

Blaenau Gwent County Borough Council

Community Asset Transfer Policy

2018



Approved 19th July 2018

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GLOSSARY OF TERMS	
CAT-	Community Asset Transfer
SAMP -	Strategic Asset Management Plan
PSED -	Sector Equality Duty
GAVO -	Gwent Association of Voluntary Organisations
RICS -	Royal Institute of Chartered Surveyors
EOI -	Expression of Interest
TSO -	Third Sector Organisation
CAMWG -	Corporate Asset Management Working Group
CATSG -	Community Asset Transfer Steering Group
FBP -	Full Business Plan
BGCBC -	Blaenau Gwent County Borough Council
T&CC -	Town and Community Council

1. Executive Statement

Welcome to the latest version of Blaenau Gwent’s Community Asset Transfer (CAT) Policy. It provides a clear vision and mechanism as to how the Council will approach and deal with opportunities to transfer land and buildings to the Community.

With budgets continuing to be constrained the Council will seek to work with eligible interested groups and organisations to secure transfers and to provide ongoing support. This is intended to help groups to manage and operate facilities and hopefully to secure investment in their long term future. To this end the Council works closely with partners from the Third Sector support organisations and sports bodies to ensure the right support and advice is available to applicants and those who have already taken control of facilities.

The Council has set an ambitious target of transferring all sports facilities into community ownership by April 2019. This Policy sets out how a simplified one stage approach is being adopted for such facilities which will make the application process easier to navigate. The Council has also established a fund to carry out improvements to facilities prior to hand over. It is limited but can hopefully deal with any key small scale works which may stop a CAT progressing. It may also provide match funding for groups who are applying to funders to carry out more substantial improvements.

It is recognised that community ownership and operation of facilities has been ongoing in Blaenau Gwent for many years and many buildings have been occupied and run by Community Groups prior to the introduction of the Council’s first iteration of a CAT Policy in 2012. The Council wants to see these efforts continue and ensure that the buildings are safe and capable of ongoing use. They will be seeking more regular contact with groups to ensure that buildings remain safe, open and can benefit from any funding which could be available to carry out improvements.



Executive Member

Councillor Garth P. Collier

2. Purpose of this Policy

This Policy replaces earlier versions of the Community Asset Transfer (CAT) Policy. It sets a transparent, positive and pro-active framework to enable, where appropriate, the transfer of assets from the Council to external organisations.

The framework will support asset transfers that:

- meet **community need and demand**
- support the **Council's Well-being objectives**
- are evidenced by a **transparent business case** including financial implications to the authority
- are **sustainable** in the long term (particularly if long lease or freehold transfer)

3. Definition of Community Asset Transfer

The transfer of land or buildings from the Council's ownership into the stewardship and/or ownership of third sector (voluntary and community sector) organisations or Town or Community Council's to include:

- management agreement
- licence to occupy
- short lease
- long lease
- freehold transfer (exceptional circumstances)

Community Asset Transfer usually involves a transfer at less than market value, either at a reduced cost, or for a nominal consideration. The social, economic or environmental benefits of the proposed transfer may be taken into account in determining the value. There will be a presumption that any lease will be on a full repairing and insuring basis and the third sector organisation will be responsible for all running costs of the asset as well as maintenance and compliance with any statutory requirements.

Applicants should be aware that if they are seeking or intend to external funding to support their project they are likely to wish to see a minimum lease term and in many instances would not seek to provide funds to projects on a management agreement or licence to occupy.

4. National Policy Context

The Well-being of Future Generations (Wales) Act 2015

The Well-being of Future Generations (Wales) Act 2015 places a duty on each public body to carry out sustainable development. Sustainable Development is defined as a process of improving the economic, social, environmental and cultural wellbeing of Wales.

Taking this into consideration and to establish the way forward locally, the Blaenau Gwent Well-being Objectives were approved by Council in 2017 and will be reviewed on an annual basis. They are:

- Create a better, enhanced environment and infrastructure that will benefit our communities, businesses and visitors.
- Continue to improve learner outcomes and well – being so that all children and young people thrive and realise their full potential.

- Be a modern, smart Authority, providing leadership to enable people and communities to thrive.
- Take a preventative and early intervention approach to support the most vulnerable ensuring, where appropriate, they are protected and supported to achieve personal outcomes and well-being.
- Maximise the employability of local people through skills development at a local and regional level
- Enabling older people to feel valued and empowered to maximise their independence and lead healthy and engaged lives
- Support citizens to take an active and empowered role in their communities to provide resilience.

The section “Support Citizens to take an active and empowered role in their communities to provide resilience” identifies both the Council’s Strategic Asset Management Plan Community Asset Transfer Strategy as being key local documents.

As the Objectives will require contributions from across different service areas and directorates, this will help deliver our ‘One Council’ approach. As well as reflecting what the Council is trying to achieve they also address immediate issues as well as having longer term benefits, ensuring that the needs of people of all ages and future generations are at the centre of service design and delivery. Community Asset Transfer will play an important role in achieving this.

Community Asset Transfer in Wales – A Best Practice Guide 2015

Prepared by the National Assets Working Group the document sets out the Welsh Government approach and support for community asset transfer. It draws on best practice examples from across Wales in providing guidance and advice on how to approach and support transfers as well as setting out a potential process and timescales for dealing with applications.

Blaenau Gwent Council was part of the working group which helped produce the document and much of the guidance reflects the approach which this Council has previously adopted. There are some suggestions in the Best Practice Guide which had not been included in previous versions of the Council’s CAT Policy and these have been incorporated in this latest version.

The Equality Act, 2010

The Equality Act, 2010 places a duty on public bodies to demonstrate due regard to the aims of the Public Sector Equality Duty (PSED). The PSED requires public bodies to operate in a way that eliminates unlawful discrimination, advances equality of opportunity, and fosters good relations between those who share a relevant protected characteristic, and those who do not.

There are nine protected characteristics in total (*age, sex, gender reassignment, sexual orientation, disability, race, religion and belief, marriage and civic partnership as well as pregnancy and maternity*), and all public functions are designed and delivered in a way which reduces discrimination and promotes positive engagement with those who possess relevant protected characteristics. All Community Asset Transfer activities will support and encourage our duties under the Equality Act, 2010 by ensuring that any activity is assessed for the likely adverse impact on protected groups and therefore reduced where possible.

5. Local Policy Context

The Council's *Well-being Objectives* are set out above and set out the key objectives which the Council is committed to. Many of these can be realised and supported through the CAT Policy and approach which the Council adopts.

The ***Corporate Asset Management Plan (January 2018)*** and subsequent annual reviews highlight the links between these strategic plans and the Council's property holdings. The Council also recognises the importance of reflecting the aspirations of the community through its asset management policies.

