



Cheshire West and Chester

Cheshire West and Chester Council

Community Asset Transfer Guidance

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1. PURPOSE OF THE GUIDANCE

This guidance is for constituted groups who want to lease buildings or land from the Council for community benefit.

This is known as Community Asset Transfer (CAT) and is defined more fully as follows:

“the leasehold transfer of a Cheshire West and Chester asset to an organisation with a social purpose and who plan to use the asset for the benefit to the local community”.

A community asset is defined as:

- A community asset is one which plays a role in the local community, or maybe has in the past or is capable of providing either services or contributes to the local environment.
- A community asset may be a building, a piece of land or a provision that is used and beneficial to our residents to improve the quality of community life.
- These assets could include but not limited to community centres, play areas, public conveniences, managed green space.
- A community asset must make a contribution to the community for social wellbeing, cultural, recreational or sporting interests of the local place.

An asset cannot be considered a community asset where it forms part of the Council's corporate estate, is required for the delivery of the Council's direct services or statutory services or is of strategic value to the Council in the delivery of its Corporate Objectives and the Council Plan.

Please note: A Community friendly summary document, can be found in Appendix 6 at the end of this document.

This guidance supports the Council's Community Assets Framework and outlines how the Council will work with constituted community groups or organisations who deliver services directly to the public to meet the Councils vision:

'To deliver a better integrated public service across the borough by creating efficient and fit for purpose community assets.'

The Council recognises the vital role that community assets play at the 'heart' of their local communities and the invaluable role they have in achieving the Council's corporate outcomes set out in the Council Plan.

Much of this guidance is intended to invite communities to come forward with ideas for an asset in their local area and then develop these ideas into more detailed plans.

This document does not influence the The Community Right to Bid or 'assets of community' value provisions which the Localism Act 2011 introduced and placed a duty on Councils in England and Wales to maintain a list of 'land of community value' in their area, as nominated by the local community.

The Localism Act provides several legislative tools at communities' disposal. Details of these can be found in Appendix 1.

The first stage in this CAT process is a very simple expression of interest. This is intended to encourage anyone with a good idea to come forward. Based on this expression of interest, support and information will be provided to help develop this idea. Without your ideas it is impossible for organisations who may be able to offer support packages and provide the relevant information that may assist the further growth and development of your idea. We strongly recommend that an early discussion with your Communities Team pre-expression of interest form completion will help inform support you in the process. Contact details can be found on the Community Assets page of the Council's website.

Cheshire West and Chester Council recognises that in transferring the ownership or stewardship of an asset to local communities they can play a valuable role in supporting and sustaining those communities in Cheshire West. The Council has buildings and land that are used for a variety of community and public purposes. Asset transfer to community management is one way in which Cheshire West and Chester Council aims to meet its ambitions set out in the Community Asset Framework.

Community Assets Framework Principles:

The Council undertook a full consultation exercise in 2018 to understand residents' views. The agreed principles are below with a summary of Council Commitments.

Principle 1:	Supporting Communities: Ensuring our community assets are well managed and support the needs of our communities
Principle 2:	Regeneration: Supporting place-based regeneration to deliver the right services in the right location, based upon community need
Principle 3:	Partnership: Working with local partners to integrate or co-locate services to provide a better offer or approach to communities, and to maximise income and opportunities
Principle 4:	Releasing: Releasing assets that no longer provide the best value for our communities and meet Council Outcomes
Principle 5:	Transferring: Empowering communities to influence the use of assets in their area through asset transfers
Principle 6:	Equality: Supporting equality across the borough, ensuring our assets, where possible, are all-inclusive and accessible

The Councils Community Asset Transfer process is underpinned by the following approach:

- The Council will support the transfer, acquisition and management of assets by constituted groups, community interests and social enterprises throughout the borough of Cheshire West and Chester. The Council will adopt a pro-active approach to enable engagement with a diverse range of communities across the borough.
- The Council will adopt an approach which seeks to build upon existing community assets in the broadest sense: people, social enterprises, local businesses, skills, time and money.
- Transfer opportunities will be tested against various public interest and organisational tests, which ensure that the Councils financial, planning and equalities duties are taken into consideration.
- The 'social value' of transfer will also be relevant: this being the wider value-added impacts within the community, such as the creation of friendship opportunities for

those who are socially isolated, which are harder quantify in financial terms. As such proposals are considered on a case-by-case basis.

- If below market value is agreed the Council will apply appropriate legal restrictions to the transfers to ensure that the asset remains in community benefit for the purpose agreed in perpetuity.
- The Council is committed to working with community groups and local people to ensure that asset transfer to the local communities of Cheshire West is successful and sustainable in the long- term.

2. KEY STAGES OF COMMUNITY ASSET TRANSFER (CAT) PROCESS

There are three key formal stages to Community Asset Transfer.

Before getting started it is strongly advised that a community group has an informal discussion with their local Communities Team to ensure they have a clear understanding of who the building or asset belongs to, what the process is, and to start developing a collaborative and supportive relationship with the Council early in the process. It is at this stage that offices will encourage early dialogue with the local Ward Members.

If comfortable, then it is suggested the community group move on to the formal stages:

Stage 1 – Expression of Interest: This can be made by an individual or community group.

Stage 2 – Business Case: This can only be made by a constituted community group or organisation which delivers a service direct to the community and is the formal application stage of this process.

Stage 3 – Completion and Transfer of Asset: The final stage in the process which will be between the Council and an appropriate organisation.

