

HAMPSHIRE COUNTY COUNCIL

Decision Report

Decision Maker:	Executive Member for Hampshire 2050 and Corporate Services
Date:	6 March 2025
Title:	Community Asset Transfer Protocol
Report From:	Director of Hampshire 2050

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Purpose of this Report

1. The purpose of this report is to set out principles for third party use of County Council assets and proposes a new Community Asset Transfer Protocol.

Recommendations

2. That the Executive for Member Hampshire 2050 and Corporate Services approves the Community Asset Transfer Protocol at Appendix 1.
3. That the Director of Hampshire 2050, in consultation with the Executive Member for Hampshire 2050 and Corporate Services, is given authority manage the operation of the protocol, including determining when to open applications, the administration of the application process and any associated matters.

Executive Summary

4. This paper seeks to set out the need for a consistent set of principles to be applied to the use of Hampshire County Council buildings by community groups and other voluntary and third sector organisations seeking lower than market rates. It proposes a new protocol that sets out the circumstances under which an asset may be considered for transfer to a community organisation and the guidance and process to support the decision making around any such transfer.
5. The need for a corporate protocol has arisen due to the focus on the rationalisation of the Council's property portfolio over the past few years. This has resulted in the identification of potential impacts on community groups that currently rely on Council assets to deliver their own services or are interested in the acquisition of surplus assets. A clear protocol will facilitate the decision-making on asset disposals, reducing costs and supporting the achievement of SP25 savings.

6. The paper sets out the financial considerations regarding letting to community groups and the costs versus benefits of transferring an asset to a community organisation at less than best value.
7. A document setting out how Community Asset Transfer will be managed is recommended by the Local Government Association and many local authorities have adopted one. It will help engagement and dialogue between the Council, the voluntary and community sector and ward members when discussing the potential disposal of assets considered to be community facilities.
8. The protocol:
 - sets out the community asset transfer criteria clearly and concisely to assist community organisations in framing business cases for transfers
 - provides robust criteria for determining when a Community Asset Transfer (CAT) can be considered
 - highlights the responsibilities and liabilities of community asset transfers for external organisations
 - establishes clear benchmarks and timeframes associated with the submission and progression of proposals.

Contextual information

9. Hampshire County Council shares its estate with many partner and local community organisations. There are a wide variety of arrangements in place that have evolved over time. There are over 150 partner agencies, including community groups and charities operating in the County Council's library estate alone.
10. Historic arrangements for third party use of County Council assets have resulted in a diverse and inconsistent range of agreements which can create challenges in the management, review and rationalisation of the County Council's estate. There is a clear need to regularise current arrangements and ensure that future arrangements are consistent and minimise risk to the authority.
11. Some of the County Council's buildings are identified as community facilities in the eyes of the local planning authority (libraries, cultural activity, nurseries etc). In other cases, the nature of occupation or use of the building by third party groups may identify it as such. Local planning policies have restrictions against the disposal of community facilities for alternative uses and community groups can nominate buildings as assets of community value (see detail under paragraph 13). While seeking to mitigate against the loss of community facilities these policies to extend the time taken to dispose of an asset and the associated costs to the County Council.
12. In such cases if the social value benefits, in line with the Serving Hampshire Strategic Plan 2021-2025, outweigh best consideration then a disposal may be achieved by transferring an asset for less than best consideration to a community organisation rather than by way of an open market sale.
13. The County Council has a statutory duty to secure a best value consideration in the disposal of the property, be that through sale or a long lease term. However,

it is recognised that there are some circumstances where it is appropriate to dispose of a property at less than best consideration and it may be appropriate to consider a property suitable for Community Asset Transfer. For example,

- Assets may require major investment in terms of maintenance or conversion and community organisations may have access to funds that are not available to the County Council or to the private sector (e.g. National Lottery Community Fund, Henry Smith Charity etc);
- An asset transfer could lead to improvements in local service provision or strengthen the viability and sustainability of community organisations.
- A transfer could support social, economic, or environmental benefits towards the regeneration of the area, including the development of community enterprise activities reducing Council investment in its own services.
- An asset transfer may be the most financially viable solution if there is little market interest, if it accelerates disposal and reduces holding costs and the cost of the disposal process itself.

