

## **SCRUTINY COMMITTEE**

**Meeting to be held on Thursday 16 October 2014 at 3.30 pm**

**Council Chamber, Williton**

### **AGENDA**

**1. Apologies for Absence**

**2. Minutes**

Minutes of the Scrutiny Committee held on 11 September 2014, to be approved and signed as a correct record – **SEE ATTACHED.**

**3. Declarations of Interest**

To receive and record any declarations of interest in respect of any matters included on the Agenda for consideration at this Meeting.

**4. Public Participation**

The Chairman to advise the Committee of any items on which members of the public have requested to speak and advise those members of the public present of the details of the Council's public participation scheme.

For those members of the public wishing to speak at this meeting there are a few points you might like to note.

A three-minute time limit applies to each speaker and you will be asked to speak before Councillors debate the issue. There will be no further opportunity for comment at a later stage. Your comments should be addressed to the Chairman and any ruling made by the Chair is not open to discussion. If a response is needed it will be given either orally at the meeting or a written reply made within five working days of the meeting.

**5. Notes of Key Cabinet Decisions/Action Points**

To review the Key Cabinet Decisions/Action Points from the Cabinet Meeting held on 1 October, 2014 – **SEE ATTACHED**

**6. Cabinet Forward Plan**

To review the latest Cabinet Forward Plan for the months of December, January & February published on 3 October 2014 – **SEE ATTACHED.**

**7. Presentation from Engage West Somerset**

To receive a presentation from Katrina Midgeley, Manager, Engage West Somerset.

To provide the Committee with the opportunity to receive an update from the Manager of Engage WS regarding the service, project activity in the

last 12 months, current funding position and future opportunities in relation to supporting applicants to the Communities Infrastructure Mitigation (CIM) fund.

**8. Community Asset Transfer Policy**

To consider Report No. WSC 141/14, to be presented by Kene Ibezi, Assistant Director, Property and Development – **SEE ATTACHED**

The purpose of this report is to provide the Scrutiny Committee with the opportunity to contribute to the development of the Community Asset Transfer Policy.

**9. Scrutiny Committee Work Plan**

To receive items and review the Scrutiny Committee WorkPlan for 2014/15 – **SEE ATTACHED.**

**COUNCILLORS ARE REMINDED TO CHECK THEIR POST TRAYS**

**The Council's Vision:**

To enable people to live, work and prosper in West Somerset

**The Council's Corporate Priorities:**

- Local Democracy:  
Securing local democracy and accountability in West Somerset, based in West Somerset, elected by the people of West Somerset and responsible to the people of West Somerset.
- New Nuclear Development at Hinkley Point  
Maximising opportunities for West Somerset communities and businesses to benefit from the development whilst protecting local communities and the environment.

**SCRUTINY COMMITTEE****Minutes of the Meeting held on 11 September 2014 at 3.30 pm****Present:**

Councillor P H Murphy .....Chairman  
 Councillor B Heywood .....Acting Vice Chairman

Councillor M J Chilcott  
 Councillor G S Dowding  
 Councillor K J Ross

Councillor M O A Dewdney  
 Councillor J Freeman  
 Councillor D J Sanders

**Members in Attendance:**

Councillor K Kravis  
 Councillor T Taylor

Councillor K Mills  
 Councillor K H Turner

**Officers in Attendance:**

Assistant Director – Corporate Services (R Sealy)  
 Assistant Director – Resources (P Fitzgerald)  
 Legal Services Manager (R Pinney)  
 Corporate Transformation Programme Manager (K Batchelor)  
 Finance Manager (S Plenty)  
 Retained HR Manager (M Griffin)  
 Media and Public Relations Officer (D Rundle)  
 Scrutiny and Performance Officer (S Rawle)  
 Administrative Support (A Randell)

Jim Butterworth – Member of the Public.

**SC17 Apologies for Absence**

Apologies were received from Councillors R Lillis and A H Trollope-Bellew.

**SC18 Minutes**

(Minutes of the Meeting of the Scrutiny Committee held on 7 August 2014 – circulated with the Agenda.)

Agreed for apologies from Councillor B Heywood to be added to the minutes.

**RESOLVED** that the Minutes of the Scrutiny Committee held on 7 August 2014 – as amended - be confirmed as a correct record.

**SC19 Declarations of Interest**

Members present at the meeting declared the following personal interests in their capacity as a Member of a County, Parish or Town Council:

Name	Minute No.	Description of Interest	Personal or Prejudicial or Disclosable Pecuniary	Action Taken
Cllr P N Grierson	All Items	Alcombe	Personal	Spoke and voted
Cllr K J Ross	All Items	Dulverton	Personal	Spoke and voted
Cllr P H Murphy	All Items	Watchet	Personal	Spoke and voted
Cllr K H Turner	All Items	Brompton Ralph	Personal	Spoke

An additional interest was declared by Councillor S Dowding as a Member of the Quantock Hills Joint Advisory Committee (JAC).

## **SC20 Public Participation**

Mr Jim Butterworth made a statement around the item on the Forward Plan in respect of secondary education in West Somerset. He requested that this item be considered by the Committee before the December date shown on the Forward Plan. .

He had raised concerns over the exam success rates at the West Somerset College being amongst the lowest in the country. A petition to remove the college principle and bring in Ofsted to overhaul the school had so far received 400 signatures.

The Committee noted the comments from Mr Butterworth.

## **SC21 Notes of Key Cabinet Decisions/Action Points**

(Copy of Notes of Cabinet Decisions/Action Points, to be circulated after the meeting.)

**RESOLVED** that the Key Cabinet Decisions/Action Points from the meeting held on 19 August 2014, be circulated and noted at a later date.

## **SC22 Cabinet Forward Plan**

(Copy of the Cabinet Forward Plan published 19 August 2014, circulated with the agenda.)

**RESOLVED** that the Cabinet Forward Plan published on 19 August 2014, be noted.

## **SC23 Joint Management and Shared Services – Update of Progress**

(Report No WSC 123/14, circulated with the agenda.)

The purpose of the report was to provide Members with an update of the Joint Management and Shared Services (JMASS) programme as detailed in the Business Case which had been approved in November 2012.

Kim Batchelor, presented the report giving the background information, indicative timescales and progress to date and a savings and costs update.