A collaborative approach by the Welsh Government, the Council and a range of public, private and voluntary sector partners to deliver our overall vision and priorities is critical. A new document - ***One Public Estate*** - has been adopted by the Council and its partners and highlights the intention of all partners to work together in relation to property. The Community Asset Transfer Strategy will support this work and our commitment to partnership working with the Third Sector.

6. Our Commitment to Community Asset Transfer

The Council is committed to using Community Asset Transfer (CAT) where appropriate, and recognises the benefits it can bring to our communities:

- Economic development and social enterprise potentially leveraging in additional investment
- Community empowerment
- Retain and/or enhance local services that may be lost due to budget restraints and service cuts
- Building capacity and encouraging a more sustainable third sector
- Value for money
- Supporting delivery of the Council's Policies and Well-being objectives.

The Council will provide a transparent framework to support decision-making and an agreed method of assessing all requests for transfer of Council assets.

The council will pro-actively consider opportunities for CAT as part of our asset management planning processes in accordance with the Acquisitions and Disposals Policy.

Applicants will be supported through the CAT process and provided with any relevant information to assist their application where it is available. Examples would include condition surveys, plans, details of building running costs and servicing/ testing information.

7. The Principles of Community Asset Transfer

The Council's guidance on CAT is underpinned by the following principles:

Meeting Community Need and Demand

- There must be both a need and demand for the activities being proposed
- The proposed use of the asset should not duplicate activities, services or facilities already being satisfactorily provided in the local community
- Collaboration between third sector organisations and co-location of services will be actively encouraged to optimise social value and value for money

Supporting the Council's Well-being Objectives

- The proposed transfer must demonstrably support the delivery of the Council's Well-being Objectives as outlined in Section 4 above.

Transparency

- The decision making process is set out at *Appendix 2*. A Community Asset Transfer Steering Group will be responsible for assessing applications. This will be chaired by the Head of Estates and Asset Management and members will include senior officers from Estates and Asset Management, Regeneration, Resources (Finance), relevant service departments, GAVO, a representative from the Third Sector CAT Support Group and a nominated Executive Member.
- The asset transfer decision must be transparent and include an assessment of detailed criteria (*Appendix 1*) including:
 - The Council's asset management planning requirements for the asset
 - Benefits to the community and the Council
 - Potential loss of capital receipt and existing income or other opportunity cost to the Council arising from the transfer
 - Potential revenue saving to the Council
- There is no guarantee of exclusivity on a "first come first served" basis and the Council will consider other expressions of interest.
- Where it is felt necessary assets suitable for transfer will be advertised on the open market through a "Window of Opportunity" process. This is only likely to take place where it is a large building or area of land or where there is limited local consensus on dealing with a facility.
- If more than one organisation is interested in a property then a collaborative approach to consider co-location will be encouraged. If co-location is not appropriate then a selection procedure will be adopted taking into account the extent to which each organisation meets the application criteria.
- Council Members will be updated on progress with Community Asset Transfer via the annual report prepared as part of the Asset Management Plan Review.

Sustainability

The applicant must be able to demonstrate their ability to manage the asset effectively through the provision of a robust business case. This should include an assessment of their financial and organisational capacity:

- Income generation proposals
- Clear analysis of community/social need and demand for the proposed activities
- Space required to effectively deliver proposals
- Clear management structure and details of how building/land will be managed on a day to day basis including meeting any statutory requirements for testing and/or servicing.
- Appropriate and strong governance model - including Incorporated bodies to ensure protection for committee members.

8. Community Asset Transfer Support and Contact

The Council strongly advises that the application and business case is developed with support from a third sector support organisation. To this end a CAT Third Sector Support group has been established which consists of many groups which can provide assistance to interested groups. If applicants know whom they wish to enlist support from then they can approach the organisation directly. If an applicant is unsure of who can best support their proposal it will be discussed at the CAT Third Support Group and the most appropriate support organisation(s) identified and put in touch with the applicant.

Often groups taking on properties and land may require different support through the life of a project. This may start with initial support to establish an organisation through to helping groups develop businesses or establish trading arms, The CAT support group is intended to be a support body for all stages of a CAT and not just for the initial take-over of premises. By having a one stop shop, applicants or occupiers can refer issues and suggestions to the group and ensure they receive the most appropriate support at that time.

A list of resources and relevant links to advice on CAT is attached at *Appendix 7*.

All applicants will be required to identify who the key contact within their organisation is for leading on the CAT process. This is to avoid confusion as to whom information and advice is being given to. For the Council the key point of contact for any CAT will be mark.howland@blaenau-gwent.gov.uk or 01495 353318.

Applicants will also be asked to identify the person within each organisation who will have responsibility for ensuring a building and/ or land remains compliant with any legal responsibility and safe for people to use. This may be a different person to the key contact.

9. How Will Assets Suitable for Transfer Be Identified?

It should be noted that not all assets will be considered as suitable for community asset transfer. Assets that are required for the delivery of essential services or are generating an income stream for the Council will not be considered suitable for transfer. In particular assets in the industrial portfolio which have a key role in generating rental income and supporting the economic development of the area will not be considered suitable for transfer. The Council also has a capital investment programme to help fund projects such as new schools. It is important that the Council generates capital receipts through the sale on the open market of surplus assets. Those assets which have the potential to generate significant capital receipts will not be considered suitable for transfer.

Council owned assets suitable for transfer will be identified through:

a. Our Asset Management Planning Processes

The Council has a robust asset management planning process in place including regular reviews of our property holdings. Service need for assets, including opportunities for alternative methods of service delivery, will influence our requirement for assets. The potential for assets identified as surplus to our requirements to be transferred to the community will be considered through our Acquisitions and Disposals Strategy.

Assets identified for potential transfer will normally be subject to discussion with current users and occupants or known local groups to discuss a potential CAT.

Where there is no clear user or consensus on the clearest way forward for the property it will be advertised on the open market for transfer through a “Window of Opportunity” process. Interested organisations will be offered the opportunity to submit an Expression of Interest within a defined time period. The time period will be dependent on the asset and nature of transfer. This may be on a restricted basis, particularly if an element of service delivery is to also be transferred. The opportunity will also be promoted in partnership with Town Councils and Third Sector umbrella organisations including Gwent Association of Voluntary Organisations, Welsh Council for Voluntary Action, Wales Co-operative Centre and other appropriate third sector partners.

