# AspinallVerdi
property
regeneration
consultants

## Research Report

### Delivering co-ordinated support for communities considering asset transfer

Historic England

### Historic England (with Arts Council England, the Heritage Lottery Fund, Big Lottery Fund, Locality, and Power to Change)

October 2018

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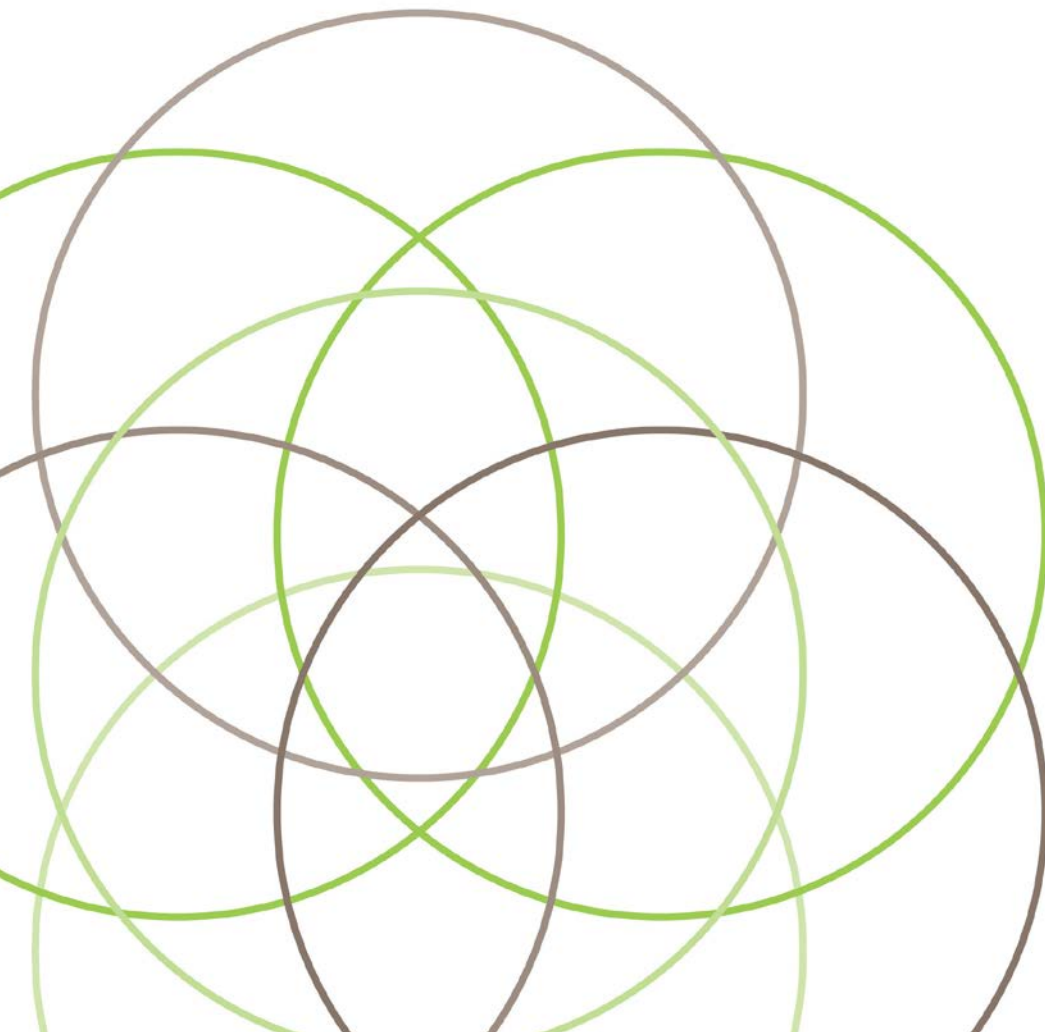
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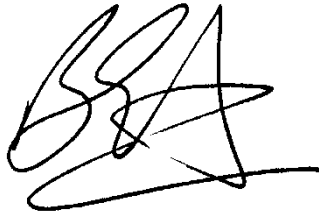| | |
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## Appendices

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# Executive Summary

ES 1    Historic England is keen to improve the outcomes of public assets being transferred into the hands of communities. It has partnered with the Arts Council England, the Heritage Lottery Fund, Big Lottery Fund, Locality, and Power to Change (the "client partners") who would also like to better co-ordinate their knowledge and experience to encourage sustainable community asset transfers (CAT). AspinallVerdi have been commissioned by Historic England and the client partners to carry out research into delivering co-ordinated support for communities considering asset transfer.

ES 2    The overall aim of the project was to identify and highlight ways in which public sector assets can be successfully transferred to community groups; and to recommend ways in which local authorities, community groups, national agencies and other interested parties can best work together to smooth the passage of future transfers.

ES 3    In 2007, Mr Barry Quirk conducted an extensive review of barriers to the transfer of ownership and management of public assets to community groups (The Quirk Review - see section 3 for further details). In consultation with Historic England, we decided to focus the research on whether the Quirk recommendations had been implemented and if not, whether they remained relevant today. AspinallVerdi therefore produced a survey based on the recommendations of the Quirk Review.

ES 4    In total AspinallVerdi sent out 103 emails to prospective participants. This transferred into 21 interviews. The mix of participants can be summarised as follows:

- Community Organisations: 13
- Consultants: 5
- Client Partner Officers: 2
- Council Officers: 1

ES 5    The surveys lasted circa 30 – 40 minutes and were conducted with relative success. We were able to tease out participant's opinions. The majority of participants were from the heritage sector, however we believe that these participants still remain representative of most built asset transfers. Participants noted that the majority of CATs across the different uses are heritage buildings. We provide more detail on our specific instructions and methodology in section 1.

ES 6    We acknowledge that due to the low number of participants who were consultants, client partner officers and council officers, there is inevitably a focus on the experiences of community organisations. Furthermore, due to the low number of surveys conducted in total we cannot

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infer statistical significance. Each asset transfer is different and will have its own associated difficulties and challenges. This report therefore does not aim to be an exhaustive list of the challenges involved in asset transfer. The length of each survey however enabled an in-depth conversation which provided an informative insight into the experience of some communities and individuals involved in community asset transfers. The report aims to highlight recommendations in relation to key themes that have arisen during our study where we believe that these themes are likely to be experienced by a large number of individuals and groups.

ES 7    In the years following the Quirk Review, a number of his recommendations were met. The Government responded to the Quirk Review with the formation of the Advancing Assets for Communities Programme and their paper Opening the Transfer Window, 2007. This guide stated that the Government would implement Quirk's proposals in full (page 5).

ES 8    The Quirk Review is now 10 years old and the existing economic and policy climate has changed. For example, the Localism Act 2011 has since been introduced and austerity measures have impacted on local authority budgets. CAT appears to have moved down the Government agenda and funding has ceased for  all of the CAT programmes that were enacted by the Government in response to the Quirk Review. It is therefore timely for a review of the Quirk report recommendations.

ES 9    Our survey has found that Community Asset Transfers are happening. However, participants are split between those who think that it is not happening enough, and some who believe CAT needs to be enacted with more caution.

ES 10   We received a wide range of responses with participant's awareness of key guidance documents, skills and capacity varying greatly. The responses highlighted a need for guidance to be collated on a single web-site repository. This gateway website should include a simple breakdown of the key steps involved in CAT and signpost where further guidance and support can be found. Participants noted that there is a key requirement for more practical support and access to a greater level of funding. In general participants favoured sector specific support as well as more peer to peer support for both communities and local authorities.

ES 11   Our results section can be found in section 5, followed by recommendations in section 6. We highlight some key conclusions below.

## Risk Assessment and Management

ES 12   MHCLG published a risk assessment and management guidance in 2008. This is now 10 years out of date, therefore it would be prudent for MHCLG to update this guide and, with input from Historic England, include a new section on managing risk in the transfer of heritage assets.

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Relevant updates should also link with other government guidance, for example work of the Government Property Unit (GPU) and its disposals guidance.

ES 13 Raising awareness of the risk assessment and management guidance amongst community groups would help them to understand how local authorities assess risk; how they should approach the risk themselves; and, how they can demonstrate to the local authority that they can successfully manage risk.

