

Appendix 1

Barnet Council

Community Asset Strategy

Proposals paper

December 2014

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1. Introduction

Over the past two years, the Council has changed the way it administers its assets and now aims to take a strategic overview of its entire estate. This led to the development of the Council's Strategic Asset Management Plan (SAMP), which was brought to the Assets, Regeneration and Growth Committee in September 2014 and taken forward for public consultation.

One of the four elements of the SAMP deals with how the Council manages its community estate and how it intends to proceed with the development of a Community Asset Strategy (CAS). The aim described for this Strategy in the SAMP is to 'set out an approach to managing those assets which are available to the community for their sole use'.

The SAMP acknowledges that the Council will aim to support voluntary and community organisations as best it can, making use of its community properties to do this, while also seeking to ensure that it retains best value from the estate, as required of it under the Duty of Best Value placed on it by the Local Government Act 1999.

The Council also needs to ensure that the community estate is fit for purpose, maintained to a good standard, and flexible enough to meet the needs of local communities.

This paper sets out the aims, objectives and draft proposals which will form the basis of the full Community Asset Strategy, to be further developed and brought back to the Assets, Regeneration and Growth Committee in March 2015. The paper proposes that these aims, objectives and principles are now taken forward for public consultation to inform the development of the full Strategy, as set out in Section 9, Conclusions and next steps, below.

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.

2. Context

2.1 Supporting Barnet's communities

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.

Increasing financial constraints mean that the Council faces a significant budget gap of £73.5m over the period 2016/17 to 2019/20. This is driven by further reductions in government spending and increased pressure on local services as the population grows and changes.

In order to meet this gap the Council will need to look across all service areas to find ways to deliver its functions more efficiently and safeguard services for the vulnerable. Part of the Council's strategy for meeting these 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 are sold.

2.2 Benefits of voluntary and community activity

VCS activity has a number of benefits which can also help the Council meet the financial challenge:

- more sustainable voluntary and community sector services are better able to meet need and as a result reduce demand on Council services
- strong, cohesive communities are more resilient, which also reduces demand on public services
- community ownership and management of some assets can improve the way they are run, making them more responsive to local need
- assets can be a way to develop stronger partnerships between the Council and communities.

2.3 Working in partnership and striking the right balance

The Council will therefore need to strike a balance between commercial use of its assets and opportunities to encourage community participation.

To work effectively in partnership with the community, the Council will need to be clear about what VCS groups can expect from it: the extent to which the Council will be able to support them and what it is likely to expect in exchange.

Underpinning this, the Council will need a clear understanding of the value it gains by supporting community groups and how this balances against the resources it invests in doing so.

3. Defining the community estate

3.1 Defining a 'community asset'

'Community asset' is a term used in a variety of ways, from the very narrow – in which only land and buildings owned or managed by community organisations and where profit is invested back into the community are considered community assets –

to the very broad – in which any public sector asset is considered a community asset because its use is for the benefit of the community.

Under the Council's current approach, community assets have been defined as assets or buildings which are available to VCS organisations for community use only. This means that buildings from which Council services are provided, such as libraries, leisure centres, offices or parks, are not considered 'community assets', and also excludes operational buildings which are partly occupied by a Council service, because they do not meet this definition. This paper proposes that the CAS contains a revised definition which takes account of the community benefit which is provided by the Council's operational facilities, but also 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.

3.2 The current portfolio

Under the Council's current definition, the following types of property are considered community assets:

- Community centres and community halls, some let on a standard lease and some on a long lease. In the latter, the Council usually receives a ground rent and has little involvement with the building once the lease is granted.
- Sport and leisure facilities, some of which are let to community sports or leisure clubs (including all-weather pitches) and some to commercial sport and leisure operators (such as commercial gyms)
- Various other types of buildings let to community groups, such as shops, garages, and all buildings in parks.

This paper proposes that the Council amends this definition as set out in 3.3 below.

3.3 Proposed approach to community assets and the operational estate

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.

The Council's operational buildings – buildings from which it provides services or support for services – are governed according to the individual strategies for that service area and are not subject to the principles and conditions set out in the CAS. This is because their primary purpose is not to facilitate occupancy by voluntary or community groups, which is the focus of the CAS. However, there may be

circumstances in which particular assets or buildings which are currently operational could become part of the community estate.

