

	<p>Assets, Regeneration and Growth Committee</p> <p>15 December 2014</p>
<p style="text-align: right;">Title</p>	<p>Community Asset Strategy – Draft proposals for consultation</p>
<p style="text-align: right;">Report of</p>	<p>Deputy Chief Operating Officer</p>
<p style="text-align: right;">Wards</p>	<p>All</p>
<p style="text-align: right;">Status</p>	<p>Public</p>
<p style="text-align: right;">Enclosures</p>	<p>Appendix 1: Community Asset Strategy: Proposals paper Appendix 2: List of assets in the current community portfolio</p>
<p style="text-align: right;">Officer Contact Details</p>	<p>Elissa Rospigliosi, Commissioning & Policy Advisor, 020 8359 7158, elissa.rospigliosi@barnet.gov.uk Mike Sudlow, Property Director, Property Services, 07860 758461, michael.sudlow@capita.co.uk</p>
<p>Summary</p>	
<p>On 9 July 2014, the Assets, Regeneration and Growth Committee agreed that a draft of the Community Asset Strategy should be brought to the Committee on December 15 2014.</p> <p>This paper presents the objectives, aims and draft proposals for the Strategy and asks the Committee to agree that they should be taken forward for consultation with the public and engagement with key stakeholders. This will inform the development of the full Community Asset Strategy, which will be brought back to the Committee in March 2015.</p> <p>As well as the objectives and aims of the Strategy, the proposals include a definition of the community estate and governance principles for the Council’s community assets.</p> <p>Full details of the draft proposals are set out in Appendix 1.</p> <p>It is proposed that consultation should take place between 19 December 2014 and 13 February 2015. Details of the planned consultation are set out in section 4 of this report and in Appendix 1.</p>	

<p>Recommendations</p>	
<p>1. That the Committee agree that the aims, objectives and draft proposals set out in this report, which will form the basis of the full Strategy, should be taken</p>	

forward for consultation through engagement with the public and with key stakeholders.

2. That the Committee note that, following this period of consultation, a full version of the Strategy will be presented to the Assets, Regeneration and Growth Committee in March 2015.

1. WHY THIS REPORT IS NEEDED

- 1.1 The Assets, Regeneration and Growth Committee agreed a draft of the Council's Strategic Asset Management Plan (SAMP) on 8 September 2014, which was taken forward for public consultation. The SAMP contained principles for the governance of the Council's estate which broke it down into four parts, one of which was the Council's community estate, and set out the need for a Community Asset Strategy (CAS) to decide how to govern this most effectively. This report presents draft proposals for this Strategy – at Appendix 1 – which will form the basis of the CAS.
- 1.2 The Council recognises the social and economic contribution voluntary and community sector (VCS) organisations make to the Borough and the way in which assets can support their work, making their services more sustainable and able to provide better value for money in the long term. However, part of the Council's strategy for meeting the current and future financial challenges is to maximise the value it gains from its land and assets, by ensuring it receives the best possible income or receipts from council-owned properties and lands which generate rent or which are sold. This will help it fulfil its Duty of Best Value, as set out under the Local Government Act 1999. The Council will therefore need to strike a balance between commercial use of its assets and opportunities to encourage community participation.

Defining the community estate

- 1.3 The Strategy will propose that the Council's approach to the community estate should acknowledge the existing definition of community assets as assets or buildings which are available to VCS organisations for community use only and are made up, variously, of community centres and community halls; sport and leisure facilities, and various other types of buildings let to community groups, such as shops or garages. However, it will also propose that the CAS contains a revised definition which takes account of the community benefit which is provided by the Council's operational facilities, but focuses the CAS and its objectives more specifically on the areas of the estate which are likely to return the greatest benefit from reconsidering and strengthening the relationship between the community occupier and the Council.
- 1.4 The Strategy will propose that the Council should consider the majority of its assets as being used for community benefit, and should seek to promote local priorities through their use. However, the focus of the CAS should be on those assets where the Council can both give and achieve the greatest benefit in terms of using them to support voluntary and community groups: for example, community centres and halls, rather than commercial sport and

leisure operators. It should also consider the way in which operational buildings could potentially become part of the community estate through being brought forward for disposal or through co-location with voluntary or community groups.

Further information about the proposed definition is set out at section 3 of Appendix 1.