National and local policy context

14. The 2006 Local Government White Paper, Strong and Prosperous Communities, confirmed the then Government's intention to increase opportunities for community asset ownership and management.
15. The Quirk Review, "Making Assets Work", published in May 2007, found that a careful increase in the community's stake in an asset can bring a wide range of additional benefits for the community, the organisation receiving the asset, and the local authority facilitating the transfer.

For the community, benefits can include:

- strengthening community organisations by helping them to develop their asset base.
- devolution of decision-making to neighbourhood level and empowering the community to take ownership.
- acting as a catalyst for community regeneration.
- encouraging community participation and volunteering.
- building confidence and the capacity people have to further improve their community.

For local authorities, it can:

- result in forging new partnerships with the community.
- help to deliver on shared outcomes and objectives.
- contribute towards efficiency savings, both revenue and capital.
- contribute to the Council's aim of supporting stronger and sustainable communities.
- help the drive towards a more efficient use of public assets.
- open doors to new sources of external funding.

16. The Localism Act 2011 aimed at decentralising power and giving more control to local communities. These included:

- **Community Right to Bid:** This provision allows communities to nominate buildings or land as “assets of community value.” If these assets come up for sale, the community is given a chance to bid for them. The Community Right to Bid is not the same as Community Asset Transfer. One of the main differences is that if an Asset of Community Value becomes available for new ownership, interested parties are required to pay the market price for its purchase.
- **Community Right to Buy:** In the Devolution White Paper the Government has stated that it will replace the community ‘Right to Bid’ with a strengthened ‘Right to Buy’ Assets of Community to promote community asset ownership. There are no details yet as to how this will work in practice.
- **Community Right to Challenge:** This gives community groups the right to challenge and potentially take over local services they believe they can run better. If a community group, charity, parish council or group of staff of the authority identify a service they would like to run, they need to submit an expression of interest to the authority. If the authority accepts the expression of interest, they must run a procurement exercise for the service. The interested group will need to compete with others who may wish to run the service. Assets may be required to facilitate the running of the service and suitable commercial terms for lease or disposal could form part of the procurement.
- **Community Use Planning Policy:** The National Planning Policy Framework (NPPF) requires local planning authorities to provide social, recreational and cultural facilities and services that communities need and should do so through planning positively for the provision and use of shared spaces, community facilities and other local services to enhance the sustainability of communities and residential environments. The NPPF states that local authorities should 'plan positively' for the provision of social, recreational and cultural facilities and guard against the loss of valued facilities and services where it would reduce the community's ability to meet its day-to-day needs.

The definition of community and leisure facilities as included in paragraph 93 of the NPPF is wide ranging and includes:

- Local shops
- Meeting places
- Sports venues
- Open space
- Cultural buildings
- Public houses
- Places of worship

The NPPF is currently under review and revisions are expected to be published in the new year.

17. Local Planning Authorities have policies which restrict Community and Leisure facilities from change of use. The term 'community facilities' can be interpreted to cover a broad range of public amenities beyond that which is indicated in the NPPF. These policies usually only allow change to alternative use if it can be justified that no alternative community use of the facility is practical or viable. The onus is on the applicant to prove this, usually through a protracted period of marketing the asset for community use (commonly for at least 12 months).

