

WYRE FOREST DISTRICT COUNCIL**CABINET**
27th OCTOBER 2009**Asset Transfer Policy**

OPEN	
SUSTAINABLE COMMUNITY STRATEGY THEME:	Management of Financial and Other Assets
CORPORATE PLAN AIM:	A Well Run and Responsive Council
CABINET MEMBER:	Councillor Anne Hingley
DIRECTOR:	Director of Legal and Corporate Services Caroline Newlands
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APPENDICES:	Appendix A Draft Asset Transfer Policy Appendix 1 Business Case Appendix 2 Simplified Process Map Appendix 3 Model Criteria Appendix 4 Amended Checklist <i>The appendices to this report have been circulated electronically and a public inspection copy is available on request. (See front cover for details).</i>

1. PURPOSE OF REPORT

- 1.1 To set out the background behind the development of a county-wide policy to deal with the release of local authority assets to the voluntary and community sector.

2. RECOMMENDATION

The Cabinet is asked to RECOMMEND to Council that:

- 2.1 **The proposed draft Asset Transfer Policy be adopted by Wyre Forest District Council and delegated authority given to the Director of Legal and Corporate Services to agree the final form of the Policy.**

3. BACKGROUND

- 3.1 The Quirk Review was commissioned in 2007 as an independent report to look at the transfer of public assets, i.e. local authority owned land and buildings, to local community groups and social enterprises. It recommends that assets are transferred to such organisations as a base for community services, as a source of income to support community activities and reduce grant dependence and as a vehicle for building confidence in a community and empowering residents to take control of their future.

- 3.2 In response to the above report, a Quirk Review Project Group was commissioned by the County and Districts Chief Executives Group to develop an Asset Transfer Policy, which will enable Councils within Worcestershire to deal with the assessment of requests from Voluntary and Community Sector (VCS) organisations to manage or own Council assets within a transparent framework. The Policy will seek to balance the benefits of asset ownership and management to the VCS organisation making the request against any risks involved in a transfer.
- 3.3 The Policy is in draft format at present. Following a review by the Worcestershire Infrastructure Consortium, the Project Group have recommended that the final draft is signed off by Worcestershire Councils by the end of 2009.

4. KEY ISSUES

- 4.1 The draft Policy has been developed by the Project Group and recommended for adoption by Worcestershire Councils.
- 4.2 It will set out a clear and open structure within which all requests for asset transfer can be assessed, ensuring the same model criteria is used by all Councils within the County.

5. FINANCIAL IMPLICATIONS

- 5.1 None as a result of adopting the Policy.
- 5.2 Each proposal for asset transfer will be dealt with on a case-by-case basis. In circumstances where a property may be disposed of below market value, a decision would need to be made by comparing the benefits to be gained from a market value disposal and the community benefits which would accrue from a transfer to community use. Each proposal would be reported to Members for a decision based on any adopted policy.

6. LEGAL AND POLICY IMPLICATIONS

- 6.1 The Local Government Act 1972 and General Disposal Council Consent 2003 gives local authorities discretionary powers to dispose of land in any manner they wish, subject to the need to fulfil their fiduciary duty in a way which is accountable. There is provision to dispose of assets at less than market value if this can be shown to be of benefit to the local community.
- 6.2 Under the Policy applications for asset transfer will only be considered from organisations with legal status or with support from a relevant Council Directorate.

7. RISK MANAGEMENT

- 7.1 The Council may find itself challenged by community groups if there is no transparent framework within which to assess proposals.

8. CONCLUSION

- 8.1 Adoption of the Policy will enable the Council to assess all applications for asset transfer within an open framework and ensure consistency of decisions across the County. It will not remove the Council's discretion in deciding whether or not to dispose of an asset in the first place.

9. CONSULTEES

- 9.1 Cabinet Member Anne Hingley
Interim Chief Executive Diane Tilley

10. BACKGROUND PAPERS

- 10.1 Making Assets Work – The Quirk Review of Community Management and Ownership of Public Assets