If more than one organisation submits an Expression of Interest then a collaborative approach to consider co-location will be encouraged. If co-location is not appropriate then a selection procedure will be adopted taking into account the extent to which each organisation meets the application criteria.

b. Applications From Existing Tenants

Community asset transfer is not new to the Council and many organisations already utilise our buildings. We will consider applications from eligible organisations already in occupation of a Council building looking to vary their terms of occupation, for example by increasing the lease term to meet grant funding requirements or formalising licence arrangements. Please note that you will still be required to meet all our application and assessment criteria. If the community organisation is not in sole occupation of the asset we reserve the right to offer any unoccupied space to the wider market as a “Window of Opportunity”.

c. General Applications

Eligible organisations looking for a property, but who do not have a specific asset in mind can still submit an Expression of Interest. If we consider the application viable and it meets our Stage 1 criteria we will work with them to potentially identify a suitable asset. However, it should be noted that if an asset is identified we would normally offer it to the wider market as a “Window of Opportunity” to ensure transparency.

In all cases we would strongly advise that initially any interested group contact the officer dealing with CAT within the Council either via e-mail – mark.howland@blaenau-gwent.gov.uk or via telephone – 01495 353318.

10. Who Can Apply?

The Council will accept expressions of interest from not-for-profit groups and organisations as well as Town and Community Councils. Applicants should be able to demonstrate via the application process that they are:

Community led

- Strong links with the local community and directly benefit the people of Blaenau Gwent
- Benefit as wide and diverse a range of local people as possible and demonstrate an inclusive approach to all members of the community
- Decision making process influenced by local community
- Primary purpose must be non-commercial

Properly constituted

- Demonstrate good governance through open and accountable processes

- Clear management and financial systems
- Constitution should be fit for purpose and ensure it is the most appropriate mechanism for operating the facility being taken on.
- Incorporated and affords protection for Committee Members

Skills and capacity

- Deliver services and manage the asset being transferred or have access to appropriate skills; OR
- Be aware of the need to build capacity and demonstrate how they will achieve this.
- Identify key roles within the organisation including the lead contact for the CAT and the individual who will have responsibility for the facility.
- Understand the nature and responsibilities being taken on and how issues such as backlog maintenance and statutory responsibilities will be addressed.

11. The Framework for Considering Community Asset Transfer

All applications will be considered in accordance with the framework in Appendix 2 and where the criteria in Appendix 1 are met. The framework in Appendix 2 is effectively split to signify the two different application approaches in relation to: 1. sporting facilities and small areas of land and 2. larger buildings and land.

For most sports facilities and smaller buildings and areas of land a simplified one stage application process is required. This has been in operation for some time and was in recognition of the limited options for alternative income generation and uses presented by the type of facilities. The Council has also indicated that support for such facilities will end in March 2019 and that if these facilities are not taken over under CAT then they will not be maintained to the standards that they currently are. The one stage application form is attached as Appendix 6 and a flowchart setting out how the discussions and application will be progressed is shown at Appendix 4.

For larger buildings and land a two stage approach is utilised consisting of an initial Expression of Interest which is then, subject to approval, progressed to a full business case. The application form for this method is attached at Appendix 5 with a flowchart setting out how any applications would be progressed shown at Appendix 3.

Larger sports facilities and areas of land may still be required to progress through a two stage process at the discretion of the Council. It is recommended that all applicants speak to the Council's Officer responsible for CAT before embarking on either of the application routes to clarify which will be the best fit for their project.

The process for considering applications is detailed in Appendix 2. The degree to which the criteria are met, the condition of the asset and the requirements of potential funders/lenders will be used to determine the most appropriate type of transfer agreement where applicable. For example, an organisation may apply for long leasehold but the Council recommend that a short term lease as part of a phased transfer is more appropriate whilst additional capacity is built.

Indicative timescales are provided alongside the stages in Appendix 2. These are for guidance only. The Council will endeavour to either meet or exceed these timescales where possible to ensure CAT applications are progressed as quickly as possible. Some of the timescales relate to the time taken for applicants to submit information and this will obviously differ from group to group and depending on the approach adopted and the simplicity of the business plan. The Council timescales for dealing with applications will only become applicable once all relevant information has been received by the Council.

Consultation with Ward Members and Town Councils

Ward Members will be formally consulted as follows:

a. *Informal Pre Application Discussions –*

If an informal expression of interest is received in respect of an asset the relevant ward members will be informed.

b. *Stage 1 - Expression of Interest or confirmation that an application for sports facilities or smaller buildings/ areas of land will progress*

For larger buildings and land there is a 2 stage application process. Ward Members and Town Councils will be formally consulted on all Stage 1 applications prior to a decision being made to progress to a Stage 2 application. For sports facilities and smaller buildings and areas of land, there is a simplified one stage application process. In this case Ward members and Town Councils will be formally consulted once the business case is submitted.

12. Disposal and Legal Considerations

Any disposal will be in accordance with the Council's Acquisition and Disposals Policy. Community Asset Transfer of premises will be by way of leases or licences and freehold transfer will only be considered in exceptional circumstances where significant funding depends on such tenure. The tenure offered will be determined on a case-by-case basis dependant on the strength of the applicant and sustainability of the application, but the Council will endeavour to meet funders' requirements for security of tenure.

The decision whether to charge an open market consideration for the asset will be determined on a case by case basis. Factors influencing the decision will include proposed uses, extent of revenue producing opportunities and benefits to the community. Any asset transfer at less than best consideration will be dealt with in accordance with the Local Government Act, 1972: General Disposal Consent (Wales) 2003 Disposal of Land in Wales at Less than Best Consideration; Royal Institution of Chartered Surveyors (RICS); Local Authority Asset Management Best Practice guidelines on disposal of land at less than best consideration, and valued in accordance with the RICS Valuation – Professional Standards in force at the time.

In all cases a Restrictive Covenant or claw-back provision will be inserted within any Transfer to protect the Council's position and ensure the Council receives the Opportunity Cost equal to the undervalue on a future sale and any windfall gain if a purchaser obtains a more profitable planning use.

Issues may arise in respect of EC law applicable to procurement issues, state aid, employment contracts, service agreements and other legal issues. These will be considered on a case-by-case basis with appropriate legal guidance. Applicants will need to recognise that it is their responsibility to ensure that any disposal at an undervalue complies with and meets EC State Aid regulations.

There may also be a requirement for the Council to undertake consultation or seek external approval to allow a transfer to take place. Wherever possible these will be dealt with during the discussion and application process but sometimes these can only be done once the Council has indicated it will approve an application. Such an example would be compliance with Section 123 of the Local Government Act 1972 – Disposal of Public Open Space. This will normally apply to transfers of land even where the uses remain the same as they are under the Council. This requires adverts on site and in the local paper for two weeks and then to allow a two week post newspaper adverts to allow any representations on the proposal to be

made. If representations are made a further report has to be prepared for the Council to consider the representations. Such a process can add a number of weeks to the application process.