## Public Sector Asset Management

ES 14 MHCLG's Framework for Local Authority Asset Management (2008) remains important for both local authorities and local communities. Community groups would also benefit from local authority specific guidance or policy advising on the parameters of the local authorities' decision to transfer an asset.

ES 15 Throughout this study we have come across examples and rhetoric of community groups not being fully prepared for the financial strain and management of heritage assets. Encouraging the transfer of assets which ultimately results in a negative outcome will discourage the consideration of CAT in the future. It is therefore important to ensure that CAT is the right decision and that the receiving organisation is sufficiently prepared to cope with the asset.

ES 16 Client partners should encourage local authorities to put in place a mechanism where they can implement an outline agreement for CAT with conditions that the community organisation must meet for the transfer to go ahead. This should encourage a more sustainable approach to CAT where the receiving organisation is sufficiently prepared to cope with the asset.

## Building Skills and Capacity

ES 17 There is a limit to the impact that guidance can have; exacerbated by low awareness levels of what guidance is available. Ultimately many of the participants require help building their own skills and capacity. We have identified that management of the asset post transfer is a particular area of need in relation to capacity building within community groups. Some of the participants highlighted the difficulty in interpreting guidance and applying the guidance to their specific circumstance. We have therefore recommended the need for more practical support, the use of examples and case studies, as well as more peer to peer support.

ES 18 We envisage that the client partners should individually provide capacity building programmes that are sector specific as participants noted the benefit of sector specific advice. Reinstatement of the Advancing Assets for Communities Programme by central government would also be beneficial.

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## Funding

ES 19   Lack of funding is a pervasive and consistent issue. Communities are frustrated due to gaps in available funding and the focus on loan funding. We have identified the following key issues:

- Inconsistency and irregularity creates the risk of uncertainty.
- Funding does not cover every step of the asset transfer process causing some organisations to get stuck and unable to proceed.
- Community organisations do not necessarily have experience in completing grant funding applications which can often be a long and detailed process.

ES 20   It is imperative that community organisations are self-sustaining in the long term. However in the initial years post-transfer it can be particularly difficult for community organisations to cope with managing assets while their asset related social business or organisation is in its infancy. This is an area where funding should be expanded.

## Getting the Message Across

ES 21   There is generally a good level of awareness of CAT amongst community organisations, any promotional campaign should therefore focus on increasing awareness of the support and guidance that is available.

ES 22   Participants have acknowledged that there is a wealth of knowledge that can be available via an internet search. Some participants find the amount of available information overwhelming and specific guidance can be difficult to find. An online gateway is an important inclusion within the CAT online presence. A single CAT website which signposts to where information can be found would be beneficial and help users access the guidance they need.

## Training and Guidance

ES 23   The participants noted that training is always beneficial, however we also recognise it can be more efficient to focus resources on specific issues. In terms of local authority training, efforts could be spent helping resistant local authorities with a negative perception of CAT to gain a greater understanding of the benefits of community ownership and management of assets. Opportunities for local authority officers, council members and local communities to meet, share knowledge and align aspirations would also be beneficial and encourage more successful outcomes.

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ES 24    It is noted that Historic England runs a training programme for local authorities called HELM that includes a course on managing local authority heritage assets[1] and this may be worth reviewing or expanding as appropriate.

ES 25    For local communities, our survey has identified that peer to peer support and the dissemination of examples of best practise would be useful. This reiterates the point that participants can become overwhelmed by existing guidance and need more practical support in interpreting guidance and applying it to specific examples. A simplified guide that outlines each of the basic steps in an easy to understand manner would therefore be beneficial. This could be provided via the online gateway mentioned above. Specific gaps in current guidance include the management of assets post transfer and governance and evaluation structures of community organisations.  From our own experience of project development, there is often an inconsistency between the capital appraisal and the operational income and expenditure plan. This can lead to costs being double counted, or worse, excluded.

ES 26    Community organisations themselves are in the best place to empathise with and understand the issues faced by other community organisations. A peer-to-peer networking programme should be set up, this should include a database of issue specific case studies which are written by community organisations who have been through the CAT process.

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[1] https://historicengland.org.uk/services-skills/training-skills/helmtraining/

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# 1    Introduction

1.2    Historic England is keen to improve the outcomes of public assets being transferred into the hands of communities. It has partnered with the Arts Council England, the Heritage Lottery Fund, Big Lottery Fund, Locality, and Power to Change (the "client partners") who would also like to better co-ordinate their knowledge and experience to encourage sustainable community asset transfers.

1.3    The intention is to:

- Improve understanding of what barriers exist that prevent successful asset transfer;
- Identify which areas have been successful in transferring assets; and
- Identify what partners can do to help improve outcomes.

1.4    AspinallVerdi have been commissioned by Historic England and the client partners to carry out research into delivering co-ordinated support for communities considering asset transfer. AspinallVerdi is a specialist practice of Chartered Surveyors and Town Planners providing fully integrated property and economic development; regeneration; and town planning services to a wide range of local, regional and national clients across both the public and private sectors. We have direct experience of advising on community asset transfer (CAT) projects.

## Instructions

1.5    The overall aim of the project was originally to identify and highlight ways in which public sector assets can be successfully transferred to community groups; and to recommend ways in which local authorities, community groups, national agencies and other interested parties can best work together to smooth the passage of future transfers.

1.6    The brief specified that the aims of the project should be achieved through reviewing current examples. The methodology suggested by the client partners was as follows:

1. To gain a rapid shared picture of which local authorities:

  a.    Are moving ahead with significant asset transfers or have clear asset transfer strategies;

  b.    Are not yet active in disposing of and transferring assets but are in the process of developing asset transfer strategies; and

  c.    Which authorities are not considering, and are not planning to consider, the transfer of assets into community ownership.

2. To gather information from three pilot areas to understand the key issues that affect a successful transfer to a community group from key stakeholders' perspectives. The steering group will provide support in the identification of the 3 pilot areas.

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3. To recommend activities in a few areas e.g. where combined working by partners is likely to increase capacity, knowledge and expertise in the local community groups in ways that facilitates successful asset transfer. The steering group are particularly interested in how relevant partner organisations can combine resources to have a greater impact e.g. through pooled funding or aligned funding windows.

1.7     AspinallVerdi attended an inception meeting on Tuesday 23rd January 2018 where the strategy for the forthcoming research was discussed. Historic England and Power to Change were present at this meeting.

1.8     It was decided at this meeting that the most sensible way to achieve a rapid shared picture was to conduct an initial consultation with knowledgeable client officers. AspinallVerdi produced an initial survey that was shared with client partners on the 12th February 2018. Client partners were asked to identify a list of officers who AspinallVerdi could target the survey via follow up telephone calls. A list of client officers did not emerge from this call for participants and hence a change of methodology was required.

1.9     Meanwhile, AspinallVerdi conducted a desk based review of the existing evidence base. See Appendix 3 for a full list of guidance documents related to community asset transfer (CAT) that were identified as part of this review. This included a review of the Quirk review of community management and ownership of public assets (2007). The Quirk research was an extensive review that provided a set of clear recommendations (see section 3 below).

1.10    In consultation with Historic England, we decided that it would prove useful to research whether the Quirk recommendations had been implemented and if not, whether they remained relevant today. In the absence of participants for the initial survey, it was decided that the best way forward was to produce a survey based on the recommendations of the Quirk Review. It was proposed that this survey should be opened out to external organisations, including community, local authority and advisory organisations.

## Methodology

1.11    AspinallVerdi produced a survey based on the recommendations of the Quirk Review. The survey asked participants to rate whether each of the recommendations of the Quirk review had been implemented (0 being not at all, and 5 being fully implemented) and whether the recommendation remained relevant today (0 being not relevant, 5 being very relevant) with the option also to answer 'don't know' (6). This method allows the answers to be analysed in a quantitative manner. The final sections of the survey are more qualitative in character. These questions have allowed AspinallVerdi to build upon the recommendations of the Quirk review and produce our own set of recommendations.

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1.12    Prior to conducting the survey it was necessary to filter out some of the questions. Most of the recommendations were read out verbatim, however as the Quirk Review is over 10 years old, some of the references required updating i.e. where organisations no longer existed or where policy had changed. Three of the recommendations / questions were deemed irrelevant as these recommendations were focussed entirely on guidance which has been archived and/or proposed policy which was not subsequently adopted. The full set of survey questions can be found in Appendix 1.

