Cabinet

Date of Meeting: Thursday 2 July 2026

Title of Report: Draft Community Asset Transfer Policy

Report of: Executive Director - Corporate

Cabinet Portfolio: **Portfolio Holder - Climate Change and Corporate Services**

Confidentiality: Open

Purpose of Report

1. To set out a draft Community Asset Transfer Policy which sets out the process for receiving and assessing expressions of interest for the transfer of assets owned by or under the stewardship of the Council to community organisations. The Policy details what steps the Council will follow to make a decision that is robust, consistent and transparent.

Recommendation

2. Cabinet is requested to consider and approve the draft Community Asset Transfer policy

Background

3. The policy has been developed to ensure the council is able to take a transparent and consistent approach to any request for a council asset to be transferred to a community organisation. It brings clarity to the decision-making process and ensures that successful applications are in the best interests of both the council and the local community

Main Issues

4. Community Asset Transfer (CAT) is a non-statutory process by which the Council transfers the responsibility for, or the ownership of, land or buildings to another organisation to continue or extend its community use.
5. An eligible organisation may make an application for any council asset, subject to the restrictions laid out in this policy. If an asset is proposed for CAT, the assessment process will include consultation with the service area that uses the asset to ensure there is no further requirement for the asset, or for comments on the proposed benefits to the community and/or existing users that would result from the transfer.
6. CATs are discretionary, the draft policy at Appendix 1 sets out a standard framework, however each request would be judged on its merits and Cabinet retains the right to make exceptions in cases where there is an overwhelming argument in support of Corporate Plan objectives.

7. In terms of Local Government Reorganisation, the government has stated that it will issue a S24 Direction shortly after the Statutory Changes Order is issued. It is possible that CAT decisions considered during the transition period to LGR may be subject to the conditions of the S24 Direction and could require the Shadow Authority's approval. The timing and specific terms of the Direction are not yet known.

Overview and Scrutiny Comments

8. Members queried:

- The level of dedicated resources in the service plan.
- The impact of Section 24 directions and the limited time window before local government reorganisation.
- Whether the Council had a comprehensive register of all applicable assets not just buildings but land/ponds or similar.
- Whether the guiding principles and assessment criteria could be more closely aligned
- Whether tenants of council-owned assets would be informed about the policy and its implications.

Members heard:

- Existing finance, property, and legal staff would manage the process.
- The council will not publish a full asset register but will respond to expressions of interest from towns, parishes, and community groups.
- Internal clarity on asset ownership was confirmed, with the process designed to be responsive and transparent.
- All negotiations will be handled sensitively where existing sub-leases are in place.

Corporate Governance Considerations

Relevance to the Corporate Plan

9. This draft policy supports the community objectives and the LGR smooth transition objective as set out in the Corporate Plan, approved in February 2026.

Service Plan

- Is the proposal identified in the Service Plan? No, it is in the Cabinet and O&S Work Programmes
- Is the proposal being funded from current budgets? n/a
- Have staffing resources already been identified and set aside for this proposal? No, this would be undertaken by existing finance, property and legal staff

Legal and Constitutional Issues – including Monitoring Officer comments

10. Decisions taken under this policy will follow existing rules and thresholds set out in the Constitution. There are no additional delegations proposed.

11. Effective use of and provision of community assets can be a valuable element of supporting equality matters, with scope for community facilities to enhance social cohesion and provide access to resources and support for those with additional vulnerabilities or other challenges. Effective support for community assets can therefore help the Council to deliver effectively on its equality duties.

12. The Council must, under s123 of the Local Government Act 1972, obtain the best consideration that can be reasonably obtained for the disposal of land, unless it has the express consent of the Secretary of State or if the Council considers this will help to secure the promotion or improvement of the economic, social or environmental well-being of its area. Disposals of land include: a sale of the freehold interest; granting a lease; assigning any unexpired term of a lease; and granting an easement. If publicly owned land is disposed of at less than best consideration, the local authority is likely to be providing a subsidy to the purchaser and must consider the rules on subsidy control too.

13. If the land is being disposed at an undervalue exceeding £2 million, this will also require the specific consent of the Secretary of State. Prior to considering disposal at less than best consideration it is essential to identify the purpose for which the land is held, as specific additional legal requirements may apply. This policy will not fit all circumstances, so legal input should be sought in each case early in the process. Common land usually cannot be disposed of under section 233(2) of the Town and Country Planning Act 1990 without the Secretary of State's consent.

Alternative Options Considered and Rejected

14. Not to have a policy which would potentially miss an opportunity to work with the community and voluntary sector to secure the long-term future of an asset in advance of LGR.

Financial and Resource Implications

15. Each proposal would be judged on its merits including value, running costs, income and budgetary impact. Cabinet will receive full financial details to support the decision-making process.

Climate Change Implications

16. No specific implications arising from this report or policy.

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Background Papers

None

Appendices

Appendix 1 – Draft Policy