Stage 1 – Expression of Interest

If an eligible group with an idea about how a community asset within the Council's ownership could be used as part of a Community Asset Transfer, the first stage is to complete an Expression of Interest Form. This is an online form and can be found on the Community Assets page of the Council's website.

The Expression of Interest Form has been developed to help gain an understanding of ideas from within local communities on how our assets could be used by those communities and how their use will benefit the wider community. This may include ideas on different approaches to how the assets are used to those currently in place.

Property Services will determine whether the asset meets the definition of an asset suitable for community asset transfer. Property Services will confirm where the asset forms part of the Council's corporate estate, is used for the direct or statutory or is of strategic value to the Council in the delivery of its Corporate Objectives and Council Plan. This stage shall

require the Council to consider whether the asset is surplus to the Council. This can take between 4-6 weeks and does require referral to the Strategic Assets Board, which meets monthly.

Expressions of Interest received shall be discussed with relevant Ward Councillor(s) and then reviewed by the Community Asset Transfer Panel once a month, subject to the asset being confirmed as eligible and surplus to Council requirements.

If confirmed as eligible, the asset will be advertised on the Community Assets page of the Council's website so that other community groups or organisations can submit an Expression of Interest. The timeframe for additional submissions will be 12 weeks unless a shorter period is agreed with the relevant Ward Councillor(s).

All Expressions of Interest will be acknowledged in writing and will be published on the Council's website to ensure that this is an open and transparent process.

Following the closing date, all Expressions of Interest will be reviewed by the Community Asset Transfer Panel with consideration for how the following has been demonstrated:

- Potential Community Benefit.
- Capacity relating to sustainability of the project, i.e.,
 - How will the project be funded initially and over future years?
 - How do you propose to pay the outgoings / management costs of the property / asset?
 - Do you propose to use the asset in a different way to how it is currently being used?
 - Engagement with the existing users and hirers, local community, i.e., who have you spoken to about your idea? for example, local Councillor; other community groups, current users of the asset
 - Are there existing, similar services being delivered in the local area? could you collocate with them? If not, why not?

Where appropriate, constituted community groups and organisations will then be invited to progress to stage two of the process.

If a community group is not successful, they will be notified in writing within five working days of the Community Asset Transfer Panel meeting. The written decision will provide feedback.

The local Ward Councillor(s) will be informed of those Expressions of Interest being invited to progress to Stage 2.

Stage 2 – Business Case

At Stage 2, the Council will ask you for all the information that they will need to make a decision on whether an asset can be transferred. It should be noted that the range of information required will vary depending on the circumstances of the transfer.

The Council will supply a property pack with title information, floor plans, condition data and current running costs where available. The information provided may vary and may not be recent. The Council will only provide such information it has, additional surveys will not be

undertaken.

The Council is committed to the successful transfer of assets to constituted community-based groups but does recognise that running a building can be a big commitment. It is anticipated that local groups may be deterred from engaging in Community Asset Transfer due to being nervous about the possible risks, financial and otherwise. The table below sets out some of the risks and mitigations to be considered and groups can seek support and guidance as part of this process.

Risk	Mitigation
The community organisation does not have the skills or capacity to manage the asset transfer process successfully	A skills audit of the group that is focused on what is required for the duration of the process can help identify specific skills gaps. See support
The community organisation does not have the skills or capacity to manage the asset in the long term	More engagement with the community is the best way of attracting people who can bring the fresh perspectives, skills and capacity needed for the project's long-term success.
More than one community group requests a transfer of the same asset	The Council will work with all community groups or organisations to work together to pursue an asset transfer. This builds capacity and provides a stronger offer to the wider community
The community body or organisation is unsuccessful in delivering the benefits it forecast	To help the community assess the viability of running the asset successfully, the Council will provide as much information as available on the current condition of the building, the running costs, the cost of utilities, current income from users, and the cost of other outgoings. Providing as much information as possible at the outset can help communities assess the viability of their Business Case and be realistic about what can be achieved

This list is indicative and not exhaustive. A full risk register should be considered for each case.

Business Cases are welcomed from community, voluntary and social sector-based groups which meet the following minimum **criteria**:

Demand:

- Evidence that existing users and/or hirers of the asset have been consulted about future requirements and provide a commitment to allow existing users to continue at the premises
- Evidence of a proven local need for the asset
- Have strong links to the local community with members able to influence its operation and decision making
- Can show an evidenced need and demand for the activities being proposed within the local community

- Can demonstrate engagement and consultation with the wider community on the community asset proposal

Governance & Capacity:

- Are a properly constituted organisation
- Evidence of a good community governance / management structure with the capability to sustain the property asset
- Has sufficient skills and experience to manage a property and deliver services in line with the Council's core purpose and corporate outcomes
- Be able to show a commitment to community benefit in line with the Council's core principles, as outlined in the Council Plan
- Evidence of a track record for delivering services and / or managing property.

Financial Viability:

- Details of planned outcomes and benefits anticipated as a result of the asset transfer
- A plan for how much space is required and its potential usage
- 5-year plans for revenue and capital funding, plus cost projections for managing and operating the asset
- Are looking to maximise opportunities to ensure financial sustainability, e.g., through income generation, social enterprise
- Any financial resources that the asset transfer will release or attract
- Financial sustainability and forward planning
- How the CAT applicant will invest in and maintain the property asset, including a specific plan for meeting Health and Safety obligations and energy efficiency responsibilities
- Evidence of relevant competencies for the effective management of Health and Safety, including for the safe and compliant delivery of the range of services anticipated (e.g., appropriate qualifications, skills, membership of professional bodies)

Meeting the Councils Aims:

- Evidence of an Equalities Plan can demonstrate a policy of diversity - the proposed use will ensure extensive reach into the community and be inclusive. This should include an Equality Impact Assessment.
- Demonstrate a commitment to the Councils Climate Emergency commitments
- Have a clear business Case for managing the asset.

