



# Guide to Community Asset Transfer in Brighton and Hove

(BHCC Community Asset Transfer Policy)

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April 2018

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## 1.0 INTRODUCTION & DEFINITIONS

### 1.1 Aims of the Policy

The aim of this policy is to provide an open, affirmative and transparent framework for community asset transfer (CAT) from the council to a third sector organisation.

The council recognises that the transfer of an asset to a third sector organisation can unlock social value, support community enterprise, attract additional investment into the asset and local area, and demonstrates the council's commitment to our communities and residents.

Community asset transfer supports council and wider community objectives to be 'citizen focused' and to encourage 'active citizenship'.

This document is designed to be used by third sector organisations and council officers to help them decide whether a community asset transfer is appropriate and, if the organisation then wish to proceed, to provide guidance on how to make an application and the decision making process.

The key principles of the policy are:

- That any transfer application must support the aims and priorities of the council as set out in an adopted policy.
- Community asset transfer is not an automatic right and all applications will be assessed on a case by case basis.
- Approved transfers will generally be on a leasehold basis. Freeholder transfers will only be considered in exceptional circumstances.
- Some transfer applications may require committee approval in addition to the decision-making process set out in **Section 6.4** of this policy. Applicants will be notified where this is the case.

The drivers for a community asset transfer may include:

- Supporting a third sector organisation to continue to deliver a key activity for residents where the transfer will allow the organisation to bid for and secure funds and/or to support a more sustainable business model,
- Supporting a third sector organisation to deliver a specific service in line with the council's objectives where the service can be best provided through a council owned asset,
- Protecting a heritage or otherwise important city asset that may fall into disrepair if stewardship is not provided by a third sector organisation
- Where a third sector organisation is considered to be best placed to provide an alternative delivery model for an existing council service from an existing council owned asset.

## 1.2 Definitions

The following definitions have been provided to help third sector organisations, council officers and ward councillors make best use of this policy.

### 1.2.1 Community Asset Transfer (CAT)

Asset transfer is the passing of management through a lease agreement or, in exceptional circumstances, ownership of a community asset from a public sector body to a third sector organisation at less than best consideration i.e. less than its market value, in order to achieve a public benefit and unlock social value. See **Section 4.2** for more details.

### 1.2.2 Community Assets

Community Assets that fall within this policy are listed as such on the last column (Column AF - Community Asset Transfer Policy Designation) of the 'Brighton & Hove City Council Property & Land Assets' list. The list can be downloaded from the council's website under the 'Government Transparency Agenda' section at:

<https://www.brighton-hove.gov.uk/content/council-and-democracy/council-property-and-land>.

This list will be kept under review and updated as required. Interested parties may also seek guidance on other council owned assets on the website list with the exception of property & land designated as 'non-operational' which form part of the council's commercial estate.

### 1.2.3 Third Sector Organisation

These are defined for the purpose of this policy as non-governmental (not part of the statutory sector – it must exist for community, social or environmental benefit), non-profit distributing (it must reinvest any surpluses to further its social and community aims) and having a local connection.

Organisations must be appropriately constituted (such as a registered charity, community interest company or charitable incorporated organisation), a not-for-profit company or cooperative such that the constitution allows the management or ownership of buildings and / or provision of services.

Such organisations must be a legal entity capable of entering a lease agreement with the council.

Local connection means that the organisation's activities are wholly or partly concerned with the city of Brighton & Hove.

### 1.2.4 Best Consideration

Local authorities are usually required to dispose or transfer their land and property assets on the basis of the best consideration reasonably obtainable. Best consideration refers to the commercial or monetary value to the council.

If the council is disposing of land or buildings for less than best consideration it needs to get the Secretary of State's consent. Specific consent is not required for a disposal with an under-value of up to £2m provided that the council considers that the disposal will help it to secure the promotion or improvement of the economic, social or environmental well-being of its area. This test is referred to as social value in this policy (see **Section 1.2.5** below).

### 1.2.5 Social Value

Social value in this context is about ensuring that when a council owned property is transferred (lease arrangement or freehold) to a third sector organisation, that the business case for the transfer clearly explains how the transfer will help maximise economic, social and/or environmental benefits to local residents, the neighbourhood and/or the city.

This involves seeing beyond the price of an individual transfer and looking at the additional benefits to a community and how the transfer might improve the economic, social and environmental well-being of the communities.

The council's Social Value Guidance provides details of the type of social value outcomes that could be included - see **Section 2.3** for the web link.

### 1.2.6 Community Right to Bid

This policy does not cover the 'Community Right to Bid' which was introduced in the Localism Act 2011. The Community Right to Bid has its own legal process and is administered by the council's planning team. Further details are available on our website using the following link:

<https://www.brighton-hove.gov.uk/content/community-and-life-events/community-and-voluntary-sector-support/community-rights>.