Community Asset Transfer (CAT)

18. CAT is a change in management and / or ownership of land or buildings from public bodies (most commonly local authorities) to communities (community and voluntary sector groups, community enterprises, social enterprises etc.).
19. Community Organisations may spend their money, employ people, and use their land, property, and financial assets to make a difference to the economic and social wellbeing of a local area. CAT is typically a means for charities and social enterprises to support local communities by making the case for taking over a building or land where services or activities have been provided within a local community, either historically or in the present.
20. Any Group interested in taking on an asset would normally take legal responsibility for the building/land and ongoing repairs, maintenance, and management.
21. Arrangements can be on a full transfer or long lease, shorter lease, or a licence to occupy basis, typically, at a peppercorn rental, whereby the Council forgoes a capital receipt or rental income in lieu of evidenced community benefit.
22. The stages of asset transfer should provide a clear reference and test of a proposed asset transfer against the principles and processes outlined in a formally adopted document. These will generally include:
- That the transfer must be to an organisation that is a statutory body or properly constituted group
 - That a sustainable business case has been demonstrated which includes any impact on Hampshire County Council's budget
 - That the adopting organisation has the skills and experience to run the asset and/or the level of support required to operate it has been assessed
 - That the adopting organisation has appropriate policies in place to ensure the asset will be managed for the benefit of the wider community
 - That a valuation of the asset has been carried out
 - That a formal agreement has been developed and agreed

Main Principles

23. The key principle is that financial consideration will take precedence when considering any asset transfer in line with Public Best Value and associated legislation. A community asset transfer is unlikely to be considered where the

facility can generate income from the open market or generate a capital receipt by selling the asset.

24. The asset transfer should not be contrary to any legal obligations, restrictions, or grant conditions placed on the council.
25. Any interested party must submit an Expression of Interest (EOI) in writing setting out their interest in taking over the operation and management of an HCC asset.
26. EOIs will be assessed in line with the Serving Hampshire Strategic Plan 2021-25 and the Hampshire County Council Strategic Asset Management Plan.
 - Applicants must demonstrate both why they should operate the asset and that they have the full capability to do so.
 - Applicants must be appropriately constituted, operate for community, social or environmental benefit and be non-profit distributing (for example, but not limited to, a town or parish Council, Trust, Charity, Community Interest Company or Charitable Incorporated Organisation)
 - Community asset transfers will be a freehold disposal or by means of a full repairing Lease Agreement.
 - Any rent charged under a lease will be determined on a case-by-case basis.
 - Transfers must be cost neutral or generate an income for the Council.
 - Any asset transfer should be sustainable in the long term by ensuring that the terms and conditions imposed upon the organisation are not unduly onerous.
 - No community asset transfer will be made if the cost after transfer exceeds the cost of retaining the service in-house.
 - Where the Council directly employs staff to work at the asset, then both the Council and the organisation will adhere to the Transfer of Undertaking (Protection of Employment) Regulations (TUPE).
 - All issues related to the ongoing operation of the asset should be covered by a formal Partnership Agreement.
 - All proposed Community Asset Transfers will be advertised on the Hampshire County Council website requesting Expressions of Interest. The Council may choose not to carry out an Expression of Interest process where:
 - o The asset is already occupied by a VCS organisation who has occupied the asset for three or more years and has fully complied with the terms of the tenancy/lease; and either
 - o The organisation has invested a capital sum in the asset that has had a significant impact on the quality of the asset or service being delivered; or
 - o A constituted group has been set up through a community engagement exercise with the express purpose of managing the asset.
 - The Council will respect the independence of the organisation.

27. The main principles of Community Asset Transfer should also be applied to any short-term arrangement where the Council agrees to allow use of its assets by a community group. That is to say that there should be a clear rationale for letting space to the group, the arrangement should be formalised by lease or license to occupy, and the lessee must be an appropriately constituted entity. Any arrangement must comply with legislation and general policies and be cost neutral or generate a net income for the Council.

Full details of the proposed protocol are set out in **Appendix 1**.

Finance

28. Section 123 of the Local Government Act 1972 states that Councils, except with the express consent of the Secretary of State, cannot dispose of land (other than by way of a short tenancy i.e. grant of a term not exceeding 7 years) for consideration less than best that can be reasonably obtained in the market. As such, when an asset is being considered for transfer to the community a business case approach will be undertaken to assess the transfer against the alternative of a market (or other) disposal.