Business Cases will be evaluated against the above criteria by the Community Asset Transfer Panel and a recommendation will be made for discussion and consideration by the local Ward Councillor(s). Recommendations will be reviewed by the Council's Strategic Assets Board.

An expected timescale for the submission of a full Business Case would be within three months of receipt of the property pack. On written request, the Council may consider additional time for organisations developing their Business Case. Any additional time is at the discretion of the Council.

Stage 3 – Completion and Transfer of Asset

On receipt of delegated approval, the Council's legal adviser will be instructed to prepare the Lease as set out at Appendix 5, subject to any specific terms as may be agreed. In addition

to the Lease, a Community Benefit Agreement is also entered into which covers aspects of monitoring and reporting of social value outcomes to the Council in respect of the operation and activities undertaken at the property.

Any agreement, if it is considered appropriate, will include a provision for the return of the land or building should a venture be unsuccessful and cease. In accepting a return, however, the Council will not normally assume any responsibilities or liabilities of the community-based group including financial commitments and responsibility for any repair previously identified in the schedule of condition which will be attached to the lease agreement at the commencement of the lease.

3. CHESHIRE WEST AND CHESTER COUNCIL COMMUNITY ASSET TRANSFER (CAT) OVERVIEW OF POLICY CONTEXT

The Council Plan 2020-24 is committed to improving our community facilities. The Council owns over 150 buildings that are being used by communities. We have already started talking with communities about how we get the most out of these assets, how we can transform some facilities by moving to more combined uses and how we could transfer some of these assets to community groups and town and parish councils where this is feasible.

Under the Local Government Act 1972 General Disposal Consent, Local Authorities have discretion to dispose of surplus property at less than best consideration subject to Member approval (provided that the difference between the prices is less than £2million). This allows for the consideration of bids from Community and Voluntary Groups for CWC owned property, but it should not be assumed that every asset will be transferred at less than market value, each application will be assessed on its own merits.

It is important that the Council continuously identifies ways in which to deliver services more efficiently but without losing sight of supporting local residents and ensuring their needs are met. The property portfolio of the Council is immensely diverse and community assets form part of the portfolio. Our community assets are hugely important to the day-to-day life of our local residents and contribute to the social value of our communities, whether this activity is targeting social isolation, health and wellbeing and supporting the best start in life for our children and young people. It is therefore important that within these times of change we identify new modern ways of working and delivering provision collaboratively and thinking beyond the 'four walls' of a building, considering how best placed our community provision is delivered.

Asset categories that may be appropriate for Community Asset Transfer include:

- Libraries
- Play Areas
- Managed Land and Greenspace
- Public Conveniences
- Community Centres

Cheshire West and Chester Council recognises that community ownership can play a part in enhancing the local environment and providing opportunities for all sectors of the community. The Council has land and buildings that are used for a variety of community and public purposes. **Benefits** can include:

- Buildings used more frequently and effectively
- Extra funding opportunities
- Local decision making

Community Asset Transfers can also help to **promote public value** through:

- Community empowerment
- Encouraging a sustainable voluntary and community sector
- Encouraging social enterprise
- Delivery of corporate priorities
- Value for money

More detail about how the Council will complete the transfer of an asset is provided in the proposed Heads of Terms document at the back of this guidance (Appendix 5). This information will be discussed with applicants at Stages 2 and 3 of the process.

4. BEFORE AN APPLICATION STARTS

Stage 1: Expressions of Interest – Ideas

All you need at the first stage is a good idea that has the potential to be turned into a Business Case. The Council is happy to talk to you about any ideas you have. Details of who to contact are included in Section 6 of this document.

Stage 2: Business Case

When you have a good idea with potential, you will need to consider some of the practicalities listed below to turn this into a Business Case. The Council will signpost groups/ organisations to appropriate resources dependent on individual requirements.

It is important that you have a **Plan** outlining your aims and objectives and demonstrating that your organisation is prepared to take on the responsibilities of leasing the property. A plan should include:

- List of proposed activities
- How the asset will be operated and for what purpose
- Who will be responsible for managing the service
- Who will be responsible for maintenance and upkeep of the building or land
- Latest account details
- Financial information indicating expenditure and future income projections

Financial Issues - Your Business Plan should include a financial plan, outlining the funding for your organisation and how you will fund the running of the premises. In addition to costs such as rent, managing a building will also incur several other costs including:

- **Rates**

- **Utilities** - electricity, telephone bills, water, and so on.
- **Insurance** - you will need to obtain your own public liability insurance.
- **Repairs and Maintenance** - this includes Statutory building checks.
- **Staff** - e.g., cleaning and caretaking
- **Security**
- **Administration**
- **Potential alterations**
- **Income**

Further financial considerations include sustainability and forward planning, i.e., whether you have the funding to enable you to sustain the project and building in the future. For example, if you are relying on a source of funding that comes to an end in the next six months, what are your plans / provision for securing funding after this period.

You may also need to consider start-up costs for taking up the management of the building including any necessary repairs or alterations.