### 1.2.7 Housing Revenue Account (HRA) Assets

The Housing Revenue Account (HRA) contains the income and expenditure relating to the council's social housing landlord duties in respect of tenanted and leasehold residential properties. The income and expenditure relating to these properties is accounted for separately from the council's other services and activities which form part of the council's General Fund. Should any HRA asset fall within the scope of this policy separate resident consultation (as part of the Resident Involvement Framework) and approval will be required through the Housing Governance Framework. This Framework includes, as appropriate, Area Panels, Estate Regeneration Members Board and the Housing & New Homes Committee. This is in addition to any approval required through the Policy, Resources & Growth Committee. This will mean that the decision on any application relating to HRA community assets will fall outside of the timescales proposed in **Section 6.4** below.

HRA Community Assets are identified as such on the 'Brighton & Hove City Council Property & Land Assets' list referred to in **Section 1.2.2** above. The HRA will only consider non-dwelling assets within the parameters of this policy.

## 2.0 THE NATIONAL & LOCAL CONTEXT

### 2.1 National Policy

Central government has clearly signalled their commitment to the principle of asset transfer from the public sector to third sector organisations where this will result in improved outcomes to the citizens.



This policy is underpinned by Treasury guidance which makes clear that council's do not own property and land assets for their own sake. Instead, assets are held for pursuing policy objectives and the valuation of a publically owned asset is based on the interests of society as a whole rather than those of the council alone.

## 2.2 Local Policy

The Council's Corporate Plan recognises this and sets out how it intends to "develop genuinely engaging and collaborative approaches with citizens for all service design and delivery". These will include:

- Moving beyond council engagement as a transactional approach to more collaborative and empowering relationships with our diverse communities and
- Recognising the role third sector groups' play in engaging our communities and most vulnerable citizens, supporting residents to shape services.

Many funding opportunities previously accessed by the third sector are changing, reducing or stopping as a result of budget reductions across the public sector. These changes provide opportunities for the council to work differently with the third sector, for example, on new approaches to managing rising demand and enabling active citizenship.

The council, in partnership with other public sector providers, recognise the need to support the sector in responding to these challenges, to become more sustainable and better aligned to the changing requirements of citizens and public services.

Community Asset Transfer is one of the methods by which the council can enable and encourage community activity to the benefit of the city as a whole and is supported by the Corporate Property Strategy & Asset Management Plan (see link below). Publication of this policy was a key recommendation of the Brighton & Hove Fairness Commission.

<https://www.brighton-hove.gov.uk/sites/brighton-hove.gov.uk/files/Headline%20report%20-%20Fairness%20Commission.pdf>

The council's HRA Asset Management Strategy (see link below) acts as a link between the Housing Strategy priorities and the housing investment programme. The HRA Asset Management Strategy was agreed in 2016 following extensive consultation and work with residents and, together with the HRA Budget and HRA Capital Investment Programme, aims to balance the priorities of both the council and council housing residents within the context of the Housing Strategy and the Corporate Plan.

## 2.3 Links to Related Council Policies

- Corporate Plan 2015-19:  
<https://www.brighton-hove.gov.uk/content/council-and-democracy/about-your-council>
- Corporate Property Strategy & Asset Management Plan 2014-18:  
<https://www.brighton-hove.gov.uk/content/council-and-democracy/council-property-and-land/corporate-property-strategy-and-asset>
- Housing Revenue Account Asset Management Strategy:  
<https://www.brighton-hove.gov.uk/content/housing/council-housing/investing-your-homes>

- Brighton & Hove Social Value Framework:

[https://present.brighton-hove.gov.uk/Published/C00000912/M00006397/AI00051935/\\$20160713113212\\_009343\\_0038669\\_BrightonandHoveSocialValueFramework.docx.pdf](https://present.brighton-hove.gov.uk/Published/C00000912/M00006397/AI00051935/$20160713113212_009343_0038669_BrightonandHoveSocialValueFramework.docx.pdf)

## 3.0 HOW DOES COMMUNITY ASSET TRANSFER WORK?

### 3.1 The Aim of Community Asset Transfers

The Council's land and property portfolios are held for a variety of different purposes including financial (e.g. commercial portfolios), operational (e.g. civic offices, social care day centres, etc.), heritage (e.g. listed buildings or monuments) and community (e.g. community centres).

For the latter group, the council recognises that third sector management and stewardship can deliver additional benefits to the local community. These may include extended use of the building, thereby increasing the social benefit to users and / or securing additional funding not available to the local authority itself to provide a more sustainable business model.

Benefits to the community include:

- Increasing and improving neighbourhood based service provision; increasing accessibility for local people especially for those with limited mobility or low incomes,
- Bringing a sense of community identity and pride and the potential for increased community cohesion,
- Providing additional jobs, training and business opportunities locally,
- Contributing to physical regeneration
- Increasing confidence, skills and aspirations locally.

