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| Subject: | Community Asset Transfer Policy - Extract from the proceedings of the Neighbourhoods, Inclusion, Communities & Equalities Committee Meeting held on the 27 November 2017 | | |
| Date of Meeting: | 25 January 2018 | | |
| Report of: | Executive Lead for Strategy, Governance & Law | | |
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| Wards Affected: | All | | |

FOR GENERAL RELEASE

Action Required of the Policy, Resources & Growth Committee:

To receive the item referred from the Neighbourhoods, Inclusion, Communities & Equalities Committee for decision:

Recommendation:

That Policy, Resources & Growth Committee:

- 1) Approves adoption of the Community Asset Transfer (CAT) Policy as set out in Appendix 1 to this report.
- 2) That the Member-led Asset Management Board receives updates annually on Community Asset Transfers undertaken by the council and that this update is published on the council's website.

BRIGHTON & HOVE CITY COUNCIL

NEIGHBOURHOODS, INCLUSION, COMMUNITIES & EQUALITIES COMMITTEE

4.00pm 27 NOVEMBER 2017

ST RICHARD'S CHURCH HALL, EGMONT ROAD, BN3 7FP

MINUTES

Present: Councillors Daniel (Chair), Moonan (Deputy Chair), A Norman (Opposition Spokesperson), West (Group Spokesperson), Bewick, Cattell, K Norman, Peltzer Dunn, Simson and Phillips

PART ONE

40 COMMUNITY ASSET TRANSFER POLICY

- 40.1 The Committee considered the report of the Executive Director, Economy, Environment & Culture, and the Executive Director, Neighbourhoods, Communities & Housing which sought endorsement of the adoption of a Community Asset Transfer (CAT) Policy, prior to the arrangements being presented to Policy, Resources & Growth Committee for approval. The report was introduced by the Assistant Director Property and Design, and the Head of Community and Equalities.
- 40.2 Councillor Cattell said it would be good to have the current ad hoc arrangements for considering applications for the transfer of council assets to third sector organisations formalised, and supported the adoption of the CAT Policy.
- 40.3 Councillor Simson asked if the new policy would only apply to new applications, and whether existing leases would be amended. The Assistant Director Property and Design said that the policy would not be retrospective and so existing arrangements would remain in place.
- 40.4 Councillor Simson said that if an asset was already being used by one organisation but another organisation had a better use for it, could it be transferred. The Assistant Director Property and Design said that all applications would need to be supported by a business case and would be carefully looked at. The Head of Community and Equalities referred to page 18 of the Policy which gave an option for an asset to be shared with another organisation.
- 40.5 Councillor West welcomed the policy to guide organisations and would support the recommendations. He noted that for leaseholds and freeholds where the transfer was over £250K, it would come to committee for a decision, but for transfers less than that it would be considered under officers delegated powers. There was no right of appeal against any decision, and was concerned about transparency particularly when there were competing bids for an asset, and suggested it would be preferable for more applications to be considered by committee. The Asset Management Board will be

asked to look at how this was going each year, and suggested that they could also look at cases where organisations were unhappy with an officer's decision. The Assistant Director Property and Design said that officers had delegated powers up to specified limits under the council's constitution, and agreed that it was important to have an open and transparent process. In all applications ward councillors would be consulted, there was a complaint process if needed and decisions would be referred to the Asset Management Board.

- 40.6 Councillor Moonan welcomed the report which she felt clarified the existing process. Councillor Moonan asked firstly if assets would be advertised, and secondly whether a lease could be revoked if it was felt that an organisation had strayed from their initial business plan. The Assistant Director Property and Design said that assets would be advertised, if it was felt that the business plan was not being followed, the Heads of Terms would be reviewed to see if they were being used as expected. If they weren't they would be reviewed, and if necessary the lease could be revoked but hoped that any concerns could be resolved before that would happen.
- 40.7 Councillor Peltzer Dunn referred to the Financial Implications in the report, and asked if requirements of the detailed business case would also apply to freehold properties. The Assistant Director Property and Design said that most transfers would be for leaseholds, but if there were a transfer of a freehold it would need to be considered by committee.
- 40.8 Councillor Peltzer Dunn said that when the Council sold a freehold it must be sold at best value, but if an organisation wanted to purchase a freehold and they were paying less rent, it would reduce the value of the property. The Assistant Director Property and Design said they would look at the whole freehold and judge it against a market value at that time.
- 40.9 **RESOLVED TO RECOMMEND:** That the Committee recommended adoption of the Community Asset Transfer Policy to the Policy, Resources & Growth Committee.

The meeting concluded at 7.35pm