Objectives of the Strategy

- 1.5 To do this, the Council proposes that the following three objectives form the basis for the CAS:
 - 1.5.1 **To provide communities with the best possible assets to meet their local needs**, investing in **modern, flexible, functional space** for residents and VCS groups
 - 1.5.2 **To enable communities to become active and independent**, and able to **take on more responsibility for their local areas** and **reduce the need for Council services**
 - 1.5.3 **To rationalise the Council's estate**, without compromising these aims, to ensure it is being **used efficiently to support the Council's priorities and create the best possible value for residents**. This should include exploring partnership working with other public bodies, and finding opportunities to create 'community hub' facilities in which groups might be co-located.

Further information about the proposed objectives is set out at section 5.1 of Appendix 1.

Aims of the Strategy

- 1.6 To achieve these objectives, the CAS will need to ensure the following aims are accomplished. These will resolve some of the issues which have emerged from past engagement, particularly around the need to improve the quality of the estate, ensure clear rights and responsibilities, and find a fair and transparent funding settlement for community groups.
 - 1.6.1 **The Council gets the basics right and manages community assets effectively.**

The CAS will describe how the Council currently defines community assets, and propose how these will be defined in the future. It will set out plans to ensure that the Council has a good understanding of its current estate, including assessing the state of repair of its community buildings; collecting up to date information about how they are being used; and ensuring that there are clear and consistent governance arrangements in place across the estate.

1.6.2 The Council makes the most of the opportunity to use community assets to further the Borough's priorities.

Community assets can help VCS groups whose work supports the Council's goals, whether directly through the services they provide or through the way in which they provide them – for example, by recruiting volunteers or apprentices. The CAS will set out some ways in which the Council can promote local priorities through the way in which its assets are used, by choosing which groups it will use the estate to support and by asking for some support in return.

1.6.3 The Council communicates clearly with residents and community groups about what they can expect from it in relation to community assets.

The CAS will set out the principles by which the Council will engage with and support community groups, including the relationship between their work and our corporate priorities and any contributions we expect in return for our support. It will also set out the various routes by which residents and communities are able to engage with the Council around the use of assets – for example, the Community Right to Bid and Community Asset Transfer – and clarify what they can expect under each one.

Further information about these proposed aims is set out at section 5.2 of Appendix 1.

Governance principles for community assets

1.7 The CAS will aim to ensure that the Council's community estate is governed according to clear, consistent principles. Historically, the portfolio has been administered on a case by case basis which has made it responsive to the needs of individual groups but which has made it difficult to implement a consistent approach or to ensure fair, common treatment for different groups. The CAS will contain a series of principles which will aim to ensure that the Council can realise its objectives with regard to the community estate, as well as fair and consistent treatment for all community groups using Council assets.

1.8 The principles relate to:

- How the Council will consider the relationship between financial value obtained from the community estate and the social or community benefit delivered by its occupiers
- The Council's approach to the rent charged on community properties
- The Council's approach to lease and license arrangements
- The Council's approach to ownership and occupancy, including the potential for co-location, shared use, and community hubs.

1.9 In particular, the CAS will set out the Council's policy on lease, rental and maintenance arrangements in a clear and transparent way, which makes the

relative rights and responsibilities of Council and occupier clear and easy to understand for those using Council assets.

- 1.10 The proposed principles for governance of the community estate are set out in section 6 of Appendix 1.

Community ownership, 'community rights' and expectations

- 1.11 A number of routes by which communities can take control or ownership of local assets have arisen through recent legislation. These have given local groups opportunities for empowerment but the proliferation of 'community rights' and other engagement routes can also be confusing for communities, in terms of what they can expect from the Council under each route and which is most likely to help them achieve their goals in relation to assets.
- 1.12 The CAS will therefore include guidance in relation to these different engagement route and initial proposals for what communities should expect from the Council under each one are set out in section 7 of Appendix 1.
- 1.13 In particular, it will propose that the Council should explore local arrangements for owning or managing assets where this is appropriate or can add benefits. For example, local management of a community hall or leisure centre may be more effective than for it to be run centrally by the Council, as a local organisation may be in a better position to understand local need and can gain extra motivation from the direct benefit which comes to their community. In such circumstances, **Community Asset Transfer** may be considered as an option.
- 1.14 Community Asset Transfer is a process through which a public body can proactively and voluntarily choose to transfer the ownership or management of one or more of its assets to a community organisation, often at less than market rates. The CAS will propose that in Barnet this should be considered most favourably where ownership or management of an asset would help a community group deliver services currently provided by the Council, or would reduce demand on Council services. More information about Community Asset Transfer is included in section 7.1 of Appendix 1.
- 1.15 Finally, it is proposed that the CAS should set out clear and consistent criteria under which it will support voluntary or community groups using its community assets.