During the course of discussion the following points were made:-

- It was considered how any perception of Taunton Deane taking over a smaller authority should be challenged. Proposals for the joint venture remained inclusive of staff across both organisations.
- Members discussed the greater benefits of having additional Assistant Directors than was the case previously.
- TUPE and staff terms and conditions were questioned. The retention of WSC staff terms and conditions were also discussed. This would depend on where staff were based along with which terms and conditions they wished to adopt. It was debated if and when a review would be undertaken on terms and conditions for them to deliver additional savings.
- Projected savings and savings already achieved were discussed along with the possibility of further devolving services to Parish Councils.
- The development of shared services were discussed. It would be a Member decision to devolve services further.
- Assurances were given to Members that work would continue to gain and achieve maximum savings to close the budget gap. Any savings and efficiencies delivered would be passed onto both authorities.
- The effect of any relocation of The Deane House was considered along with the future of the Williton office. Members considered whether further consideration should be given to sharing the Williton offices before 2017 if there was capacity.
- IT changes had been implemented to enable working across both sites in each authority. Members were informed that in relation to the IT spend, value for money was being achieved and prices quoted in relation to IT work had been at a competitive price.
- Members wondered whether there would be a possible delay in terms of IT spend with the proposed County Hall move proposal being a consideration when assessing future investment.

**RESOLVED** that the report be noted

**SC24**     **Reviewing the process of the making of Executive Decisions by Individual Members of Cabinet**

(Report No WSC 124/14, circulated with the agenda.)

The report provided the Scrutiny Committee with the opportunity to review the proposed process of Executive Decisions being made in the future by individual members of Cabinet.

During the course of the discussion the following points were raised:-

- Councillors would still be as publically accountable for any Executive decisions made under these proposals. It was considered that this process would reduce bureaucracy and stop unnecessary debates at meetings.

- The same responsibility would fall upon Councillors individually as that of a committee in relation to Executive decisions.
- Where considered appropriate decisions would be taken at the lowest level to increase operational efficiency and to focus energy on big decisions
- The driver for change was to ensure that West Somerset and Taunton Deane procedures operated in similar ways.
- The principles of challenge were detailed along with any decisions being susceptible to challenge. Decisions would be recorded and subject to a call in procedure.
- To ensure best practice, a list of Executive decisions made would be held on record.
- Councillors requested to be notified when decisions are publicised to provide the opportunity to input.
- Councillors wanted the importance of public scrutiny of decisions made by Cabinet Members to be recognised and matters debated where there was a need for it.
- It was requested that the new procedure was checked and Councillors provided with assurance that the proposed procedure followed local government best practice.

**RESOLVED** that the report be noted and that the comments made be reflected in the report to Full Council.

#### **SC25 Scrutiny Committee Work Plan.**

(The Scrutiny Committee work plan, circulated with the agenda was considered.)

The report provided the Scrutiny Committee with the opportunity to consider the meeting timetable for 2014/2015.

Councillors were requested to consider and comment on the proposed Work Plan submitted.

During the course of the discussion the following points were raised:-

- Nominations for the proposed Task and Finish Group on Secondary Education were received from Councillors K Ross, P Murphy and J Freeman. The composition of the Group would be finalised in due course.
- Members were requested to consider the work of the Task and Finish Group before any further action was explored in relation to the proposed review. It was agreed that until this was done, the item be withdrawn from the Forward Plan.
- Agreed that the Voluntary Sector Update Report would be included as part of the Forward Plan.
- Agreed that the Rhynes and Waterways item be re-scheduled for a future meeting once a report has been through the Environment PAG.

**RESOLVED** that the Work Plan be adopted.

The meeting closed at 5.30 pm.

MEETING: CABINET

AGENDA ITEM 5

DATE: 1 OCTOBER 2014

**NOTES OF KEY DECISIONS**

**Note: The details given below are for information and internal use only  
and are not the formal record of the meeting**

AGENDA ITEM	DECISION	CONTACT LEAD OFFICER
Forward Plan (Agenda Item 5)	<b>Agreed</b> that the latest Forward Plan published 19 September 2014 be approved.	Assistant Chief Executive
Cabinet Action Plan (Agenda Item 6)	<b>Agreed</b> that CAB 38 - Hinkley Point C CIM Fund and CAB40 - Blue Anchor Coastal Protection Scheme be deleted as actioned.	Assistant Chief Executive
Request for Allocation of Planning Obligations Funding (Agenda Item 7)	<p><b>Agreed (1)</b> that it be recommended to Council that the allocation of £43,053.097 for Minehead Heritage Trail be added to the capital programme and funded from planning obligations contributions.</p> <p><b>Agreed (2)</b> that the allocation of £2,000 for improvements to Burgage Road Play Area at Stogursey to be added to the capital programme and funded from planning obligations contributions be agreed.</p> <p><b>Agreed (3)</b> that the allocation of £4,000 in respect of carrying out technical and feasibility studies relating to the Steam Coast Trail Project from the HPC Schedule 11 Para 2.2 allocation be agreed.</p> <p><b>Agreed (4)</b> that the allocation of £5,000 from the Employment and Skills Outreach Operational Budget to support the development of the West Somerset Our Place Project be agreed. <b>Agreed (5)</b> that the allocation of up to a maximum of £10,000 from the HPC Schedule 11 Para 2.2 allocation in respect of carrying out feasibility studies relating to leisure facilities in West Somerset be agreed.</p>	Assistant Director Planning and Environment
Corporate Budget Principles (Agenda Item 8)	<b>Agreed</b> that that the proposed framework of principles for setting the 2015/16 budget and updating the Medium Term Financial Plan be approved.	Assistant Director Resources
Scrutiny Recommendations – Quantock Hills AONB (Agenda Item 9)	<b>Agreed</b> that the recommendation of the Scrutiny Committee as set out in paragraph 5.3 of the report be supported.	Assistant Chief Executive

West Somerset Local Plan – Request for Additional Budget (Agenda Item 10)	<p><b>Agreed (1)</b> that it is recommended to Council to approve a supplementary estimate request of £74,750 to cover additional costs arising and relating to the West Somerset Local Plan preparation through to examination and beyond to adoption. Of this sum, £18,400 to be added to the Planning Policy Budget in 2014/15, with the balance of £56,350 transferred to a Planning Policy earmarked reserve to be drawn down in 2015/16.</p> <p><b>Agreed (2)</b> that the supplementary estimate is funded by General Fund Reserve balances.</p> <p><b>Agreed (3)</b> that the requirement for Local Plan funding on an ongoing basis, and support the addition of an annual provision within the Medium Term Financial Plan from 2016/17 onwards be noted.</p>	Planning Policy Manager
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For a record of the reasons for the decision; details of any alternative options considered and rejected by the decisionmaking body at the meeting at which the decision was made; a record of any conflict of interest relating to the matter decided which is declared by any member of the decision-making body which made the decision; and in respect of any declared conflict of interest, a note of dispensation granted by the relevant local authority's head of paid service, please use the attached link below, to the Council's website where the minutes and relevant reports can be viewed:

