

POLICY & RESOURCES COMMITTEE – 18 APRIL 2013

COMMUNITY ASSET TRANSFER

1 Recommendations

1.1 It is recommended that the Committee:

- (i) notes the progress of Community Asset Transfers since adoption of the Policy in June 2011.**
- (ii) considers the proposal that the costs of Common Good Orders in respect of Community Asset Transfer be met by the Council unless a dispute arises which may result in significant costs.**
- (iii) agrees that the Community Asset Transfer Policy be amended to include an alternative to outright transfer as outlined in para 2.4 of this report.**

2 Discussion

- 2.1 The Community Asset Transfer (CAT) Policy was approved by Policy and Resources Committee at its meeting on 9 June 2011. Since that time a total of six CATs have been completed whilst a further two are in progress. A database incorporating the detail of approaches made regarding potential transfers and progress with applications for CATs is maintained within Infrastructure Services and is kept up-to-date by the Area Managers who are the lead officers for the purpose of co-ordinating work on CATs in each of the Council's administrative areas.
- 2.2 As work on CAT projects progresses, issues arise which require consideration and resolution. Whilst many of these are operational and therefore can be resolved by the CAT Steering Group, there are some which require a Committee decision. Two such matters are set out below.
- 2.3 A number of applications for CATs involve Common Good land, in respect of which, if a Transfer is agreed, Common Good Orders require to be sought in order for the Transfer to be effected. It is the view of the CAT Steering Group that the Council should bear the cost of making Common Good Orders but in circumstances where a dispute arises which may result in significant costs there should be further discussions with the community group involved before matters are progressed. The possibility of this occurring should be made known to the groups requesting the CAT at the outset. Committee is invited to consider this in the context of the existing CAT Policy.
- 2.4 Some potential CATS have not been progressed because it has not been possible to demonstrate that a viable and sustainable business plan exists. In some instances, notwithstanding the aspirations of the community group involved, the availability of external funding and the assistance provided by the Council's economic development advisors, it remains the case that the business plan for a project is only viable if there is continuing revenue funding available from the Council. Committee is invited to agree that the Policy be amended to include an alternative to outright CAT, to be applied in

circumstances where there is merit in transferring management responsibility for a Council asset to a community group whilst maintaining some revenue funding in support of its operation. Examples of transfers of this nature do already exist, eg Oldmeldrum Town Hall, but it would be appropriate to formalise the use of this alternative mechanism by including it within the Policy. This will ensure that community and voluntary groups are aware of the alternative when they are considering applying for a Community Asset Transfer and may encourage additional applications to the benefit of all concerned.

- 2.5 The Head of Finance and the Monitoring Officer within Corporate Services have been consulted and their comments incorporated in the report.

3 Equalities, Financial and Staffing Implications

- 3.1 An equality impact assessment has not been undertaken in relation to the proposals contained in this report. Individual assessments will be undertaken as appropriate during the consideration of specific proposals for Community Asset transfers.
- 3.2 The issues outlined at 2.3 and 2.4 above have financial implications for the Council in the context of the current CAT Policy, which seeks to effect transfers which result in no residual financial liability. In circumstances such as those outlined there would be savings to the Council although these would be less than those secured by an outright transfer. In each case the financial implications would require to be set out clearly in the relevant business case.
- 3.3 There are no additional staffing implications arising from this report.

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Report prepared by Christine Gore
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