Management Structure - Leasing buildings or land is a major commitment for your organisation, which involves considerable responsibilities and should not be underestimated.

One key consideration will be whether occupying a building will enhance your ability to achieve the aims and objectives of your group / organisation or mean that you have less time to focus on your core activities.

You need to ensure that you have a clear management structure and have thought out how the building will be managed on a day-to-day basis, in addition to how the building will be financed, usage, and so on. This will include key questions such as:

- Do you have a clear constitution and established Management Committee / Board / Team?
- Have you got a clear process for making decisions in relation to the building e.g., deciding on repairs / maintenance works?
- Have you considered whether you have enough members to be able to manage the building effectively, e.g., who will be responsible for room bookings, site problems, compliance with legal issues such as Health and Safety, and so on?
- Have you considered who will be responsible for caretaking, and cleaning responsibilities?
- Who will take responsibility for managing payments for utilities bills, rates, and so on?

Costs - Before you submit your Business Case it is important to consider whether you can meet some of the costs that may be associated with the transfer. It is difficult to specify what these may be as each transfer will be negotiated on an individual basis; however, it may include:

- Feasibility study fees
- Architects' fees
- Legal fees
- Consultancy fees
- Planning fees

5. FREQUENTLY ASKED QUESTIONS

What is a Community Asset Transfer?

- A Community Asset Transfer is: the leasehold transfer of a Cheshire West and Chester Council asset to an organisation with a social purpose and plans to use the asset for the benefit of the local community

And/ or

- the transfer of the management and ownership of public assets (buildings or land) through the granting of a lease to a community-based organisation who in return commit to providing community benefits via its use.

What is a Community Asset?

A community asset is defined as:

- A community asset is one which plays a role in the local community providing either services or contributes to the local environment.
- A community asset may be a building, a piece of land or a provision that is used and beneficial to our residents to improve the quality of community life.
- These assets could include but not limited to community centres, play areas, public conveniences, managed green space.
- A community asset must contribute to the community for social wellbeing, cultural, recreational, or sporting interests of the local place.

An asset is not considered a community asset if it is held for operational use, the delivery of direct Council services or considered of strategic value to the Council in the delivery of its aims and objectives.

How do I register my interest / make an application?

Complete the Expression of Interest form on the Community Assets page of the Council's website.

What information do I need to provide in an Expression of Interest?

At this stage all that is required are the details of the asset you are interested in, some information about you or the organisation you represent and your ideas for the use of the building.

What happens after I have submitted an Expression of Interest?

The Council's Property Services team will determine whether the asset meets the definition of an asset suitable for community asset transfer. If confirmed as eligible, the asset will be advertised on the Community Assets page of the Council's website so that other community groups or organisations can submit an Expression of Interest. The timeframe for additional submissions will be 12 weeks unless a shorter period is agreed with the relevant Ward Councillor(s). All Expressions of Interest will be acknowledged in writing and will be published on the Council's website to ensure that this is an open and transparent process.

What happens after the timeframe for additional Expressions of Interest?

Following the closing date, all Expressions of Interest will be reviewed by the Community Asset Transfer Panel. Successful applications will be provided with a property pack, signposted to appropriate support dependent on individual requirements and invited to

submit a Business Case.

What information will be required for a Business Case?

Your Business Case should include a financial plan outlining the funding for your organisation and how you will cover the costs of managing and maintaining the premises. You will be signposted to organisations who will be able to advise you further on this.

Is there any other information needed to have at the Business Case stage?

You will need to show that you or your organisation is able to take on a lease, that your constitution permits the acquisition of property, and that there are good management practices in place. Plans for fund-raising and community involvement should be included.

How much will the Council charge to transfer the asset to our organisation / group?

Leases granted as a Community Asset Transfer will generally be at a low or peppercorn rental to reflect the commitment of the organisation/group to the continued use of the asset for community benefit. Each party will bear their own costs associated with this process. The Council will not meet any legal or professional costs incurred by a community group as part of the Community Asset Transfer process.

How long will a lease be for?

A lease for a Community Asset Transfer will generally be 30 years but the Council could consider other terms if the organisation has a very clear need for this, e.g. to support a particular funding bid.

What responsibilities will the organisation/group have for the asset?

The organisation/group will take full responsibility for all the out-goings of the asset transferred, for example rates and utility costs as well as maintenance, repair, statutory testing and insurance.

Will the Council undertake a condition survey on an asset for a transfer?

The Council will share the most recent information it has regarding the condition of the building. It is however recommended that interested parties appoint their own qualified surveyor to undertake this piece of work.

How much does it cost to run a building?

Buildings are generally expensive to run and future expenditure must be carefully planned for a Community Asset Transfer to be successful and viable in the long term. The Council will, where possible, provide details on historic running costs and the condition of any buildings involved. However, we would strongly advise an organisation/group to take their own advice in terms of financial planning and building surveys.

Where can I find additional funding?

There are lots of funding streams available locally and nationally depending on where your project is, when you are aiming to deliver and what you are aiming to achieve. You will be signposted by the Council at the time to give you the best chance of success. The government is providing £150 million over 4 years to support community

groups in England, Scotland, Wales and Northern Ireland to take ownership of assets and amenities at risk of being lost. Voluntary and community groups can bid for match funding to acquire important assets and run them for the benefit of the local community.

Community Ownership Fund: prospectus - GOV.UK (www.gov.uk)

If things do not go to plan can my organisation/group return the asset to Cheshire West and Chester Council?