<http://www.westsomersetonline.gov.uk/Council---Democracy/Council-Meetings/Cabinet-Meetings/Cabinet---1-October2014.aspx>

Date: 2 October 2014



## Weekly version of Forward Plan published on 3 October 2014

Forward Plan Ref / Date proposed decision published in Forward Plan	Date when decision due to be taken and by whom	Details of the proposed decision	Documents and background papers to be available to decision maker	Does the decision contain any exempt information requiring a resolution for it to be considered in private and what are the reasons for this?	Contact Officer for any representations to be made ahead of the proposed decision
FP/14/12/01 6/02/2014	3 December 2014  By Councillor K V Kravis – Lead Member Resources & Central Support	Title: <b>Review of Financial Regulations [FR2]</b>  Decision: to offer comment on the Financial Regulations		No exempt / confidential information anticipated	Paul Fitzgerald, Assistant Director Resources 01823 358680
FP/14/12/02 6/02/2014	3 December 2014  By Councillor T Taylor – Leader of Council and Councillor K V Kravis – Lead Member Resources & Central Support	Title: <b>Corporate Performance &amp; Budget Monitoring Report 2014-15 – Quarter 2</b>  Decision: to provide Members with an update on progress in delivering corporate priorities, performance of council services including budgetary information and customer satisfaction.		No exempt / confidential information anticipated	Bruce Lang, Assistant Chief Executive 01984 635200
FP/14/12/03 6/02/2014	3 December 2014  By Councillor D Westcott – Lead Member for Community and Customer	Title: Consideration of nomination/s received under the Community Right to Bid Legislation  Decision: To approve community listing		No exempt / confidential information anticipated	Bruce Lang, Assistant Chief Executive 01984 635200
FP/14/12/04 6/02/2014	3 December 2014  By Councillor C Morgan – Lead Member for Environment – Hinkley Point	Title: Hinkley Point  Decision: to consider key issues relating to Hinkley Point		No exempt / confidential information anticipated	Andrew Goodchild, New Nuclear Programme Manager 01984 635245
FP/15/1/02	7 January 2015	Title: <b>Allocation of Section 106</b>		No exempt / confidential	Ian Timms, Assistant

Forward Plan Ref / Date proposed decision published in Forward Plan	Date when decision due to be taken and by whom	Details of the proposed decision	Documents and background papers to be available to decision maker	Does the decision contain any exempt information requiring a resolution for it to be considered in private and what are the reasons for this?	Contact Officer for any representations to be made ahead of the proposed decision
6/02/2014	By Councillor K V Kravis – Lead Member Resources & Central Support	<b>funds held – Quarter 3</b>  Decision: to make proposals for the allocation of monies secured through planning obligations to individual schemes, and to update members with the current funding position.		information anticipated	Director Business Development 01984 635271
FP/15/1/03 6/02/2014	7 January 2015  By Councillor K V Kravis – Lead Member Resources & Central Support	<b>Title: Draft Capital Programme 2014-15 and Capital Strategy</b>  Decision: to present the draft Capital Programme 2014/15 and draft Capital Strategy for recommendation to Council.		No exempt / confidential information anticipated	Paul Fitzgerald, Assistant Director Resources 01823 358680
FP/15/1/04 6/02/2014	7 January 2015  By Councillor D Westcott – Lead Member for Community and Customer	<b>Title: Consideration of nomination/s received under the Community Right to Bid Legislation</b>  Decision: To approve community listing		No exempt / confidential information anticipated	Bruce Lang, Assistant Chief Executive 01984 635200
FP/15/1/05 6/02/2014	7 January 2015  By Councillor C Morgan – Lead Member for Environment – Hinkley Point	<b>Title: Hinkley Point</b>  Decision: to consider key issues relating to Hinkley Point		No exempt / confidential information anticipated	Andrew Goodchild, New Nuclear Programme Manager 01984 635245
FP/15/1/06 29/04/2014	7 January 2015  By Councillor K V Kravis	<b>Title: Hinkley Point C Community Impact Mitigation Fund</b>		No exempt / confidential information anticipated	James Holbrook, Major Projects Manager (Hinkley Point)

Forward Plan Ref / Date proposed decision published in Forward Plan	Date when decision due to be taken and by whom	Details of the proposed decision	Documents and background papers to be available to decision maker	Does the decision contain any exempt information requiring a resolution for it to be considered in private and what are the reasons for this?	Contact Officer for any representations to be made ahead of the proposed decision
	– Lead Member Resources & Central Support	Decision: to agree the release of funding for the Community Impact Mitigation Fund			01984 635218
FP/15/2/01 6/02/2014	4 February 2015  By Councillor K V Kravis – Lead Member Resources & Central Support	Title: <b>Annual Budget &amp; Council Tax Setting 2015-16</b>  Decision: to provide Members with all the information required for Council to approve the revenue budget and capital programme for 2015/16 for recommendation to Council.		No exempt / confidential information anticipated	Paul Fitzgerald, Assistant Director Resources 01823 358680
FP/15/2/02 6/02/2014	4 February 2015  By Councillor T Taylor – Leader of Council	Title: <b>Draft Corporate Plan for 2015-16</b>  Decision: to introduce the draft West Somerset Council Corporate Plan 2015/16 for recommendation to Council.		No exempt / confidential information anticipated	Penny James, Chief Executive 01984 635246
FP/15/2/03 6/02/2014	4 February 2015  By Councillor D Westcott – Lead Member for Community and Customer	Title: Consideration of nomination/s received under the Community Right to Bid Legislation  Decision: To approve community listing		No exempt / confidential information anticipated	Bruce Lang, Assistant Chief Executive 01984 635200
FP/15/2/04 6/02/2014	4 February 2015  By Councillor C Morgan – Lead Member for	Title: Hinkley Point  Decision: to consider key issues relating to Hinkley Point		No exempt / confidential information anticipated	Andrew Goodchild, New Nuclear Programme Manager 01984 635245

Forward Plan Ref / Date proposed decision published in Forward Plan	Date when decision due to be taken and by whom	Details of the proposed decision	Documents and background papers to be available to decision maker	Does the decision contain any exempt information requiring a resolution for it to be considered in private and what are the reasons for this?	Contact Officer for any representations to be made ahead of the proposed decision
	Environment – Hinkley Point				
FP/15/2/05  6/02/2014	4 February 2015  By Councillor K V Kravis – Lead Member Resources & Central Support	Title: <b>Fees and Charges</b>  Decision: to propose levels of fees and charges for the period 1 April 2015 to 31 March 2016 (in some cases fee increases will be implemented earlier, this will be stated in the relevant sections of the report).		No exempt / confidential information anticipated	Paul Fitzgerald, Assistant Director Resources 01823 358680

Note (1) – Items in bold type are regular cyclical items.