Other types of requirements which may need to be addressed could be:

- Covenants restricting use or tenure of land and buildings
- Charitable Land – Charitable restrictions which may influence what can be taken forward, require advertising under the Charities Act and on site/ newspaper adverts and liaison with the Charities Commission.
- Fields in Trust – where designated may require liaison and approval with Fields in Trust 1954.
- Rights of Way/ Cycle ways
- Specific Designations – local nature reserve, conservation areas, listed buildings
- Former grants – there may be clawback or approval issues for areas that have received Sportlot, Lottery, Derelict Land Grant and other external funding .
- Land (or part of) where there are historic ownership or title issues.

The above list is not exhaustive but serves only to highlight the range and type of influences beyond Council control which can impact on any CAT application.

The decision to transfer an asset will not be considered as setting a precedent. Each asset transfer will be judged on its own merits and the detail of the transfer arrangements will be subject to individual negotiation.

It is strongly advised that applicants seek their own legal advice once a licence or lease is issued in draft form to ensure they receive appropriate advice and guidance.

13. Handover

During handover the Council will supply, wherever possible, a folder compiled by Technical Services, and Health and Safety which will provide:-

- Handover top sheet
- Details of all statutory testing and servicing details
- Fire risk assessment
- Health and safety information
- List of tests generally needed on buildings
- List of contractors which the Council utilises
- Details of utility readings

They will also supply all keys and any other information required to operate the building safely.

The handover will take place with the nominated lead officer for the applicants together with the designated person dealing with statutory compliance (if they are different).

14 Ongoing Support and Compliance

The Council has a Corporate Landlord Officer who will act as the key contact within Technical Services for ongoing monitoring of technical issues within buildings and to ensure occupants keep buildings compliant.

They will also advise on and confirm any landlord consent for any works, alterations or modifications proposed.

Applicants will be asked to identify a designated individual within the organisations who will have responsibility for the buildings and necessary testing and servicing. This individual will be the key contact point for the Corporate Landlord Officer. They will have responsibility for ensuring the building remains safe and compliant with any statutory requirements and will need to be aware of their role and its responsibilities.

Some useful website links are detailed below and support is available from Council Officers should there be any concerns or doubts about what is required regarding compliance.

<http://www.hse.gov.uk/voluntary/village-legal.htm>

<http://www.hse.gov.uk/voluntary/assets/docs/village-hall.pdf>

<http://www.hse.gov.uk/toolbox/fire.htm>

Applicants will also be asked to provide feedback to the Council on their project in relation to progress, milestones achieved, problems encountered and targets for the future. This would normally be expected on an annual basis but could be more regular if required. It would also be expected that applicants would consent to speak to other potential applicants with a similar project if required to supply advice and suggestions to help their application.

Any request for feedback or information from the Council would be expected to be provided within 21 days unless the request is of an urgent nature.

Any future adaptation or improvement works, over and above routine maintenance works, to premises are likely to require landlord consent. You must speak to the Council before you commence any works. They will be able to advise on requirements including the need for any other potential consents – planning, building regulations etc..

APPENDIX 1 – APPLICATION CRITERIA – To be evaluated at both EOI and Full Business Case Stage as appropriate

a) The Applicant must be:

A Third Sector Organisation (TSO) or Town and Community Council (T&CC)

- Legal entity and incorporated
- Exist for community/social/environmental benefit
- Non-profit distributing – any surpluses must be reinvested to further its community benefits/social aims
- Properly constituted e.g. registered charity, not for profit company and constitution allows the management/ownership of buildings and provision of services – evidence of company governing documents must be provided.
- Demonstrate good governance through open and accountable processes
- Demonstrate it has the skills and capacity within or available to effectively deliver its services and manage the asset
- Provide services or engage in activities that deliver economic, environmental or social benefits in line with the Council's priorities and Well-being objectives.
- Provide copies of the organisation's Annual Report and accounts if available
- Excludes Housing Associations

Community-led

- Strong links with the local community and directly benefit the people of Blaenau Gwent
- Benefit as wide and diverse a range of local people as possible and demonstrate an inclusive approach to all members of the community
- Decision making process influenced by local community
- Evidence of minutes or resolution supporting the CAT should be provided.

b) The Asset

- A legal interest owned by the Council from which the TSO/ T&CC can demonstrate community benefit
- The asset is in the freehold/leasehold ownership of the Council
- The asset is not currently needed or identified for direct service delivery or future investment value
- Preference will be given to applications for multi-uses and co-location of services. Single interest uses will only be considered where there is a significant business case to do so

c) Proposed Use

- There is both a need and demand for the proposed activities and consideration is given as to whether or not this is being satisfactorily addressed by another organisation
- The proposed use will support the delivery of the Single Integrated Plan and the Council's priorities and Well-being Objectives.
- The proposed use will maximise opportunities for income generation to ensure sustainability
- The TSO/ T&CC has established how much space it requires to deliver its proposals, and how they will make optimum use of the asset
- The proposed use will deliver extensive and inclusive reach into the community and will be open to all

d) Business Plan and Finance

A suitable business plan clearly stating the operation and service provision and financial and organisational capacity of the applicant to deliver the proposed services/activities and manage the asset is critical to the success of any transfer. We would strongly advise that the business plan is developed with support from a voluntary sector support organisation such as Gwent Association of Volunteer Organisations (GAVO), Wales Co-operative Society, Coalfields Regeneration Trust First or other third sector support organisation.

The Business Plan must include as a minimum:

- Needs analysis – how has the need for the services and use of asset been identified and what needs will be met
- How the building will be utilised to optimum effect
- Type and key terms of transfer sought and why
- Benefits analysis and how they will be measured and monitored
- Details of any proposed partnership/collaborative working
- Track record for delivering service and/or managing property
- Capacity of the applicant to acquire and manage the asset (including managing any liabilities) and how any future capacity building requirements will be addressed
- Set out an understanding of the statutory testing, servicing, fire risk assessment and any Health and Safety issues which will be required on the premises, how those obligations will be met and who will be responsible within the organisation for such responsibility.
- 3 year revenue and capital funding plans – projected income and expenditure including costs of managing, operating and maintaining the asset (including Health and Safety responsibilities)
- Identification of key officers and roles
- Financial sustainability and forward planning
- Risks and how they will be managed
- Most recent accounts and Annual Report (if available)
- Confirmation of building insurance cover for a sum insured specified by the Council, such cover to be equivalent to that which the Council had previously provided.
- Confirmation of Public Liability Insurance with a minimum limit of indemnity of £5M.
- Both of these policies will need to be agreed by the Councils Insurance section and the Council's interest as lessor noted on the buildings insurance cover,

