance of the transfer so the applicant is fully aware of the liability they will be taking on as the community organisation will be responsible for all repairs, including external, structural and internal and for affecting necessary and adequate Building Insurance.</p> <p>If condition data is not readily available or up to date, then a condition survey can be commissioned at the applicant’s expense.</p>
8.9	<p>Where a social value and community benefit can be identified and evidenced, this can be used to negotiate a reduction in the rent payable in the case of a grant of a leasehold interest. Factors to consider in demonstrating social value or community benefit are:-</p> <ol style="list-style-type: none"> a) The scale and breadth of membership b) Whether the organisation is performing services that would otherwise need to be undertaken by the council and part of its statutory duties

	<ul style="list-style-type: none"> c) The organisation can demonstrate its 'not for profit' status d) The organisation can demonstrate that it meets the principles of the equality legislation and has a diverse community membership e) The organisation can demonstrate that it relies on community funding, subscriptions and sponsorship.
9.0	Eligibility & Assessment Criteria
9.1	The following eligibility criteria apply:
9.2	<p>Criteria A – The Asset Transfer Policy is open to:</p> <ul style="list-style-type: none"> a) Parish or Town Councils b) Unincorporated charitable organisations (including not for profit, constituted organisations e.g. sports clubs c) Charitable Incorporated Organisations d) Companies limited by guarantee with charitable status e) Community Interest Companies limited by guarantee f) Community Benefit Industrial & Provident Societies with an asset lock g) Community Interest Company limited by shares
9.3	<p>Criteria B - Organisations must:</p> <ul style="list-style-type: none"> a) be legal entities b) be non-profit making have community or social objectives; and or c) be located within the boundaries of BCP Council area or can demonstrate that they provide services within the area to residents d) have a well-prepared business case e) have the capacity to manage the asset and have director or management committee members who have the necessary experience and skills f) have good governance, robust financial systems, and all necessary policies expected of a community organisation; this can be evidenced by having a recognised quality mark g) need to contribute towards the council's corporate and strategic objectives h) ensure inclusivity of provision so that the assets remain genuinely open and accessible to all sections of the community g) not duplicate activities, services or facilities already provided in the local community unless it be demonstrated that there is an under provision or un-met need
9.4	<p>Criteria C</p> <p>All community assets must remain open to the wider public. This does not disqualify special interest proposals or groups; however, evidence must be provided of how the asset will be used in an inclusive way.</p>
9.5	<p>Criteria D</p> <p>Applicants must provide full contact details for the organisation including someone with the relevant decision-making authority.</p>
9.6	<p>Criteria E</p> <p>Applicants must provide supporting evidence where required and complete all sections of required forms.</p>
9.7	<p>Criteria F</p>