29. The 1972 Act authorised the Secretary of State to issue General Disposal Consents covering particular types of cases. The General Disposal Consent allows a range of public bodies to transfer the ownership and management of land and buildings they own to local communities at 'less than best consideration' – at less than full market value. The General Disposal Consent (England) 2003 gives Local authorities greater freedom to dispose of any interest in land at less than best consideration (subject to the undervalue being less than two million pounds) without the specific consent of the Secretary of State. Under this General Disposal Consent local authorities may consider disposal at a reduced price if the purpose for which the land is to be disposed of is likely to contribute to the promotion or improvement of the economic, social or environmental well-being of its area.

30. Under the General Disposal Consent the authority must also comply with normal and prudent commercial practices, including the view of a professionally qualified valuer as to the likely amount of undervalue.

Consultation and Equalities

31. The Community Asset Transfer Protocol set out in this report has been developed in consultation with officers in the Estates Team and Legal Services. The Corporate Management Team has also been engaged. No public consultation has been undertaken as this is a process for dealing with requests for Community Asset Transfer and consultation will be carried out, where required, for individual projects as these are identified as suitable for CAT.

32. The aim of the protocol is to provide greater consistency and efficiency in managing the process of community asset transfer. As each asset would have to be assessed on its own merits, this decision is deemed to have a neutral impact on all protected characteristics. Community Asset Transfer would apply to assets that are identified as surplus to Council use therefore any future use for the benefit of the community should be seen as positive. Applicants for community use must provide evidence of how the asset will be used in an inclusive way.

Climate Change Impact Assessments

33. Hampshire County Council utilises two decision-making tools to assess the carbon emissions and resilience of its projects and decisions. These tools provide a clear, robust, and transparent way of assessing how projects, policies and initiatives contribute towards the County Council's climate change targets of being carbon neutral and resilient to the impacts of a 2°C temperature rise by 2050. This process ensures that climate change considerations are built into everything the Authority does.
34. The carbon mitigation tool and climate adaptation tools employed by the County Council were considered and deemed not applicable on this occasion because the decision relates to a strategy rather than a specific project or programme of work. These tools will be applied to individual projects as these are developed under the strategy.
35. At a strategic level, the principle of Community Asset Transfer is based upon a presumption of long-term local social, economic or environmental benefit. The Community Asset Transfer process requires that applications must demonstrate how the asset will contribute to the Council's ambitions regarding sustainability and tackling climate change.
36. CAT can help leverage the capacity of the community to support and address local environmental issues alongside social, economic and health initiatives. It can support the County Council's climate change targets in the following key respects:

Climate Change Mitigation

37. Community Asset Transfer can attract external investment that the council may not be able to secure on its own, such as grant funding, social investment, local philanthropy, and the engagement of local employers through corporate social responsibility initiatives. This investment can support the refurbishment of assets, and it is shown that re-use of buildings can result in over 50% less embodied carbon emissions compared to the new build alternative of an equivalent floor area. In carbon terms recycling of an asset for an alternative

use can be the single most important determinant of a project's carbon mitigation.

Carbon Adaptation

38. As with carbon mitigation CAT creates an opportunity to attract new investment into buildings to improve their climate resilience whilst simultaneously improving their energy efficiency.

Conclusions

39. As the County Council continues to review and rationalise its estate in line with the Strategic Asset Management Plan, the adoption of a formal Community Asset Transfer protocol, as set out in Appendix 1, will support the efficient decision making and disposal of surplus assets taking into consideration the opportunity for community groups to support the delivery of Council objectives and bring wider benefits to the community by taking ownership of the asset.