Benefits to the council include:

- A more efficient use of a public sector asset – third sector organisations often make extensive use of volunteers and their local knowledge and hands-on management of the asset can result in lower overheads and better value for money as well as more intensive use of the asset,
- Enabling third sector organisations to complement public service provision in ways that are more responsive and better related to local need
- Enabling effective partnerships between the public sector and the third sector to enhance local services.

Benefits to the third sector include:

- Increased sustainability for organisations and increased leverage with other public and private sector organisations – a well-managed asset can provide a third sector organisation with greater financial viability and reduce its dependency on grants,
- Enabling a third sector organisation to apply for funding that is not available to the council and/or even to secure loan finance on the value of the asset
- Facilitating collaboration and resource sharing amongst organisations.

## 3.2 Community Asset Transfer Principles

Our policy on Community Asset Transfer is underpinned by the following principles:

- Community asset transfer under this policy is not an automatic right. The council is required to maintain a dual role to support the third sector as well as to act as steward of publically owned assets and to derive the best value out of them to the overall benefit of the city.
- Any proposed asset transfer must promote social, economic or environmental well-being within the community and support the priorities and objectives of the council as set out in the city's Sustainable Community Strategy: <http://www.bhconnected.org.uk/>.
- The council will adopt a fair and transparent process to assess and decide community asset transfer applications as set out in this policy document.
- If any proposed transfer will result in a transaction at less than best consideration in strict monetary terms (ie a market rent is not achieved), then the additional social value benefits associated with the proposal will also be considered by the council. These must be clearly identified, assessed and time & value measured within the approved business case and must be monitored and reported to the council in an agreed format to ensure that they are subsequently realised. This requirement to provide social value benefits may be documented within the lease or licence with remedies for the council also documented if the stated social value benefits are not fully realised.
- Third sector organisations seeking an asset transfer will be required to provide details of the organisation's governance, operational and financial arrangements as set out in **Section 5** which will be used to determine that the applicant has sufficient financial backing and experience, or has support in place to assist them in directly managing the asset proposed for transfer.
- Third sector organisations will be required to submit a detailed business case to demonstrate financial resilience and long-term sustainability at least for the period of the proposed transfer or for a minimum of five years whichever is the lesser.
- The council will be as flexible as it can be on the terms of any transfer subject to the overall requirement for it to achieve best consideration. In determining the terms the council will take into account the size of the organisation, excess profits, track record and ability to fund income and/or attract grant funding.
- In the case of a leasehold transfer the council will expect the applicant to be responsible for running costs of the building including utilities, rates, repairs, statutory maintenance and insurance. The council will provide applicants with details of existing running costs that the council is currently responsible for prior to transfer.
- Freehold disposal will not usually be available except under exceptional circumstances, e.g. where freehold ownership is the only available option for the applicant to attract funding or where the transfer is part of a larger development scheme.
- The council will not guarantee exclusivity in any transaction or applications on a first come first served basis.



## 4.0 WHAT IS THE COUNCIL OFFERING?

### 4.1 Community Assets

For the purpose of this policy Brighton & Hove City Council is including property & land assets designated as being 'Community Assets' on our asset list as defined in **Section 1.2.2** above.

Interested third sector organisations may also seek guidance from the council's Estates Management Team on other council owned assets on the list with the exception of property & land designated as 'non-operational' which form part of the council's commercial estate. Contact details are provided in **Section 7.1**.

### 4.2 Tenure

A community asset transfer can take many different forms depending on the nature of the service to be provided, the intended building and the need for the third sector organisation to secure external funding. Options included in this policy are:

- **A Licence to Occupy** – this will normally allow the organisation to have shared use of a building with other groups or individuals for the length of the licence. Running costs and responsibilities will generally be shared between the various occupiers and the building owner.
- **A Short Lease** (up to 7 years) - a leasehold arrangement will provide the third sector organisation with exclusive use of the asset for the duration of the agreement with the expectation that they would take responsibility for the running costs. At the end of the lease the asset will be returned to the council in no worse condition than originally transferred. The lease will include a provision for the asset to return to the council before the end of the lease in certain circumstances which may include bankruptcy, corruption or the originally envisaged benefits not being achieved.
- **A Long Lease** (7 years and over) – as above but subject to a viable business case and appropriate Officer Delegations
- **A Freehold Disposal** - this will be considered in exceptional circumstances only and would result in full ownership and full responsibilities for the asset being permanently transferred to the organisation. Due to the additional risks this could create for both the council and the organisation, this is not the council's preferred method for CAT and will only be considered in exceptional circumstances. Freehold transfer may also require additional Committee approval.

## 5.0 HOW DO THIRD SECTOR ORGANISATIONS APPLY?

### 5.1 Who Can Apply?

Applications for the transfer of a community asset under this policy can only be made by a recognised third sector organisation as defined in **Section 1.2.3** above. Evidence of the applicant's status will be required as part of the application process described below. To make best use of both the organisation and the council's time the process has two stages.