APPENDIX 2 – COMMUNITY ASSET TRANSFER PROCESS

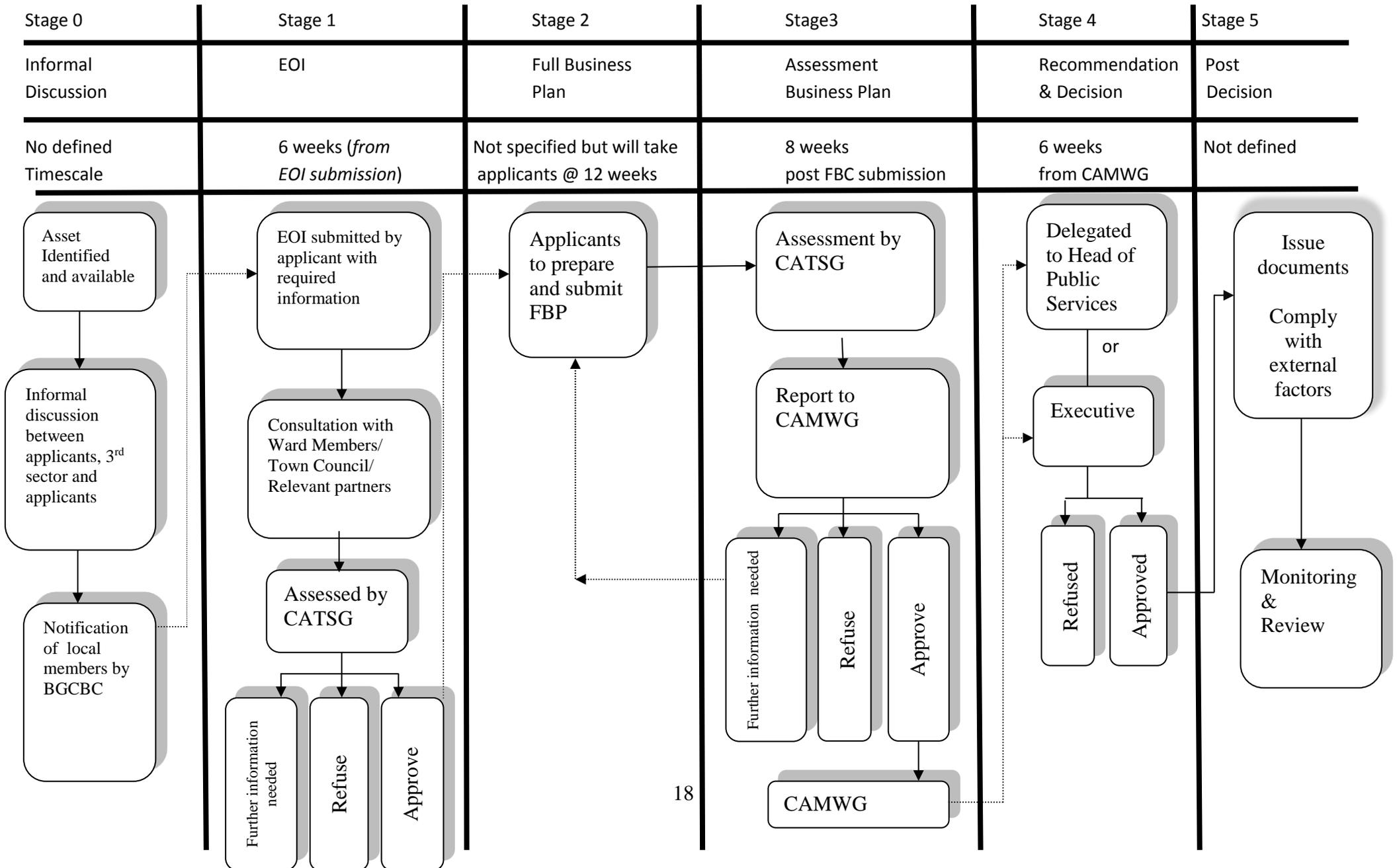
APPLICATION STAGE	REQUIREMENTS FOR GENERAL APPLICATIONS	REQUIREMENTS FOR SPORTS AND SMALLER BUILDINGS AND LAND	DECISION MAKER	INDICATIVE TIMESCALES
<p>STAGE 0</p> <p>Informal pre-application discussion</p>	<p>Before submitting an application interested voluntary and community organisations are encouraged to discuss their options, their suitability and the scope of community asset transfer with the Strategic Asset Management Team</p>	<p>Before submitting an application interested voluntary and community organisations are encouraged to discuss their options, their suitability and the scope of community asset transfer with the Strategic Asset Management Team</p>	<p>N/A Local Members will be notified of an approach.</p>	<p>N/A</p>
<p>STAGE 1</p> <p>Formal Expression of Interest (Appendix 3) is submitted to the Head of Estates and Strategic Asset Management by the Third Sector Organisation (TSO) in response to:</p> <p>a) Request from TSO/T&CC to take on a community asset</p> <p>b) Invitation to express interest in surplus property through a “Window of Opportunity”</p>	<p>Full business case</p> <ul style="list-style-type: none"> • Details of the organisation • Governance arrangements • Proposed use of asset and benefits • Benefits to community, TSO/ T&CC and Council • Support from community/partners <p>If the application is supported the TSO will be invited to proceed to Stage 2. If the application is not supported a full explanation will be provided.</p>	<p>Not applicable – As the Council are committed to working with clubs to effect Community Asset Transfer this stage is taken as pre-approved.</p> <p>The Consultations noted under the DECISION MAKER column will be undertaken once initial discussions have taken place and it is clear the applicant is proceeding with an application.</p>	<p>Community Asset Transfer Steering Group in consultation with:</p> <ul style="list-style-type: none"> • relevant Ward Members and Town Council • relevant partners 	<p>6 weeks from receipt of Expression of Interest</p>
<p>STAGE 2</p> <p>Detailed Business Plan submitted</p> <p>The Council will support the</p>	<p>Detailed Business Plan :</p> <ul style="list-style-type: none"> • Needs analysis and projected utilisation • Type of transfer sought and why 	<p>Submission via application form in Appendix 6</p>		<p>For general applications it is suggested a Business Plan is prepared and submitted by the applicant within</p>