The Council will endeavor to support all groups prior to a Community Asset Transfer to ensure that a transfer only takes place when there is good prospect of it being successful. The lease granted will include a break clause which will enable the organisation/group to hand back the lease at a future date if the project is in difficulty. However, the organisation/ group will be responsible for all outgoings and repairs up to the date the lease is taken back.

How long will this process take?

Each Expression of Interest for a Community Asset Transfer will be considered individually and timescales will be dependent to some extent on the resources and support available to the organisation / group. It is intended that initial Expressions of Interest will be considered monthly by the Community Asset Transfer Panel and, if agreed, will be advertised for additional submissions for a maximum of 12 weeks. Successful applicants will then be given up to 12 weeks to submit a Business Case.

How will my data be kept safe?

The Community Asset Transfer Privacy Notice is available on the Council website: <https://www.cheshirewestandchester.gov.uk/system-pages/privacy-notice/community-asset-transfer-privacy-notice.aspx>

Are there alternatives to a long lease?

The Council may consider other methods of enabling an organisation to manage an asset. There are several different ways of achieving this:

Management Agreement

This is a short-term agreement for 1 or 2 years which enables the organisation to manage the building within set times and for an agreed range of uses. It may require the asset to be available for hire for a minimum number of sessions per week where appropriate. The asset will be occupied in its current condition, the Council will not carry out any additional repairs or improvements. The Council will retain responsibility for external and most internal repairs. The organisation would be responsible for internal decoration and any damage caused by its occupation.

The organisation will manage hires, account for income and expenditure, increase community use of the asset and develop a programme for future use. It is hoped that this will lead to the organisation developing the capacity to take on a longer lease, but it may also prove that there isn't a firm community commitment to use the asset, and this is also a successful outcome. Organisations should not be afraid to take on a management agreement to test an idea, but it should have ward Councillor support.

Short Lease

This can be for up to 5 years, it gives the organisation more control of the asset and more responsibilities. The asset will be leased in its current condition. The organisation will have responsibility for internal repairs, internal decoration, grounds maintenance, Statutory surveys/checks, buildings insurance. The Council will retain responsibility for external repairs and decoration.

6. CONTACT DETAILS

Here's who to contact:

If you live in this area	Here's who to contact in Cheshire West & Chester Council
Chester	ChesterLocality@cheshirewestandchester.gov.uk
Ellesmere Port	EllesmerePortLocality@cheshirewestandchester.gov.uk
Rural Communities	RuralLocality@cheshirewestandchester.gov.uk
Northwich or Winsford	NorthwichWinsfordLocality@cheshirewestandchester.gov.uk
Here's a list of all Cheshire West Ward Members	Find my local Ward Councillor

Organisation	Description	Contact Details
Cheshire Community Action	Cheshire Community Action helps people and communities to improve the places and spaces that are important to them and access the services they need.	https://cheshireaction.org.uk/
Cheshire West and Chester Council	Asset owner	Property.Services@cheshirewestandchester.gov.uk
Cheshire West Voluntary Action	Support for the voluntary and community sector in Cheshire West.	https://chesterva.org.uk/
UK Coop	Support Co-ops to start up and thrive, provide expert advice, events, resources and training.	https://www.uk.coop/
Social Enterprise UK	The national body for social enterprise – business with a social or environmental mission. Advice and resources.	https://www.socialenterprise.org.uk/

Organisation	Description	Contact Details
Charities Evaluation Service	Support for organisations to measure the results of their work and use evidence to learn and improve performance. Fundraising, Training, Mentoring and other services provided.	https://www.charity-fundraising.org.uk
Locality	The national network supporting community organisations to be strong and successful. <ul style="list-style-type: none"> • Peer learning and connection • Specialist advice & support • Support for local community projects • Influencing and campaigns 	https://www.Locality.org.uk
Health and Safety	Legal advice and guidance for Managing Health and Safety and covering the full range of health and safety topics	http://www.hse.gov.uk HSE Infoline: 0845 345 0055

APPENDIX 1 – Links to Localism Act

Interim or Meanwhile use of Assets	Link to CW&C Asset Management Plan
Multiple Asset Transfer Community Asset Transfer	Within CW&C Community Asset Guidance
The Community Right to Bid or “assets of community value provisions	<u>Assets of community value (cheshirewestandchester.gov.uk)</u>
The Community Right to Reclaim Land	<u>Public Request to Order Disposal - GOV.UK (www.gov.uk)</u> <u>2010 to 2015 government policy: localism - GOV.UK (www.gov.uk)</u>
Right to Contest	<u>Challenging the government to sell land or property - GOV.UK (www.gov.uk)</u>
Community rights to compulsory purchase	<u>Compulsory purchase - general - Land Compensation Manual Section 1: Compulsory purchase - general - Guidance - GOV.UK (www.gov.uk)</u>
Community Right to Challenge	<u>Community Right to Challenge: statutory guidance - GOV.UK (www.gov.uk)</u>
Community Right to Build	<u>Community Right to Build step by step guides - MyCommunity</u>
Neighbourhood Development Order	<u>Neighbourhood development orders (inc. community right to build orders) - Locality Neighbourhood Planning</u>

