

## SERVICE DELIVERY EXECUTIVE ADVISORY BOARD

9 March 2023

\* Councillor Angela Goodwin (Chairman)  
Councillor Ramsey Nagaty (Vice-Chairman)

Councillor Paul Abbey	* Councillor Ann McShee
Councillor Dennis Booth	* Councillor Bob McShee
Councillor Andrew Gomm	Councillor Tony Rooth
Councillor Gillian Harwood	* Councillor Pauline Searle
* Councillor Diana Jones	* Councillor Fiona White

\* Present

Councillor John Redpath was also in attendance.

### **SD67 APOLOGIES FOR ABSENCE AND NOTIFICATION OF SUBSTITUTE MEMBERS**

Apologies for absence were received from Councillors Andrew Gomm, Gillian Harwood, Ramsey Nagaty and Tony Rooth. There were no notifications of substitutions.

### **SD68 LOCAL CODE OF CONDUCT AND DECLARATION OF DISCLOSABLE PECUNIARY INTERESTS**

There were no declarations of disclosable pecuniary or non-pecuniary interests.

### **SD69 MINUTES**

The minutes of the meeting of the Service Delivery Executive Advisory Board (EAB) held on 19 May 2022 were confirmed as a correct record, and would be signed by the Chairman at the earliest opportunity.

### **SD70 COMMUNITY ASSET TRANSFER POLICY**

The Service Delivery Executive Advisory Board (EAB) was invited to consider the Council's Community Asset Transfer Policy together with a covering report, which were introduced and presented by the Asset and Property Manager.

The report explained that the Council currently did not have a policy outlining the approach and decision-making process governing applications for the transfer of freehold assets owned by, or under stewardship of, the Council that were deemed suitable for community asset transfer. Accordingly, a new policy had been drafted to guide the process and ensure that a consistent approach was pursued by officers and councillors when considering applications for a community asset transfer by a voluntary or community organisation. The Policy was attached at Appendix 1 to the report for deliberation by the EAB prior to its submission to the Executive for adoption.

Community asset transfer involved the transfer of assets to voluntary or community based organisations which were seeking Council land or buildings from which to deliver community based objectives. In such circumstances, the Council would look to grant a lease or sell the freehold ownership of its land or buildings to such organisations to facilitate their purposes.

In terms of national and local policy, the majority of local authorities, including Waverley Borough Council, had a Community Asset Transfer Policy in place and the Policy being proposed for Guildford fell in line with that.

The EAB was advised that the Council could lease its assets to community organisations by means other than through the Community Asset Transfer Policy such as granting leases at less than best consideration or at commercial levels. The Policy related to where the Council wished to divest itself in the long term of an asset to a community group to enable it to achieve its objectives. The Policy set out the criteria under which it would consider an asset transfer to a community group.

The following points arose from ensuing questions, comments and discussion for forwarding to the Executive:

1. The EAB welcomed and expressed its support for the Policy, which was considered to be clear, accessible and aligned with associated legislation, offering opportunities for local community groups to assume the operation of assets, possibly saving a building for community purposes which would otherwise be leased or sold commercially. However, it was wished that the Government would simplify the legislation to render it more legible to local organisations.
2. The principles behind the community asset transfer legislation and the related 2007 Quirk Review confirmed the Government's wish for local authorities to facilitate the transfer of assets to community groups meeting the required criteria and to mitigate the risks associated with the process.
3. Councillors acknowledged that some local communities or existing voluntary groups may experience difficulties with establishing the type of organisation that was required to operate a community asset following transfer unless they possessed the necessary level of expertise and funding.
4. Although the Council could not offer direct financial assistance to local community groups wishing to pursue an asset transfer, it could provide other forms of assistance such as signposting to financial and other available resources. Also, measures such as short-term leases, initial rent free periods and leases at nil, or less than best, consideration could be granted to offer financial assistance to community groups expressing an interest in acquiring assets. There were a number of existing examples of such support methods in place. However, it was expected that community groups seeking a transfer in respect of larger buildings would have the necessary funding provision organised prior to application.
5. In the event that funding for community groups to acquire a transferrable asset was dependent upon the prior agreement of a lease from the Council, which may not be forthcoming without evidence of funding provision in place, this issue could be dealt with under the terms of the associated legal agreement, subject to Executive approval.
6. The Policy featured stringent criteria and thorough processes in order to mitigate against the operation of a transferred community asset failing. As transfers were dealt with by way of a lease in most cases, break and surrender clauses or other legal mechanisms could be incorporated into leases to offer some protection against operational failures following transfer.
7. It was highlighted that the Council was able to grant leases or agreements to local community organisations outside the parameters of the Policy and this was currently the case concerning negotiations with Burpham Community Hub in respect of the lease of Sutherland Memorial Hall.
8. In the expectation that the Policy was adopted, it was felt that local community groups wishing to submit an expression of interest in respect of acquiring community assets should be directed initially to the relevant local ward councillors who would have knowledge of existing community groups and assets in their ward and be able to offer assistance and advice in respect of pursuing the process in the first instance. Related

