



Report to:	Strategic Policy and Resources
Subject:	Consultation: DSD Community Asset Transfer Policy
Date:	23 August 2013
Reporting Officer:	John McGrillen, Director of Development, ext 3470
Contact Officers:	Claire Patterson, Business Research and Development Manager, ext 3379. David Purchase, Business Research & Development Officer, ext 3792

1	Relevant Background Information
1.1	The Council has been asked to respond to proposals for DSD's Community Asset Transfer Policy Framework. Community Asset Transfer is a change in management and / or ownership of land or buildings, from public bodies to communities. The Framework establishes 'ground rules' to govern individual transfers and seeks to address the barriers which exist in terms of regulation and guidance, finance, skills and awareness, through a series of proposals.
1.2	<p>The specific questions for the consultation are:</p> <ul style="list-style-type: none"> • Will the ground rules achieve a focus on outcomes; sustainability; and accountability? • Will the ground rules be an effective means of governing decision making? • Will the proposals raise the profile and understanding of Community Asset Transfer as a tool for investment and regeneration? • Will the proposals be effective in 'Mainstreaming' Community Asset Transfer as an option for asset management and address current operational barriers? • Will these proposals be effective in creating and maintaining the necessary skills within public sector and third sector organisations for implementation; long term sustainable management; and development of assets? • Will these proposals be effective in providing investment to support the implementation of Community Asset Transfer? • The Community Right to Buy or Right to Bid exists elsewhere in the UK as part of the enabling environment for Community Asset Transfer. We are interested in exploring opinion on whether an

	<p>equivalent community right could support asset transfer in Northern Ireland. Please comment on this.</p> <ul style="list-style-type: none"> Any other comments?
1.3	<p>The Policy is attached in Appendix 1 and is available online: http://www.dsdni.gov.uk/community_asset_transfer_policy_framework_consultation_document_30_may_2013.pdf</p>
1.4	<p>The Council was made aware of the consultation on 4th June 2013 and comments are required to be returned by the 23rd August 2013. We have advised DSD that the Council's provisional response will arrive soon after the 23rd.</p>
1.5	<p>The consultations document was distributed to officers across Council and their responses, as well as comments from NILGA's draft response, have been included in the provisional draft response attached as Appendix 2.</p>

2	Key Issues
2.1	<p>Although the document states that it will set out ground rules, there is very little detail at this stage. Instead the consultation document refers to guidance that will be developed at a later stage. Without this detail, the policy is basically a call to encourage the public sector to consider transferring assets in the hope that it will provide community benefits and attract investment. Most of the feedback from officers was about the lack of detail.</p>
2.2	<p>The document may set expectations in the community sector too high. The policy shows the benefits of asset transfer but does not highlight any risks or common problems. The Policy may create the impression that assets are going to be readily available and that any transfer will automatically create the benefits outlined. The reality is that we may need to decline requests; the groups proposed plan may not be realistic; leasing or programming might be better options; and owning an asset does not automatically guarantee the hoped for community benefits</p>
2.3	<p>The policy does not stress the importance of asset transfers being driven by need and demand in an area. There are no plans to map existing asset and service provision.</p>
2.4	<p>There is also a significant risk that a transferred asset may fall under the influence or control of a particular group/portion of the community in an area, and that they may not be inclusive.</p>
2.5	<p>The policy recognises the importance of the sustainability of an asset after it is transferred but seems to underestimate the capacity building that many community groups will need to be able to manage an asset over the longer term. BCC currently have approximately 40 long-term leases in place for community, sports and other 3rd sector groups. A few of these have had to be surrendered by groups in recent years e.g. at Finlay Park, Whiterock etc, and several are struggling both in terms of financial security and delivering expected outcomes. Lessons could be learnt from BCC's experience.</p>
2.6	<p>The policy also does not differentiate between groups that only want responsibility for programming activities within an asset, to those that want to lease an asset and to those that want full ownership. Officers have suggested</p>

	that the option of a staged approach to transfer should be highlighted within the policy: from programming, to leasing, to owning.
2.7	The policy does not provide guidance on how to deal with asset transfers that go wrong and/or do not provide the expected benefits. There should be guidance on developing exit-strategies. There is also no guidance on how to deal with transfers where we are directly approached by the community.
2.8	The policy aims to create investment and regeneration. However, most of the actions that are proposed are concerned with redistributing grants and other funding streams rather than creating new investment. The policy needs to consider the possible private sector contribution.
2.9	There are no firm proposals as to how the legal barriers will be addressed. In particular, not being able to sell assets for under market price, open competition, and being open to challenge. This is still the biggest barrier for BCC.
2.10	The policy seems to be aimed at the Civil Service rather than the wider public sector and there is no consideration of the impact of RPA/LGR. Officers' experience suggests that many central government departments face additional constraints when looking to transfer their assets. For example, Health faces difficulties in transferring an asset for a use other than health care. Consequently there may be an increase in departments looking to transfer assets to Council prior to them being transferred to community groups.
2.11	The policy makes reference to examples across the UK but does not allow for the significant differences that exist. In particular, the impact of significant public sector cuts across England and Wales, which is driving the disposal of assets, and the role of Big Lottery Funding to support asset acquisition.

3	Resource Implications
3.1	There are no resource implications attached to this report. Once the Policy comes into affect there may be resource implications related to transferring assets, particularly in terms of community capacity building and funding to support the acquisition and transition.

4	Equality and Good Relations Considerations
4.1	There are no Equality and Good Relations implications attached to this report.

5	Recommendations
5.1	Members are asked to approve the draft Belfast City Council (BCC) response to the consultation and raise any additional issues, relating to the consultation document, that they would like to be included.

6	Decision Tracking
Timeline:	23 August 2013
Reporting Officer:	Claire Patterson

7	Key to Abbreviations

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Documents Attached

Appendix 1 "Community Asset Transfer in Northern Ireland: enabling and supporting community ownership and management of public assets." Urban Regeneration and Community Development Group - Department for Social Development. 2013.

Appendix 2 "Consultation: Draft Response DSD Proposals for a Community Asset Transfer Policy Framework."