1.13    In order to test the survey, we piloted the questions with two of our own contacts (consultants) working in the Community Asset Transfer (CAT) sector.

1.14    The surveys lasted circa 30 – 40 minutes and were conducted with relative success. We were able to tease out participant's opinions. This involved the interviewer interpreting verbal responses (i.e. 'very important' or 'not important') into number responses 0-5. Our pilot participants also provided the following feedback:

- 'Some of the questions are long and should be paraphrased;
- The participants were not familiar with some of the topics being discussed;
- There is a heavy focus on high level strategic guidance however from experience it is the more 'hands on' help and funding that communities require, the participant was therefore expecting more questions on the awareness of support programmes and funding opportunities.'

1.15    In response to this feedback, we proposed to paraphrase some of the more lengthy questions but keep the original question to hand if the participant requires more information. Part of this research is aimed at discovering what participants are, or are not, aware of, therefore we expected bullet point 2 (above) to occur. We felt that issues raised in the final bullet point could be picked up through asking the participants to provide further comments.

1.16    The client partners provided a list of contacts for AspinallVerdi to survey. This consisted of individuals and organisations known to have been involved with asset transfers. This was primarily community based organisations that formed in response to a requirement to save a specific asset, but also included consultants from both the private and third sector who advised communities on asset transfers as well as a small number of contacts in local authorities who were known to have experience in community asset transfers.

1.17    In total AspinallVerdi sent out 103 emails to prospective participants. This transferred into 21 interviews. The mix of participants can be summarised as follows:

- Community Organisations: 13
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- Council Officers: 1

1.18 It should be noted that there has been little local government representation or input into this report.

1.19 The results of these surveys are discussed in more detail in chapter 5. The majority of participants were from the heritage sector, however we believe that these participants still remain representative of most built asset transfers. A representative from Sports England commented that the majority of CATs that they have dealt with were heritage buildings. Heritage assets are often costly to maintain and when neglected easily fall into a state of disrepair. It has been frequently cited amongst participants that communities are coming together to save 'at risk' assets and that local authorities are more interested in CAT when the assets are liabilities – i.e. there may be little to motivate councils to dispose of modern assets that are in good working order.

1.20 Economically productive assets are significant within many local authorities' investment assets portfolio, and are unlikely to be considered 'in scope' for CAT. Where potential disposals are concerned they usually relate to underused, unproductive, expensive to run, and 'difficult' assets, often in areas of market failure and/or linked to service transformation strategies prompted by cuts to discretionary services. However, synergies and efficiencies can exist where strategic thinking is employed, and there are opportunities for alternative approaches to service delivery underpinned by community involvement/partnership.

1.21 We acknowledge that due to the low number of participants who were consultants, client partner officers and council officers, there is inevitably a focus on the experiences of community organisations. Due to the low number of surveys conducted in total we cannot infer statistical significance. Each asset transfer is different and will have its own associated difficulties and challenges. This report therefore does not aim to be an exhaustive list of the challenges involved in asset transfer. The length of each survey however enabled an in depth conversation which provided an informative insight into the experience of some communities and individuals involved in community asset transfers. The report aims to highlight recommendations in relation to key themes that have arisen during our study where we believe that these themes are likely to be experienced by a large number of individuals and groups.

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# 2    National Policy and Guidance

2.1    In this section we provide a brief outline of the National Policy and Guidance which supports community asset transfer. This includes:

- The Local Government, Planning and Land Act 1980
- Local Government Act 1972: General Disposal Consent (England) 2003
- Localism Act 2011

## The Local Government, Planning and Land Act 1980

2.2    The Public Request to Order Disposal (PROD) was introduced in the Local Government, Planning and Land Act 1980. The PROD process was re-launched as a Community Right to Reclaim land in February 2011 alongside other community rights as outlined in the Localism Act 2011 (see below).

2.3    Under this legislation the public can request an under-used or derelict property or land to be sold in order for it to be brought back into use.  The land must be owned by public bodies outlined in Schedule 16 of the Local Government, Planning and Land Act 1980 (updated in 2011).

2.4    Once a request has been submitted, the Secretary of State for Communities and Local Government will assess the land and decide if it is vacant or underused without any plans to bring it into use. The Secretary of State can then issue a notice that requests the public body to dispose of the land. The land is normally (but not automatically) sold on the open market enabling community groups or private entities to acquire the land.

## Local Government Act 1972 General Disposal Consent (England) 2003

2.5    Local authorities are given powers under the 1972 Act to dispose of land in any manner they wish, including sale of their freehold interest, granting a lease or assigning any unexpired term on a lease, and the granting of easements. The only constraint is that a disposal must be for the best consideration reasonably obtainable.

2.6    It is Government policy that Local Authorities and other public bodies should dispose of surplus land wherever possible[2]. Generally, it is expected that land should be sold for the best consideration reasonably obtainable. However, it is recognised that there may be circumstances where an authority considers it appropriate to dispose of land at an undervalue, in which case the Local Government Act 1972 required consent to be obtained from the Secretary of State.

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[2] Paragraph 6, Circular 06/03: Local Government Act 1972 general disposal consent (England) 2003 disposal of land for less than the best consideration that can reasonably be obtained

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2.7     However, the General Disposal Consent, introduced in 2003, removes the requirement for authorities to seek specific consent from the Secretary of State for any disposal of land where the difference between the unrestricted value of the interest to be disposed of and the consideration accepted (the undervalue) is £2,000,000 or less. This offers Authorities greater freedom than previously to exercise discretion in the disposal of their land.

2.8     The terms of the Consent mean that specific consent is not required for the disposal of any interest in land which the authority considers will help it secure the promotion or improvement of the economic, social or environmental well-being of its area.

2.9     In all cases, disposal at less than best consideration is subject to the condition that the undervalue does not exceed £2,000,000.

# Localism Act (2011)

2.10    The Localism Act (2011) enables a shift in power away from local government creating opportunities for power to be enacted more locally. The Act aims to encourage community participation through a range of levers that support community rights. This included the Community Right to Bid, the Community Right to Challenge and the Community Right to Build.

## Community Right to Bid

2.11    The Community Right to Bid gives community groups the chance to protect assets that are important to them by nominating them as 'Assets of Community Value'. Nominated assets may be in either private or public ownership.

2.12    Assets of community value can range from local pubs and shops to community centres. The Community Right to Bid aims to help local communities prevent assets which contribute to a vibrant and active community from being lost through helping local communities to take over and run local assets.

2.13    Listing assets as an Asset of Community Value triggers a six-month moratorium on any proposed sale of a community asset, providing community groups the opportunity to raise finance and submit their own bid to buy the asset. During this six months the land owner can only sell their asset to a local community group. This does not however prevent the land owner from negotiating with other parties, providing that contracts are not exchanged until after the 6 months.

2.14    This Act does not confer a right of first refusal to community interest groups; after the moratorium period the owner is free to sell the land to whomever they choose. It remains to be seen whether this six months is a sufficient amount of time to raise the necessary funds to

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provide a competitive bid. The advantage predominantly exists if the land owner wishes to sell within 6 months.

## The Community Right to Challenge

2.15    The Community Right to Challenge allows voluntary and community groups, charities, social enterprises, parish councils, local and fire and rescue authority staff to bid to provide or assist in providing authority services. This enables community groups to make services more responsive to local needs, offer additional social value outcomes, or deliver better value for money[3].

2.16    Relevant bodies are eligible to submit expressions of interest to deliver relevant services on behalf of relevant authorities. This may involve the transfer of ownership or management of public assets. Authorities must consider expressions of interest and if this expression of interest is accepted, they must carry out a procurement exercise for the service.

## The Community Right to Build

2.17    The Community Right to Build allows local communities to propose small-scale, site-specific, community-led developments such as a community centre or community-led affordable housing through a streamlined, light-touch neighbourhood planning process. They key difference is that local people, rather than the local authority, will dictate the outcome of planning permission through a local referendum.