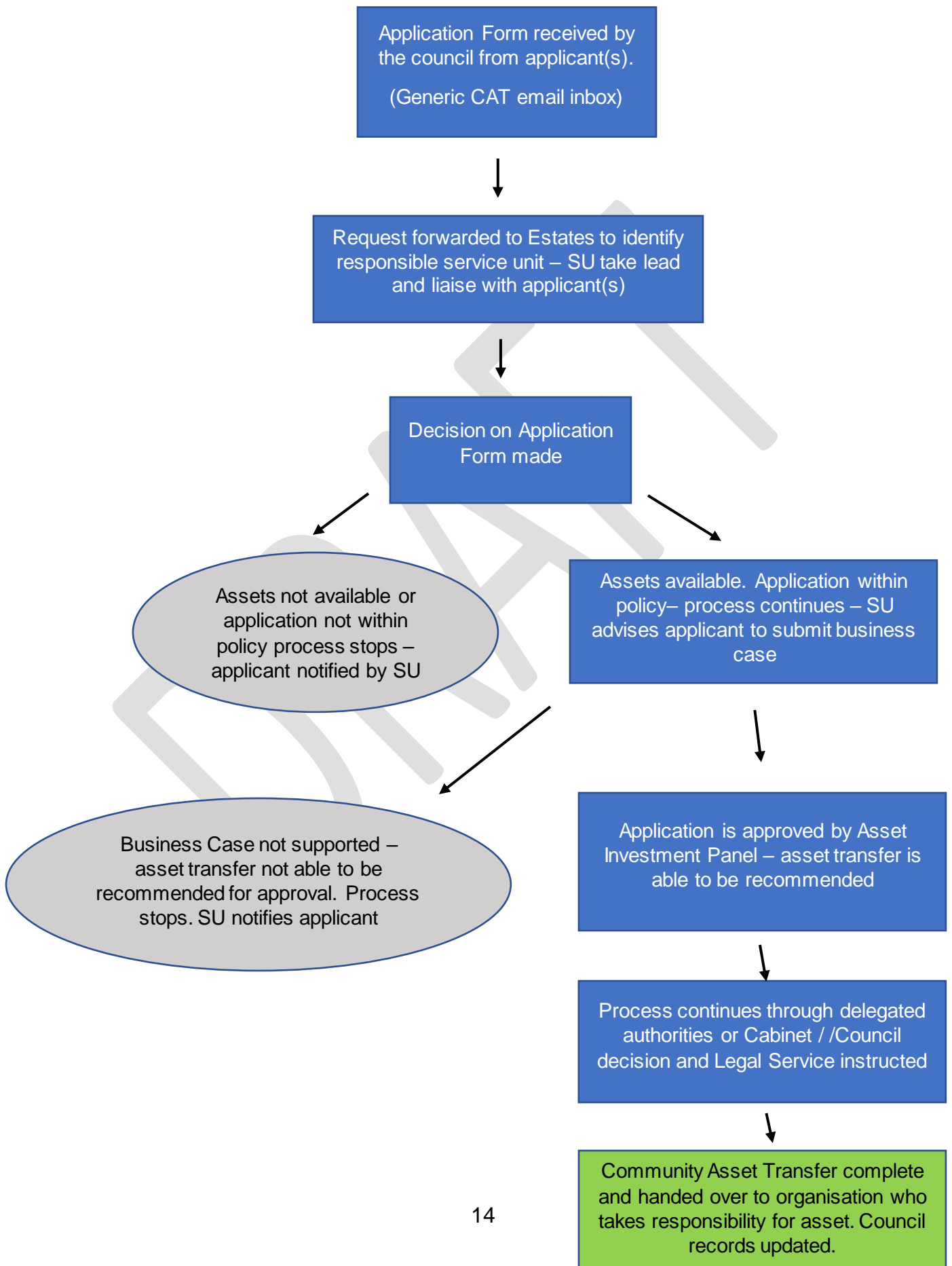
	Applicants must demonstrate that they can manage and maintain in the asset to be transferred in perpetuity (or for the full length of the agreement).
9.8	<p>Criteria G</p> <p>The applicant can demonstrate that it meets the principles of The Equality Act 2010.</p>
9.9	<p>Criteria H</p> <p>BCP Council will not consider expressions of interest from organisations which are political or with political affiliations, organisations engaged in supporting candidates for political office, individuals or businesses who intend to primarily run the service or use the asset for commercial gain.</p> <p>In addition to the eligibility criteria set out above the assessment of requests will consider the following criteria areas:</p> <ul style="list-style-type: none"> a) Community Value and Benefit b) Local Control c) Sustainability d) Governance of legal structure e) Financial standing f) Maintenance and ability to maintain and manage assets g) Commitment
10.0	Appeals
10.1	<p>All applicants are entitled to appeal against an element of this policy if they feel that a decision has been unfair, and / or there has been a breach of policy.</p> <p>Appeals should be made in writing via the Complaints Team stating clearly the issue or reference to the part of the policy that has been breached, within 28 days of the decision being made.</p> <p>The appeal will be managed in line with the Council's complaints procedure and BCP Council's decision is regarded as final.</p>
11.0	Timescales & Costs
11.1	<p>Each asset transfer will be treated on a case-by-case basis so it is difficult to provide specific timescales. However, BCP Council will endeavour to:</p> <p>Stage 1 – assess and evaluate a fully completed application over a period of between 6 – 10 weeks from receipt of an application</p> <p>This time period accounts for the scheduling of meeting dates and where a number of expressions of interest have been submitted for the same asset and a short-listing exercise is required.</p>
11.2	Stage 2 – on receipt of a full business case a further 8 – 12 weeks to assess and evaluate and reach final decision.
11.3	<p>Completion of Asset Transfer if approved</p> <p>BCP Council will work with the successful applicant(s) to agree a realistic timetable for final completion of the asset transfer with a target timescale of 12 weeks (dependent on type of transaction and Legal casework).</p> <p>Any asset disposal must comply with the Council's Financial Regulations therefore further authority beyond any delegated authority might be required. This would be</p>