REQUIRED CORPORATE AND LEGAL INFORMATION:

Links to the Strategic Plan

Hampshire maintains strong and sustainable economic growth and prosperity:	yes
People in Hampshire live safe, healthy and independent lives:	yes
People in Hampshire enjoy a rich and diverse environment:	yes
People in Hampshire enjoy being part of strong, inclusive communities:	yes

Other Significant Links

Links to previous Member decisions:	
<u>Title</u> N/A	<u>Date</u>
Direct links to specific legislation or Government Directives	
<u>Title</u> N/A	<u>Date</u>

Section 100 D - Local Government Act 1972 - background documents	
<p>The following documents discuss facts or matters on which this report, or an important part of it, is based and have been relied upon to a material extent in the preparation of this report. (NB: the list excludes published works and any documents which disclose exempt or confidential information as defined in the Act.)</p>	
<u>Document</u>	<u>Location</u>
None	

EQUALITIES IMPACT ASSESSMENT:

1. Equality Duty

The County Council has a duty under Section 149 of the Equality Act 2010 ('the Act') to have due regard in the exercise of its functions to the need to:

- Eliminate discrimination, harassment and victimisation and any other conduct prohibited by or under the Act with regard to the protected characteristics as set out in section 4 of the Act (age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation);
- Advance equality of opportunity between persons who share a relevant protected characteristic within section 149(7) of the Act (age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation) and those who do not share it;
- Foster good relations between persons who share a relevant protected characteristic within section 149(7) of the Act (see above) and persons who do not share it.

Due regard in this context involves having due regard to:

- The need to remove or minimise disadvantages suffered by persons sharing a relevant characteristic connected to that characteristic.
- Take steps to meet the needs of persons sharing a relevant protected characteristic different from the needs of persons who do not share it;
- Encourage persons sharing a relevant protected characteristic to participate in public life or in any other activity which participation by such persons is disproportionately low.

2. Equalities Impact Assessment:

The aim of the protocol is to provide greater consistency and efficiency in managing the process of community asset transfer. As each asset would have to be assessed on its own merits, this decision is deemed to have a neutral impact on all protected characteristics. Community Asset Transfer would apply to assets that are identified as surplus to Council use therefore any future use for the benefit of the community should be seen as positive. Applicants for community use must provide evidence of how the asset will be used in an inclusive way.

Appendix 1

Community Asset Transfer Protocol

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Statement

- Hampshire County Council shares its estate with many partners and local community organisations. The Council has been active over many years in developing relationships with these organisations which provide complementary services to the Council's own and contribute to strong, inclusive and resilient communities.
- The transfer of assets (buildings, land etc) to local community focused organisations can support the delivery of Council objectives, bringing about wider benefits to the community, Council and the organisation taking ownership of the asset.
- Community Asset Transfer (CAT) is the formal change in management and / or ownership of land or buildings from public bodies (most commonly local authorities) to communities (community and voluntary sector groups, community enterprises, social enterprises etc.).
- The range of transfer options can vary widely (such as full transfer, long lease, or in limited cases, a licence to occupy), but the principle is that communities can take over the legal responsibility and management of the asset including ongoing repair and maintenance.
- This protocol sets out the process HCC will use when considering assets for community transfer, the types of organisations that will be eligible to apply for asset transfer and the assessment criteria used to determine applications.
- The protocol is intended to support the quality and continuity of service provision, and the functions and activities of the County Council.

- The protocol is designed to be consistent with key council plans, including the Hampshire Strategic Plan 2021-25, the HCC Strategic Asset Management Plan, and Government policy including the Localism Act 2011, Community Right to Bid and Community Right to Challenge.

Outcomes

The County Council is seeking that the outcomes of community asset transfer are first and foremost in line with the Servicing Hampshire Strategic Plan 2021-2025:

- Hampshire maintains strong and resilient economic growth and prosperity
- People in Hampshire live safe, healthy and independent lives
- People in Hampshire enjoy a rich and diverse environment
- People in Hampshire enjoy being part of strong, inclusive, resilient communities.