In some cases, an asset may become surplus to the requirements of the service and the Council may look to dispose of it or put it to another use. In such circumstances the asset could potentially be made available for community use.

In other cases, it is possible that a service might be co-located in a building with voluntary or community groups or other parties, either by making use of some of the space in a new building or by reducing use of an existing building, allowing other tenants to move in. Certain services are more likely to be well-suited to this approach than others. It is proposed that the following services would be most suitable:

- services where community participation, volunteering, and co-production with community members are seen as significant opportunities, such as children's centres or libraries
- projects which benefit from opportunities to integrate different services around a particular place or community. An example of such a project might be a training scheme giving young people catering skills, in which part of their training involves running a lunch club for older residents.
- services which are developing a commissioning model which focuses on community activity.

Some buildings currently leased by the Council for commercial purposes also have the potential to move in and out of the community estate – for example, shops which fall into disuse could be taken over by a community occupier. There is also the potential for mixed-use developments which co-locate commercial and community occupiers through, for example, Section 106 or CIL arrangements.

The CAS will therefore also consider the potential benefits which can be derived from the relationship between the community estate and asset use by other Council public sector, or commercial occupiers.

These issues will be further explored and developed into firm proposals to underpin the development of the final CAS, for consideration by the Committee in March 2015. This paper proposes that the revisions to the definition of community assets, as set out above, are now taken forward for public consultation.

4. Themes from past engagement

4.1 Past community engagement

The Council has undertaken a number of engagement exercises around community assets. The themes set out below have been drawn from formal and informal

consultations and needs assessments carried out between 2009 and 2013, either directly by the Council or in partnership with the Local Infrastructure Organisation, CommUNITY Barnet. They include:

- A general survey about civil society and community activism carried out by CommUNITY Barnet in 2009
- A qualitative needs assessment study carried out in partnership between CommUNITY Barnet and the Council in 2010
- A programme of work reviewing compliance issues across the estate, carried out in partnership between CommUNITY Barnet and the Council in 2012
- A stakeholder engagement meeting convened by the Council in 2013
- Findings from other, related, consultation exercises such as the Council's engagement around its Priorities and Spending Review in 2013 and 2014
- A series of informal interviews with a range of voluntary and community groups with different asset needs, carried out in October and November 2014.

4.2 Issues emerging from past engagement

The quality and current use of the estate

Past engagement suggests that the buildings which make up the community estate may not always be best suited to the needs of the groups using them. Some have been purpose-built for particular groups, which restricts the opportunity for further letting. Some may have inadequate parking and due to their age do not incorporate energy efficiency measures to address their running costs as well as their carbon footprint. They are sometimes not easily accessible by public transport, and in a number of cases are not even visible to passing traffic restricting knowledge of the facility and their potential market for hiring. Space may not be set up to be flexible and buildings often lack storage, limiting the range of possible uses.

There is also no established or agreed method to make sure we are getting the most out of community buildings by maximising the time for which they are being used. Where this involves use by more than one group, we have no current method of ensuring like-minded groups are able to share a building.

The CAS will therefore explore how the Council can ensure the community estate is made up of better buildings, and facilitate co-location between like-minded groups.

The best way to meet rights and responsibilities

There has been some confusion surrounding what rights residents' and community groups have in relation to assets, including how best to engage with the Council. For example, the Community Right to Bid has sometimes been used as a way for communities to approach the Council about a potential asset transfer opportunity, which is a poor use of resources for both parties. Through the CAS, we will seek to

clarify the various engagement routes and what community groups are likely to be able to expect from the Council under each one.

In the past there has not been a formal approach to understanding how much capacity community occupiers have to meet their obligations under individual leases. Responsibility for maintenance and compliance has been devolved to community occupiers without establishing a clear balance between the best way to manage and maintain the property and the main purpose of the occupier's work. This could in some cases mean that the services delivered by the community group suffer because some of their resources are diverted to maintaining the building. Through the CAS, we will seek to ensure that maintenance of the community estate is provided in a way appropriate to the needs of each community group.

Being fair in relation to funding

Some community groups have many fundraising routes available to them, and are able to use this purchasing power to take control of assets. A grant funding or subsidy method needs to be developed for use, in appropriate circumstances, to make sure that other groups do not miss out. The CAS will set out the Council's approach to rental arrangements with community groups and its approach to subsidies and support.