<p>development of the Business Plan including the provision of any relevant asset information available</p>	<ul style="list-style-type: none"> Planned outcomes and benefits and how they will be measured/monitored Details of any proposed partnership/collaborative working Track record for delivering service/managing property Capacity to manage the asset 			<p>an advisory period of 12 weeks of Stage 1 approval. For sports/ small land applications the application process will be dependent on how swiftly applicants complete the application process.</p>
<p>We would strongly advise that the Business Plan is developed with support from a voluntary sector support organisation such as Gwent Association of Volunteer Organisations (GAVO), Wales Co-operative Society, Coalfields Regeneration Trust or other third sector support organisation.</p>	<ul style="list-style-type: none"> 3 year plans for revenue and capital funding – projected income and expenditure including costs of managing and operating the asset Financial sustainability and forward planning Building and Public Liability Insurance 	<ul style="list-style-type: none"> Cash flow forecast for three years 		
<p>STAGE 3: Assessment of Stage 2 Business Plan applications</p>	<p>Report to Corporate Asset Management Working Group (CAMWG) with a detailed assessment of:</p> <ul style="list-style-type: none"> Benefits for community, the TSO/ T&CC and how they relate to delivering Council priorities Risks in relation to financial and organisational ability to manage the asset Potential loss of capital receipt and existing income or other opportunity cost to the Council arising from the 	<p>Report to Corporate Asset Management Working Group (CAMWG) with a detailed assessment of:</p> <ul style="list-style-type: none"> Benefits for community, the TSO/ T&CC and how they relate to delivering Council priorities Risks in relation to financial and organisational ability to manage the asset Potential loss of capital receipt and existing income or other opportunity cost to the Council arising from the 	<p>Recommendation from Community Asset Transfer Steering Group to CAMWG</p> <p>Decision by CAMWG</p>	<p>8 weeks from receipt of full Business Plan</p>

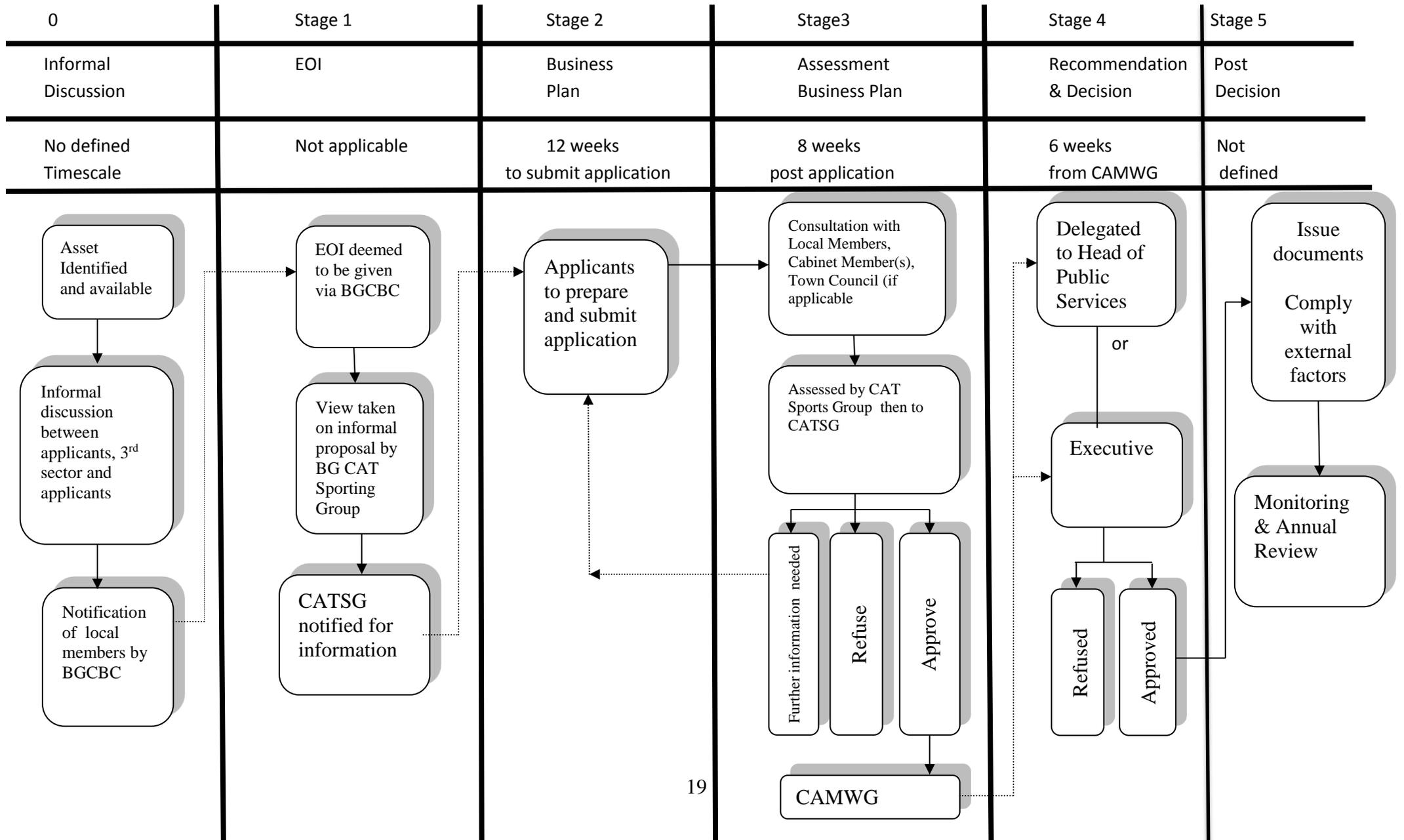
	<p>transfer</p> <ul style="list-style-type: none"> • Establish level of discount (if applicable) • Terms of transfer and any legal issues • Monitoring arrangements e.g. Service Level Agreement 	<p>transfer</p> <ul style="list-style-type: none"> • Establish level of discount (if applicable) • Terms of transfer and any legal issues • Monitoring arrangements e.g. Service Level Agreement 		
<p>STAGE 4: Recommendation and Decision</p>	<p>Delegated approval or report to Executive in line with Disposals and Acquisition Policy</p> <p>(The Council may in exceptional circumstances take a report to Scrutiny Committee to seek wider Member engagement prior to a decision being made)</p>	<p>Delegated approval or report to Executive in line with Disposals and Acquisition Policy</p> <p>(The Council may in exceptional circumstances take a report to Scrutiny Committee to seek wider Member engagement prior to a decision being made)</p>	<p>Head of Public Services (Temp)</p> <p>Executive</p>	<p>6 weeks form CAMWG approval</p>
<p>STAGE 5: Post Decision</p>	<p>Lease or licence will need to be prepared, issued and signed by applicants.</p> <p>There may also be a need to carry out further adverts or approval processes under legislation or with external bodies</p>	<p>Lease or licence will need to be prepared, issued and signed by applicants.</p> <p>There may also be a need to carry out further adverts or approval processes under legislation or with external bodies</p>	<p>Various</p>	<p>The Council will endeavour to complete this stage as quickly as possible within any required legal timescales or requirements.</p>
	<p>Applicants will be expected to provide the council with ongoing monitoring and progress reports</p>	<p>Applicants will be expected to provide the council with ongoing monitoring and progress reports</p>	<p>n/a</p>	<p>On an annual basis or as requested</p>

- N.B.**
1. Timescales given are indicative only and not fixed as they can be influenced by a variety of factors. The intention will always be to progress any application as quickly as possible.
 2. Applicants will be kept advised of progress through the various stages by the CAT Officer.