And specifically, that the outcomes:

- Contribute to the Council's aim of supporting stronger and sustainable communities.
- Support the retention of valued local services provided by community organisations that contribute to the County Council's strategic objectives and core purpose.
- Provide new opportunities for investment in assets while reducing the cost of the County Council's estate.
- Support the drive towards a more efficient and effective use of public assets.
- To provide an efficient and cost-effective process to control and manage the transfer of assets.

Purpose

The main purpose of the Community Asset Transfer protocol is to set out the community asset transfer criteria clearly and concisely to assist community organisations in framing business cases for transfers.

- provide robust criteria for determining when a Community Asset Transfer (CAT) can be considered.
- highlight the responsibilities and liabilities of community asset transfers for external organisations.
- set out the financial considerations regarding letting to community groups and the costs versus benefits of transferring an asset to a community organisation at low to nil value.

- provide a robust framework to assess and manage risks so that all parties can make informed decisions.
- encourage solutions which minimise carbon footprint and energy use.

Scope

The scope of this document applies to community asset transfers.

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 to achieve public benefit.

The application of this protocol may be triggered by either external requests from local organisations and / or triggered by Hampshire County 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.

The following types of assets are considered out of scope of this protocol. The Council's asset management processes will facilitate on going reviews to ensure the best use of all County Council retained assets for the benefit of the residents of Hampshire.

- 1 Assets used primarily to accommodate core County Council services.
- 2 Assets that currently provide or have the potential to provide an income to the County Council.
- 3 Assets that could generate a capital receipt in excess of £10,000 (the de-minimus level for capital accounting purposes).
- 4 Assets which are identified for an alternative County Council use.).
- 5 Properties where the governing body is independent of the Council and can set its own arrangements.
- 6 Assets that are identified as required for strategic, planning or regeneration reasons.
- 7 Assets that are held by the 'Council in trust' unless the Trustees are prepared to approve of the disposal. Such a disposal will need to follow statutory requirements regarding advertisement of the disposal and any objections considered by the Trustees.
- 8 Assets which have debt will not be considered for transfer, unless agreed by the Council's S151 Officer with a solution to deal with said debt.
- 9 Any other asset with a third-party interest without the agreement of the third party(ies).
- 10 Where a transfer would contravene Subsidy or Procurement or any other statutory provisions or regulations or rules.

Principles

The following principles will apply to consideration of all asset transfer proposals:

- Fundamental to the success of any asset transfer is the applicant demonstrating to the Council that they have a clear rationale, backed by a robust business-case, and the ability to manage the asset effectively.
- Applicants must be appropriately constituted, operate for community, social or environmental benefit and be non-profit distributing (for example, but not limited to, a town or parish Council, Trust, Charity, Community Interest Company or Charitable Incorporated Organisation).
- Community asset transfers will either be a freehold disposal or by means of a full repairing and insuring Lease Agreement.
- Any rent charged under a lease will be determined and may range from nominal (£1 per annum if demanded) up to a full market rent. The assessment of rent will take account of both financial and community benefit considerations and will be clearly set out in the report to Cabinet or the Cabinet Member seeking approval to the transfer.
- Lease terms will be determined on a case-by-case basis.
- The tenant/buyer will be responsible for the Council's costs incurred in granting the lease, to include but not restricted to; the procurement of an Energy Performance Certificate, reasonable professional costs, expenses and disbursements.
- Where legislation such as Minimum Energy Efficiency Standards means the County Council cannot grant a lease without considerable capital investment then this will be considered as part of the proposal.
- Community asset transfers must comply with legislation and general policies.
- Transfers will be cost neutral or generate an income for the Council.
- The Council will seek to ensure that any asset transfer is sustainable in the long term by ensuring that the terms and conditions imposed upon the organisation are not unduly onerous but are reasonable and affordable within the resources available.
- All proposed Community Asset Transfers will be advertised on the Hampshire County Council website requesting Expressions of Interest.
- The Council will respect the independence of the organisation taking on the asset.
- The Council will seek to ensure that any asset transfer is sustainable and will work with the organisation to develop its capacity and provide support and guidance.