APPENDIX 2

CHECKLIST OF TASKS TO CONSIDER WHEN DEVELOPING A BUSINESS CASE

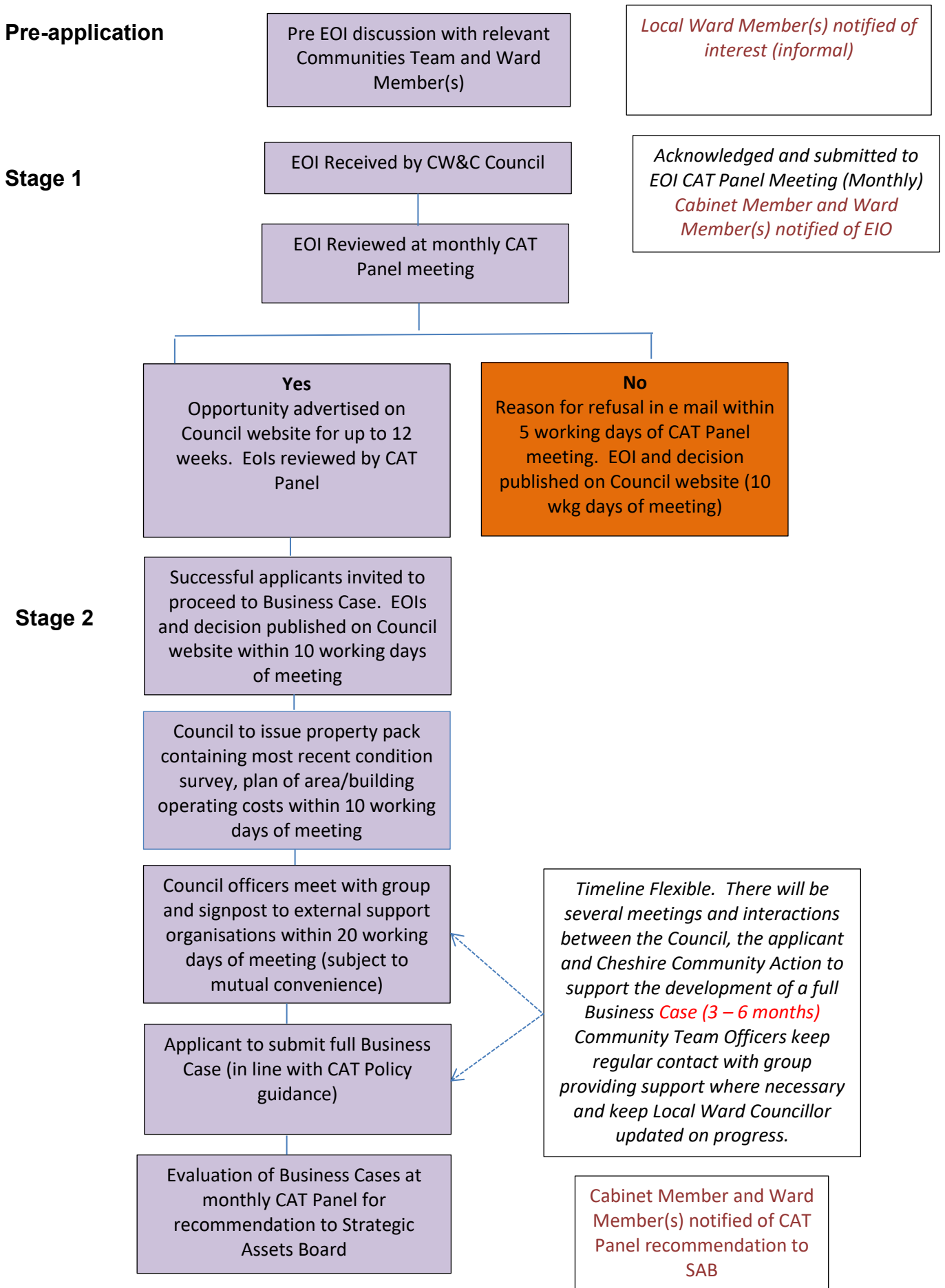
1. Does your committee/board/management team understand the terms of the group's occupation of the building? For example: lease, license, and so on.
2. Are they aware of any obligations they might have for the building? For example:
 - Cleaning
 - Insurance
 - Security provision
 - Repairs/maintenance
 - Decoration
 - Waste disposal
 - *Statutory surveys e.g. gas, asbestos*
3. Are they aware of any operational specific obligations (relevant to anticipated use)
e.g., child protection / safeguarding, Swimming Pool Management, plant operation, Sport provision, Catering etc.
4. Have any planning permissions and buildings regulations relating to the premises been checked?
5. Is a change of planning use needed?
6. Are the premises adequately insured? (Buildings, contents, public liability)
7. Are there any restrictions contained in the lease or other deeds on what can be done in or to the building? (For example, prohibitions on sub-letting / sharing, making alterations, storing certain substances, consuming alcohol, playing games or music, holding lotteries, admitting animals, serving hot food). If so, can you negotiate better terms? The Tenant must not do anything on the Property which is illegal or immoral or which would cause a nuisance or inconvenience or any damage or disturbance to the Landlord or any owner or occupier of any other property adjoining or near the Property
8. Are the security and alarm systems adequate?
9. Does the asset need a fire certificate? If so, when does it have to be renewed? A fire risk assessment may need to be carried out and this is done by the occupier.
10. Has the group obtained any business rates relief it is entitled to from Rates Department?
11. Have all necessary licences been obtained from the Council's Licensing Department?