The relationship with growth and development

Stakeholder engagement has highlighted the opportunities the Council has to maximise rental income across the estate, as well as to promote growth and regeneration. As part of this, the Council will need to try and identify potential sites for disposal in order to promote growth. Growth and regeneration will also provide more opportunities for new community buildings, through the use of Section 106 monies and the Community Infrastructure Levy (CIL), for example. The CAS will set out the relationship between these drivers and the management of the community estate.

Working in partnership with other public sector organisations

The Council should consider how it factors in provision by neighbouring authorities and other public bodies including, potentially, sharing community facilities across local authority boundaries where this may be appropriate for particular areas. This will be taken into account in the implementation and delivery of the CAS.

5. Objectives and aims

5.1 Objectives of the Strategy

The following three objectives are proposed for the CAS. These have been developed by considering the current context, including the need to promote community activity in a time of financial austerity.

5.1.1 To provide communities with the best possible assets to meet their local needs, investing in **modern, flexible, functional space** for residents and VCS groups

5.1.2 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**

5.1.3 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.

This paper proposes that these objectives should form the basis for the CAS and should now be taken forward for consultation.

5.2 Aims of the Strategy

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.

5.2.1 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, including its approach to ensuring compliance with lease obligations.

Section 3 of this paper presents the Council's current definition of community assets and proposals for those which should form the core of the Strategy's scope as it is developed further.

5.2.2 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 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 – for example, through lease or rental obligations.

Section 8 of this paper sets out proposals for the principles the Council should use when deciding which groups should be supported through the use of its portfolio.

5.2.3 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.

Section 6 of this paper sets out the proposed principles by which the Council will govern its community assets. Section 7 sets out some initial policy with regard to Community Asset Transfer.

This paper proposes that the CAS should seek to achieve these aims and that they should now be taken forward for further development and consultation.

6. Governance principles for community assets

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 principles set out below aim to ensure that the Council will be able to realise its objectives with regard to the community estate as well as fair and consistent treatment for all community groups using Council assets.

This paper proposes that these governance principles are put forward for consultation with the public and further developed into a series of more detailed

proposals for consideration, as part of the final version of the CAS, by the Assets, Regeneration and Growth Committee in March 2015.

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 licence arrangements
- The Council's approach to ownership and occupancy.

6.1 Community benefit and financial value

- The Council will seek to agree a level of social or community benefit to be delivered by organisations making use of its assets, including:the provision of additional activities or opportunities such as volunteering or apprenticeships in delivering services
- coordination with other Council strategies or with plans for particular localities or communities
- full utilisation of the building as far as is practicable.

The Council will also seek to ensure that community properties are financially sustainable and deliver value for money for Barnet's residents and for their occupants.

Rental value and proposals for subsidy

It is proposed that to implement these aims, the Council adopts a standard policy in which the rental value of each of its community buildings is assessed on the basis of full market rental value for community use. Where the occupier is deemed to be contributing to local priorities and fulfilling other criteria for support, the Council may choose to grant financial assistance to provide support (through an agreement with the occupier), at a level which reflects the community benefit the organisation is providing.

The benefits of this approach are that it

- Allows a clear assessment of the value of the support the Council is offering the occupier, without this affecting the investment value of the asset
- Allows the level of support to be set in relation to the benefit provided by the organisation
- Enables asset-related support to be weighed up against other kinds of support being offered to community groups

- Allows the Council to support community groups to become more independent and resilient by encouraging them to move towards meeting the rental obligations themselves through a phased withdrawal of the subsidy.

These arrangements will allow the Council to reflect the community benefit provided by the occupier in the support it gives to the group.

6.2 Co-location, shared use and community hubs

In order to use the estate as efficiently as it can, wherever possible the Council will promote flexible shared-use community facilities. Unless there are clear reasons that this policy should not apply (such as safeguarding concerns), no community organisation should have exclusive use of a community building without explicit consent.

In some cases, the Council may consider establishing a community hub. Community hub is a term used in different ways in different areas, but usually refers to a location where a number of different organisations with a social or community focus work in close proximity to each other. Some community hubs contain a mixture of any of the following: VCS groups, public services, social enterprises and small and medium enterprises (SMEs).

Some community hubs are set up within a single building, while others may be a way of bringing together a network of complementary buildings or assets based near to one another in an area. A hub can be managed by a VCS group, by a social enterprise or community interest company, or by the Council.