Roles, responsibilities, and management

The 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.

Decisions regarding when to open applications for CATs and the administration of the application process will be made by the Director of Hampshire 2050, in consultation with the Executive Member for Hampshire 2050.

Any disposal of a property asset will be made in line with the Constitution of the Council and relevant statutory provisions and regulations applying from time to time.

Any decisions on capital investment into assets subject to a CAT will follow the usual governance routes for approval – for example the Capital Gateway Process for stand-alone projects or the Corporate Land and Assets Board for provision within the Councils Annual Capital Maintenance Programme.

Application process

HCC will publish details of assets for disposal, which may include assets which could be transferred through the CAT Policy.

Organisations may also make unsolicited enquires about assets which the Council has not yet declared surplus.

In either case any request should be submitted to the Council, using an Expression of Interest (EOI) form, who will ensure its receipt is acknowledged, and ensure its content is reviewed with the relevant responsible officer or service.

The EOI should outline the vision for the asset, the organisations' ability to maintain and service the asset and their ability to meet the eligibility criteria and any other relevant information.

A template for the EOI will be provided requesting organisation details, information on organisational capability, proposed use of the asset and details of local support for the proposal.

HCC will consider Expressions of Interest a maximum of four times a year.

The EOI will initially be considered by the Council's Corporate Land and Asset Board (CLAB) who will assess whether the asset transfer proposal adequately demonstrates added community benefit, financial viability, and that the applicant organisation can demonstrate their ability to offer a sustainable future for the asset.

Applicants may be asked to prepare a detailed business case where this is proportionate and appropriate for the asset being considered.

The decision-making process for asset transfer will depend on the type of asset under consideration. The asset portfolio of the Council is broad, and the policy must

be applied on a case-by-case basis. Ultimately, any decisions to transfer assets will be made in accordance with the provisions as set out in the Council's Constitution.

For more significant assets it is expected that the decision-making process will be presented to Cabinet for consideration and decision. For less significant assets it may be that the decision can be taken by senior officers of the Council using their delegated authority arrangements.

In certain circumstances additional approvals/permissions for a transfer might be required from another entity or central Government Department or agency.

If the Council's decision is to support the asset transfer, a detailed offer, subject to contract, will be prepared by the Hampshire County Council's Estates Management Service.

The potential acquiring Association or Group should undertake their own due diligence and enquiries regarding the asset at their own expense.

Each party will pay for their own legal and other costs associated with the transfer.

Assessment Criteria

The following will be applied when assessing Expressions of Interest:

- a) Contact details for the organisation have been provided. This should include details of the individual with the relevant authority to enter into an agreement.
- b) Applicants must provide supporting evidence where required and complete all sections of required forms.
- c) Applications for asset transfer must be able to demonstrate wider community support for the asset transfer, this could include details of public consultations, surveys or supporting information in a community plan.
- d) 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.
- e) Applicants must demonstrate that they can manage and maintain the asset for the full length of the agreement. Previous experience of managing assets or other experience should be provided.
- f) The applicant should demonstrate how it meets the principles of equality legislation.
- g) The 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 purely for commercial gain.

h) Applicants must be able to demonstrate the community value and benefit associated with the asset transfer.

This will be a key aspect of the assessment criteria. The asset transfer should result in a clear improvement in service provision locally, or respond to locally specific needs or demand.

k) All applicants must be able to demonstrate effective Governance arrangements and appropriate legal structures.

l) Applicants must be able to demonstrate sound financial standing, and provide details of financial planning to support the asset in the long term.

Review and Evaluation

This Community Asset Transfer Policy will be reviewed periodically to ensure its effectiveness and responsiveness to community needs.