	in the form of a cabinet or council decision and could extend the completion timeline further.
11.4	<p>There will be costs incurred by the Council regarding each asset transfer. Therefore, in the first instance, each party is to bear their own costs in relation to an asset transfer.</p> <p>The Council will incur costs relating to the responsible service, Estates, Legal and other services in terms of officer time and fees to progress community asset transfers.</p> <p>The starting point is to support and enable communities who maybe better placed to manage an asset so the Council will endeavour to bear its transfer costs. However, if there is a need to consider recharging Council costs, the Council reserves the right to raise this and agree with the applicant at the beginning of the process.</p>
12.0	Ongoing Reviews
12.1	BCP Council may wish to undertake ad hoc reviews or monitoring so to ensure the community benefits are being delivered, but also to see if advice is needed to prevent a transfer failing. Phasing of an asset transfer may also be considered the council deems this a satisfactory approach.
13.0	Public Open Space
	<p>Section 123 2A of the Local Government Act 1972 states that a council may not dispose of any open space land unless before disposing of the land they cause notice of their intention to do so.</p> <p>This requires specifying the land in question, to be advertised in two consecutive weeks in a newspaper circulating in the area in which the land is situated and consider any objections to the proposed disposal which may be made to them. The Council therefore has a duty to action this at some point during the process of transferring an asset that qualifies under S123 2A. Therefore, the nominated Service Representative will seek advice from Legal and Estates and agree with the applicant when this notice is best served.</p>
14.0	Adoption of policy
14.1	<p>Following the adoption of this policy by Cabinet, guidance and templates will be published on the Council's website to support organisations to submit expressions of interest.</p> <p>This policy will apply for all transfers as from 22 March 2023 and will not be applied retrospectively.</p> <p>Where leasehold arrangements are currently in place this policy will be applied at the point in time where any such leases are due for renewal.</p>

Appendix A – Current Legislation	
	The following legislation is relevant to Community Asset Transfers:
a)	Local Government Act 1972 (1972 Act) S123 sets out that Local Authorities must obtain 'best consideration' for all disposals. S123 2A Public Open Space duty.
b)	Local Government Act 1972: General Disposal Consent 2003 ('General Consent Order' – gives permission for Councils to dispose at less than best consideration provided if the value foregone is less than £2m (in capital terms) and the transaction benefits the economic, social, or environmental wellbeing of the area. If the value foregone is greater than £2m approval from the Secretary of State is required.
c)	Local Government Finance Act 1988.
d)	Royal Institution of Chartered Surveyors (RICS) Valuation - Professional Standards ('Red Book') defines market value when considering the price obtained from a disposal.
e)	Localism Act 2011 – Introduced the concept of local communities taking more control of assets in their area.
f)	Making Assets Work - The Quirk Review of 2007.
g)	European Commission State Aid Rules – These rules are intended to avoid state aid subsidies which could distort competition and affect trade between member states (to be reviewed post Brexit).
h)	Public Contracts Regulations 2015 – ensure that public spending on goods, services and works is subject to EU procurement rules. Pure land transactions are exempt from EU procurement rules, but the rules may apply where specified services are provided in exchange for receipt of an asset.
i)	Transfer of employees: TUPE – There are two different types of transfer of employees under the Transfer of Undertakings (Protection of Employment) Regulations 2006 (TUPE) – Service Provision Change or a Transfer of Whole or Part of an Undertaking.
j)	Local Government White Paper "Strong and Prosperous Community" (2006).
k)	BCP Council is also bound by its Constitution and Financial Regulations.
l)	Building Management and compliance legislation including but not limited to: <ul style="list-style-type: none"> • Health & Safety at Work • Fire Regulations • Asbestos • Water Management (Legionella)
m)	Bournemouth 5 Parks Act