## 5.2 Stage 1: Expression of Interest

An expression of interest will be made by the applicant to provide initial information on their organisation and the building or land asset they are interested in. This will be used by the council to determine whether a valid application for a community asset transfer is likely and to ensure that the organisation does not waste time completing a full application if they do not meet the initial basic requirements. See **Appendix A** for the Expression on Interest form to be submitted at Stage 1. Information required at this stage includes:

- Confirmation that the applicant is a third sector organisation as defined in **Section 1.2.3** above. The applicant may be subsequently required to provide additional evidence of this before the application can progress.
- Summary details of the third sector organisation, where they are based, their purpose, their service offer and outcomes they are expecting to achieve.
- Details of the council owned land or building asset that the organisation is interested in including brief details of the lease they would like to use.
- An explanation of why the organisation is applying for a Community Asset Transfer.
- A declaration to confirm that the applicant organisation has read and understood the CAT Policy, can evidence their support and promotion of the council's vision, values & objectives, is able to provide a robust and sustainable business case and has the experience or the necessary resources to manage a building.

The Expression of Interest (EOI) application will be assessed by the council as described in **Section 6.1** below. All ward councillors will also be consulted on the EOI and if the asset is a HRA asset the Chair of the Housing and New Homes Committee will be consulted.

The applicant will normally be notified of the initial decision within fifteen working days of the council receiving the EOI application. All ward councillors will also be notified and the Chair of the Housing and New Homes Committee if a HRA community asset.

## 5.3 Stage 2: Full Transfer Application

Once a third sector organisation has been notified of a successful Stage 1 Expression of Interest application, it can proceed to a full application as Stage 2. See **Appendix B** for the form to be submitted.

Additional information required at this stage includes:

- Full details of the organisation's intended use of the building and how it can be used to raise additional funds and achieve additional social value aligned to the council's aims & objectives.
- Full details of when these benefits will be achieved and how they will be monitored & reported to the council.
- Evidence to support a local demand for the service.
- Full details of the organisations experience in managing property and providing the intended service including governance & constitution arrangements.
- Full details of the applicants transfer requirements and lease details.
- Full details of the organisations business case.

- Identification and mitigation of any risks associated with the transfer. A list of some of the more common risks is provided as **Appendix C**.

The Full Transfer Application (FTA) will be assessed by the council as described in **Section 6.2** below. The applicant will normally be notified of the decision within fifteen working days of the council receiving the FTA.

All ward councillors will also be notified and the Chair of the Housing and New Homes Committee if a HRA community asset.

## 6.0 HOW ARE APPLICATIONS ASSESSED?

### 6.1 Stage 1: Expression of Interest Assessment Criteria

On receipt of an Expression of Interest form (see **Appendix A**), a cross-council officer group will assess the content to establish whether a transfer is appropriate and meets the initial, basic requirements of this policy. This initial assessment will confirm that:

- **Section A:** The applicant is able to provide details of how the service will support the council's Corporate Plan objectives if the application proceeds.
- **Section A:** The applicant is able to provide a full financial business case if the application proceeds.
- **Section A:** The applicant is able to provide details of building management expertise if the application proceeds.
- **Section C:** The asset to be considered for transfer is council owned and meets the definition of 'Community Asset' stated at **Section 1.2.2**. The council will check that the building is available and able to be transferred.
- **Section C:** The initial agreement terms requested appear reasonable and commensurate with the service proposal.
- **Section D:** The applicant represents a third sector organisation as defined in **Section 1.2.3**.
- **Section E:** The applicant has clearly articulated what services, activities & facilities they will provide from the asset and that these appear to offer additional social value to the local community.
- **Section F:** The reasons stated for a transfer are valid and that no other alternative will offer the same benefit.

Following assessment of the Expression of Interest by the council, the applicant will be advised that their application has either been:

- **Approved** – The applicant may proceed to submit a full CAT application.
- **Rejected** – The application does not meet one or more of the essential criteria required. Feedback will be provided listing the reasons why the application has been rejected.
- **Pending** – The application is incomplete or insufficiently detailed. The applicant will be advised to submit additional information in order for an assessment to be made.

## 6.2 Stage 2: Full CAT Application Assessment Criteria

On receipt of a Full Transfer Application form (see **Appendix B**), a cross-council officer group will assess the content to establish whether a transfer is appropriate and meets the requirements of this policy. This initial assessment will confirm that:

- **Section D:** The applicant has clearly articulated the local services, activities & facilities they will provide from the asset and who these are intended for.
- **Section E:** The intended use of the building is suitable and the applicant has demonstrated how they are going to manage the building in the most sustainable way (see **Appendix D** for further guidance) and maximise utilisation.
- **Section F:** There is evidenced demand and/or need for the service in the local area.
- **Section G:** The proposed lease length is acceptable to the council and any specific lease requirements are reasonable.
- **Section H:** The Asset transfer promotes social, economic or environmental well-being, adds social value and supports the council's objectives.
- **Section I:** Milestones have been provided for the achievement of the social value benefits with reasonable timescales given the length of the intended lease. The organisation has confirmed that they will provide an annual report to the council.
- **Section J:** The organisation has demonstrated a successful track record or can point to expertise they have that will give sufficient reassurance they are prepared for the responsibilities of their lease.
- **Section K:** Risk mitigation proposals have been identified and appear to be suitable and reasonable.
- **Section L:** A robust business case has been provided including plans for maximising opportunities for sustainable inward investment such as fund raising, grants, social enterprise, etc.
- **Section L:** The organisation has a healthy or sustainable financial position and any fundraising approach appears viable. The organisation demonstrates good governance and a suitable legal structure.

Following assessment of the Full Transfer Application by the council, the applicant will be advised that their application has either been:

- **Approved** – The transfer can proceed subject to agreement of lease conditions.
- **Rejected** – The application does not meet one or more of the essential criteria required. Feedback will be provided listing the reasons why the application has been rejected.
- **Pending** – The application is incomplete or insufficiently detailed. The applicant will be advised to submit additional information in order for an assessment to be made.

### 6.3 Assessing ‘Social Value’

Disposals at less than best consideration (see **Section 1.2.4**) may only be justified if the council is able to procure benefits from the disposal to improve the economic, social or environmental well-being of the area to support the council’s wider strategic objectives, i.e. social value (see **Section 1.2.5** above for further guidance).

If the council is to meet its statutory obligations (and avoid legal challenge), it is important that a consistent, transparent and well-structured approach is taken and that economic, social or environmental benefits will be obtained by the council in place of a financial return. The aim of this policy is to provide sufficient information to ensure this.

Key essential information will include an assessment by the council of:

- a. The best consideration that would otherwise be receivable under normal market conditions, i.e. the financial value of the disposal to the council if the use of the property were not restricted.
- b. The financial value likely to be received on the proposed terms and conditions of the application, and
- c. Any direct and indirect social value benefits associated with the disposal (economic, social or environmental benefits), expressed in monetary terms wherever possible.

The focus then turns to whether the social value benefits assessed at **c.** match or exceed the financial under-value, i.e. the value at **a.** less the value at **b.**

Successful applicants will be required to sign an undertaking to monitor and evidence that the social value proposed in their application is being achieved and to provide a report of their findings to the council at least annually. The council reserves the right to review the terms of the transfer if the organisation is failing to meet the social value elements of the agreements.

### 6.4 The Decision

Each application will be evaluated by the council’s Estates Team in accordance with their delegated powers and the guidance in this policy document. The Estates Team will be guided by the council’s Community, Equality & Third Sector team with additional input from relevant council teams who benefit from or may be impacted by the application including the HRA Asset Manager in respect of HRA assets. Feedback from ward councillors will also be considered.

With the exception of HRA assets (see **Section 1.2.7** above), the council will aim to notify the applicant of the decision for each stage of the application within fifteen working days from receipt of the application pack.

Where the decision falls outside of the Officers delegated powers (e.g. in the case of freehold transfers or long leases) or involves an HRA asset, further approval may be required including from the relevant Committee, which will increase the time for a decision dependent on the Committee timetable. Applicants will be notified about additional approvals and likely timescales. These are likely to vary depending on the asset and application.

## 7.0 ADDITIONAL HELP & SUPPORT

### 7.1 Council Help & Support

Initial advice on the CAT Policy and the application process is available.

- For property related advice please contact the council's Estates Management Team by e-mail at [commandagriproperty@brighton-hove.gov.uk](mailto:commandagriproperty@brighton-hove.gov.uk).
- For other advice to third sector organisations considering a CAT transfer please contact the council's Community, Equality & Third Sector Team by e-mail at: [communitiesteam@brighton-hove.gov.uk](mailto:communitiesteam@brighton-hove.gov.uk).

### 7.2 External Help & Support

Further help and support is available from:

- **Community Works**

Can help you by giving advice and information to help run your organisations and help you develop your business case. We run events so you meet other organisations and you can attend our learning and development opportunities.

Web: [www.bhcommunityworks.org.uk](http://www.bhcommunityworks.org.uk)

Tel: 01273 234023

- **Locality**

Locality's Asset Transfer Unit is the leading provider of expert advice, guidance and support on the transfer of under-used land & buildings from the public sector to community ownership and management. The Unit has a wide range of tools & resources to help organisations to develop assets and deliver long-term social, economic and environmental benefits. These include legal, business planning & strategic support as well as a help-line service.

Web: <https://mycommunity.org.uk/programme/community-asset-transfer>

Tel: 0845 345 4564

- **Community Matters**

This is the national membership & support organisation for the community sector which champions voluntary and community action at neighbourhood level as a means of local people taking control of issues in their area and fostering community spirit.

