

Sefton Council

Community Assets Policy

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1. Introduction & Strategic Purpose

Sefton Council is committed to the empowerment of local communities and the delivery of sustainable public value. We recognise that in many instances, community groups, voluntary organisations, and social enterprises are best placed to deliver local services, drive regeneration, and increase participation through access to publicly owned land and buildings. The Community Asset policy sets out how the Council can transfer assets in a structured, transparent, and legally sound manner, supporting the wider goals of civic empowerment and social value creation.

By adopting this policy, the Council aims to harness the innovation and responsiveness of the third sector, reduce underutilisation of public assets, and contribute to the broader objectives of social cohesion, environmental sustainability, and economic development. The policy ensures that any such transfers are aligned with our strategic priorities and result in demonstrable benefits for residents.

2. Legal and Policy Framework

This policy is guided by a number of statutory provisions and strategic documents that underpin the Council's power and discretion to transfer assets. The Local Government Act 1972 (Section 123) allows for the disposal of land and buildings, including transfers at less than market value, provided the disposal promotes the social, economic, or environmental well-being of the area.

The Localism Act 2011 introduced the Community Right to Bid and the concept of Assets of Community Value, giving communities the opportunity to express interest in acquiring assets that matter to them. While the Community Assets policy is separate from this statutory right, it complements it by offering a proactive framework for asset transfers.

3. Principles of Community Asset Transfer

Community Asset Transfer is not merely a transaction of land or buildings; it is a partnership between the Council and the community. To ensure the integrity and success of this process, Sefton Council adheres to the following principles:

- **Community Benefit:** Transfers will only be approved where clear and sustainable public benefits are identified, particularly for disadvantaged groups.
- **Transparency:** The Council will ensure all stages of the process are open and decisions are documented and made available to the public.
- **Due Diligence and Risk Management:** A thorough appraisal of the applicant's financial and operational capability will be conducted.
- **Long-Term Stewardship:** Priority will be given to proposals that demonstrate long-term viability, including the ability to maintain and improve the asset.
- **Inclusivity and Equal Access:** Transferred assets must serve the whole community and not operate in a way that excludes specific individuals or groups without justification.

- Accountability: Recipients of assets will be subject to performance monitoring, and leases will contain clauses to ensure continued compliance with agreed objectives.

4. Who Can Apply?

The Council welcomes applications from a broad range of community-focused organisations. Eligible applicants must operate on a not-for-profit basis and demonstrate a strong local connection, a clear purpose aligned with the asset's potential, and robust governance.

Acceptable legal structures include:

- Registered Charities
- Charitable Incorporated Organisations (CIOs)
- Community Interest Companies (CICs)
- Industrial and Provident Societies for community benefit
- Constituted community and voluntary groups
- A company limited by guarantee

Applicants must be able to demonstrate:

An inclusive approach that reflects and represents the local population.

- Transparent governance and decision-making processes
- Financial stability and a clear business model
- Experience in managing services, premises, or similar responsibilities
- A clear plan for community engagement, outreach, and service delivery

The Council will not consider applications from individuals, unincorporated associations without a governing document, political parties, or organisations seeking to profit personally from asset use.

5. What Assets Are Available?

Assets that may be considered Community Assets include buildings and land no longer required for the direct delivery of Council services or where greater community benefit can be achieved through community-led management. These typically include:

- Community centres, libraries, and former service points
- Surplus office or depot space
- Parks buildings, green spaces, or underused land parcels

The availability of assets is determined by the Council's Strategic Asset Management department and will include reference to service reviews, and strategic objectives. A register of potential assets will be published periodically, and speculative requests are welcome.

Exclusions may apply where:

- Assets are essential to current or future Council service delivery
- Legal, contractual, or funding restrictions prevent transfer
- The asset is allocated for strategic regeneration or commercial disposal
- The Council deems the asset unsuitable due to risk, cost, or operational complexity

6. Routes to Community Control

There are two primary pathways to community management of assets:

A. Community Right to Bid

Groups may nominate land or buildings to be listed as Assets of Community Value. If approved, the asset cannot be sold for six months to allow the community to prepare a bid. However, the owner is not obligated to sell to the community, and this process does not guarantee transfer.

B. Community Asset Transfer (CAT)

Under this policy, the Council may offer:

- Leasehold transfers (the term can range from as little as 12 months, up to circa 125 years)
- In exceptional cases, freehold transfer with appropriate safeguards

Assets may be transferred at market value or at less than best consideration where a strong community benefit case exists. Transfers are considered case-by-case, with protections to ensure long-term use aligns with agreed objectives.

7. Application and Assessment Process

Stage 1: Expression of Interest (EOI)

The council may advertise for Expressions of Interest, or alternatively applicants may apply speculatively. Applicants must submit a brief proposal outlining:

- The organisation's structure and governance
- The asset of interest
- Proposed use and community benefit
- Preliminary financial and operational plans

EOIs are assessed for eligibility, asset suitability, and alignment with Council priorities within 28 days of receipt, or of closure of an EOI advertising period.

Stage 2: Full Application

Shortlisted applicants develop a detailed business plan addressing:

- Needs analysis and community consultation

- Governance, staffing, and volunteer structures
- Risk management and insurance
- Maintenance and capital investment plans
- Income generation and long-term financial viability

An evaluation panel including but not limited to Officers and Members will meet to evaluate submissions and make recommendations for approval.

Stage 3: Legal Negotiation

Once approved in principle, lease or transfer terms are agreed, including performance clauses, community use restrictions, and break conditions.

8. Fees and Costs

To ensure responsible stewardship of public assets, the Council will recover reasonable costs associated with the transfer process. These include:

- Legal and surveying fees: A minimum contribution of £X (or X% of market value)
- Asset condition surveys and independent valuations (if required)
- Insurance and compliance checks prior to handover

Assets are transferred in their existing condition. Applicants are responsible for assessing repair liabilities, utility upgrades, and ongoing operational costs. The Council does not subsidise running costs or capital investment post-transfer.

9. Monitoring, Review & Termination

Post-transfer, the Council will monitor compliance with lease terms and evaluate the continued community benefit. This includes:

- Evidence of community use, diversity, and outcomes achieved
- Maintenance and health & safety compliance
- Adherence to insurance, legal, and regulatory obligations

Where issues arise, the Council will engage constructively to resolve them. In cases of persistent non-compliance, breach of lease terms, or asset misuse, the Council reserves the right to terminate the agreement and reclaim the asset.

10. Support and Resources

While applicants must secure independent legal, financial, and governance advice, Sefton Council is committed to enabling successful asset transfers. The Council will:

- Provide initial guidance on process and policy

- Share available asset information (e.g., floorplans, utility data)
- Signpost to external sources of funding and support (e.g. Sefton CVS)
- Offer informal feedback on draft proposals

Capacity building is encouraged, and groups are expected to demonstrate a proactive approach to upskilling, networking, and securing long-term funding.

11. Review of Policy

This Community Asset Policy will be reviewed every three years or sooner if there are significant legal, economic, or strategic changes. The review will assess policy effectiveness, legal compliance, stakeholder feedback, and community impact.