	Appendix B – Property out of scope for transfer process
B1.0	<p>It is proposed that some types of properties are considered out of scope of this policy. This means that BCP Council will not consider such requests under this policy.</p> <p>The Council's asset management processes will facilitate on going reviews to ensure the best use of those assets for the benefit of all residents within the BCP conurbation.</p> <p>Some types of assets are best managed strategically and thereby retained by BCP Council, just as others are best managed locally.</p>
B2.0	<p>The principles are that the following asset types will not be transferred:</p> <ul style="list-style-type: none"> a) Income generating assets b) Assets that have potential for development or future income generation c) Assets that would affect a future strategic policy for BCP Council d) Education and statutory early years premises due to BCP Council's role as Local Authority for Education purposes (unless formally declared surplus) e) Care facilities that form part of a care contract. f) Residential properties given BCP Council's role as a Housing authority g) Car Parks owned and run by BCP Council h) Buildings used primarily as delivery sites for BCP Council Services i) Potential buildings which may be considered as Community Access Points / Hubs in later years to ensure maximum potential for building redevelopment / investment j) Vacant land or buildings that can generate a capital receipt in excess of £10,000 which is the de-minimus level for capital accounting purposes. k) Assets which have debt will not be considered for transfer, unless agreed by the Council's Corporate Property Officer with a solution to deal with said debt.

Appendix C – Transfer Process Flow Chart



Appendix D – Community Asset Transfer Application Form

Please use this form for an initial check for any proposed submission and for application to the council. When completed, please email to the estates@bcp.council.gov.uk

Note: Boxes will expand to fit as you complete them.

Organisation Details	Name, registered office address, phone, email, website
Main Contact details	Contact's name, address, phone, email
Asset	Name of Asset and location/address
Date of application	

1. What is to be transferred?

Outline the details of the land or property. Please provide a current copy of the title deeds and title plan specifically, and outline in red.

To follow is a link to information on the Land Registry [Search for land and property information - GOV.UK \(www.gov.uk\)](http://www.gov.uk)

2. Why is the transfer required?

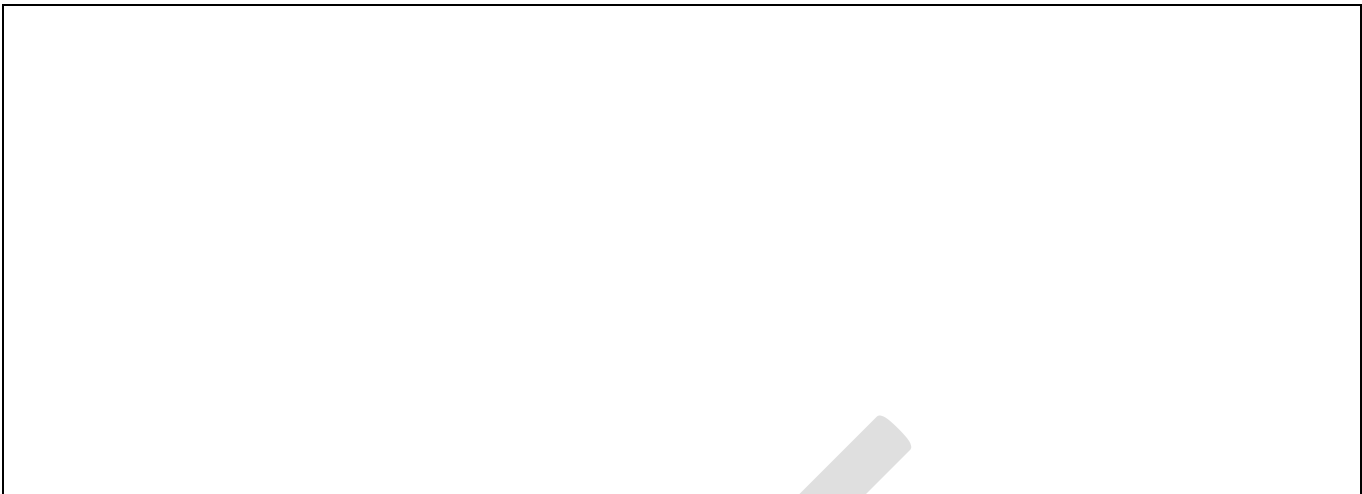
Outline the objectives, purpose and reasons why the Transfer should be undertaken and why you want to do it.