2.18    A Community Right to Build Order can be drawn up by local people who can decide on the type, quantity and design of buildings. It should be publicised and consulted on before being submitted to a local authority who will arrange for an independent examiner to test whether the order meets certain legal tests. If the order is approved it is put to a local referendum. If 50% of votes are in favour of the order than planning permission will have been granted.

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[3] DCLG (now MHCLG) (2012), Community Right to Challenge Statutory Guidance.

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# 3 Making Assets Work: The Quirk Review

3.1 In 2007, Mr Barry Quirk (then Chief Executive of Lewisham Borough Council) conducted an extensive review of barriers to the transfer of ownership and management of public assets to community groups. Out of this examination Quirk identified a comprehensive list of recommendations and issues which needed to be addressed.

3.2 The review team drew on past work, consultation with stakeholders, advice of officials from Communities and Local Government ((DCLG) (now the Ministry of Housing, Communities & Local Government (MHCLG))), the Office of the Third Sector and HM Treasury as well as the team's personal experiences which ranged across local government, the voluntary and community sector, social enterprise, Registered Social Landlords and academia.

3.3 Given the scale of programmes already implemented in this field, Quirk decided to limit the focus of the review to non-housing assets. Quirk's view was that issues need to be recognised, however (page 13):

> *'…they are not barriers in themselves. In our view, there are no substantive impediments to the transfer of assets to community management and ownership. If there is a barrier, it lies in the fact that people, both in the public and community sectors, are often not sufficiently equipped to understand, assess and manage the risks that are inherent in the process of asset transfer and asset management.'*

3.4 The review summarises the foundational factors of the current community asset transfer climate and summarises three clear conclusions. These conclusions form the basis for 5 key recommendation areas.

## 10 Foundational Factors

3.5 Quirk recognised ten foundational factors that summarised the current climate in relation to community asset transfers. These are outlined below:

- Community groups are heterogeneous [diverse] in scope, scale, capabilities and purpose.
- Community groups are under-capitalised and constrained in their ability to realise their ambitions.
- From the community's perspective the term 'public asset' encompasses all assets owned by public institutions including police and fire authorities, health trusts, government departments etc.
- Local authorities are required to demonstrate their effective and efficient use of public resources, but community empowerment and asset management plans have not been at the forefront of these requirements.

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- A considerable number of local authorities have used community asset transfer or management as a policy instrument for empowering communities - however, often approaches are responsive rather than located in a strategic plan.

- There is considerable variation in the extent to which local authorities actively consider options for greater community ownership and management.

- The relationship between councils and local communities is often subject to short-termism and considerable change.

- Local authorities are beginning to adopt a "stewardship" or convening role in respect of other public services in their localities.

- The asset base of the public sector is currently subject to considerable investment, rationalisation and re-configuration, presenting both problems and opportunities for community asset transfer – i.e. councils need to sell stock to finance their retained assets, there is a danger of councils selling off liabilities.

- Councils are diverse, therefore principles and guidelines are more relevant than rules and specified practises.

3.6     These foundational factors are all still recognisable today.

## Conclusions

3.7     Quirk's conclusions are summarised below.

- Assets are used in service of a plethora of social, community and public purposes. Any transfer of the asset needs to realise social or community benefits, without risking wider public interest and without community purposes becoming overly burdened with asset management.

- The benefit of community asset transfer can outweigh the risks and opportunity costs where there is a rational and thorough consideration. Community asset transfer has been done legitimately and successfully in many places.

- Risks can be minimised and managed if experience is drawn upon and all parties work together. There needs to be political will, managerial imagination and a more business focussed approach from both the public and community sectors.

## Recommendations

3.8     Quirk concluded his review with a set of recommendations with the aim to stimulate and facilitate a major advance towards his vision of local authorities working with local public sector partners as well as sustainable and energetic community organisations to make better use of public assets. In this vision a flexible framework from government was to stimulate the rationalisation and modernisation of public assets.

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3.9    Quirk formed five key action areas that could make a decisive difference, these recommendations which were formed in consideration of the above conclusions.

- Risk assessment and management
- Public sector asset management
- Building Skills and capacity
- Funding
- Getting the message across

3.10   The full set of recommendations are embedded within our survey questions which are included at appendix 1. The five key topics are discussed in further detail below.

## Risk assessment and management

3.11   Quirk identified that local authorities are concerned about the wide range of risks involved in transferring assets to communities. Furthermore, communities are quick to highlight the danger of transferring properties at risk of becoming a liability. It is Quirk's firm view that risk does not need to be a barrier to action, as long as proper risk assessment and management is undertaken.

3.12   Quirk recommended that there is a requirement for a toolkit for local authorities and other public bodies on risk assessment and risk management in asset transfer to communities.

3.13   The key proposal was (page 19):

> that Communities and Local Government, the Local Government Association (LGA) and the Community Alliance develop and publish a toolkit for local authorities on risk assessment and risk management based on existing good practice, and informed by both local authority and third sector experience. It would include advice on measures to safeguard against the capture of particular assets by minority interests, and protect assets from diversion to other than socially beneficial purposes. It would expand on the material included in the revised local authority asset management guidance.

## Public sector asset management

3.14   Quirk identified that the practice of asset management has become more widespread within local government. Local authorities have the power to dispose of land in a manner they see fit and for less than the best consideration (see section 2). This decision needs to be made by comparing the benefits to be gained from a market value disposal and the less tangible benefits of community asset transfer. The barriers that exist are related to the widespread lack of awareness of those powers, how they can be used and in some cases, an unwillingness to use them.

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3.15    Quirk recommended that there is a requirement for a comprehensive, up-to-date and authoritative guidance on all aspects of local authority asset management, including within it detailed and explicit guidance on the transfer of assets to community management and ownership.

3.16    The key proposal was (page 25):

*'that Communities and Local Government, RICS, the Chartered Institute of Public Finance and Accountancy (CIPFA) and the LGA, in partnership with key third sector stakeholders, jointly publish more comprehensive, up to date, and authoritative guidance on local authority asset management. This should reflect the government's views on best practice in asset management, as will be set out in the Comprehensive Spending Review and cover all local authorities as defined in the Local Government Act 1972, i.e. including police authorities, metropolitan fire and rescue authorities, metropolitan passenger transport authorities, and certain others. In particular, the new guidance should include a whole new section covering the transfer of assets to community management and ownership. Etc.'*

## Building Skills and Capacity

3.17    Quirk identified that successful community asset transfer depends on community organisations having sufficient access both to technical advice and organisational development support. Furthermore, access to professional expertise and examples of good practice is as important for public bodies as for third sector organisations.

3.18    Quirk recommended that there is a requirement for much greater access for local authorities and community organisations to expert advice and organisational development support relating particularly to the transfer and management by communities of land and buildings.

3.19    The key proposal was (page 29):

*'that Communities and Local Government collaborates with other key stakeholders to ensure that the need for a strengthened capacity building and organizational development programme specifically on community management and ownership of assets is addressed. The key partners in this should include specialist third sector organisations including DTA, Community Matters, bassac, ACRE, and the Association of Preservation Trusts, alongside the Regional Improvement Partnerships, the Office of the Third Sector, LGA/IDeA, CIPFA, RICS and Capacity builders*

*Components of the programme would include:*

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- *recognition, within the government's National Improvement Strategy, of asset management as an area of capacity building need for local authorities and their partners*

- *strengthening of the capacity of key national third sector infrastructure organisations with expertise in this field, to ensure that they are resourced to operate at regional level to provide the growth in demand for specialist advice and support at all stages of an asset-based development stimulated by the implementation of the recommendations of this Review*

- *supporting access by community organisations to a national pool of expert advisors in the field of community management and ownership of assets, building on the pools of experts already being brought together by some of the existing third sector organisations'*

## Funding

3.20    Many existing community assets are in desperate need of repair and improvement. Quirk identified that projects are often delayed, reduced in scale or aborted because of a lack of appropriate funding. In other cases imaginative ideas and proposals are halted because they cannot access the necessary resources. Furthermore the support mechanisms referred to above also need funding.

3.21    Quirk recommended a smarter investment of public funds designated for community-led asset-based developments, where permissible, through the involvement of specialist financial intermediaries with expertise in the field and the ability to achieve high leverage ratios.

