

## **Hambleton District Council**

**Report To:** Cabinet

**Date:** 2 November 2021

**Subject:** **Community Asset Transfer Management**

**Portfolio Holder:** Economic Development and Finance  
Councillor P R Wilkinson

**Wards Affected:** All Wards

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### **1.0 Purpose and Background**

- 1.1 The purpose of this report is to establish a policy to guide future consideration by the Council to requests that it transfers certain community assets between now and the intended implementation date of Local Government Reorganisation (LGR) on 1 April 2023.
- 1.2 The Council is experiencing an increasing number of requests from Town and Parish Councils, and other organisations that lease community assets from the Council, requiring consideration to be given to transferring the assets into their ownership. Whilst motivations may vary for this increasing number of requests, it would appear that the imminence of LGR has influenced some organisations.
- 1.3 The reference in this report to Community assets means any land or buildings owned by the Council, and which the Council holds for use as public open space, recreation and leisure, and allotments with ancillary parking.
- 1.4 Community asset transfers are disposals of Council owned land or buildings, either by transfer of ownership or the granting of a relevant lease (over 7 years) that provide proper purpose and best value, and that secure the promotion or improvement of the economic, social or environmental well-being of the local authority's area.
- 1.5 With regards to LGR any lease arrangements for existing community assets that organisations have in place with Hambleton District Council will be transferred on the same terms across to the new authority. Within the LGR bid submission document "A Unitary Council for North Yorkshire: The Case for Change", the County Council included a section on local empowerment setting out future opportunities for town and parish councils and community groups to work with the new authority regarding services and assets that could be devolved to local communities, should there be an appetite to do so. Part of the stated philosophy of the bid was to work more closely with local communities.

- 1.6 Whilst the detail of each case varies, transferring community assets can be intensive in terms of the staffing and financial resources needed. Community asset transfers require input from a range of Council services, most prominently from Legal, Leisure and Communities and Design and Maintenance, with external specialist advice required at times. Approvals are required from the Council to progress an asset transfer, which is then advertised in the local press to inform the general public of the disposal. This is followed by the legal processes required to complete the transfer that includes detailed, and at times, complex legal and administrative support and liaison between the organisations involved. This unseen part of the process, undertaken after Council approval to proceed, is often the most demanding in terms of time and resource allocation.
- 1.7 Based upon the definition set out in 1.3, the Council presently has six assets that are in process of consideration for transfer (see Appendix 1); of these, three have been approved to be transferred by Council, with reports for the other three being developed. In addition, a number of tentative enquiries have also been logged for potential future consideration.
- 1.8 In light of LGR and the number of community assets that the Council has already committed to transfer or is considering, it is proposed that an interim policy regarding community asset transfer requests is established. This policy would aim to complete, where possible, the transfer of those assets included within Appendix 1 once the necessary considerations have been given by Cabinet and Council. In addition, a list of other asset management enquiries will be maintained, highlighting the key details of the requests so that these can be given consideration by the new authority in accordance with their stated philosophy highlighted in 1.5 and relevant authority policies at the appropriate time

## **2.0 Link to Council Priorities**

- 2.1 Community asset transfers link to the Council's Providing a Special Place to Live priority.

## **3.0 Risk Assessment**

- 3.1 The key risk in not approving the recommendations is shown below:

<b>Risk</b>	<b>Implication</b>	<b>Gross Prob</b>	<b>Gross Imp</b>	<b>Gross Total</b>	<b>Preventative action</b>	<b>Net Prob</b>	<b>Net Imp</b>	<b>Net Total</b>
Continuous and increasing demands are placed upon internal services to allocate time and resource to new asset transfer requests.	Focus is not able to be given to other HDC priorities	4	3	12	Implement interim policy as stated	2	3	6

## **4.0 Financial Implications**

- 4.1 There are no significant financial implications with this report, with resources for existing pipeline transfers already allocated. Any future financial requirements will be considered at the time should they arise.

## **5.0 Legal Implications**

- 5.1 In accordance with Section 2 of the Local Government Act 2000 the Council has the power (subject to certain exceptions) to do anything which it considers is likely to achieve the promotion or improvement of the economic, social or environmental well-being of its area. Local authorities are required to obtain best consideration (section 123 of the Local Government Act 1972) in such situations. However, it is recognised that there may be situations where a local authority considers it desirable to dispose of land for less than best consideration, for example, to secure the promotion or improvement of the economic, social or environmental well-being of the local authority's area. Circular 06/03 of the Local Government Act 1972 – General Disposal Consent (England) 2003 permits disposals in such circumstances, provided the value of the disposal is less than £2 million and other considerations are taken into account, for example, there is a proper purpose and robust and consistent decision-making processes.
- 5.2 Any proposal to dispose of land consisting of or forming part of an open space must be advertised in accordance with the Local Government Act 1972, section 123 - (2A), which states: "A principal council may not dispose under subsection (1) above of any land consisting or forming part of an open space unless before disposing of the land they cause notice of their intention to do so, specifying the land in question, to be advertised in two consecutive weeks in a newspaper circulating in the area in which the land is situated, and consider any objections to the proposed disposal which may be made to them".
- 5.3 If the Council approves such asset transfers, the land should be transferred with appropriate restrictions on future use and be subject to the appropriate approvals/consents, including any restrictions imposed by the Council's predecessors regarding its use, being obtained.
- 5.4 Prior to any disposal the requirements of the UK subsidy control regime are also to be considered.

## **6.0 Equality/Diversity Issues**

- 6.1 Equality and diversity issues have been considered, however there are no issues associated with this report.

## **7.0 Recommendations**

- 7.1 That Cabinet approves and recommends to Council:
- (1) the adoption of the interim community asset transfer policy as identified in paragraph 1.8, and

- (2) that Cabinet authorisation is sought, where necessary, for the approval of any transfers not yet sanctioned within Appendix 1.

Steven Lister  
Director of Leisure and Communities

**Background papers:** None

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<b>Ref</b>	<b>Asset Disposal Category</b>	<b>Land Details</b>	<b>Formal Approval Position</b>
1	Long term lease to World of James Herriot	World of James Herriot	Cabinet December 2020
2	Transfer of ownership to Northallerton Town Council	Bankhead Road public open space	Cabinet September 2021
3	Transfer of ownership to Northallerton Town Council	Knotto Bottom Way allotments	Cabinet September 2021
4	Transfer of ownership to Topcliffe Parish Council	Topcliffe Playing Field	For consideration
5	Long term lease to Bedale Hall Charitable Incorporated Organisation	Bedale Hall	For consideration
6	Thirsk TIC	Thirsk TIC Market Place	For consideration