Note (2) – All Consultation Implications are referred to in individual reports.

The Cabinet comprises the following: Councillors T Taylor, K V Kravis, K M Mills, C Morgan S J Pugsley, A H Trollope-Bellew, K H Turner and D J Westcott.

The Scrutiny Committee comprises: Councillors P H Murphy, R Lillis, M J Chilcott, M O A Dewdney, G S Dowding, J Freeman, P N Grierson, B Heywood and K J Ross.

*Report Number:* WSC/141/14 AGENDA ITEM 8  
*Presented by:* Kene Ibezi  
*Author of the Report:* Kene Ibezi, Assistant Director, Property & Development  
*Contact Details:*  
     *Tel. No. Direct Line* 01823 358400  
     *Email:* k.ibezi@tauntondeane.gov.uk

*Report to a Meeting of:* Scrutiny  
*To be Held on:* 16 October 2014  
*Date Entered on Executive Forward Plan Or Agreement for Urgency Granted:* N/A

## COMMUNITY ASSET TRANSFER POLICY

### 1. **PURPOSE OF REPORT**

- 1.1 To provide the Scrutiny Committee with the opportunity to contribute to the development of the Community Asset Transfer Policy.

### 2. **CONTRIBUTION TO CORPORATE PRIORITIES**

- 2.1 Supporting the Asset Management Strategy aimed at establishing a framework to determine a viable and sustainable approach to non-housing property assets.
- 2.2 Compliance with the central government policy direction regarding localism and the fulfilment of expectations to empower local people, communities and organisations.

### 3. **RECOMMENDATIONS**

- 3.1 That the Scrutiny Committee support the ongoing revision to the draft Community Asset Transfer Policy, which will subsequently go through the formal consultation process again.
- 3.2 That the Scrutiny Committee support and contribute to the progress, development and implementation of the final draft of the Community Asset Transfer Policy.
- 3.3 That the Scrutiny Committee support in principle, the proposal for a joint Community Asset Transfer Policy.

#### 4. **RISK ASSESSMENT (IF APPLICABLE)**

##### **Risk Matrix**

<b>Description</b>	<b>Likelihood</b>	<b>Impact</b>	<b>Overall</b>
Non compliance with the thrust of central government policy and legislation in respect of localism	3	4	12
<i>Adoption of policy</i>	1	4	4
Being perceived to be unsupportive of community empowerment	3	4	12
<i>The policy states our commitment to the promotion of asset transfer to the voluntary sector and communities</i>	1	4	4
Inability to develop a framework for a viable and sustainable approach to non-housing property assets, and non-fulfilment of commitment to empower local people, communities and organisations	3	4	12
<i>The adoption of the policy will provide a clear and transparent framework from which to make decisions.</i>	1	4	4

The scoring of the risks identified in the above table has been based on the scoring matrix. Each risk has been assessed and scored both before and after the mitigation measures have been actioned.

#### 5. **BACKGROUND INFORMATION**

- 5.1 The Central Government agenda on the devolution of power to communities and neighbourhoods is being driven via its policies on localism and the implementation of the Localism Act, 2011.
- 5.1.1 The 2007 publication “Making Assets Work: The Quirk Review of community management and ownership of public assets” strongly favours the local ownership and management of public assets.
- 5.1.2 Local authorities are legally empowered to transfer their land and buildings to community based organisations at ‘less than best consideration’, i.e. below market value.
- 5.1.3 WSC is committed to promoting and improving the local economic, social and environmental well-being through asset transfer.

#### 5.2 **The objectives of the Community Asset Transfer Policy**

- 5.2.1 The primary objective of the Community Asset Transfer Policy is to support the Councils Asset Strategy and provide a clear and transparent strategic framework to guide the community asset transfer process.
- 5.2.2 To enable the Councils promote community cohesion and participation by stimulating the involvement of local people.
- 5.2.3 To facilitate the Councils wider regeneration aims by recognising that asset transfer can act as a catalyst for social, environmental and economic regeneration.
- 5.2.4 To secure more investment into the Councils area through the opportunities to attract resources that asset transfer creates.

### **5.3 Development of the Community Asset Transfer Policy**

- 5.3.1 Collection of relevant data including review of, comparison with and reference to relevant government policies and legislation, existing asset transfer policies of other Local Authorities, and key Councils documents such as Corporate Business Plans, Service plans and Council reports.
- 5.3.2 Discussing principles with and taking advice from Portfolio Holders and relevant members.
- 5.3.3 Key stakeholder consultation, including community groups, internal corporate teams, parish and town councils and members.
- 5.3.4 Collation and review of consultation responses from key stakeholders.
- 5.3.5 Use of the clean data derived from the consultation response review to update the draft policy and prepare the final draft.
- 5.3.6 Council approval.

### **5.4 Key milestones in the process**

- 16 July 2014 – Discussion of principles with Portfolio Holder
- 29 July 2014 to 30 September 2014 – Key stakeholder consultation
- 27 August 2014 – Corporate PAG
- 03 September 2014 – JMT
- 16 October 2014 – Scrutiny

### **5.5 Consultation**

- 5.6.1 Accessibility: The consultation process has been carried out with the use of the following:- a) Online survey questionnaire powered by Survey Monkey. b) Electronic copies of survey questionnaire distributed to stakeholders via email. c) Paper survey questionnaires available at TDBC and WSC receptions and contact centres.
- 5.6.2 Participation: Stakeholders involved in the consultation process include Community groups, Local organisations, Parish / Town Councils, Somerset County Council, TDBC & WSC internal teams i.e. Planning, Forward Planning, Economic Development, Finance, and Members.
- 5.6.3 Response: Feedback received from the consultation process which ended on the 30<sup>th</sup> of September, 2014, indicate that changes are necessary to the current form of the proposed policy, to ensure it remains fit for purpose. The consultation process has clearly indicated that its current direction of travel is unsustainable. In any case, detailed analysis of the responses is underway and amendments to the draft policy are ongoing. It is envisaged that the amended policy will be consulted on again and then brought back to the Scrutiny Committee for consideration, prior to continuing through the approval process.