These criteria are proposed in section 8 of Appendix 1. They are broken down under three areas:

- Criteria relating to the type of service the group or organisation provides
- Criteria relating to the extent to which the organisation and its use of the asset supports community participation and involvement
- Criteria relating to the robustness and sustainability of the organisation.

- 1.16 The Community Asset Strategy has the potential to improve the relationship between the Council and the community and to support an increasingly strong and vibrant voluntary and community sector. It will therefore be important to ensure robust consultation and engagement with key stakeholders as well as with the general public. Section 4 of this report sets out the plan for consultation on these proposals.

2. REASONS FOR RECOMMENDATIONS

- 2.1 This report and its appendix set out objectives, aims and proposals which will form the basis of the full CAS. This will be brought back to the Assets, Regeneration and Growth Committee for consideration in March 2015.
- 2.2 The paper recommends that these proposals are taken forward for consultation at this stage to allow them to be shaped at the same time as a more detailed evidence base is developed on their costs and benefits. This evidence base, along with feedback and engagement with key stakeholders, will underpin and strengthen the development of the full Strategy.
- 2.3 Robust consultation and engagement will also help to develop the Strategy in partnership with the community, ensuring that the proposals fit local need.

3. ALTERNATIVE OPTIONS CONSIDERED AND NOT RECOMMENDED

- 3.1 The Council could decide to continue to manage its community assets on an ad hoc basis, but this would run the risk of not making best use of community property to achieve the Borough's priorities.
- 3.2 The Council could choose to take these proposals forward as the final proposed draft of the Strategy but this would run the risk of not making best use of engagement, and local data about community need and the value of the proposals.

4. POST DECISION IMPLEMENTATION

- 4.1 If the recommendations are approved by the Committee, the next steps will be a full public consultation on the draft proposals, to take place between 19 December 2014 and 13 February 2015. This will include:
- 4.2 **A survey** for the general public relating to the draft proposals approved by the Committee. This will include consultation on:
- The definition of community buildings
 - The objectives and aims of the Strategy
 - The principles for the governance of community assets
 - The proposed respective rights and responsibilities for the Council and users of the community estate
 - The proposed policy for community asset transfer
 - The proposed criteria by which the Council will offer support to voluntary and community groups.

4.3 **Targeted surveys for VCS groups**, both occupiers and non-occupiers of Barnet community properties, including consultation on the issues above.

4.4 **Targeted stakeholder workshops**, one in each constituency area, with residents, VCS groups, both occupiers and non-occupiers of Barnet community properties, and Members. These workshops will consider, in addition to the above issues:

- lessons to be learned from the current use of the estate
- lessons to be learned from the current use of other community buildings in the Borough
- the accuracy of the current list of community assets, reviewing it and identifying any missing assets which should be included
- any issues about how the proposed balance of responsibilities will work in practice

Both the targeted surveys and stakeholder workshops will also ask respondents to give their views on the future of specific assets, such as which assets they think have potential for development into community hubs, including opportunities for co-location with public or commercial organisations. Respondents will also be asked to feed in on where they see opportunities for communities to become more involved in delivering public services in exchange for transfer of the management or ownership of an asset.

4.5 **Interviews with local partners** including Barnet Clinical Commissioning Group, Middlesex University, JobCentre Plus, Groundwork London, and Community Barnet, as well as engagement with neighbouring authorities, to identify, in addition to the above, any opportunities for joint working and potential co-location.

4.6 **Targeted engagement with other VCS stakeholders**, including London Funders, to understand how assets feature in their decisions about how they choose to support community groups.

4.7 **Work with CommUNITY Barnet** to ensure our engagement with VCS groups is robust and representative and to engage on our behalf, using their local networks, to ensure the CAS is well-informed about the needs of the sector.

4.8 The development of this paper has been accompanied by a review of the evidence available on the current community asset base and on the likely level of need for community facilities in Barnet. This review will continue in parallel with the consultation process, to underpin the development of the full Strategy.

