

<b>Economy and Property Committee</b>	
<b>Meeting Date</b>	30th January 2025
<b>Report Title</b>	Disposal 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>	That the draft Disposal Policy (as at Appendix I) and the draft Community Asset Transfer Policy (as at Appendix II) are adopted by Swale Borough Council.

## **1. Executive Summary**

- 1.1 On adopting the Property Asset Strategy on 14<sup>th</sup> November 2023, the Regeneration and Property Committee (as was) also approved a set of principles as a basis to consult on an updated Disposal and Community Asset Transfer (CAT) policies.
- 1.2 A draft consultation document regarding these policies was approved by Committee on 24<sup>th</sup> July 2024 and used to consult with the local community, Parish and Town Councils and local organisations.
- 1.3 This report presents the updated draft policies, reflecting the consultation responses received, with a view to adoption.

## **2. Background**

- 2.1 On adopting the Property Asset Strategy on 14<sup>th</sup> November 2023, the Regeneration and Property Committee (as was) also approved a set of related principles as a basis to consult on new Property Disposal and Community Asset Transfer (CAT) policies. The consultation document was approved by the Committee in July 2024 and the consultation took place over 8 weeks ending in October 2024.
- 2.2 The consultation included public access to a map of the Borough that identifies the Council's ownership of land and buildings, via the website. This was to allow local organisations to identify assets which may be of interest to them and to help make the consultation more tangible.
- 2.3 The amended Property Disposal and Community Asset Transfer (CAT) policies are attached at Appendix I and II respectively. They have been drafted in light of the agreed Property Asset Strategy, the principles agreed by the Economy and Property Committee and the responses received during the consultation.

2.4 Whilst broadly supportive, responses received raised some issues (see below), which the updated content of the policies have sought to reflect. The issues raised were:

- Consultation with Town and Parish Councils about disposals should take place, to provide local information and the opportunity for them to register potential interest, with the possibility of being preferred bidders.
- A suggestion to consider the heritage and historic value of assets as part of the assessment when considering disposals.
- The need for effective follow-up on community assets that have been transferred, to ensure appropriate use and management.

### 3. Proposal

3.1 That the draft Disposal Policy (as at Appendix I) and the draft Community Asset Transfer Policy (as at Appendix II) are adopted by Swale Borough Council.

### 4. Alternative Options

4.1 Do not approve/update the policies. This is not recommended as the existing policies are relatively dated and the context has changed. The updates are reflections of this and the policies have been amended in light of the responses to the consultation.

### 5. Consultation Undertaken

5.1 With the approval of the Economy and Property Committee, an 8 week consultation on the draft policies, supported by background information, took place. The document was circulated to Parish and Town Councils and community organisations, and the consultation more widely promoted, with an 8 week response period concluding in mid-October. The draft policies were reviewed in light of comments received.

## 6 Implications

Issue	Implications
Corporate Plan	The Council's 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 Disposal 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	There are no direct financial implications arising from the draft policies directly. However, they would provide part of the policy base which would inform decisions about the disposal and retention of the Council's property assets. Appropriate management of the Council's property assets supports its overall financial position. The Property Asset Strategy acknowledges the need for rationalisation, with disposals offering the opportunity to

	<p>secure capital receipts, make budgetary savings and/or reduce potential current and future liabilities.</p> <p>Implementing all disposals requires significant input from the relevant service and the property and legal teams. Where legal and other costs are incurred to move a potential disposal forward, these are currently not budgeted for. Such costs can only be fully offset where the financial benefit to the Council of a disposal or Community Asset Transfer outweighs such costs.</p> <p>The resources available within service areas and the property and the legal teams are a constraint on the volume of disposals and community asset transfers that can be worked towards and completed at any given time. This will also impact on the speed at which transactions can be moved forward, alongside a number of other factors, including the input of the organisation taking receipt of the asset.</p>
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	<p>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.</p> <p>The Council is in regular receipt of multiple enquiries from individuals and organisations with an interest in acquiring Council owned property assets. There is also a growing number of enquiries from Parish and Town Councils wishing to explore the possibility of Community Asset Transfers. This may grow, in the context of local government reorganisation.</p> <p>Given the resource limitations, it is not possible to advance all such enquiries and prioritisation will be required. In line with Property Asset Strategy and the draft disposals policy this would need to take account of the following:</p> <ul style="list-style-type: none"> <li>• financial impact for the Council;</li> <li>• alignment with the Council's Priorities and</li> <li>• community and regeneration benefits.</li> </ul>

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 Disposal Policy
  - Appendix II: Draft Community Asset Transfer Policy

## **8 Background Papers**

- 8.1 4<sup>th</sup> November 2023, Property Asset Strategy Report to Regeneration and Property Committee.
- 8.2 24<sup>th</sup> July 2024, Consultation – Disposals and Community Asset Transfer Policies, Report to Economy and Property Committee.