

<b>Economy and Property Committee</b>	
<b>Meeting Date</b>	23 <sup>rd</sup> July 2024
<b>Report Title</b>	Consultation – Disposals and Community Asset Transfer Policies
<b>SMT Lead</b>	Emma Wiggins, Director of Regeneration & Neighbourhoods
<b>Head of Service</b>	Joanne Johnson, Head of Place
<b>Lead Officer</b>	Kieren Mansfield, Strategic Programmes and Assets Manager
<b>Classification</b>	<b>Open</b>
<b>Recommendations</b>	1. To approve the consultation document at Appendix I for publication and circulation to local organisations, inviting responses over an 8-week period.

## **1. Executive Summary**

- 1.1 On adopting the Property Asset Strategy on 14<sup>th</sup> November 2023, the Regeneration and Property Committee also approved a set of principles as a basis to consult on new Disposal and Community Asset Transfer (CAT) policies.
- 1.2 The attached document at Appendix I is a draft document, intended to form the basis of this consultation with the local community, Parish and Town Councils and local organisations.

## **2. Background**

- 2.1 The Council has fairly wide discretion to dispose of its assets (such as land or buildings) in any manner it wishes. When disposing of assets, the Council is subject to statutory provisions, in particular, to the overriding duty, under section 123 of the Local Government Act 1972, to obtain the best consideration that can be reasonably obtained for the disposal. This duty is subject to certain exceptions that are set out in the General Disposal Consent (England) 2003.
- 2.2 The future Disposals Policy should reflect the aims of the recently adopted Property Asset Strategy, in respect of continual asset review, rationalisation and streamlining of the property portfolio. The financial viability of the Council's assets should also guide disposal decisions, alongside a wider set of considerations that are included in the principles set out in the consultation document at Appendix I.
- 2.3 The Council's new Corporate Plan 2024-2027 identifies a priority to "work in partnership with the local towns and parishes and voluntary sector on our community assets." Community Asset Transfers form part of the toolkit available to the Council to dispose of property assets (usually at less than market value), as a means to empower communities and promoting local stewardship.

- 2.4 The use of a CAT applies to Council assets where community activities are the primary purpose of the asset, e.g. community halls and allotments
- 2.5 The consultation document has been produced to place a particular focus on CATs in part to try and aid understanding, as well as to seek community and partner views to inform the drafting of new Disposals and CAT policies. The drafts of the new policies would return to the Economy and Property Committee, to be considered for adoption.
- 2.6 As part of this consultation it is the intention to provide public access to a map of the Borough that identifies the Council's ownership of land and buildings, via the website. This will allow local organisations to identify assets which may be of interest to them and help make the consultation more tangible.

### **3. Proposal**

- 3.1 To approve the consultation document at Appendix I for consideration by the Economy and Property Committee, prior to publication and circulation to local organisations, inviting responses over an 8-week period.

### **4. Alternative Options**

- 4.1 The Council draft and consider adoption of new Disposals and CAT policies without community consultation. This is not recommended as input from community and partner organisations could provide valuable insights that help shape the new policies and which in turn may be better understood and have greater buy-in from external organisations.
- 4.2 It is the intention that this consultation process would not of itself delay disposals or Community Asset Transfers underway or where organisations have an existing interest, which would be subject to existing policies. However, the principles that are set out could be reflected in the approach adopted in progressing such.
- 4.3 Do not update the policies. This is not recommended as the existing policies are relatively dated and the context has changed. The consultation provides an opportunity to update and refresh, in light of this and the views received.

### **5. Consultation Undertaken**

- 5.1 The report proposes publication and wide consultation with local and partner organisations. Assuming the approval of the Economy and Property Committee, this could commence immediately, with an 8 week period concluding tin mid-September. Responses would be collated and the draft policies reviewed in light of comments received, with a view to seeking adoption of the policies at the January meeting of the Economy and Property Committee.

## 6 Implications

Issue	Implications
Corporate Plan	The Council's consultation draft of its new Corporate Plan 2024-2027 identifies a priority under the Community section to "work in partnership with the local towns and parishes and voluntary sector on our community assets." New policies for Disposals and CATs will support this and the wider delivery of the Property Asset Strategy, which is identified as a priority under the Economy heading
Financial, Resource and Property	None identified directly arising from this report. Future disposals and CATs could have significant financial implications for the Council, which will need to be considered on a case-by-case basis. The basis for such considerations is set out in the draft principles against which the consultation is being conducted. Undertaking disposals, requires a significant degree of officer input and can take time. Staff resources and other work priorities will limit the number of disposals that can take place within a given period.
Legal, Statutory and Procurement	Other than acknowledging the Council's statutory obligations in respect of the disposal of Property Assets, none are identified at this stage.
Crime and Disorder	None identified at this stage
Environment and Climate/Ecological Emergency	None identified at this stage
Health and Wellbeing	None identified at this stage
Safeguarding of Children, Young People and Vulnerable Adults	None identified at this stage
Risk Management and Health and Safety	None identified directly arising from this report. Future disposals and CATs could have significant implications for the Council, which will need to be considered on a case-by-case basis. The basis for such considerations are set out in the draft principles against which the consultation is being conducted.
Equality and Diversity	None identified at this stage
Privacy and Data Protection	None identified at this stage.

## 7 Appendices

7.1 The following documents are to be published with this report and form part of the report:

- Appendix I: Draft Consultation document for Disposals and Community Asset Transfer Policies

## 8 Background Papers

8.1 1 4<sup>th</sup> November 2023, Property Asset Strategy Report to Regeneration and Property Committee.

8.2 Swale Borough Council - Community Asset Transfer Policy, 2014  
**Microsoft Word - CAT policy - Nov 2014 revision v5 (FINAL).docx**  
**([swale.gov.uk](http://swale.gov.uk))**