3.22    The key proposal is that (page 33):

> *'government funding that is or could be designated for supporting community management and ownership is wherever permissible distributed in a way that maximises its leverage effect, primarily through the involvement of specialist financial intermediaries, and actively supports the good practice recommendations in this report'*

## Getting the message across

3.23    Finally, Quirk identified that public bodies and communities are often confused about what the law actually allows. A number of bodies are covered by the 2003 General Disposal Consent (see section 2), however there is not widespread awareness of this.

3.24    Quirk recommended a major campaign to spread the word, through seminars, roadshows, training, use of the media, online and published information, and the dissemination of good practice.

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3.25    The key proposal was that (page 35):

> *'that Communities and Local Government, in partnership with key stakeholders initiates a high-profile three-year promotional campaign on community management and ownership of assets, as a key element of the wider promotional programme to support the whole range of community empowerment measures within the Local Government White Paper (2006) and the Local Government and Public Involvement in Health Bill. The key partners in this campaign should include the LGA, the Office of the Third Sector, the key Third Sector networks and the Government Offices for the Regions'.*

## Summary

3.26    The Quirk Review is now 10 years old and the existing economic and policy climate has changed. The Localism Act 2011 has been introduced to encourage the number of assets offered for community asset transfer and austerity measures have impacted on local authority assets. It is therefore timely for a review of the Quirk report recommendations.

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# 4    The Government's response to the Quirk Review

4.1    The Government responded to the Quirk Review with the formation of the Advancing Assets for Communities Programme and their paper Opening the Transfer Window, 2007. This guide stated that the Government will implement Quirks proposals in full (page 5):

> *The Quirk Review's report clearly suggests that what is required is not more legislation, but culture change. We will seek to build momentum behind that culture change by developing better guidance to help people understand and use existing powers better so they are not put off by the risks, but learn to manage them effectively. We will also develop appropriate mechanisms to strengthen the ability of communities to put pressure on local authorities who refuse to consider asset transfer to community organisations. In taking this programme of action forward, we will work actively with partner organisations in local government and the third sector, and will monitor progress closely.*

4.2    This guide outlined 7 proposed action areas:

- Raising awareness of the review findings and sharing ideas on how to apply them.
- Demonstrating how asset transfer can be done.
- Strengthening grass roots pressure.
- Developing specialist advice.
- Resources.
- Promoting the benefits.
- Reviewing achievements and measuring success.

4.3    In response to the Quirk review, Communities and Local Government funded the Asset Transfer Unit (2007-2012), which was hosted by the Development Trusts Association (DTA) and then Locality.  The Asset Transfer Unit was responsible for undertaking a range of linked actions. These included:

- The Advancing Assets for Communities demonstration programme. The Advancing Assets for Communities demonstration programme provided expert advice and support to public–third sector partnerships where they are principally concerned with community asset transfer[4].
- The diagnostic and support functions of two asset development capital funding streams:
  - CommunityBuilders (2010-2012, funds managed by Social Investment Business)
  - The Community Asset Transfer fund (2009-2010, funds managed by BIG Lottery Fund).

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[4] Asset Transfer Unit,  Advancing Assets for Communities: Year Two People, Places & Partnerships

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4.4     As a result, 120 local authorities were supported to develop asset transfer strategies and policies, supported over 300 voluntary, community and social enterprises (VCSE) to develop their business and investment case for transfer, and enabled the successful transfer of over 150 community assets.

4.5     The Advancing Assets for Communities demonstration programme were also involved in the production of good practice guidance for Local Authorities, such as the DCLG (now MHCLG), Managing Risks in Asset Transfer, 2008. This document was a direct response to Quirk's recommendation that the Government should develop and publish a toolkit for local authorities on risk assessment and risk management. The document includes:

- Common approaches for managing risks in asset transfer.
- The nature of risk.
- Accountability and governance.
- Broader processes that contribute to risk management in asset transfer.
- Commonly identified risks and ways to manage them.

4.6     Following the enactment of the Localism legislation in 2012, the Asset Transfer Unit was replaced by a broad based national advice, support and grants service in relation to Community Rights and Neighbourhood Planning. This service was run from 2012-2016 by Locality, who dealt with over 15,000 advice requests, provided over 2,000 days of business support and facilitated the disbursement of over £15m of feasibility and capital grant funding to community groups pursuing asset development and/or public service delivery (grant administration undertaken by Social Investment Business).

4.7     Most recently, Locality was funded by DCLG (Now MHCLG) from March 2015 - April 2016 to deliver the £1.5m Community Ownership and Management of Assets (COMA) programme. They supported 51 partnerships between community organisation(s) and local public organisation(s) with progressing ambitious multiple community asset ownership and management projects and ground-breaking single asset transfer projects which produced novel and replicable learning for other places.

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# 5    Survey Results

5.1    This section summarises the results of our survey. We discuss each of Quirk's action areas in turn below. We questioned (i) the success of its implementation and (ii) whether the recommendation remains relevant today. We asked the participants to score each question 0 – 5, where participants provided verbal responses we equated their responses to the following scores:

| 0 | Not implemented at all | Not important at all |
|---|---|---|
| 1 | Very poorly implemented | Very slightly relevant |
| 2 | Poorly implemented | Slightly relevant |
| 3 | Implemented but need improvements | Could be beneficial |
| 4 | Implemented Reasonably Well | Relevant / Important |
| 5 | Fully Implemented | Very Important |

5.2    For each question we have created a graph summarising the participants' responses. In the graphs we have grouped the responses from professionals i.e. the client partner officers, council officers, and private consultants together and compared their answers to that of community organisations. In the commentary we have teased out any nuances between the different professional groups. We have include the most significant and relevant graphs within the section below and included them in full in Appendix 2.

5.3    Note that the participants did not necessarily answer every question. Where the participants made it clear they were not familiar with a particular action area, the interviewer sought to keep the participant engaged through focussing on the most key and relevant questions.

5.4    In total we interviewed 21 participants. The mix of participants can be summarised as follows:

- Community Organisations: 13
- Consultants: 5
- Client Partner Officers: 2
- Council Officers: 1

5.5    We acknowledge that due to the low number of participants who were consultants, client partner officers and council officers, there is inevitably a focus on the experiences of community organisations. Furthermore we also acknowledge that each asset transfer is different and will have its own associated difficulties and challenges. This report therefore does not aim to be an exhaustive list of the challenges involved in asset transfer. The report aims to highlight

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recommendations in relation to key themes that have arisen during our study where we believe that these themes are likely to be experienced by a large number of individuals and groups.

## Risk Assessment and Management

5.6    Quirk identified that there should be a toolkit to help local authorities identify and manage risk, and outlined key factors which the toolkit should include. In June 2008, DCLG (now MHCLG) published Managing Risks in Asset Transfer: A Guide. This guide was written as part of the Advancing Assets for Communities Programme. It was designed to help both Local Authorities and community organisations and was explicitly stated to be based on the recommendations of the Quirk Review.

5.7    As shown in Figure 5.1 below, there is a clear split between participants who are aware of the toolkit and those who are not demonstrating that awareness is an issue. The participants who were aware of the toolkit gave high scores of 4-5 suggesting that the toolkit has been implemented well. The majority of participants believed that a risk toolkit remains important.