Appendix 3 - CAT Flowchart – General Applications



Appendix 4 - CAT Flowchart – Sports Facilities & Small Areas of Land



APPENDIX 5 – APPLICATION FOR GENERAL APPLICATIONS

EXPRESSION OF INTEREST TEMPLATE

Community Asset Transfer – Stage 1 Expression of Interest

Before submitting an application interested voluntary and community organisations must discuss their options, their suitability and the scope of community asset transfer with the Community Asset Transfer Officer – mark.howland@blaenau-gwent.gov.uk or 01495 353318. These informal discussions will help them to prepare for the process of making a formal application for transfer. The Council recognises that developing the business case and preparing an application for community asset transfer can be both time consuming and resource intensive for organisations.

Stage 1 of the application process has therefore been designed to assess whether any potential application will meet the Council's suitability criteria. We will not be able to process your application unless we receive all the information relevant to your asset transfer. It should not take long to complete and should avoid spending time and valuable resources on an application that is unlikely to be approved by the Council. Applicants that meet the Council's suitability criteria will be invited to complete a more detailed Stage 2 application in accordance with Appendix xx.

1. Please provide details of the organisation making the application

Name of Organisation:	
Address of Organisation	
Applicant Name/ Key Contact:	<i>This should be the individual approved by the organisation to act on their behalf</i>
Position:	
Details of when decision to move forward with application was made:	<i>Please provide details of meeting/ minutes of when the decision was made</i>
Telephone Number:	
Email Address	
Date:	

2. Type of organisation

What types of organisation are you e.g. registered charity?	
Do you have a formal constitution, governance document or set of rules?	<i>Please provide details of constitution and company set up where available</i>
If you are not currently established please outline the type of organisation you are considering establishing –	<i>Details of the constitution and company will need to be provided before any transfer takes place</i>

registered charity, company limited by guarantee?	
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3. What is the structure and purpose of your voluntary or community organisation? (If you are not established and set up at the moment please indicate what you think the structure will be)

How many people are involved in your organisation?	Management Committee	
	Full Time Employees	
	Part Time Employees	
	Volunteers	
When was the organisation established?		
What is the purpose and main activities of your organisation?		
Does your organisation have experience of managing an asset? If yes please provide details		
Please provide evidence and confirmation that the organisation has taken a decision to pursue a CAT	<i>This may be a minute or meeting record where the decision was made (including who the lead individual would be)</i>	

4. Please tell us about the asset (land or buildings) you are interested in?

Name and address of asset	
If this is a speculative application please provide details of the type of asset and location required	
Type of transfer you are interested in including level of discount and proposed length of lease	

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5. Please tell us about the proposed use of the asset
 (please continue on a separate sheet if required but no more than one side of A4)

<p>What do you want the asset for?</p>	
<p>What benefits will this bring to the organisation, the local community and the Council?</p>	

7. Please tell us about any partners, collaborators and stakeholders

<p>a) If you are proposing any arrangements with public sector or other third sector partners please provide details. Please note the Council will need written verification with this application from partners named that they are supporting the bid.</p>	
<p>b) If this application is in respect of an asset with existing users (that do not fall within the remit of 7a above) please provide written evidence from them that they are aware of this application</p>	

8. Finance

<p>Is there any finance/ funding in place to support the application?</p>	
<p>Have you (or any partners) experienced any financial or legal issues which could impact on the operation of the facility e.g. bankruptcy, county court judgements, legal disputes or similar?</p>	
<p>Have you (or any partners) been involved in any enforcement or legal action within the last five years?</p>	

The Council reserves the right to check the accuracy of the information submitted within the Authority and with other agencies

Please return the completed form to:

**Community Asset Transfer Officer
 Estates and Strategic Asset Management
 Blaenau Gwent County Borough Council
 General Offices
 Steelworks Road
 Ebbw Vale
 NP23 6 DN**

All contact regarding this application s should be made to: 01495 353318 or mark.howland@blaenau-gwent.gov.uk

APPENDIX 6 –APPLICATION FOR – SPORTING CLUBS AND FACILITIES & SMALL AREAS OF LAND**Community Asset Transfer – One Stage Application Process**

Before submitting an application interested voluntary and community organisations must discuss their options, their suitability and the scope of community asset transfer with the Community Asset Transfer Officer – mark.howland@blaenau-gwent.gov.uk or 01495 353318. These informal discussions will help them to prepare for the process of making a formal application for transfer. The Council recognises that developing proposals for community asset transfer can be both time consuming and resource intensive for organisations.

This application is only to be used after agreement with the Community Asset Transfer Officer that your proposal suits the simplified one stage application process. We will not be able to process your application unless we receive all the information relevant to your asset transfer.

1. Please provide details of the organisation making the application

Name of Organisation:	
Address of Organisation	
Applicant Name/ Key Contact:	<i>This should be the individual approved by the organisation to act on their behalf</i>
Position:	
Details of when decision to move forward with application was made:	<i>Please provide details of meeting/ minutes of when the decision was made</i>
Email Address	
Date:	

2. Type of organisation

What types of organisation are you e.g. registered charity?	
Do you have a formal constitution, governance document or set of rules?	<i>Please provide details of constitution and company set up where available.</i>
If you are not currently established please outline the type of organisation you are considering establishing – registered charity, company limited by guarantee?	<i>Details of the constitution and company will need to be provided before any transfer takes place</i>

**3. What is the structure and purpose of your voluntary or community organisation?
(If you are not established and set up at the moment please indicate what you think the structure will be)**

How many people are involved in your organisation?	Management Committee	
	Full Time Employees	
	Part Time Employees	
	Volunteers	
When was the organisation established?		
What is the purpose and main activities of your organisation?		
Please provide evidence and confirmation that the	<i>This may be a minute or meeting record where the decision was made</i>	

organisation has taken a decision to pursue a CAT	<i>(including who the lead individual would be)</i>
Does your organisation have experience of managing an asset? If yes please provide details	
What experience does your organisation have of delivery of proposed activity	
What are your current staffing / volunteer management structure?	<i>(Please give details of Structure, number)</i>
Has your organisation the necessary skills required to manage the asset/deliver the proposed activity	<i>(very brief (max 4 lines) CV of each of Board of Trustees/Directors/Other Committee Members)</i>