Community hubs are seen to enable better coordination and cooperation between organisations. Organisations are more able to work together to design integrated services which can in turn address a wide range of community needs. Having a range of tenants can also build stronger local links between VCS activity, volunteering, and business or enterprise.

Community hubs also offer opportunities to use the public sector estate more efficiently. By co-locating groups currently based in different buildings, councils can rationalise the remaining community estate. Any capital or revenue receipts can be re-invested in Council buildings and/or services, including the retained community estate. This investment potentially creates higher quality facilities for community groups.

As well as encouraging voluntary and community groups to co-locate in existing community buildings, the Council will explore the possibility of investing in a number of community hubs across the Borough. These would be brought up to a high standard of repair and configured to be fit for purpose for use by multiple community groups. These might be managed and maintained by the Council or by a lead community organisation which would take on responsibility for repairs and maintenance and for the day to day running of the facility.

Criteria for successful community hubs

Certain conditions will make a hub more feasible in some areas than in others. As the Council needs to prioritise its investment and look for the opportunities which have the greatest potential for success, the following criteria are proposed to help the Council consider how viable a possible hub might be, focusing on its location, the opportunities it provides, its financial sustainability, and whether capacity exists in the local community to run a hub.

Proposed location of the hub

- Would it support a logical distribution of hubs across the Borough?
- Is it accessible? Does it have good public transport links? Could it have access to parking for older people, disabled people, or people with young children?
- Is the proposed location in an area with demonstrable demand for premises or for services of the types proposed?

New opportunities provided by the hub

- Would this hub have the potential to attract investment from other sources?
- Does this provide an opportunity to rationalise other public sector buildings in that area?
- What investment would be required to set this up?

Sustainability of the business model

- Would a hub make local groups more sustainable by giving them the chance to join up and share back office costs?
- Would the projected rental income and/or business activity cover the core running costs of the facility?
- Would space be available for rent by either public bodies or private sector organisations?

Existing community capacity to support the hub

- Is there interest among local community groups in being part of a hub?
- Do local groups have any existing knowledge or capacity of the requirements for managing community buildings?
- Does the local community have fundraising skills or capacity?

Co-location with public or private sector organisations

The CAS will also further explore the potential for co-location between community groups and public sector or commercial organisations, and set out the Council's position on how these should be managed.

6.3 Leases and occupation of community buildings

The effective use of community assets is underpinned by the lease arrangements associated with them. For example, a long lease can be beneficial for an individual community group as it provides certainty and can help the group secure funding, but this also reduces the flexibility with which the Council can use its portfolio to respond to changing priorities and local circumstances.

6.3.1 Possible lease arrangements

The Council could take a number of possible approaches to its lease arrangements with community groups. This section of the paper describes some of those potential arrangements and the advantages and disadvantages of each. It then sets out proposals for the most appropriate approach for the Council to take to the community estate.

Long leases

Leases of more than 25 years are considered to be long leases by the Council, in the context of the CAS. The current estate has some leases in excess of 40 and up to 100 years. In most cases, these grant an effective freehold interest to the occupier and the Council has limited powers to control the asset or break the lease before it expires. Long leases are also often granted on the basis of a peppercorn rent and a premium or one-off capital payment, which means the long-term income gained by the Council is negligible.

Short leases

Again in the context of the CAS, leases of 25 years or less are characterised as short leases in Barnet. These grant greater overall control to the Council including, if specified in the lease, clear agreement of the relative rights and responsibilities of the Council and the occupier in relation to, for example, repairs and maintenance. There are also opportunities to set terms outside those of a standard commercial agreement (for example, around expected community benefit).

Proposals for the Council's approach to lease arrangements

The length of lease for community buildings can have a significant impact on occupiers, affecting their ability to raise funds and ensure sustainability. A lease which runs for less than 25 years can make it more difficult for community organisations to raise funds. However, long leases also have a significant effect on the Council's ability to use its assets flexibly and to respond to changes in circumstances. The Council will need to be able to nuance its approach to lease arrangements so that it can respond to this.

For example, a community group might lose the skills of a key staff member who had been enabling it to fulfil its maintenance liabilities. Alternatively, a group may be

granted a lease on a Council property on the basis of the work it is doing at present but its role may shift to the point that its work no longer directly supports Council priorities.