### **5.6 Implementation of the Community Asset Transfer Policy**

- 5.6.1 On approval, the Policy will form the framework to guide subsequent community asset transfer activities.
- 5.6.2 All community asset transfer applications will be processed according to the stipulations of the Policy.
- 5.6.3 The Policy will be subject to periodic review as recommended and when necessary in circumstances such as a change in government policy and legislation.

## 6. **FINANCIAL/RESOURCE IMPLICATIONS**

- 6.1 There are no financial considerations beyond the disposal of qualifying assets at 'less than best consideration', for which valuation adjustments will be applied.

## 7. **COMMENTS ON BEHALF OF SECTION 151 OFFICER**

To be provided at the meeting.

## 8. **EQUALITY & DIVERSITY IMPLICATIONS**

**Members need to demonstrate that they have consciously thought about the three aims of the Public Sector Equality Duty as part of the decision making process.** The three aims the authority **must** have due regard for are:

- Eliminate discrimination, harassment, victimisation;
- Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

- 8.1 The Policy will empower groups to aspire to own and manage public land, facilitate the transfer of ownership of public assets and provide guidelines for the process. Find attached an Equality Impact Assessment at Appendix 2.

## 9. **CRIME AND DISORDER IMPLICATIONS**

- 9.1 There are no crime and disorder implications.

## 10. **CONSULTATION IMPLICATIONS**

- 10.1 Contained in the body of the report.

## 11. **ASSET MANAGEMENT IMPLICATIONS**

- 11.1 Contained in the body of the report.

## 12. **ENVIRONMENTAL IMPACT IMPLICATIONS**

- 12.1 There are no environmental implications.

## 13. **HEALTH & WELLBEING**

Demonstrate that the authority has given due regard for:

- People, families and communities take responsibility for their own health and wellbeing;
- Families and communities are thriving and resilient; and
- Somerset people are able to live independently.

- 13.1 The Policy will empower communities through their management and ownership of public land and assets, enabling greater community economic development, supported by the ability



to attract inward investment, resulting in the sustainable socio-economic wellbeing of members of the community.

**14. LEGAL IMPLICATIONS**

- 14.1 There are no legal considerations beyond the empowerment of the Policy and the community asset transfer process by the Localism Act, 2011, and the involvement of the legal team in preparing asset transfer documents.

Appendix 1

**TAUNTON DEANE  
BOROUGH COUNCIL**

**&**

**WEST SOMERSET  
COUNCIL**

**COMMUNITY ASSET  
TRANSFER  
POLICY**

2014

This policy sets out a framework through which the Councils will make decisions relating to the transfer of their assets. The policy forms part of, and should be read alongside, the Councils **Asset Management Strategy**.

## 1. What we mean by Community Asset Transfer

The term “Community Asset Transfer” relates to the transfer of freehold or leasehold interests in both land and or buildings to voluntary or community organisations and to other public bodies such as Town and Parish Councils.

This policy also applies to the transfer of Council owned land and buildings to other public bodies such as Town and Parish Councils.

## 2. Why we have a Community Asset Transfer Policy.

### **National Policy Context**

Community Asset Transfer is not new. One of the most important policy documents was the 2007 publication “Making Assets Work: The Quirk Review of community management and ownership of public assets”. Having considered the risks and opportunities, the Quirk Review concluded strongly in favour of local ownership and management of public assets, a position which was supported by the previous government through a number of place-shaping and empowerment policy initiatives, including the establishment of the Asset Transfer Unit (delivered by Locality).

The coalition government’s policies in relation to Localism and the Big Society have moved the agenda on. The current government’s approach to devolving power to communities and neighbourhoods (enshrined within the Localism Act, 2011), alongside a commitment to diversification of provision and a challenging spending settlement means that now, more than ever, Council’s and other public bodies increasingly need to consider asset transfer as an enabler to achieve their corporate aims.

### **Legal Framework: What powers do local authorities have to transfer assets?**

Local authorities are able to transfer their land and buildings to community based organisations at ‘less than best consideration’, i.e. below market value. Local Government can dispose of its assets at less than best consideration under the General Disposal Consent (England) 2003, where the asset to be disposed of has an ‘undervalue’ of less than £2million.

The legislation also requires that the transfer should help to secure the promotion or improvement of the economic, social or environmental well-being of an area.

### **What are we trying to achieve?**

Public assets are rarely used by everyone, with their value being locked in to a particular use or a particular group of people. We recognise that changing ownership or management of a property asset offers opportunities to extend the use of a building or piece of land, increasing

its value in relation to the numbers of people that benefit and the range of opportunities it offers.

In particular through this plan we aim to:

- Provide **clarity and transparency** about our processes and develop a clear framework through which we can make decisions.
- Support **our wider regeneration aims** by recognising that asset transfer can act as a catalyst for social, environmental and economic regeneration.
- Deliver **efficiency savings** for Council tax payers, by using asset transfer as one of the options for dealing with under-utilised or surplus property assets.
- Secure **more investment** for the area. We recognise that with asset transfer there can be more opportunities to lever in additional resources which would be unavailable to the Councils acting independently.
- Support our corporate plan and community strategy objectives to promote community cohesion and participation. Asset transfer can stimulate the involvement of local people in shaping their community and increasing local volunteering.
- Support a stronger, more sustainable voluntary and community sector within the District.

### 3. Our Principles.

- We are committed to a thriving voluntary and community sector within the Districts and recognise the value of community led solutions to local issues.
- We will seek to proactively implement this plan and to promote asset transfer to the voluntary and community sector.
- We will take a strategic approach to community asset transfer and identify assets to be transferred through regular reviews of the Councils assets.
- We will consider community ownership as an option throughout the life of an asset not just when it is considered surplus to requirements.
- We will work in partnership with voluntary and community sector organisations to support long term sustainability and minimise the risk of failure.
- We will have a transparent process for responding to requests for asset transfers and a clear process and timescale for dealing with transfers.
- We will ensure there is value for money in the community use of the property asset.



## 4. Asset Transfer Criteria.

### Types of Assets that can be transferred

- Most property assets (buildings or land) that are in the ownership of the Councils would be **considered**. Exclusions will include:
  - Where the property asset forms or may become part of a wider redevelopment scheme.
  - Where the location or specific features of the property asset are required as part of the efficient and effective delivery of services.
  - Where the property asset is currently yielding optimal and sustainable revenue.
  - Where the property asset has current or potential commercial value.
- For any transfer, the Councils will require a proposal outlining the business case, including financial viability and benefits to the community (see section 6 below)

### Who will we transfer to?

We will consider asset transfer to any Voluntary, Community or non-profit distributing organisation and Town or Parish Councils. Any organisation seeking an asset transfer will be asked to demonstrate they meet the criteria below:

- Be able to demonstrate strong governance arrangements by operating through open and accountable, co-operative processes, with strong performance and financial management systems.
- Demonstrate it has the skills and capacity within the organisation, or available to the organisation, to effectively deliver the services specified and manage the asset.
- Have a clear purpose and understanding of the activities it wishes to deliver and demonstrate how the asset transfer will enable and support these activities.
- Demonstrate clear, realistic financial plans for the management and development of the asset and the delivery of any services and activities proposed.
- Demonstrate community support for the proposals.
- Be clear about how the organisation will comply with any relevant legislation and any statutory requirements arising from the transfer of the asset.
- Be able to demonstrate that the property asset will be managed and operated in such a way as to be accessible to all and not discriminatory to any group(s).

