

TONBRIDGE & MALLING BOROUGH COUNCIL

FINANCE, INNOVATION and PROPERTY ADVISORY BOARD

19 May 2021

Report of the Director of Central Services & Deputy Chief Executive

Part 1- Public

Matters for Recommendation to Cabinet - Non-Key Decision (Decision may be taken by the Cabinet Member)

1 COMMUNITY ASSET TRANSFER POLICY

This report sets out a proposed Community Asset Transfer Policy for Members consideration

1.1 Background

- 1.1.1 From time to time the Council receives enquiries from local groups and organisations as to whether they can take control or ownership of a particular Council owned asset. Often these involve areas of open space but can include other assets such as car parks.
- 1.1.2 In order to have a fair and transparent system in place when considering such enquiries, it was felt a Policy should be developed setting out the key objectives and criteria. A draft Community Asset Transfer Policy is attached at Annex 1 for Members to consider.

1.2 Recent Example – Public Conveniences

- 1.2.1 A recent example of where facilities have been transferred to a Voluntary and Community Sector (VCS) body is the public conveniences at Larkfield and East Peckham. In this instance, the VCS was the respective Parish Council who took a transfer of the asset to maintain its viability, and which generated financial savings to the Borough Council.
- 1.2.2 If Members are minded to adopt the Policy, there are several other assets across the borough which it is felt may no longer have a borough-wide significance and the Council may look to engage with local VCSs regarding possible transfers, in line with the Policy.

1.3 Legal Implications

- 1.3.1 Any transfer of assets will be undertaken in line with the Council's Constitution and reported to this Board for approval where necessary.

- 1.3.2 Legal Services would be instructed to progress any conveyance or lease of assets to ensure all relevant terms were included.

1.4 Financial and Value for Money Considerations

- 1.4.1 Members will be aware that the Council is required to achieve 'best value' when disposing of any assets. This of course does not necessarily mean the highest price as a number of different factors can be used to determine 'best value' such as economic, environmental and social value.

1.5 Risk Assessment

- 1.5.1 When considering the transfer of assets to VCSs there is always a risk that the VCS may fail, which may result in the asset returning to the Council's ownership and responsibility. In each case the Council will need to be assured the VCS has the appropriate experience and resources in place to effectively manage the asset for the long term.

1.6 Equality Impact Assessment

- 1.6.1 The decisions recommended through this paper have a remote or low relevance to the substance of the Equality Act. There is no perceived impact on end users.

1.7 Policy Considerations

- 1.7.1 Asset Management

- 1.7.2 Community

1.8 Recommendations

- 1.8.1 It is **RECOMMENDED** to Cabinet that the Community Asset Transfer Policy be adopted.

Background papers:

contact: Stuart Edwards

Nil

Adrian Stanfield
Director of Central Services & Deputy Chief Executive