Web: <http://advisingcommunities.org.uk/our-services/advice-and-information/4-community-asset-transfer>

- **Brighton and Hove Community Land Trust**

This organisation is leading a programme of Community Led Housing in the city and can provide advice information and support to groups of people seeking community led Housing and other land and property related solutions.

Web: <http://bhclt.org.uk>

Email: [admin@bhclt.org.uk](mailto:admin@bhclt.org.uk)



- **Possability People**  
Pan impairment voluntary organisation that can provide advice and information on accessibility requirements and considerations.  
Web: <https://www.possabilitypeople.org.uk/>  
Tel: 01273 89 40 40
- **Brighton & Hove Energy Services Co-Op (BHESCO)**  
Energy efficiency and sustainability advice.  
Web: [www.bhesco.co.uk](http://www.bhesco.co.uk)
- **Brighton Energy Co-Op (BEC)**  
Energy efficiency and sustainability advice.  
Web: [www.brightonenergy.org.uk](http://www.brightonenergy.org.uk)
- **Freegle**  
For advice on material reuse.  
Web: [www.ilovefreegle.org](http://www.ilovefreegle.org)

### 7.3 Council Complaints Procedure

If you are unhappy with the way that your CAT application has been handled please contact either of the council teams noted in Section 7.1 above in the first instance.

If your query is still not resolved to your satisfaction then please visit the following page of the Council's website which sets out our formal complaints procedure:

<https://www.brighton-hove.gov.uk/content/council-and-democracy/compliment-or-complain/making-a-complaint>

### 7.4 Acknowledgements

This policy has been produced by the council's Property & Design, Community, Equality & Third Sector, Housing Strategy and Sustainability teams in consultation with the city's Community Buildings Network and Community Works representatives.

The following help and support was used in the development of this policy:

- RICS: Local Authority Asset Management Best Practice
- Asset Transfer Unit: Asset Transfer: A Partnership Route Map
- LGA: Empowering Communities – Making the Most of Local Assets
- Community Asset Transfer Policy examples from various other local authorities including Blackpool, Brent, Bristol, East Sussex, Edinburgh, Oldham, Plymouth, Portsmouth, Stoke and Wirral Councils.

## APPENDIX A: EXPRESSION OF INTEREST FORM (STAGE 1)

This form is to be completed to make an initial enquiry in respect of a Community Asset Transfer (CAT) under Brighton & Hove City Council's CAT Policy

### Section A: Initial Eligibility Test

Note that entering 'No' against either of these statements will mean that your application will be rejected at this stage.

Initial Requirements	Enter 'Yes' or 'No'
I have read the council's Community Asset Transfer Policy and consider that this application meets the requirements of the policy.	
I am applying on behalf of a Third Sector Organisation that meets the definition provided in <b>Section 1.2.3</b> of the Community Asset Transfer Policy.	
My organisation promotes and supports the council's vision, values and objectives as set out in the Corporate Plan ( <a href="https://www.brighton-hove.gov.uk/content/council-and-democracy/about-your-council">https://www.brighton-hove.gov.uk/content/council-and-democracy/about-your-council</a> ). I am able to provide details to evidence this at Stage 2 of the application process.	
I confirm that my organisation has a detailed business plan demonstrating financial and organisational resilience which can be made available to the council if this application proceeds to the next stage.	
I confirm that sufficient experience is available within my organisation to adequately manage the premises for the term of the transfer and to meet all usual statutory requirements associated with property management. I will be able to supply further details to evidence this if the application proceeds.	
My organisation would be willing to explore a joint arrangement with another applicant for this asset and agree for this application to be shared with the other party.	

**Section B: Contact Details**

Your Organisation & Contact Details	
Name of third sector organisation	
Type of Organisation	
Contact address	
Your name	
Your position in the organisation	
Contact telephone number	
Contact e-mail address	

**Section C: Your Transfer Request**

Please be as detailed as you can to enable the council to fully understand your application and requirements. Refer to **Section 4.0** of the CAT Policy for details of available options.

Details of the proposed transfer	
Name of the building or land asset to be transferred	
Full address of the building or land asset to be transferred	
Your anticipated lease / transfer terms	

**Section D: Your Organisation**

Please describe your organisation's membership, structure and governance including details of the area or communities that you currently serve. (max 500 words)

**Section E: Your Service Offer**

Please provide a clear description of the services, activities or facilities that will be delivered through the proposed Community Asset Transfer. Please indicate the intended geographical extent of your service offer and which if any communities you have consulted with to determine the need for your services/activities/facilities (max 500 words)

**Section F: Reasons for a CAT Application**

Please explain why your organisation believes that a CAT application is necessary to include anticipated community social value benefits and outcomes. Include evidence as to why your service offer may be put at risk if your CAT application does not succeed. (max 500 words)

Signed on behalf of the Third Sector Organisation: .....

Print name and position in the organisation: .....

Date of application: .....