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information published on the Council's website should include initially directing applicants to their local ward councillors for assistance.

9. In this connection, reference was made to Surrey County Council's 'Your Fund Surrey' initiative which also focused on the early involvement of local councillors to assist residents with grant applications.
10. With regard to the classification of Council owned premises, few were designated as community assets. The majority stemmed from service areas advising the Assets and Property section of buildings and land which were surplus to service requirements and could be offered for community asset transfer. Others were the subject of speculative expressions of interest from community groups and could be converted to community assets and offered to local organisations to operate. There was a necessity to advertise unused Council property available for community asset transfer on the open market nationally, including those sites where expressions of interest had been received, in the pursuit of transparency and free opportunity. In the event that the Council wished to transfer a particular asset, it would be advertised locally and steps would be taken to engage local ward councillors with a view to identifying a local organisation to assume the operation of the asset.
11. In accordance with the transparency agenda, the Council's website published a list of all of its freehold and leasehold buildings and land which would inform any community groups seeking to pursue a community asset transfer.
12. In terms of communications, all of the Council's policies were available to view on its website in the interests of transparency and consideration was being given to creating a designated area of the website in respect of community asset transfers. The Assets and Property section had been tasked with ensuring that all associated information which the Council wished to publicise was included on the website as many queries were received in relation to the property and land within the Council's ownership. A 'Question and Answer' section was welcomed to improve accessibility as the Policy was high level and technical in places. It was intended that a cross reference link to the list of the Council's assets would be included. The availability of community assets should be publicised as widely as possible commencing with the notification of ward councillors to enable them to commence discussions with local groups who may be interested in acquiring an asset. Most approaches from community groups were via ward councillors, providing early member engagement, and progressed through the chain of relevant officers. The Community Services team, which led on community based objectives and had been involved in the preparation of the Policy, was an initial officer contact point.
13. There was an existing questionnaire template for completion by local community groups seeking to lodge an expression of interest regarding a possible asset transfer. The questionnaire featured specific tailored criteria set by the relevant service area team against which any applying groups would be scored. The template would be published on the Council's website and distributed to property agents and other interested parties.
14. The decision-making path relating to the transfer of assets commenced with the Property Review Group, which would reach a decision in principle for recommending to the Executive for final approval, in consultation with local ward councillors.

In summary, the EAB particularly emphasised and agreed the importance of early ward councillor engagement in respect of community asset transfers in order to inform and assist local community groups expressing interest in this regard and to facilitate possible transfers. Related communications, featuring the Council's website and involving local residents and ward councillors, were also highlighted as a priority.

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**SD71 EXECUTIVE FORWARD PLAN**

The Executive Forward Plan was noted without comment.

**SD72 EAB WORK PROGRAMME**

The EAB was invited to submit any suggestions for future Work Programme items to the Chairman and Vice-Chairman to pursue as appropriate.

**SD73 THANK YOU**

As this was the last meeting of the EAB prior to the forthcoming local Election, the Chairman took the opportunity to thank the members, Lead Councillors and Andrea Carr, Democratic Services Officer, for their hard work and contributions over the past four years.

The meeting finished at 7.50 pm

Signed .....

Date .....

Chairman