Each lease agreement will be preceded by a clear statement setting out the heads of terms (contractual principles) applying to the agreement, including the relative rights and responsibilities of each party.

In general terms, where an occupier is offered a leasehold interest, it is proposed that this will be for a term of 25 years, on full repairing and insuring terms (which means that the tenant is responsible for all repair and insurance obligations). It will be contracted outside the Landlord and Tenant Act 1954, subject to 5 yearly upward only rent reviews and a 6-month rolling break clause which can be brought into effect by the Council only. Asking for leases to be contracted outside of the Landlord and Tenant Act 1954 means that there is no automatic right to renewal or right to compensation on the lease expiring. In addition, the lease will contain a provision where if the primary use of the asset no longer supports Council priorities, the lease may be determined on 28 days' written notice by the Council.

If community occupiers need leases guaranteed for up to 25 years in order to secure funding, it is proposed that the terms include a provision where a suitable lease may be granted if the occupier's funding bid depends on it and a sustainable business plan is presented.

It is proposed that the Council assess the skills and capacity of any community group interested in the use of a building to manage the maintenance and compliance issues which may arise, and will offer the group an arrangement, based on this assessment, as to whether the Council or the group should be liable for maintenance. Depending on the level of liability assumed by the Council, alternative terms may be offered to the group with regard to the level of subsidy and length of lease, potentially also on different repairing and insuring terms. This would be decided on a case by case basis.

6.3.2 Landlord/lessee relationships

There are two potential approaches the Council could take to management of the community estate. The first is direct management through a landlord/tenant relationship and the second involves working with a single head lessee who takes on responsibility for the asset on behalf of other occupants.

Landlord/tenant relationship

This is a direct contractual relationship between the Council and the occupier of a community property. Each occupier has their own agreement with the Council and agrees clear contractual responsibilities in relationship to the maintenance of the building and compliance with the terms of the lease. The Council is responsible for

monitoring compliance with the lease. This model may be suitable for discrete community facilities, or for standalone buildings and sites with a single occupant.

Single head lessee

This is a direct contractual relationship between the Council and one occupier of a community property, who then takes on responsibility for managing the other organisations who are using the building.

This model would work particularly well for community hubs, in which the head lessee might also take on responsibility for the day to day management and maintenance of the building. Community groups who only want to use a building for part of the week have the opportunity to request a licence to do so without having to take on responsibility for running and operating a building.

Licences

A licence has different legal status to a lease. It is a permission to occupy land or property rather than a legal interest. It has the advantage of being a flexible arrangement which either the licensor or the occupier can terminate at any time, with a short notice period.

However, licences also have some limitations. They cannot be used by community groups to attract external funding or grants as they do not grant the licensee an interest in the property. A licence is generally only used for short-term or shared occupation.

It is proposed that licences therefore will be offered to community organisations that need part-time or temporary use of a community property (for example, less than three days a week). They should also be offered to any party who does not wish to be considered for either a head lessee or a landlord and tenant style arrangement.

7 Community ownership, 'community rights' and expectations

It is proposed 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. This may involve the direct transfer of an asset from the Council to a voluntary or community group, potentially at less than the market value of the asset, if this route is deemed to be of benefit to the Council. More information about this route is set out at 7.1 below.

Communities have also been given a number of routes through which they can engage with the public sector around assets. Following the Localism Act 2011,

these have tended to focus in particular on the 'community rights' given under the Act and on the Localism agenda more broadly. Communities have been encouraged to make use of such routes to empower themselves by taking control of local assets which are important to them.

The proliferation of 'rights' and other engagement routes can 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.

The CAS will therefore include guidance which seeks to clarify these different routes and how the Council would advise communities to make use of each one. Initial proposals for this guidance are set out in 7.2-7.3 below.

7.1 Community Asset Transfer

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.

In Barnet, the Council may choose to make assets available for transfer through this route if doing so would support a group to achieve social or community benefits which outweigh the benefit realised from rental income or a capital receipt.

Community Asset Transfer will 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.

The services proposed would also need to support the Council's strategic priorities and the overall proposal to be considered financially viable and sustainable.

7.2 Community Right to Bid

The Community Right to Bid was established under the Localism Act 2011. It gives community organisations a chance to take control of the assets that they value by nominating a building or piece of land to be listed as an 'asset of community value'. The list of assets is retained by the local authority.