Empty response box for question 3.

3. What is involved with this transfer?
Basic outline of transfer.
What is in the extent of the Proposal? What is not included? What other bodies / interested parties are involved?

Empty response box for question 4.

4. Contribution to the Councils priorities, aims and objectives?
Briefly Describe how the Proposal contributes to any or all of the Council's priorities, aims and objectives:



5. Benefits – what are they expected to be? How will they be measured?

This section identifies typical benefits that could be achieved from a transfer.

Benefits: (Note that many or all of these headings may not be applicable to your specific transfer or that additional support could be given by the Council in order to demonstrate such a benefit)

- | | | |
|--|--------------------------|----------|
| a) Encourages Community Ownership and connection to a local asset? | <input type="checkbox"/> | (Yes/No) |
| b) Enables the Community to respond to local issues? | <input type="checkbox"/> | (Yes/No) |
| c) Provides a means for the Community to access extra resources/facilities? | <input type="checkbox"/> | (Yes/No) |
| d) Complements other Services and Community Organisations? | <input type="checkbox"/> | (Yes/No) |
| e) Fills a gap in or safeguards local services? | <input type="checkbox"/> | (Yes/No) |
| f) Improves the long-term sustainability of an organisation? | <input type="checkbox"/> | (Yes/No) |
| g) Enables organisations to work together? (shared or Community Hub use) | <input type="checkbox"/> | (Yes/No) |
| h) Generates local investment? | <input type="checkbox"/> | (Yes/No) |
| l) Improves local economic activity? | <input type="checkbox"/> | (Yes/No) |
| j) Encourages social enterprise? | <input type="checkbox"/> | (Yes/No) |
| k) Clearly links to Community Plans and objectives in the local area? | <input type="checkbox"/> | (Yes/No) |
| l) Clearly demonstrates community involvement and needs? (evidence) | <input type="checkbox"/> | (Yes/No) |
| M) Deals with Environmental considerations? (Climate Change Adaption, Zero carbon targets) | <input type="checkbox"/> | (Yes/No) |
| n) Improves value for money in Service delivery? | <input type="checkbox"/> | (Yes/No) |
| o) Will delivery of benefits be evidenced in the future? | <input type="checkbox"/> | (Yes/No) |
| p) Have you assessed the impact of the transfer? Mapping of benefits? See links. | <input type="checkbox"/> | (Yes/No) |

Where answers to any of the questions above are 'Yes' please expand below:

Are there any Benefits that are not dealt with above that will be delivered?
Complete below.

6. Organisational Health Check?
Consider the Organisation and its ability to deliver. Please detail for each question.
Please note that, where possible, the Council will provide the organisation with assistance or advice in any of these issues in order to improve its organisational health.

1. What is your organisations mission, objectives and activities?

2. Does your Organisation have a constitution? (Yes/No)
3. If yes, how is it constituted?

a) Type? For instance, Ltd by Guarantee.

b) Company Registration Number?

c) Charity Number?

Use box for any extra information you wish to provide.

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4. How long has it been established?