**Figure 5.1 – Risk Toolkit**
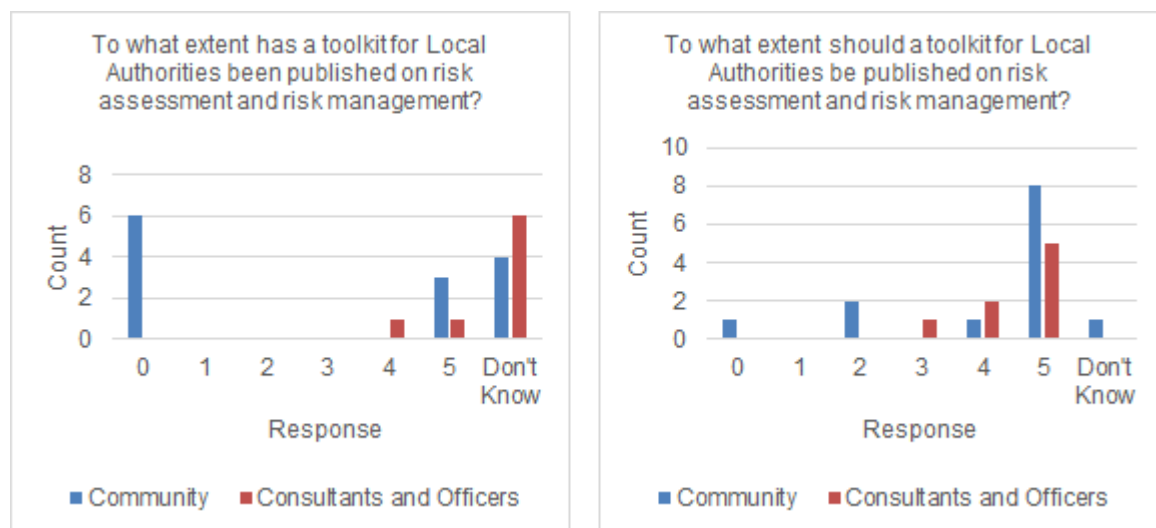


5.8    As noted by one of the participants the published guide is very extensive, however it does not specifically cover risks for heritage assets. The risk environment today may be different to the risk environment in 2008 and it would be prudent to review the risk toolkit. One of the client partner officers noted that previously it was a risk adverse but stable environment and that today councils are more open to community asset transfers however the environment is less stable. This does not necessarily mean that they have become less risk adverse as there are numerous other factors that may influence an Authority's decision to transfer an asset. Furthermore, the degree of caution exercised by different Authorities varies greatly.

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5.9     Awareness of the toolkit was considered to be useful in giving Local Authorities greater confidence when dealing with asset transfers. The Council Officer commented that the existing toolkit is very theoretical and that it can be very difficult to apply to specific situations. In general, councils are very risk adverse therefore practical advice on risk management is particularly key.

5.10    Figure 5.1 shows that the participants who were aware of the toolkit gave high scores of 4-5 suggesting that the toolkit has been implemented well. However, in later questions, many of the participants from community organisations felt that guidance was not based on good practise and that it does not include advice on how to protect against the capture of particular assets by minority interests or diversion to other than socially beneficial purposes (see appendix 2 for associated graphs). These answers are rather erroneous given the fact that the same participants were not aware of the guidance in the first place. The majority of participants did however believe that these two factors remain important today.
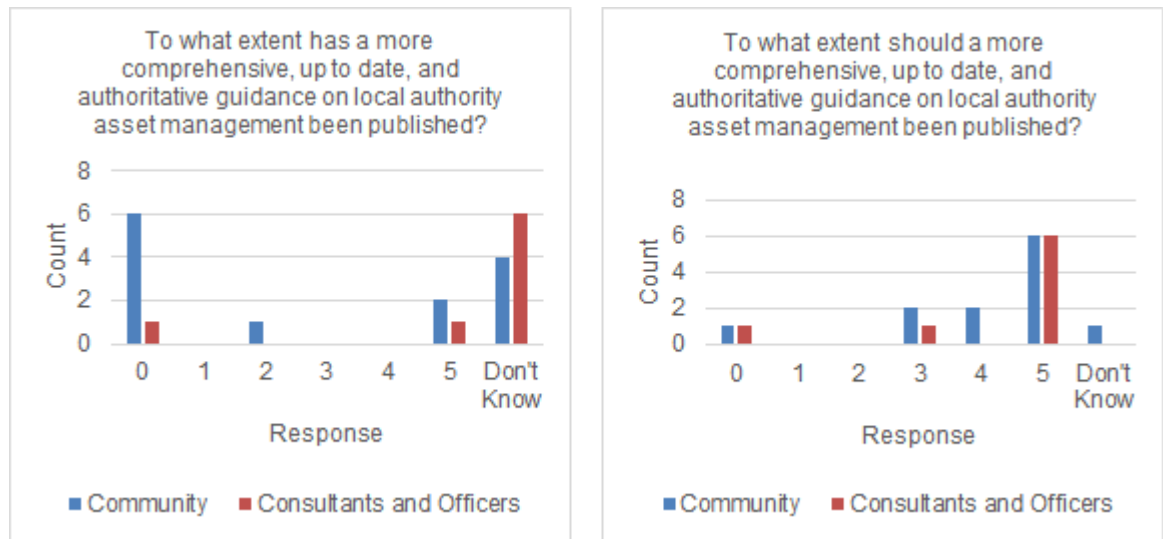
## Summary and Recommendation

5.11    The risk assessment and management guidance published in 2008 remains of key relevance today. Risk remains a key issue, therefore efforts to raise awareness of this document should be implemented. However this document is now 10 years old. It would be prudent for MHCLG to review and update this document. We understand from consultants working in the communities sector that the majority of assets being transferred are heritage assets. We therefore recommend that a new section on heritage assets should be included. An update to this guidance should ensure that it is practical and easy to follow. This section should reference existing guidance which comments on the management of risks in the transfer of heritage assets, for example, Historic England's Pillars of Community: The Transfer of Local Authority Heritage Assets, 2014.

5.12    Raising the awareness of the risk assessment amongst community groups would help them to understand how local authorities assess risk; how they should approach the risk themselves; and, how they can demonstrate to the local authority that they can successfully manage risk.

5.13    Quirk focussed on risk assessment from the perspective of the local authority however it is also important from the perspective of the community. We understand that some guidance aimed at communities does exist, however rationalisation, signposting and updating is required.

5.14    Assets have been cited to often be in a poor condition due to years of neglect within Local Authority ownership. The risk for community groups to take on these buildings can be too much for the trustees/Directors. This can inhibit community organisations coming forward for asset transfers. There needs to be a clear understanding of the risks involved before community groups take these projects on. This will enable the community organisation to fully prepare for

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the proposed risks and reassure Local Authorities that the organisation has the ability to take the asset on.

## Public Sector Asset Management

5.15    Quirk reviewed the Asset Management procedures within Local Authorities in the context of CAT and concluded that a comprehensive, up to date, and authoritative guidance on Local Authority asset management should be published. In February 2008 the DCLG (now MHCLG) published Building on Strong Foundations: A Framework for Local Authority Asset Management. This was formed as part of the 2007 Comprehensive Spending Review which required each government department to develop an asset management strategy. DCLG (now MHCLG) was asked to produce an asset management strategy for local government. As all local authorities face different challenges, a framework was constructed. This framework included a section on community ownership of assets.

5.16    As shown in Figure 5.2 below, there is a clear split between participants who are aware of the guidance and those who are not. The participants who were aware of the guidance gave high scores of 5 suggesting that the guidance has been implemented well, however awareness remains an issue. The majority of participants believed that guidance for local authority asset management remains important.

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**Figure 5.2 - Local Authority Asset Management**



5.17    It is important to note that none of the participants were aware of the fact that the guidance included a section on community ownership, they did however acknowledge that the inclusion of this section remains important today. Participants also stated that it was important for the guidance to reflect best practise and cover all local authorities as defined in the Local Government Act 1972.

5.18    It was noted multiple times that community organisations would find this document useful. Transparency of local authority asset management was flagged as being of key importance for communities. Different local authorities have very different approaches to asset management. Additionally, decisions within the same authority can differ based on who their decision is concerning. Community participants have stated that there is an issue of consistency. It is not always obvious why and how local authorities make their decisions i.e. why they would sometimes gift an asset in one instance or provide a long lease in another instance.

5.19    It was noted that more guidance is needed. For example, local authorities require specific guidance on disposal for less than best consideration under the General Disposal Consent (England) 2003 as many do not currently understand what the law allows. Another suggestion was for an easily accessible public asset register. Some authorities have publicised registers of assets that would be available for community asset transfer. This provides some security to the community organisations that the local authority is open to CAT and which assets can be transferred. Keep it in the Community, organised by My Society, was set up to provide a list of all Assets of Community Value across England. It currently shows a snapshot of assets listed in September 2018 and My Society is currently considering ways to keep this register up-to-date.

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5.20    It was suggested that CAT should always be on the list of options when conducting an options appraisal for asset management. Even if it is dismissed at early stages it should be included as an option in a similar manner to how 'do nothing' is always included as an option by default.

5.21    Participants noted that guidance is not sufficient. Local authorities require training and resource which enables them to learn from what other local authorities have done.