In addition Voluntary, Community and not for profit organisations will need to:

- Be a legal entity, or be part of a legally constituted consortia agreement.

- Be appropriately constituted (e.g. a registered charity, community interest company or charitable incorporated organisation, not for profit company)
- Have stated community benefit objectives.
- Be non-profit distributing – any surpluses must be reinvested to further its social aims/community benefits.

Where there is more than one party interested in the transfer of a specific asset we will seek to encourage collaboration. If this is not possible we will consider all competing bids and select a preferred partner.

### **What should the asset be used for?**

- The use of the asset must support the aims and priorities of the Councils and aim to create the widest public value.
- Applications will be judged on community benefits, community involvement, organisational sustainability, business plan and financial viability, regeneration outcomes, services/activities that will be delivered, potential for continued investment and benefits for council tax payers. (See section 5 below).

### **Who can initiate a transfer?**

- Any voluntary, community or non-profit distributing organisation can submit a proposal for a community asset transfer of a specific asset.
- Town and Parish Councils.
- The Councils can also initiate a transfer as part of their asset management review process.

### **What type of tenure will we consider?**

#### Types of lease

Asset transfers will generally be by means of a long term lease. This is likely to be between 5-25 years, although longer leases may be considered. The terms of the lease will be agreed at the time of each individual transfer. This does not preclude the granting of shorter term leases or tenancies at will, if considered appropriate by the Council.

A freehold transfer will only be considered in exceptional circumstances, where a strong case can be made that freehold is necessary for success and provides reassurance that community benefit will be maintained in the long term.

#### Conditions of the lease

The Councils will provide legal agreements which enable organisations to manage and develop the asset in the long term while ensuring that the asset is retained as a community asset.

Lease agreements will include matters such as restrictions on use and break clauses. For example, in the case of a long term lease, we will write into the lease circumstances under which the asset would revert back to the Councils, such as

- In the case of bankruptcy
- In the case of corruption
- In case of non-payment of rent (if appropriate)
- In the case of non-performance of other terms such as allowing the asset to fall into serious disrepair
- If the transfer agreement is breached
- If the organisation wishes to develop and move into bigger premises.

The organisation taking the lease will be responsible for:

- Upkeep, repair and maintenance of the asset
- All running costs including insurance
- Compliance with statutory inspections, health and safety requirements and the Councils Safeguarding Policies.

Levels of discount of market value will be set on a case by case basis based on the nature of the asset, a robust assessment of the business plan and the extent of community benefits to be derived.

The Councils may provide some grant revenue subsidy that will taper off over time, to ensure a smooth transition from council to community ownership. In exceptional cases the Councils may consider investment in an asset prior to transfer to ensure the building is fit for purpose, however, preference will be given to organisations that can attract external investment.

Transfer recipients will be expected to produce a statement of community benefit and provide a condition survey annually.

## 5. Assessment and Decision Making.

### **Decision making**

Where an asset is not directly marketed by the Councils as available for transfer, upon receipt of an expression of interest, an initial assessment will be made by the Councils about the suitability of the Asset for transfer.

- Where an asset is assessed as suitable for potential transfer, each business case will be considered on its merits.
- The decision on asset transfer will be made by the Councils Executive (or Full Council) / Cabinet in most cases. Recommendations will be made by the Asset Management Group. This group will be made up of relevant Officers and relevant Lead Members.
- Details of the transfer arrangements will be arrived at through individual negotiation. The decision to transfer an asset will not be considered as setting a precedent.



- Any assets which the Councils believe to be sustainable and are currently yielding optimal revenue and or have an ongoing commercial value, or require specialist management by the Councils, will be excluded from this process.

**Submission of a Full Proposal and Business Case**

We welcome informal discussions at any time about potential asset transfers.

Organisations wishing to have an application for asset transfer considered by the Councils will need to submit an Expression of Interest and then a business plan. A template for this is available. There are also sources of help available to groups wishing to develop their business plan, so groups are encouraged to contact us at an early stage to discuss their ideas and any support they may need.

In brief we will be looking for a clear proposal and strong evidence to show that the organisation can manage the asset effectively for the benefit of the local community.