On completion please return this form and any supporting information to the council's Estates Team at [commandagriproperty@brighton-hove.gov.uk](mailto:commandagriproperty@brighton-hove.gov.uk).



On receipt of this Expression of Interest for Community Asset Transfer the council will review your request and may come back to you for more information if this is necessary to fully consider your application.

On receipt of the application and all required supporting information, the council will aim to advise you of its initial decision within a period of fifteen working days.

If your Expression of Interest is rejected at this stage you will be provided with details of why it has not succeeded.

If your expression of Interest is approved at this stage you will be invited to proceed with the full application.

## APPENDIX B: FULL COMMUNITY ASSET TRANSFER (CAT) APPLICATION FORM (STAGE 2)

This form should only be completed by Third Sector Organisations who have been notified of a successful Expression of Interest application under Brighton & Hove City Council's CAT Policy

### Section A: Initial Eligibility Test

Initial Requirements	
Please confirm that you have read the council's Community Asset Transfer Policy and that you have previously submitted a successful Expression of Interest (EoI) application.	
Please confirm that the details submitted on your original EoI application are unchanged. If any amendments have been made please ensure that any differences are clearly identified in the sections below.	
Please provide the date that your original EoI application was approved.	

### Section B: Contact Details

Your Organisation & Contact Details	
Name of third sector organisation	
Contact address	
Your name	
Your position in the organisation	
Contact telephone number	
Contact e-mail address	

### Section C: Your Transfer Request

Please be as detailed as you can to enable the council to fully understand your application and requirements. Refer to **Section 4.0** of the CAT Policy for details of available options.

Details of the proposed transfer	
Name of the building or land asset to be transferred	
Full address of the building or land asset to be transferred	



**Section D: Your Offer**

Please provide a clear description of the services, activities or facilities that will be delivered through the proposed Community Asset Transfer. Please indicate the intended geographical extent of your service offer and your intended service users. (max 500 words)

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**Section E: Intended Use of the Building**

Please provide a clear description of how you intend to use the building and ensure that it is fully utilised and operated in the most environmentally sustainable way (see also **Appendix D**). Include details of how you intend using the asset to raise income or increase social enterprise. (max 500 words)

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**Section F: Service Demand**

Please demonstrate that there is a need and demand for the activities being proposed and that your proposals do not duplicate existing facilities in the community. Please reference any and all community consultation that you may have carried out (max 500 words)

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**Section G: Transfer Requirements**

Please detail here any specific lease requirements you will require in order for the CAT to succeed. This should include details of the minimum lease lengths required. (max 500 words)

--

**Section H: Delivering Social Value**

Please provide details of how your service offer resulting from a successful CAT application will promote social, economic or environmental well-being and support the council's aims and objectives as detailed in the Corporate Plan – web link below. (max 500 words)

<https://www.brighton-hove.gov.uk/content/council-and-democracy/about-your-council>

**Section I: Monitoring of Benefits**

Please describe your proposed timescales for achieving social value outcomes described above and how you will monitor these. Please confirm that you will provide an annual report to the council describing progress against the timescales and the impact of the social value. (max 500 words)

**Section J: Your Experience**

Please describe your organisations skills, knowledge and experience in providing the intended service and in managing a similar property. (max 500 words)

**Section K: Risk Mitigation**

Please describe how your organisation intends to mitigate the risks identified in **Appendix C** of the CAT Policy. (max 500 words)

**Section L: Additional Details**

Note that entering 'No' against any of these statements may mean that your application will be rejected at this stage.

Additional Details	Enter 'Yes' or 'No'
I have attached a copy of our business plan that covers at least the period of our intended lease or the first five years whichever falls sooner.	
I have attached a copy of the latest accounts for my organisation.	
I have attached a copy of my organisations governance and legal structures.	

Signed on behalf of the Third Sector Organisation: .....

Print name and position in the organisation: .....

Date of application: .....

On completion please return this form and any supporting information to the council's Estates Team at [commandagriproperty@brighton-hove.gov.uk](mailto:commandagriproperty@brighton-hove.gov.uk).

On receipt of this application for Community Asset Transfer the council will review your request and may come back to you for more information if this is necessary to fully consider your application.

On receipt of the application and all required supporting information, the council will aim to advise you of its decision within a period of fifteen working days.



## APPENDIX C: RISK ASSESSMENT

Community Asset Transfer applicants and the council should be aware of the risks that can be associated with a transfer, the most common of which are summarised below. Third sector organisations are required to identify risks specific to the proposed transfer and to explain how they intend to reduce or remove these as part of the application process (see **Section 5.0** of the CAT Policy).