5.22    As shown in Figure 5.3, participants were unaware / did not believe that the Government has simplified and made more flexible the budget and accounting framework that governs the disposal of assets by central government so as to encourage the consideration of community asset transfer. In general, participants did believe that this remains important today.
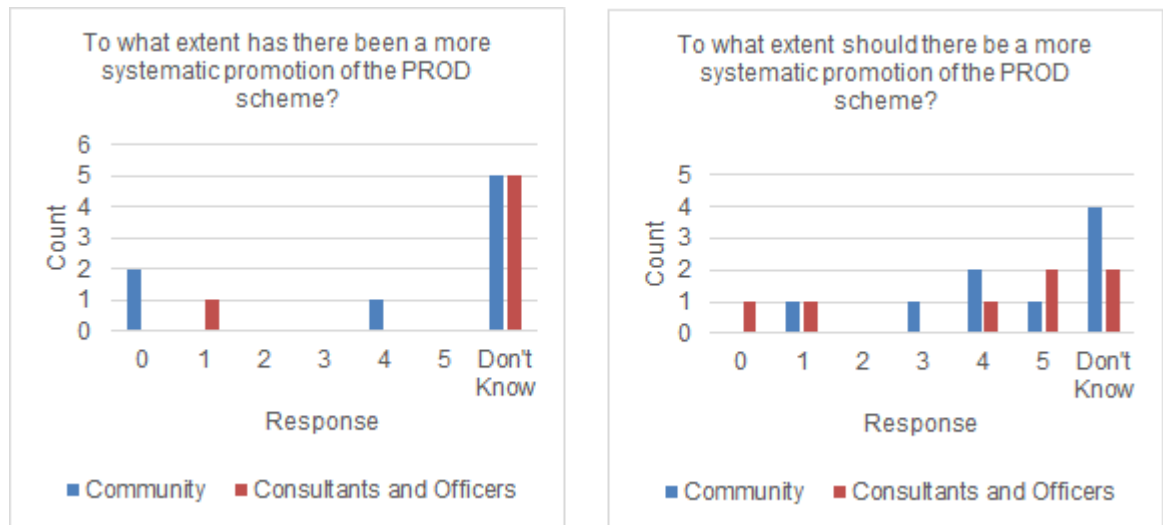
### Figure 5.3 - Budget and Accounting Framework
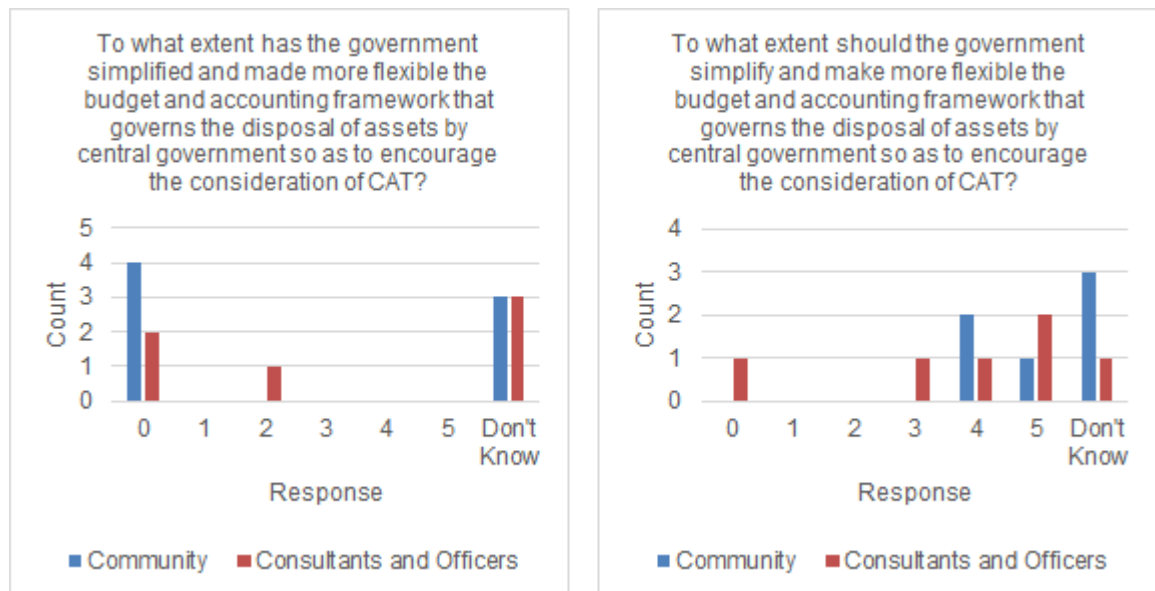


5.23    Figure 5.4 below shows that the majority of participants were not aware of Public Request to Order Disposal (PROD). Those who were not aware of the scheme generally thought it sounded like a good idea, however those who were aware of PROD considered it problematic. The political climate since the introduction of PROD has changed. PROD was introduced by Margaret Thatcher in 1980 as a way of encouraging local authorities to dispose of assets they do not need. While PROD allows the public to order the disposal of an asset, it is not required for that asset to be disposed of for socially beneficial purposes. This therefore can be used as a mechanism for the private sector to gain ownership of public assets. This was viewed as being particularly problematic for heritage assets where the private sector may 'land bank' and not attribute the same value to the asset as the community.

5.24    The Localism Act (2011) has been introduced since Quirk conducted his review, as the Localism Act is specifically focused on the rights of communities, it has become less relevant to

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promote PROD. It has been highlighted that while the Localism Act is a step in the right direction, the act does not substantially improve the situation.

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**Figure 5.4 - PROD**



5.25    As demonstrated in Figure 5.5 below, there is greater awareness of discussions within the Local Government Association (LGA) about how they might drive this agenda forward amongst consultants and client partners compared to the local community. There was generally a consensus amongst participants that this remains important today.

**Figure 5.5 – Local Government Association**
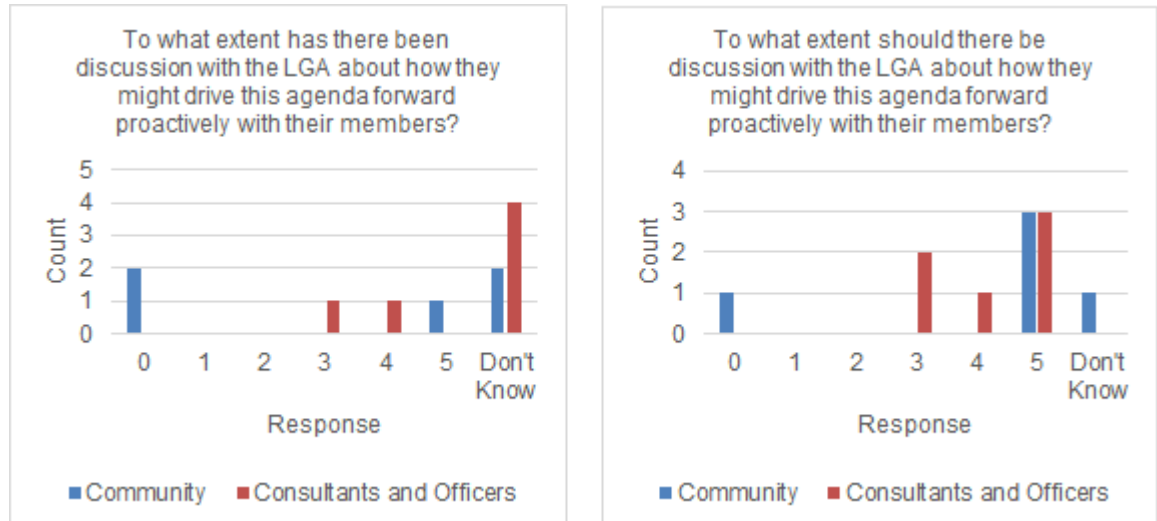


5.26    One of the participants was directly involved with implementing this recommendation. Efforts were made between 2007 and 2012 to encourage the LGA to drive CAT forward. The participant stated that it was really difficult to make progress as the LGA did not have sufficient capacity. It was noted that the LGA succeeded in getting information out to officers and members and a guide for officers was published in 2012[5]. However, the LGA did not have the

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[5] Local Government Association and Locality, Empowering Communities: making the most of local assets, 2012.