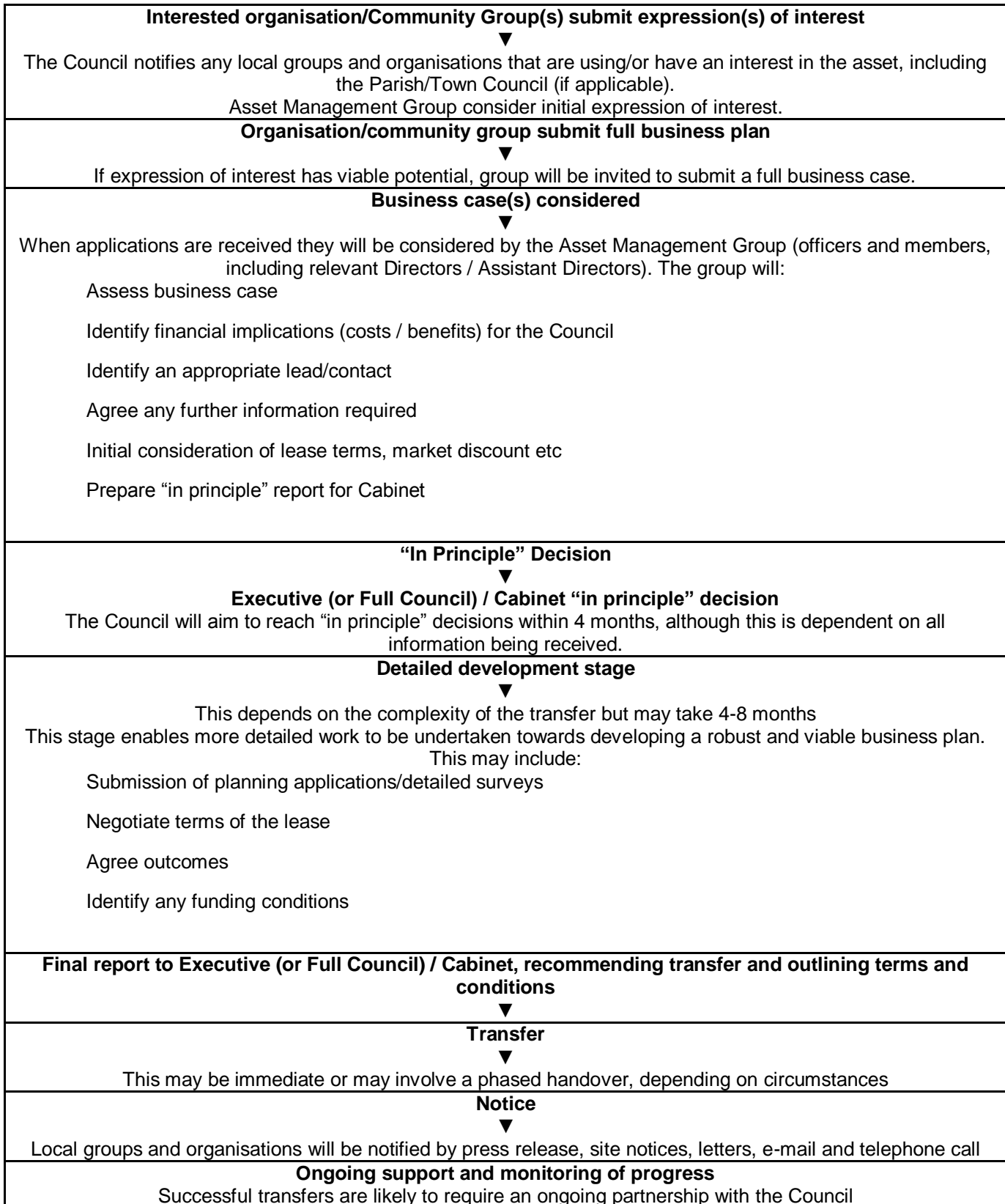
We would expect that proposals

- Demonstrate how the asset will support community and voluntary activities within the area and that the proposals have community support.
- Are clear about the planned outcomes and benefits that will arise from the transfer.
- Are clear about opportunities for enhancing the asset and/or for increasing the use of the asset by the community.
- Have strong, open governance structures.
- Have realistic financial plans to ensure the asset can be managed in a sustainable way in the short and longer term.
- Evidence that the organisation already has (or has a clear plan for developing) the skills and capacity to manage the asset effectively.

We cannot guarantee exclusivity on a first come first served basis, when considering asset transfer and will consider other expressions of interest, as appropriate, in relation to any proposed asset transfer.

## 6. Key Stages and Timescales.

<b>Asset identified by the Council as suitable for potential asset transfer</b> ▼	<b>Speculative application received for potential asset transfer</b> ▼
<b>Asset assessed by Asset Management Group to determine suitability for transfer</b> ▼	
<b>Asset advertised on the Community Asset Transfer Website</b> ▼	
(NB If a speculative expression of interest is received the asset will be advertised on the website as having received an expression of interest for a minimum period of 8 weeks, prior to consideration of the business case).	



## 7. Key Contacts

Kene Ibezi

Assistant Director – Property and Development

Taunton Deane Borough Council & West Somerset Council

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Tim Child

Asset Manager

Taunton Deane Borough Council & West Somerset Council

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## Appendix 2

### Equality Impact Assessment

<b>Responsible person</b>	Kene Ibezi	<b>Job Title: Assistant Director – Property &amp; Development</b>
<b>Why are you completing the Equality Impact Assessment? (Please mark as appropriate)</b>	Proposed new policy/service	√
	Change to Policy/service	
	Budget/Financial decision – MTFP	
	Part of timetable	
<b>What are you completing the Equality Impact Assessment on (which, service, MTFP proposal)</b>	<b>Community Asset Transfer Policy (New)</b>	
<b>Section One – Scope of the assessment</b>		
What are the main purposes/aims of the policy/decision/service?	<i>To facilitate / provide a framework for the local ownership and management of public assets</i>	
Which protected groups are targeted by the policy/decision/service?	<i>Community Groups</i>	
What evidence has been used in the assessment data, engagement undertaken – please list each source that has been used  The information can be found on....	<ol style="list-style-type: none"> <li>1. Government policies in relation to localism.</li> <li>2. The publication “Making Assets Work: The Quirk Review of community management and ownership of public assets”.</li> <li>3. The Localism Act, 2011.</li> <li>4. General Disposal Consent (England) 2003.</li> <li>5. The Council’s Asset Management Strategy</li> </ol>	
<b>Section two – Conclusion drawn</b> about the impact of service/policy/function/change on different groups highlighting negative impact, unequal outcomes or missed opportunities for promoting equality		
The policy will empower community groups to aspire to own and manage public land, facilitate the transfer of ownership of public assets and provide guidelines for the process.		

<b>I have concluded that there is/should be:</b>	
No major change - no adverse equality impact identified	√
Adjust the policy/decision/service	
Continue with the policy/decision/service	
Stop and remove the policy/decision/service	
Reasons and documentation to support conclusions	
<b>Section four – Implementation – timescale for implementation</b>	
<ol style="list-style-type: none"> <li>1. Consultation: 29 July 2014 to 30 September 2014</li> <li>2. Corporate PAG: 27 August 2014</li> <li>3. Asset Management Group / Corporate PAG / Cabinet / Council: October</li> <li>4. JMT: 3 September 2014</li> <li>5. Community Scrutiny Agenda Setting: 6 October 2014</li> <li>6. Asset Management Group: 15 October 2014</li> <li>7. Community Scrutiny: 16 October 2014</li> <li>8. Cabinet Agenda Setting: 22 October 2014</li> <li>9. Corporate PAG: 29 October 2014</li> <li>10. Executive Agenda Setting: 3 November 2014</li> <li>11. Cabinet: 5 November 2014</li> <li>12. Executive: 12 November 2014</li> <li>13. Council: 19 November 2014</li> <li>14. Approval: November</li> </ol>	

<b>Section Five – Sign off</b>	
Responsible officer: Kene Ibezi Date: 10 <sup>th</sup> July 2014	Management Team Date
<b>Section six – Publication and monitoring</b>	
Published on	
Next review date	Date logged on Covalent

### Action Planning

The table should be completed with all actions identified to mitigate the effects concluded.