If an asset is listed and is then put up for sale, a six month moratorium period is initiated during which the asset cannot be sold. This period is designed to allow interested community organisations the time to put forward a proposal and raise the funds to bid to buy the asset on the open market.

The Community Right to Bid does not oblige an asset owner, including the Council, to sell the property to the community group and it does not exempt the community group from any of the usual planning regulations if it comes into possession of the property.

Successful listing under the Community Right to Bid does not imply that the property is more likely to be sold than if it were not listed, and is not a reliable route to gaining control of a Council or other asset.

7.3 Community Right to Contest

The Community Right to Contest applies to empty or underused land or property owned by a local authority (or by central government) for which there are no plans to bring it back into use. Community groups can apply to the Department for Communities and Local Government (DCLG) to have the Local Authority sell such land or property to them.

If an asset is nominated under the Community Right to Contest the Council will examine current and planned use of the asset and submit evidence about this to DCLG, which will decide whether it thinks the asset is really underused or whether it thinks it should be retained by the Council.

If DCLG decides in favour of the community group this would trigger the sale of the land or property. However, the process for applications and decision under Community Right to Contest takes time. Community groups interested in taking control of an asset would in many cases be better off making contact directly with the Council to explore possible options.

8. Support for community groups

8.1 The need for clear criteria for support

The Council needs to be consistent and transparent about the circumstances under which it will commit to supporting VCS groups through use of its assets; the level of support it is willing to give and what it expects in return. This is particularly important in the challenging economic climate, as part of the Council's focus on fairness, responsibility and opportunity. To achieve this, the Council will need to set out, clearly, the criteria under which it will consider supporting community groups.

The following criteria are proposed both to ensure that VCS organisations are likely to be sufficiently robust to enter into a contractual agreement with the Council, and that the Council makes full use of its ability to use its assets to support the work of groups which contribute to its goals.

8.2 Proposed criteria for support

The proposed criteria are broken down under three areas:

- The type of service the group or organisation provides
- The extent to which the organisation and its use of the asset supports community participation and involvement

- The robustness and sustainability of the organisation.

8.2.1 Services provided

Proposed criteria:

- The work of the organisation contributes to one or more of the Council's strategic priorities.
- The work of the organisation is carried out in response to, and meets, a defined local need.
- The work of the organisation delivers a service of a kind from which the Council is considering withdrawing or where community provision could produce better outcomes.
- The work of the organisation is delivered in a way which provides additional value, such as the use of apprenticeships or volunteering opportunities.
- The organisation caters for many different sections of the community.

8.2.2 Community participation and involvement

Proposed criteria:

- The organisation is committed to the ongoing consultation and involvement of the community, particularly around managing the asset.
- The local community is involved in designing and/or delivering the organisation's activities.
- The organisation enables the local community to take action to address issues which matter to them.
- The organisation encourages entrepreneurialism and social enterprise.

8.2.3 Robustness and sustainability

Proposed criteria:

- If the group is already receiving support from the Council, it is performing well against agreed measures.
- The organisation is viable and sustainable, and passes an accredited vetting process for community organisations (such as the VISIBLE standard)
- The organisation is purely not-for-profit and has limited income from commercial support (for example, a paying bar).
- The organisation has capacity to raise additional funds or bring in external investment.

It is proposed that these criteria be taken forward for public consultation and engagement with voluntary and community sector stakeholders.

9. Summary and next steps

9.1 Summary

The Community Asset Strategy will aim to ensure that the Council retains best value from the use of its community assets, by considering how it can maximise the community and financial benefit it derives from its estate.

This paper has set out proposals relating to the definition of the Council's community estate, the objectives and aims for the CAS, principles for the governance of the Council's community assets, guidance around the various routes by which community groups can engage with the Council in relation to assets, and criteria which community groups would need to fulfil in order to receive support from the Council.

9.2 Next steps

It is proposed that these proposals are now taken forward for consultation as set out in section 9.3 below.

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.

9.3 Consultation

It is proposed that the consultation takes place between 19 December 2014 and 13 February 2015, and should include the following elements:

9.3.1 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.

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

9.3.3 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.

9.3.4 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.

9.3.5 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.

9.3.6 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.

9.3.7 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.

9.4 Presentation of the full Strategy

The full Strategy will be presented to the Assets, Regeneration and Growth Committee on 16 March 2015.