

# Overview and Scrutiny Committee

22 September 2020



<b>Title</b>	Community Asset Policy		
<b>Purpose of the report</b>	To make a decision		
<b>Report Author</b>	Heather Morgan, Group Head Regeneration and Growth		
<b>Cabinet Member</b>	Councillor Jim McIlroy	<b>Confidential</b>	No
<b>Corporate Priority</b>	Financial Sustainability		
<b>Recommendations</b>	<b>Cabinet to:</b> <b>Approve the Community Asset Policy attached at Appendix 1 and the Stage 1 Further Information Form, Stage 1 Matrix Scoring Form and Flow Chart</b>		
<b>Reason for Recommendation</b>	<b>The Council regularly has calls for the use of its assets by a range of organisations and community groups.</b> <b>It is critical that we advertise any opportunities which come up for the assets that we own, and assess them in an open and transparent way.</b> <b>This policy sets out how we will achieve this.</b>		

## 1. Key issues

- 1.1 The Council holds a number of municipal assets. Part and parcel of the approach moving forward will be to undertake a review of all these assets to determine whether they are still required for operational and service needs, whether they need to be re-purposed or failing that whether there is an opportunity to offer them to the wider community for their use.
- 1.2 It should be noted that this Community Asset Policy does not apply to purely commercial business operations.
- 1.3 The policy will apply to situations when the Council has properties which are coming up for lease renewal, or where we have a vacant property which is surplus to Council requirements. As an authority we do need to ensure that every opportunity is offered out to other community organisations regardless of whether or not there is a current tenant whose lease is coming up for renewal in case to ascertain which community use might be best for the premise. The only situation where this would not apply would be when there is

a lease in place 'inside the Act' or there are other legal or technical reasons why this cannot be done.

- 1.4 It comes into play when the Council reaches the point of offering an asset to the wider community. Prior to doing so the assets team will have established if the building is fit for purpose and what works might need to be done in order to bring it 'up to spec'. This will be factored in (as required) as part of any lease.
- 1.5 Assets receive regular requests from various businesses, charities, organisations and individuals on whether we have any surplus buildings or land that may be available. These range from people wanting to run a nursery or pre-school, a charity (for example Men in Sheds), a café (Lammas) to those wanting to set up a start-up company. There are many more 'calls' on our assets than there are to be let.
- 1.6 A clear and transparent process needs to be in place which allows all potential organisations to be made aware of an opportunity and to 'bid' for that. This policy seeks to do that.
- 1.7 The Council recognises that community groups provide significant support to our residents and deliver valuable services that we as an authority are not in a position to do. In addition, there is a strong ethos of encouraging small fledging businesses to grow. Key to all of this however is a focus on delivering for the residents within Spelthorne first and foremost.
- 1.8 The policy sets out a clear and transparent three stage process by which the Council will make a decision on who to lease a building or piece of land to. It will exclude licences as this is a Council permission granting a licence occupy or do something on our land, whereas a lease is the grant of legal interest in land which gives exclusive possession for a fixed period of time. Each opportunity will be advertised for a month to gauge interest. This will be done on the Council's website and via social media. At the same time as the advert is placed on the website ward councillors will be advised by email as well as residents associations and any other community groups that the Council may be aware of (via the Community Development Manager). These organisations can then pass the message out to the local community to ensure the opportunity for local community groups to bid for space is maximised.
- 1.9 The application form and scoring matrix will be appended to the advert and will form part of the advertising process so applicants will know from the outset what information will be required from them and more importantly how the Council will assess that information. The scoring matrix in particular sets out in detail what the authority will take into account and does allow the Council to evaluate a range of different types of applications.
- 1.10 Technical assessment will be undertaken by officers who will (after going through the two stage process) put a report to the Leader, the Portfolio Holder for Investment Portfolio Management, and Regeneration and the Portfolio Holder most relevant to the application with the recommendation to proceed with the lease or community asset transfer as appropriate. The final decision will rest with those councillors.
- 1.11 Requests or approaches received by a Councillor relating to any municipal property will need to be referred directly to the assets team as they need to have full sight of every potential opportunity that has come to the Council no

matter by what route. It will then be for the assets team to manage the process in accordance with the policy. Where a Councillor has had any involvement, this will be recorded in the assessment report considered by the Councillor panel at the end of Stage 2. Councillors with such involvement will not be party to the final decision making process.

## **2. Options analysis and proposal**

2.1 The Council could decide to continue to deal with requests from organisations on an ad hoc basis as and when they come forward. This will not necessarily expose the opportunity to everyone within the wider community (it is effectively almost first come first served). As a result it could be the case that an organisation that might otherwise have benefitted from a lease does not do so. There is also the risk that the Council may not achieve best value for money (in the context of its municipal portfolio). Continuing this approach does not maximise openness and transparency and runs the risk of potential challenge. This option is not recommended

2.2 The alternative is for the Council to adopt this proposed policy. It will allow equality of opportunity, it sets out a clear and transparent framework and ensures that the community benefits are at the heart of the decision making process for these type of assets. This option is recommended.

## **3. Financial implications**

3.1 There are no financial implications per se with the implementation of this policy. Business cases will be considered at stage 2 of the process when we advertise individual opportunities, and will help determine the overall level of rental income required for the eventual successful applicant.

## **4. Other considerations**

4.1 Equality and diversity will be taken into consideration as part and parcel of the process including where adaptation might be required to a building in order to ensure equal access is provided.

## **5. Sustainability/Climate Change Implications**

5.1 The use of otherwise redundant buildings or unused land provides a sustainable re-use of assets which would otherwise cost the Council money to repair, maintain and keep secure without providing any community benefit.

## **6. Timetable for implementation**

6.1 It is proposed that this policy comes into immediate effect upon approval. It is intended to keep the matter under active view as this is a new policy and procedure. A review will be undertaken in six months to assess its effectiveness and to ascertain if any revisions or amendments are required.it will then be reviewed on an annual basis.

### **Background papers:**

None

### **Appendices:**

Community Asset Policy and Procedure

Stage 1 Further Information Form

Stage 1 Matrix Scoring Form

Flow Chart

Equality Impact Analysis (to follow)