Actions table						
Service area				Date		
Identified issue drawn from your conclusions	Actions needed	Who is responsible?	By when?	How will this be monitored?	Expected outcomes from carrying out actions	
Create awareness within and participation from community groups	Consultation process	Kene Ibezi (oversight)	29 July 2014 to 30 September 2014		Creating opportunity for wider participation in consultation process.	
Collect relevant input to support policy development	Evaluation of consultation feedback	Kene Ibezi (oversight)	W/C 29 <sup>th</sup> September		Strengthening the policy and ensuring it is acceptable, relevant, sustainable and fit for purpose.	

### SCRUTINY COMMITTEE – WORKPLAN 2014/15

<b>2014 16 October</b>	<b>13 November</b>	<b>18 December</b>	<b>2015 15 January</b>	<b>12 February</b>	<b>12 March</b>	<b>16 April</b>	<b>May (provisional, date not yet set)</b>	<b>June</b>	<b>July</b>
Notes of key Cabinet Decisions/Action Points	Notes of key Cabinet Decisions/Action Points	Notes of key Cabinet Decisions/Action Points	Notes of key Cabinet Decisions/Action Points	Notes of key Cabinet Decisions/Action Points	Notes of key Cabinet Decisions/Action Points	Notes of key Cabinet Decisions/Action Points	Notes of key Cabinet Decisions/Action Points	Notes of key Cabinet Decisions/Action Points	Notes of key Cabinet Decisions/Action Points
Cabinet Forward Plan	Cabinet Forward Plan	Cabinet Forward Plan	Cabinet Forward Plan	Cabinet Forward Plan	Cabinet Forward Plan	Cabinet Forward Plan	Cabinet Forward Plan	Cabinet Forward Plan	Cabinet Forward Plan
Presentation from Engage WS	Corporate Performance – April-Sept 2014/15 (6 month review)	GP OOH Provision – New Arrangements	Budget 2015/16 Draft Proposals						
Draft Community Asset Transfer Strategy	Financial Monitoring – April-Sept 2014/15 (6 month review)		Service Plans – 2016-2017						
	Budget 2015/16 Initial Savings Ideas		Financial Standing and MTFP 2015/16-2017/18						
	Discretionary Grants to Voluntary Sector – Update Report								
	Fees and Charges 2015/16								
Scrutiny Committee Workplan Review	Scrutiny Committee Workplan Review	Scrutiny Committee Workplan Review	Scrutiny Committee Workplan Review	Scrutiny Committee Workplan Review	Scrutiny Committee Workplan Review	Scrutiny Committee Workplan Review	Scrutiny Committee Workplan Review	Scrutiny Committee Workplan Review	Scrutiny Committee Workplan Review

**Items to be scheduled in timetable – At the SC meeting of 11 September Members agreed that the item concerning the Minehead Rhynes & Waterways would be reported to the Environment PAG before proceeding to Scrutiny Committee.**

**Note: Members of the Scrutiny Committee and all other Members of West Somerset Council are invited to contribute items for inclusion in the work programme. Please contact Sam Rawle, Scrutiny Officer, who will assist you in submitting your item.**

Work Programme – Selection of Items – Progress and Update

<b>Suggested Topic &amp; Issue</b>	<b>Suggested way forward</b>
<p>Secondary Education in West Somerset –</p> <p>Review of the recent process undertaken by SCC to change the secondary education framework in WS.</p>	<p><b>Discussed at agenda setting meeting 28<sup>th</sup> July, 2014.</b></p> <p>Scrutiny Officer to investigate possible invitation to SCC officer to attend a future scrutiny meeting to explain educational framework in WS and review of the recent exercise to change the secondary education age ranges.</p> <p><b>Update Scrutiny Meeting 7<sup>th</sup> August 2014</b></p> <ul style="list-style-type: none"> <li>• Suggested that local academies should be scrutinised along with exam results benchmarked against national tables and judge whether West Somerset pupils are getting good value in the education sector.</li> <li>• Members requested that the WSCC be invited to scrutiny for discussions as to how they aim to address their funding gap in future years. It was proposed that this item be included on the agenda for the December meeting with College and SCC representatives invited to attend.</li> </ul> <p><b>Update Scrutiny agenda setting meeting – 1<sup>st</sup> September</b></p> <p>It was considered that to fully understand the issues surrounding this topic that the best approach would be to set up a scrutiny task and finish review group so that a focused enquiry could be carried out and to ensure that the appropriate witnesses would have the opportunity to contribute to the review.</p> <p>Nominations from interested Scrutiny Members to be part of the review shall be considered at the scrutiny meeting on the 11<sup>th</sup> September as part of the work plan item.</p> <p><b><u>Update 11<sup>th</sup> September</u></b></p> <p><b><i>At the Scrutiny Committee meeting of 11<sup>th</sup> September Members agreed to set up a task and finish group to take the topic forward.</i></b></p>
<p>Voluntary Sector – Update report from organisations currently receiving a grant from WSC</p>	<p>Members are asked to consider whether they would like an item concerning updates from the remaining voluntary sector organisations that the Council supports.</p> <p>Scrutiny Committee have received an update from the QHAONB and an update is scheduled for Engage WS to attend the October meeting.</p>



	<p>The update would take the form of a written report from officers as opposed to presentations from the individual organisations.</p> <p><b><u>Update 11<sup>th</sup> September</u></b></p> <p><b><i>At the Scrutiny Committee meeting of 11<sup>th</sup> September Members agreed to receive a report for their November meeting providing an update from the voluntary sector partners currently receiving a grant from the Council.</i></b></p>
<p>Minehead Rhynes and Waterways – roles and responsibilities</p>	<p>This item was scheduled for the October meeting. Officers have been unable to complete the necessary investigations concerning the responsibilities that the district council hold in relation to this matter and have requested that the item is carried over to a later meeting. Officers have also requested that the item be considered by the Environment PAG prior to a report to the Scrutiny Committee.</p> <p><b><u>Update 11<sup>th</sup> September</u></b></p> <p><b>At the Scrutiny Committee meeting of 11<sup>th</sup> September, Members agreed that the item be considered by the Environment PAG before being considered by the Scrutiny Committee.</b></p>
<p>Update reports from WSC representatives on outside bodies</p>	<p>Suggestion that Scrutiny Committee could ask for an update report where an annual update has not been previously received by any Committee or PAG.</p> <p><b>The topic was discussed at the agenda setting meeting on 6 October. It was suggested that the Scrutiny &amp; Performance Officer would bring together a report for the December meeting detailing the current process to enable Members to consider whether this is adequate and whether any improvements could be recommended.</b></p>