4.9 The evidence base and findings from consultation will inform the full Strategy, which will be presented to the Assets, Regeneration and Growth Committee on March 16 2015.

5. IMPLICATIONS OF DECISION

5.1 Corporate Priorities and Performance

5.1.1 The Corporate Plan 2013 – 2016 includes objectives to “promote responsible growth, development and success across the Borough” and to “improve the satisfaction of residents and businesses with the London Borough of Barnet as a place to live, work and study”.

5.1.2 Relevant outcomes are “to maintain the right environment for a strong and diverse local economy” and “to promote family and community well-being and encourage engaged, cohesive and safe communities”.

5.2 Resources (Finance & Value for Money, Procurement, Staffing, IT, Property, Sustainability)

5.2.1 The recommendations to take these draft proposals forward for consultation while at the same time developing a more detailed evidence base are designed to ensure that the Council is able to undertake a more detailed assessment of the resources likely to be required to implement the Strategy.

5.2.2 The proposals are designed to allow the Council to realise both financial and social/community value from its community estate, in recognition that the long-term benefits of having stronger, more resilient communities also helps the Borough to meet current and future financial challenges.

5.2.3 The consultation will be resourced through the existing contractual commitment with CSG.

5.3 Legal and Constitutional References

5.3.1 Council Constitution, Responsibility for Functions, Annex A – sets out the terms of reference for the Assets, Regeneration and Growth Committee which includes:

- Develop strategies which maximise the financial opportunities of growth;
- Asset Management – all matters relating to land and buildings owned, rented or proposed to be acquired or disposed of by the Council; and
- To approve any non-statutory plan or strategy within the remit of the Committee that is not reserved to Full Council or Policy and Resources.

5.4 Risk Management

5.4.1 There is a risk that, if these proposals are not taken forward for consultation at this stage, the Strategy will be developed without sufficient evidence to correctly respond to community need.

- 5.4.2 There is a risk that, if the Council does not further develop its evidence base for this draft Strategy, it will not be possible to come to an accurate assessment of the costs and benefits of the proposed course of action.
- 5.4.3 The combined consultation and evidence base development period to March is designed to mitigate the above risks.
- 5.4.4 There is a risk that the delay to the final Strategy may have negative consequences for the Council's relationship with local voluntary and community groups who are keen to engage on the subject of asset use and ownership. Careful engagement with groups likely to be affected has been planned into the consultation plan to mitigate the impact of this delay and to maintain a positive relationship with them.

5.5 Equalities and Diversity

- 5.5.1 The Equality Act 2010, and the Public Sector Equalities Duty outlined at section 149 of the Act, require the council and all other organisations exercising public functions on its behalf to pay due regard to the need to eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act; advance equality of opportunity between those with a protected characteristic and those without; and to promote good relations between those with a protected characteristic and those without. The relevant protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, sexual orientation. The Act also covers marriage and civil partnership with regard to eliminating discrimination.

The Community Asset Strategy will reflect the requirements of the PSED and the objectives of the council's equal opportunities policy. In particular it will:

- Aim to ensure that the management and use of community assets reflect the needs and aspirations of the diversity of Barnet and are used for the benefit of the whole community
- Aim to promote active engagement with all Barnet's diverse communities
- Pay due regard to cultural and religious difference where locations/facilities are shared by different members of the community
- Build on community strengths to promote strong, cohesive communities and local resilience.

- 5.5.2 An Equalities Impact assessment will be carried out as part of the process of drafting the full CAS, to assist the council in meeting the requirements of the Public Sector Equalities Duty.
- 5.5.3 The Council will ensure that the consultation and engagement process for the Strategy is accessible to all and engages with a wide variety of voluntary and community groups.
- 5.5.4 The policy proposals set out in the Strategy are designed to ensure fair and

equitable treatment of all Barnet's communities in relation to their access to community assets.

5.6 Consultation and Engagement

5.6.1 This report and the proposals for the CAS draw on past consultation and engagement, which was carried out as set out in section 4 of Appendix 1.

5.6.2 Future consultation and engagement will be carried out as set out in section 4 of this report, above.

6. BACKGROUND PAPERS

6.1 Approval of the draft Strategic Asset Management Plan, Assets, Regeneration and Growth Committee, 8 September 2014
<http://barnet.moderngov.co.uk/ieListDocuments.aspx?CId=696&MId=7885&Ver=4>