Identified Risk	Possible Mitigating Actions
1 The organisation does not have the capacity or skills to take over and manage the asset.	Organisation to carry out a skills gap analysis to identify where capacity needs to be built internally or bought in.
2 The organisation does not have the resources to adequately maintain and run the asset.	Council to provide details of current running costs and condition. Organisation to confirm how they will meet statutory and property management obligations.
3 The organisation does not have the financial backing to pay a market rent for the premises.	The organisation will provide the council with details of added social value they intend to create through the transfer that will mitigate a reduced rental income. This will be assessed by the council during the CAT application stage.
4 The organisation does not meet the added social value requirements of the transfer.	Anticipated benefits to be documented prior to the start of the transfer process and monitored and regularly reviewed by both parties.
5 Confusion of roles and responsibilities between the organisation and the council.	Roles & responsibilities are detailed in the transfer agreement.
6 The organisation misuses the asset, under-utilises the asset or allows it to fall into disrepair.	Transfer agreement will allow the council to review use of the building with a remedy to transfer the asset back where considered necessary.
7 The organisation becomes insolvent or ceases to operate.	The council will transfer back the asset under the transfer terms.

## APPENDIX D: SUSTAINABILITY CHECKLIST

Applicants for community asset transfer are advised to refer to this checklist when responding to **Section E** of the Full CAT Application Form.

Area	
<b>Waste</b>	
<b>Reduce</b>	✓ Purchase products with minimal packaging
<b>Reuse</b>	<ul style="list-style-type: none"> <li>✓ Reuse materials within premises as much as possible</li> <li>✓ Where useful materials and resources are no longer needed give to charity or through local online reuse sites such as Freegle and Gumtree.</li> </ul>
<b>Recycle</b>	<ul style="list-style-type: none"> <li>✓ Sufficient provision of waste recycling facilities</li> <li>✓ Adequate disposal bins are provided that are clearly labelled for separating different materials</li> <li>✓ Ensure recycling stations are clearly signposted so they are easy to find for all building users</li> <li>✓ Reduce the availability of general waste bins</li> </ul>
<b>Energy</b>	
<b>Lights</b>	<ul style="list-style-type: none"> <li>✓ Ensure there are 'Switch off' signs next to all lights switches and reminder to switch off posters at main points of exit to the building</li> <li>✓ Ensure low energy lights bulbs or LED lighting is used throughout building</li> <li>✓ Avoid purchasing desk lamps</li> <li>✓ Reduce the need to have lights on by not obstructing daylight from entering the building by not covering up windows.</li> </ul>
<b>Electrical items</b>	<ul style="list-style-type: none"> <li>✓ Avoid purchasing unnecessary items unless absolutely necessary</li> <li>✓ Check energy rating of items before purchasing</li> <li>✓ Avoid using electrical fans – open windows and doors instead</li> <li>✓ When boiling kettles only boil as much as you need and clearly sign kitchens so that energy efficient behaviour is encouraged by all users</li> <li>✓ Ensure air conditioning units are operating efficiently</li> <li>✓ Turn off appliances, printers, PCs, etc... when not in use</li> </ul>
<b>Heating</b>	<ul style="list-style-type: none"> <li>✓ Avoid using energy intensive electrical heaters</li> <li>✓ Keep doors and windows closed to avoid losing heat</li> <li>✓ Install draught excluders and ensure the building is properly insulated</li> </ul>
<b>Renewables</b>	<ul style="list-style-type: none"> <li>✓ Talk to your local community energy cooperative about installing solar PV or other renewable energy technologies to benefit from lower energy buildings and reducing your carbon emissions</li> </ul>

Water	
<b>Water saving</b>	<ul style="list-style-type: none"> <li>✓ Ensure dripping taps are fixed</li> <li>✓ Ensure there are switch off signs or stickers by all sinks &amp; taps</li> <li>✓ Install water saving devices</li> <li>✓ Install dual flush valves in all toilet</li> <li>✓ Limit users to only 5 min showers</li> <li>✓ Install water efficient toilets, showers and taps when installing new</li> <li>✓ Install rainwater harvesting system to capture rainwater for reuse within or outside of the building</li> </ul>
Nature & Biodiversity	
<b>Habitat creation</b>	<ul style="list-style-type: none"> <li>✓ Where there is outside space, grow plants that encourage nature and wildlife such as butterfly and bee friendly plants</li> <li>✓ Grow indoor plants to improve air quality inside the building</li> <li>✓ Consider installing a green roofs or living walls where possible</li> <li>✓ Install bird/bat boxes onto the building</li> <li>✓ Choosing planting that isn't too water intensive</li> <li>✓ Design</li> </ul>
<b>Landscaping and planting</b>	
Travel & access	
<b>Facilities</b>	<ul style="list-style-type: none"> <li>✓ Ensure there are adequate and safe cycle parking facilities provided</li> </ul>
<b>Access</b>	<ul style="list-style-type: none"> <li>✓ Replace outside paving with permeable surfaces for encouraging good rainwater drainage and to reduce the risk of flooding both externally and inside the building.</li> <li>✓ Ensure there is good wheelchair access into and within the building, with consideration of ramps, stair lifts and self-opening doors where needed.</li> </ul>