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5. How is your organisation managed? For instance, Management Board and Structure. (please provide copies of your constitution / governance documents if available)

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6. Does your Organisation have an equal opportunities or equality and diversity policy? Safeguarding policy? (NB Any asset transfer will undergo an Equality Impact Assessment by the Council)

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7. Do you have financial controls? For instance, written financial procedures?

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8. What insurance do you have for your activities?

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9. Do you publish an annual report and have audited accounts?

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10. What expertise and what skills do you have in your board/committee? What skills do you lack?

11. What have been your achievements over the last five years?

12. Who are your partners/collaborators/stakeholders?

7. Finance?

Has an outline financial package (loans, grants, shares or bonds) been identified to support your proposal? If yes, what does this comprise of, and how much of it is secured?

Appendix E – Community Asset Transfer - Business Plan

The attached Business Plan should preferably be no more than 10 pages long and any additional data and graphics should be attached as appendices. You should be aware that Business Plans will be considered in open forum by Members and Officers and hence are not confidential, although discretion will be used in the circulation of documents within the council and in meetings.

Organisation Details	Name, registered office address, phone, email, website
Main Contact details	Contact's name, address, phone, email
Asset	Name of Asset and location/address
Date of Application	

1. Executive Summary

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2. Who is involved?

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3. How will the Social, Economic, or Environmental Benefits be delivered?

--

4. How does your Plan work financially? Has cost of living costs / risks been accounted for?

5. What Risk Assessment and Mitigation planning has been undertaken? E.g. if there were any issues raised in the condition survey how are you mitigating these?

6. Proposed timeframes and any external constraints and other factors that may affect the asset transfer

Guidance Notes

1. Executive Summary

The Business Plan should be summarised in sufficient detail for it to be understood by the uninitiated reader and provide sufficient information to assure readers that the proposal is robust, sustainable and deliverable.

2. Who is involved?

Outline the people involved and their experience and skills in relation to the asset transfer process, any required capital works and the longer term operational management of the asset.

3. How will the Community Value, Social, Economic, or Environmental Benefits be delivered?

Outline the Benefits and the how they are delivered?
How will the organisation deliver improvements to the way these benefits area delivered through asset transfer?

4. How does your Plan work financially?

The Plan should cover the acquisition and refurbishment/redevelopment period (with capital budget) as well as the follow-on sustainable operation of the asset (with revenue budget). A formal valuation for the site should be obtained as part of your due diligence. Plans and costings should be professionally drawn up and costed for any capital works.

A capital finance plan should be assembled to cover the cost of any capital works, with indications of how much of this has been secured to date.

What is the financial viability? How will the asset be sustained in the future?

What is the cash-flow situation (income and expenditure) and what are the assumptions underpinning it? How will the asset be maintained?

5. *What Risk Assessment and Mitigation planning has been undertaken?*

What are the risks and how are they being managed? Has a Risk Log been produced? Good business planning involves sensitivity analysis. This is different than plotting different plans (Scenario Planning) or objectives. Sensitivity analysis is the plotting of one plan and the affects on that plan in good times and bad. Typical sensitivity analysis on the profit and loss and cash flows involves plotting a variance on the business (usually on revenues/Income) of between +/- 15-35%. This will allow you to (1) spot problem areas of your business, (2) develop a more robust business model, and (3) create a competent working capital budget?

6. *Proposed timeframes and any external constraints and other factors that may affect the asset transfer*

Include your proposed timeframe for the asset transfer. Are there any external factors that may impinge on the timeframe (e.g. short term availability of funding; timeframes and outcomes of procurement exercises etc.).

Appendices

The attached Business Plan should preferably be no more than 10 pages long and any additional data and graphics should be attached as appendices. Examples of information to include in appendices are:

- Background and achievements of organisation
- Profiles and projections around people and users/customers
- Detailed survey results
- Architect's plans and Quantity Surveyor costings
- Capital budgets, revenue budgets (including cyclical and long term maintenance budget lines), working capital requirements and Cash-Flow diagrams
- Management Structure Plan
- Support
- Policies such as Financial, Equality or Environmental etc
- Data
- Funding Evidence
- Risk Log
- Baseline or current level of use of facility and proposed future levels