

LAND ASSETS IN THE WESTERN AREA

When looking at the maps showing the Council owned land assets in the Western Area, concerns were raised by Members about their clarity and accuracy. Maps have been created showing land ownership by ward and by parish, via the GIS team, at a scale that should provide for easier identification of sites.

Given their size to achieve the scale required for clarity, a link will be circulated prior to the meeting that provides access to these files, which will remain available. Print outs of the maps could be provided on request.

In respect of the maps' accuracy, officers have a good degree of confidence in what the Council has recorded on its mapping system. However, there may be few anomalies, for instance where there is a recent transaction. It is possible to check accuracy on a case-by-case with the Council's held property records and/or with the Land Registry. However, doing such systematically across the estate would be something that the Council would find difficult to resource and a 'one and done' check of the whole mapping system isn't possible.

Officers have reviewed the specific concerns raised in the minutes of the November Committee.

- The Meads Woodland is identified on the mapping system as land that the Council leases in (i.e. is not Council-owned).
- The land referred to at Bapchild is currently unregistered.
- The land beneath the roads around Quinton is recorded as land owned by the Council, but forms part of the publicly maintained highway.

In November 2023, Swale Borough Council adopted a new Property Asset Strategy, which sets out the principles for a Disposal Policy and a Community Asset Transfer Policy. These will be subject to an imminent consultation on the principles prior to a final Policy for each being presented to the Council's Regeneration and Property Committee. A copy of these principles can be found below and once commenced the consultation will be shared.

Principles for a Disposal/Asset Review Policy.

The Council's disposal policy will reflect the aims of this strategy in respect of continual asset review, rationalisation and streamlining of the property portfolio. It is key that the Council continually assesses the financial viability of its assets to guide disposal decisions, but also takes account of the wider set of considerations. The continual review of the Council's Assets ensures the efficient and effective management of the Council's property portfolio, maximising value for money, contributing to the Council's long-term goals, and promoting economic development.

Criteria for Disposal

The following criteria shall be considered in determining the potential disposal of an asset:

Financial Viability

The financial viability of retaining or disposing of an asset will be assessed. This includes a thorough evaluation of the ongoing maintenance and whole life costs, potential income generation, the projected market value of the asset and whether this can be enhanced in advance of any disposal.

Long-term Council Goals

The alignment of the asset with the Council's strategic goals will be considered. These goals may include service delivery objectives, community needs, and the Council's sustainability targets.

Community Benefit

The potential community benefit of retaining or disposing of an asset will be assessed. This could include the potential for the asset to be used for community facilities, affordable housing, or other community or operational use.

Regeneration

The potential for the asset to contribute to economic development or wider regeneration in the borough will be considered. This could include the potential for job creation, business development, and the promotion of economic growth.

Legislative Framework and Government Guidance

This policy will comply with the relevant UK legislation and Government guidance, including but not limited to:

- The Local Government Act 1972: which gives local authorities the general power to dispose of land held by them in any manner they wish.
- The Localism Act 2011: which introduced the "General Power of Competence" providing local authorities with greater freedom to act in the best interests of their local communities.
- The Ministry of Housing, Communities & Local Government's (MHCLG) Non-Statutory Guidance on Disposal of Land by Local Authorities (February 2020):

which provides guidance on achieving best consideration for the disposal of assets.

The Council's Property Asset Disposal Policy will ensure that decisions regarding the disposal of Council-owned assets are made in a transparent and accountable way, maximising the financial, social and economic benefits for the borough and its residents.

Surplus Properties

An asset shall be deemed to be surplus to the Council's requirements if one or more of the following apply:

- (a) It makes no contribution to the delivery of the Council's services,
- (b) It has no viable potential with regard to the delivery of the Council's Corporate Plan
- (c) An alternative and more cost effective service delivery site has been identified.

A site is deemed to be under-used if:

- (a) The income it generates is below that which could be achieved from one or more of:
 - (i) An alternative use
 - (ii) Disposing of the site and investing the income
 - (iii) Intensifying the existing use, mindful of the viability of doing so
- (b) A significant part of the site is vacant and is likely to remain so for the foreseeable future and has no potential with regard to the delivery of the Council's Priorities.
- (c) The cost of retaining the asset outweighs its likely income generation

Principles for Community Asset Transfer Policy

Community Asset Transfers (CATs) can provide significant benefits to both local councils and community groups by empowering communities, promoting local stewardship, and potentially reducing expenditure for the council. However, the process needs careful handling, particularly when it has resulted in subsidy from the Council to the community group and ultimately does not absolve the council from repair obligations.

The CAT policy should consider the following points:

1. **Risk Management:** Identify potential risks and develop a risk management strategy. This could include financial risks, the risk of asset mismanagement, and the risk of community conflict. A comprehensive risk management strategy will help to mitigate these risks and ensure the long-term sustainability of the asset transfer.
2. **Community Engagement:** Engage the wider community in the decision-making process for asset transfers. This can help to ensure local buy-in and support and may also open up additional sources of support and funding or alternative transferees.
3. **Clear Communication:** Be transparent about the nature of the transfer and its potential implications. Ensure community groups understand that they are receiving a valuable asset that equates to a subsidy and what their responsibilities will be, particularly regarding property maintenance and repairs. This can prevent misunderstandings and mismanagement down the line.
4. **Long-term Financial Planning:** Community groups will be required to develop robust long-term financial plans that account for ongoing maintenance and repair costs. This might involve setting up a sinking fund for future repairs or seeking external funding sources.
5. **Legal and Contractual Clarity:** Ensure that the legal agreements surrounding the asset transfer are clear about who is responsible for what specifically regarding outgoings and repair obligations.
6. **Regular Monitoring and Evaluation:** Implement a monitoring and evaluation system to track the performance and impact of the transferred assets. This will allow the council to intervene if necessary and provide additional support to the community group. This will also prepare the Council should it become clear that the asset is likely to fall into disrepair or be mismanaged.
7. **Exit Strategy:** Every transfer should have a clear defined exit plan in place for what happens if the community group is no longer able to or have failed in managing the asset. This might involve transferring the asset to another group, selling it, or returning it to council control.

Community Asset Transfers will place a resource burden on the Council, above and beyond the required community engagement around an opportunity and the management of any transfer. The extent of this will depend on the capacity of interested community organisations to understand the obligations that come with a

particular Community Asset, prepare a sufficiently robust business case to satisfy the Council and subsequently manage the asset successfully.

To pro-actively pursue Community Asset Transfers the Council may also need to consider resourcing support and training for community groups to ensure they can build and present a sustainable business model and manage and maintain the assets effectively. Whilst some external funding may be available to support this on occasion, no existing resource is currently available to support this.

Where a business case is unsustainable, or progress towards a business case is not within appropriate timeframes, Council Officers will need to make recommendations based on property, strategic and financial considerations. This would maintain the focus on minimising risk and maintaining the long-term viability of the Councils Assets, which is key to supporting the wider delivery of services.