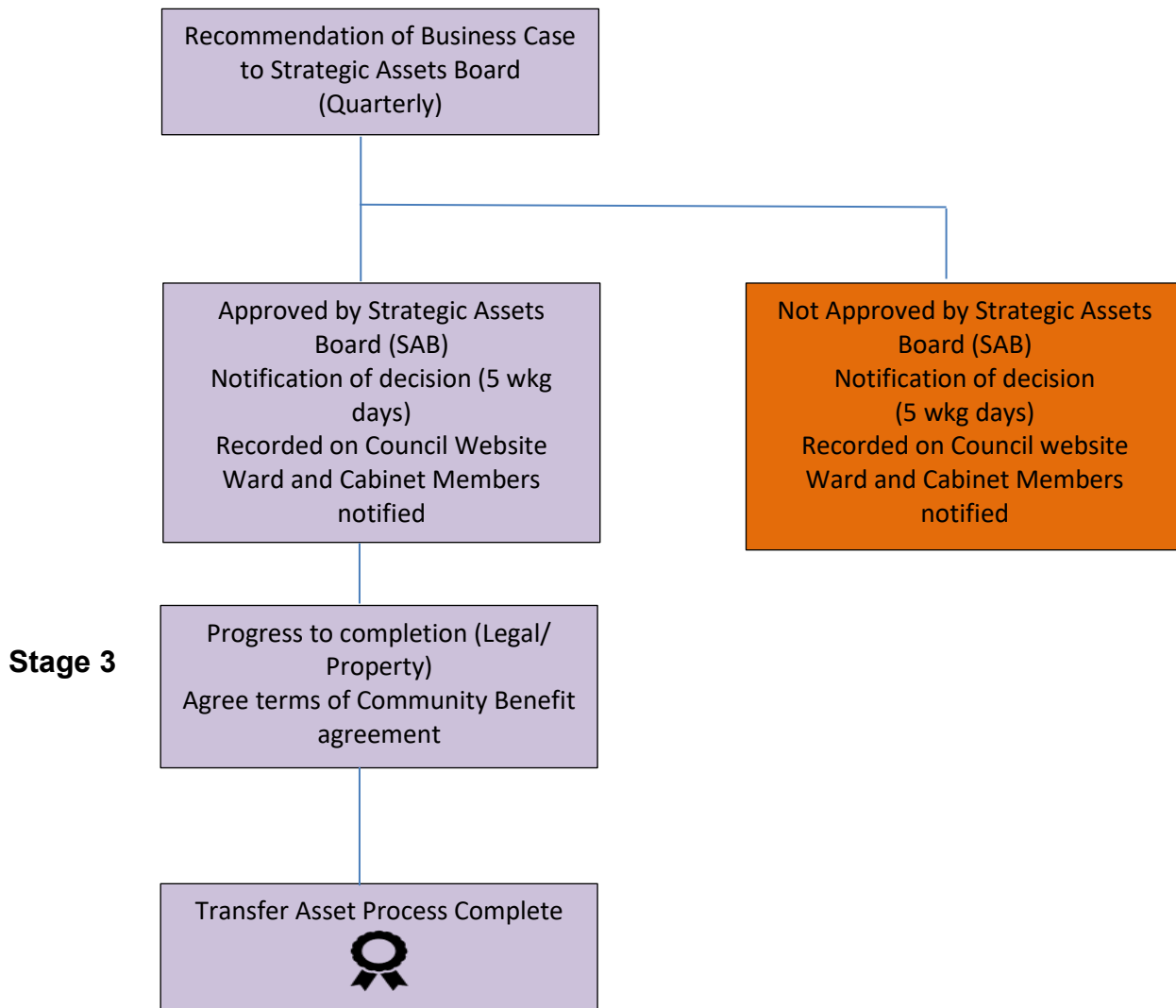
- public entertainment (also covers theatre, film and video productions)
- alcohol / music, singing and dancing
- gaming / lottery

12. Has a risk assessment profile been identified and drawn up?

13. Have disability access issues been addressed? Are any grants available for alterations?

APPENDIX 3 - Process Map





Member Engagement Activity:

Informal Ward Member Engagement:

1. Ward Member encouraged/invited to be part of pre EOI discussion
2. Ward Member notified when Expression of Interest is received
3. Ward Member notified of Community Asset Transfer Panel recommendations to Strategic Board
4. Ward Member notified of Strategic Assets Board decision

Formal Engagement

1. Cabinet Member is briefed pre - Strategic Assets Board (SAB) of recommendation.
2. Cabinet Member (s) notified of SAB decision.

APPENDIX 4 - GLOSSARY

Term	Explanation
Assets	Land or building.
Asset transfer	Procedures used to transfer the ownership of assets to a community-based organisation.
Business Case	A Business Case summarises the activities, systems, skills and resources needed to achieve your short, medium and long term aims. Essentially it explains in detail what your organisation will do to turn its vision into reality.
Capacity Building	Activities that strengthen the skills, abilities and confidence of people and community groups to take effective action and leading roles in the development of their communities.
Constitution	Regulations that govern the conduct of an organisation.
Feasible	Refers to whether a project can be developed to meet the objectives of the project given its context and the resources available.
Governance	Refers to who makes decisions in an organisation (partly defined by the way an organisation is set up legally and what it has been set up to achieve) and how they make them (who is included in decision making and who gets to know about what decisions have been made).
Lease	A lease is a legal contract between you (the tenant), and the council (the landlord). It sets out the rules that you and the landlord must keep to.
Leasehold	If you have a leasehold asset, you own it for a fixed period. You'll have a legal agreement with the Council called a 'lease'. This will tell you how many years you can 'enjoy' the asset. When the lease comes to an end, ownership of the asset returns to the Council.
Public liability	Insurance taken out by organisations to protect them against claims from the public for compensation after an accident, for instance, or anything else where the organisation may be held responsible. If the public have access to these organisations, then the organisation must have this insurance.