4. Please tell us about the asset (land or buildings) you are interested in?

Name and address of asset	
If this is a speculative application please provide details of the type of asset and location required indicating your preferred boundary. <i>*A map can be obtained from BGCBC Estates*</i>	
Type of transfer you are interested in including level of discount and proposed length of lease (Please tick desired choice)	<p>Community Asset transfer on a Licence agreement <input type="checkbox"/></p> <p>Community Asset transfer on a Lease agreement <input type="checkbox"/></p> <p>Desired length of lease/licence agreement Years</p> <p>Level of discount.....</p>

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5. Please tell us about the proposed use of the asset

(Please continue on a separate sheet if required but no more than one side of A4)

<p>What do you want the asset for?</p>	<p>What is the proposed main use?</p>										
<p>What benefits will this bring to the organisation, the local community and the Council?</p>	<table style="width: 100%;"> <tr> <td>Social</td> <td style="text-align: center;"><input type="checkbox"/></td> </tr> <tr> <td>Cultural</td> <td style="text-align: center;"><input type="checkbox"/></td> </tr> <tr> <td>Environmental</td> <td style="text-align: center;"><input type="checkbox"/></td> </tr> <tr> <td>Health & Well being</td> <td style="text-align: center;"><input type="checkbox"/></td> </tr> <tr> <td>Financial</td> <td style="text-align: center;"><input type="checkbox"/></td> </tr> </table> <p><i>Please explain and expand on your reason for choosing the benefits ticked</i></p>	Social	<input type="checkbox"/>	Cultural	<input type="checkbox"/>	Environmental	<input type="checkbox"/>	Health & Well being	<input type="checkbox"/>	Financial	<input type="checkbox"/>
Social	<input type="checkbox"/>										
Cultural	<input type="checkbox"/>										
Environmental	<input type="checkbox"/>										
Health & Well being	<input type="checkbox"/>										
Financial	<input type="checkbox"/>										

6. Building issues	
<p>Are there plans in place to deal with any maintenance backlog (identified in condition survey if available)?</p>	
<p>Please confirm that you understand you are taking on full responsibility for the building and/or land and say how you will discharge statutory responsibilities.</p>	
<p>You must insure the facility to a sum agreed with the Council and also have in place Public Liability Insurance with a minimum indemnity of £5M.</p> <p>Please provide details of your insurance providers or confirm that you understand your obligations for insurance cover.</p>	

7. BGCBC Priorities	
<p>Is your project/activity linked to Council Well-being Objectives</p> <p>Please tick which objectives are applicable to your activity/ project</p> <p><i>Please expand in the box provided on how you meet these priorities</i></p>	<p>Create a better, enhanced environment and infrastructure that will benefit our communities, businesses and visitors. <input type="checkbox"/></p> <p>Continue to improve learner outcomes and well – being so that all children and young people thrive and realise their full <input type="checkbox"/></p>

	<p>potential.</p> <p>Be a modern, smart Authority, providing leadership to enable people and communities to thrive. <input type="checkbox"/></p> <p>Take a preventative and early intervention approach to support the most vulnerable ensuring, where appropriate, they are protected and supported to achieve personal outcomes and well-being. <input type="checkbox"/></p> <p>Maximise the employability of local people through skills development at a local and regional level <input type="checkbox"/></p> <p>Maximise the employability of local people through skills development at a local and regional level <input type="checkbox"/></p> <p>Support citizens to take an active and empowered role in their communities to provide resilience. <input type="checkbox"/></p>
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Please use this box to expand on how you meet the Well- being objectives you have ticked:-

8. Please tell us about any partners, collaborators and stakeholders

<p>a) If you are proposing any arrangements with public sector or other third sector partners please provide details.</p> <p>Please note the Council will need written verification with this application from partners named that they are supporting the bid.</p>	<p>Please tick applicable box</p> <p><i>There are No arrangements with public sector or other third sector partners</i> <input type="checkbox"/></p> <p><i>We are planning to work with other partners, collaborators and stakeholders (Please list below who you are planning to work with)</i> <input type="checkbox"/></p>
<p>b) If this application is in respect of an asset with existing users (that do not fall within the remit of 8a above) please provide written evidence from them that they are aware of this application</p>	

9. Finance

<p>Is there any finance/ funding in place to support the application?</p>	
<p>Have you (or any partners) experienced any financial or</p>	

legal issues which could impact on the operation of the facility e.g. bankruptcy, county court judgements, legal disputes or similar?	
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10. Other issues	YES Tick	NO Tick	
TUPE (H.R. to provide advice)			Please contact Blaenau Gwent CBC if you unsure as to answer this question
Any Third Party impact e.g. clawback, grants, restrictions on land, State Aid			Please contact Blaenau Gwent CBC if you unsure as to answer this question

11. SWOT Analysis
Provide a brief, but accurate, synopsis of where the Strengths, Weaknesses, Opportunities and Threats lie within your project

<u>Strengths:</u>	<u>Weaknesses:</u>
<u>Opportunities:</u>	<u>Threats:</u>

<p>12. CASH FLOW FORCAST A Cash flow forecast must be provided to support the application. A template for this will be provided by the CAT officer when requested by the applicant.</p>
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The Council reserves the right to check the accuracy of the information submitted within the Authority and with other agencies

Please return the completed form to:

Community Asset Transfer Officer
 Estates and Strategic Asset Management

Blaenau Gwent County Borough Council
General Offices
Steelworks Road
Ebbw Vale
NP23 6 DN

All contact regarding this application s should be made to: 01495 353318 or mark.howland@blaenau-gwent.gov.uk

APPENDIX 7 – LIST OF RESOURCES

The links below provide useful information, advice, resources and case studies on owning, managing and developing community assets.

Support Organisations - General

Gwent Association of Voluntary Organisations (GAVO)

<http://www.gavowales.org.uk/>

Contact: Huw Lewis

01495 315626

huw.lewis@gavowales.org.uk

Coalfields Regeneration Trust

<https://www.coalfields-regen.org.uk/>

01443 404455

Wales Council for Voluntary Action

<http://www.wcva.org.uk/home>

0800 2888329

The Wales Co-operative Centre

www.walescooperative.org

Contact: Glenn Bowen

02920 807103

glenn.bowen@walescooperative.org

Support Organisations – Specific

FAW – www.welshfootballtrust.org.uk – 01633 282911

Cricket Wales – Mark White - Mark.white@cricketwales.org.uk - 07890693719

WRU – John Howells – jhowells@wru.wales - 07786255397

Community Asset Transfer Resources

Development Trust Association Wales – Asset Development Portal

<http://assetsportal.dtawales.org.uk/resources/>

Locality

<http://locality.org.uk/>

Planning Aid Wales

<http://www.planningaidwales.org.uk/>

My Community Space

<http://www.mycommunityspace.org.uk/>