APPENDIX 5 - PROPOSED DRAFT HEADS OF TERMS - COMMUNITY ASSET TRANSFER

These Heads of Terms are not intended to create any legally binding obligations and are subject to the approval of Cheshire West and Chester Council.

This document is confidential to the intended parties and their professional advisers.

Any subsequent documentation is subject to the approval of the legal advisers for Cheshire West and Chester Council.

Parties: **Landlord:**
Cheshire West and Chester
Council
Tenant:

Proposal: The granting of a lease as a Community Asset Transfer.

Property: All land and premises shown edged red on the attached plan.

Term: - ** -year leasehold interest from a date to be agreed. The lessee will not be granted possession of the asset until the lease has been completed.

Rent: Peppercorn/£1 pa exclusive of all other outgoings

Repairs: The Tenant will be responsible for all repairs, maintenance, Statutory checks e.g., asbestos surveys, water and electrical testing, gas safety etc. Health and Safety and other improvement works for the term of the lease.

Utilities: The Tenant will be responsible for all utility costs and must make their own arrangements directly with the supplier. Where an asset shares services with another CW&C asset these may be supplied by CW&C and recovered via a service charge. The service charge is usually based on the percentage of floor area each asset forms of the whole of the area supplied.

Non-Domestic Rates: The Tenant will be responsible for all non-domestic rates and any other taxes in respect of the asset.

Break Clause: The lease to include a break clause in favour of the Tenant to be operable at 5 yearly intervals throughout the lease. The Tenant will be required to give written notice of termination at a future date at least 6 months after the date of the notice. Retrospective termination dates will not be accepted.

The Landlord will have the right to terminate the lease if the asset is no longer used for community benefit for a period of 2 years or if the Tenant enters administration etc.

Alterations: The Tenant will be permitted to make internal, non-structural alteration. The Tenant will be permitted to make external and structural alterations with the prior written consent of the Landlord such consent not to be unreasonably withheld or delayed. The Tenant will be required to provide the Landlord with a full set of plans and drawing which set out the alterations proposed. The Tenant will pay the Landlord's costs of considering

and permitting the alteration.

Use: The Tenant is to use the premises for the community use only.

Insurance: The Tenant will usually be responsible for the insurance of the premises, including all contents and will provide a copy of the insurance policy for the premises if requested.

Public Liability Insurance: The Tenant will have public liability cover to £5m.

Named representatives: The Tenant is to confirm five named individuals to be jointly and severally liable on the lease.

Costs: Each side to bear their own costs regarding the transaction.

Other Terms: The lease is to be completed within 1 year of the date of the agreement of the Heads of Terms.

Landlords Solicitors: Head of Legal Services & Council Companies, Cheshire West and Chester Borough Council, 4 Civic Way, Ellesmere Port, CH65 0BE

Conditions: Subject to contract and Cabinet? Approval and does not purport to constitute a contract.

APPENDIX 6 – Community Summary Document

Introduction

The Council recognises the vital role that community assets play at the heart of their local communities and the invaluable role they have in achieving the Council's corporate outcomes set out in the Council Plan. [Link](#). We want to work with you to make this happen.

This guidance is for anyone who is interested in leasing buildings or land from Cheshire West and Chester Council for community benefit. This is known as Community Asset Transfer (CAT) and is defined more fully as:

“the leasehold transfer of a Cheshire West and Chester asset to an organisation with a social purpose and who plan to use the asset for the benefit to the local community”.

There is a guidance that supports this process which outlines how the Council will work with the community to meet the Councils vision to deliver a better integrated public service across the borough by creating efficient and fit for purpose community assets.

Here are some of the principles we agree in Cheshire West best support the transfer of our assets:

Principle 1:	Supporting Communities: Ensuring our community assets are well managed and support the needs of our communities
Principle 2:	Regeneration: Supporting place based regeneration to deliver the right services in the right location, based upon community need
Principle 3:	Partnership: Working with local partners to integrate or co-locate services to provide a better offer or approach to communities, and to maximise income and opportunities
Principle 4:	Releasing: Releasing assets that no longer provide the best value for our communities or meet Council Outcomes
Principle 5:	Transferring: Empowering communities to influence the use of assets in their area through transfers
Principle 6:	Equality: Supporting equality across the borough, ensuring our assets, where possible, are all-inclusive and accessible

What are the stages?

Before you start - Come and talk to your Communities Team or your local ward Member

Here's who to contact:

If you live in this area	Here's who to contact
Chester	ChesterLocality@cheshirewestandchester.gov.uk

Ellesmere Port	EllesmerePortLocality@cheshirewestandchester.gov.uk
Rural Communities	RuralLocality@cheshirewestandchester.gov.uk
Northwich or Winsford	NorthwichWinsfordLocality@cheshirewestandchester.gov.uk
Here's a list of all Cheshire West Ward Members	Find my local Ward Councillor

Then if you then want to move forward your stages are:

Stage 1 - Expression of Interest: This can be made by an individual or community group. This is an online form and can be found on the Community Assets page of the Council's website.

Stage 2 - Business Model Application: This can only be made by a constituted community group and is the formal application stage of this process.

Stage 3 - Completion and Transfer of Asset: The final stage in the process which will be between the Council and an appropriate organisation.