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time or resource to spend galvanising officers and members. The participant stated that in the end austerity had a greater impact on encouraging CAT than the LGA's efforts.

5.27 The experience of this participant was that CAT was resisted due to the view that public assets should remain in the public domain. The participant found it difficult to get across to local authorities that public ownership and community ownership of assets can both achieve the goal of ensuring that the public benefit from the asset. Despite the participant's own difficulties, they believed that the LGA remains a useful partner and the best way to get council leaders behind the CAT agenda.

5.28 The remaining recommendations within this section related to property review pilots; the right to manage regulations[6]; and the Varney Review[7]. All of the participants were unfamiliar with the above, therefore any comment on their relevance today was based on suppositions about their assumed meanings. Participants have commented that policy and regulations should regularly be reviewed in light of updated best practise and lessons learnt and the evolving economic / political environment. There was also the sentiment that there is a limit to the impact of policy and regulations and that there should be a greater focus on action (see below for recommended activities).

## Summary and Recommendation

5.29 Asset management guidance remains important for both local authorities and local communities. Communities would benefit from a guide that helps them understand how an asset is managed but also what guides local authorities' decision to transfer an asset. The National Framework can only act as a guide as local authorities need to respond to their own individual circumstance. Local authorities should therefore produce and publish their own policy to asset management and community asset transfer. This should encourage both transparency and consistency in their approach.

5.30 Throughout this study we have come across examples and rhetoric of community groups not being fully prepared for the financial strain and management of heritage assets. CAT needs to be monitored to make sure it's not a tool for Local Authorities' quickly reducing their own risks. This is a nuanced issue that has increased in importance since Quirk conducted his review. Local authorities are increasingly financially constrained and short of resource, this may be motivating them to dispose of risky and expensive assets. However these types of assets are also the most difficult for local communities to manage and local organisations may not have the necessary expertise to manage them. We agree that CAT should be included within options

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[6] The Right to Manage (RTM) was introduced through the Commonhold and Leasehold Reform Act 2002. It gives leaseholders the statutory right to take over the management of their property from the landlord by setting up a special company
[7] The review by Sir David Varney was setup by the Government to look at the way government used technology to deliver services to the public

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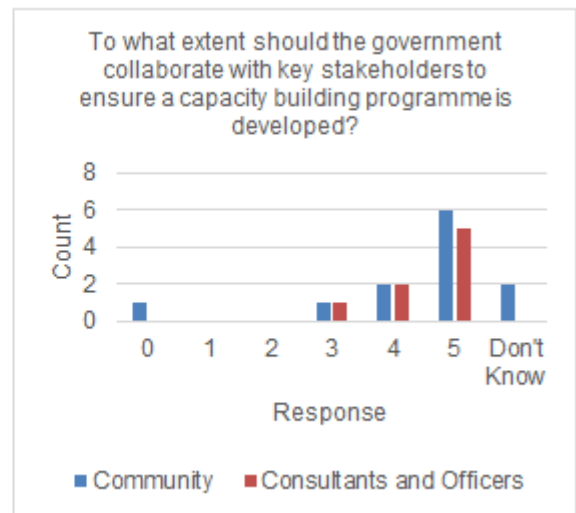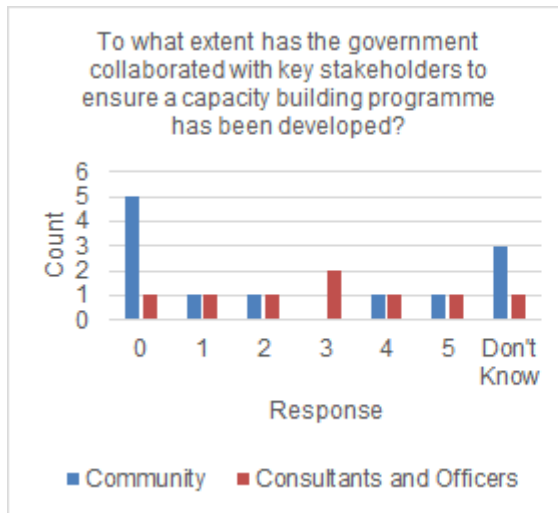considering asset transfer
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appraisals but also that there should be more focus on whether CAT is the right option. Encouraging the transfer of assets which ultimately results in a negative outcome will discourage the consideration of CAT in the future. It is therefore important to ensure that CAT is the right decision and that the receiving organisation is sufficiently prepared to cope with the asset. We would encourage local authorities to put in place a mechanism where they can agree that in principle a CAT is acceptable, however only if certain conditions are met. Focus can then move onto whether (inter alia) the timing is right and the management structure and funding is in place.

## Building Skills and Capacity

5.31    Quirk identified that that successful asset transfer to community management and ownership depends on community organisations having sufficient access both to technical advice and support. Access to professional expertise and examples of good practice is as important for public bodies as it is for third sector organisations.

5.32    In response to the Quirk Review, DCLG (now MHCLG) proposed the provision of much greater access for local authorities and community organisations to expert advice and organisational development support[8]. The Asset Transfer Unit was set up to achieve this goal, however this organisation has ceased to operate.

5.33    Figure 5.6 below demonstrates that there was a mixed response among participants as to whether the Government had implemented a capacity building programme. The majority of community organisations were unaware of any programme. This was expected due to the lack of any major Government led capacity building programme being implemented in recent years. Participants did however believe that it remained important today.

**Figure 5.6 - Capacity Building**

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[8] Page 4, DCLG (Now MHCLG), Opening the Transfer Window: The Government's response to the Quirk Review of community management and ownership of public assets, 2007.

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To what extent has the government collaborated with key stakeholders to ensure a capacity building programme has been developed?

To what extent should the government collaborate with key stakeholders to ensure a capacity building programme is developed?

5.34    While participants were not aware of a specific Government led programme, it was acknowledged that they had received a significant amount of help from the third sector. The range of answers to this question can be explained in part due to the fact that only some of the participants were aware that the Government has helped to fund the third sectors involvement, they therefore had different perceptions of whether the Government was involved.

5.35    The client partner officers recognised that 5-10 years ago there were more government funded schemes, however funding has ceased for all of these programmes. One of the participants held the view that the Advancing Assets for Communities programmes successfully achieved the popularisation of CAT amongst communities. The programme provided technical and professional support via a case manager who liaised between the Local Authority and community. This programme is no longer funded by the Government.

5.36    Limited funding is still available for new capacity building programmes that have emerged, such as the Architectural Heritage Fund's 'Supporting Community Enterprise through Heritage' programme (funded through DCMS). This programme also provides access to specialist Support Officers, who provide advice and expertise to organisations involved in the development of asset transfer projects involving historic buildings.

5.37    The participants noted that it is now hard to find access to resources. It is important to maintain any skills and capacity building programme as personnel within community organisations and local government frequently change and knowledge can be lost. Most participants acknowledged that greater government support in capacity building would be beneficial, however it was generally recommended that this should be through funding third sector programmes. This will enable programmes to be sector specific.

5.38    Peer support was identified by both communities and client officers as the most important method of capacity building. Networks amongst community groups that put organisations in touch with more experienced organisations has been found to help share lessons learnt. For

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most community organisations the current transfer is their first experience of CAT and will be their only experience of CAT, therefore it is important to disseminate the lessons learnt.

5.39    Figure 5.7 demonstrates a general lack of awareness of capacity building programmes that exist for local authorities. Again, this is unsurprising due to the lack of any major Government led capacity building programme being implemented in recent years. It was noted that previously local authorities were not always receptive to capacity building programmes that did exist. The environment may be different now as CAT has become more common. However, a large proportion of the participants recognised the limited resource available within local authorities. Therefore it was stated that a capacity building programme would need to recognise that local authorities require increased funding. As it stands, local authorities do not have the time or money to spend on capacity building.

5.40    In general, most participants believed that a capacity building programme for local authorities would be beneficial. However, a number of community organisations held the view that local authorities were already skilled within this sector and resource would be better spent elsewhere. This reflects the differing experiences that community organisations have had with some authorities being more skilled then others. The community organisations involved in this study had all been involved in CAT projects where the asset had successfully transferred. This is likely to skew the results as Local Authorities that are particularly unskilled in this sector are less likely to be involved in successful CATs, and therefore not captured in our review.
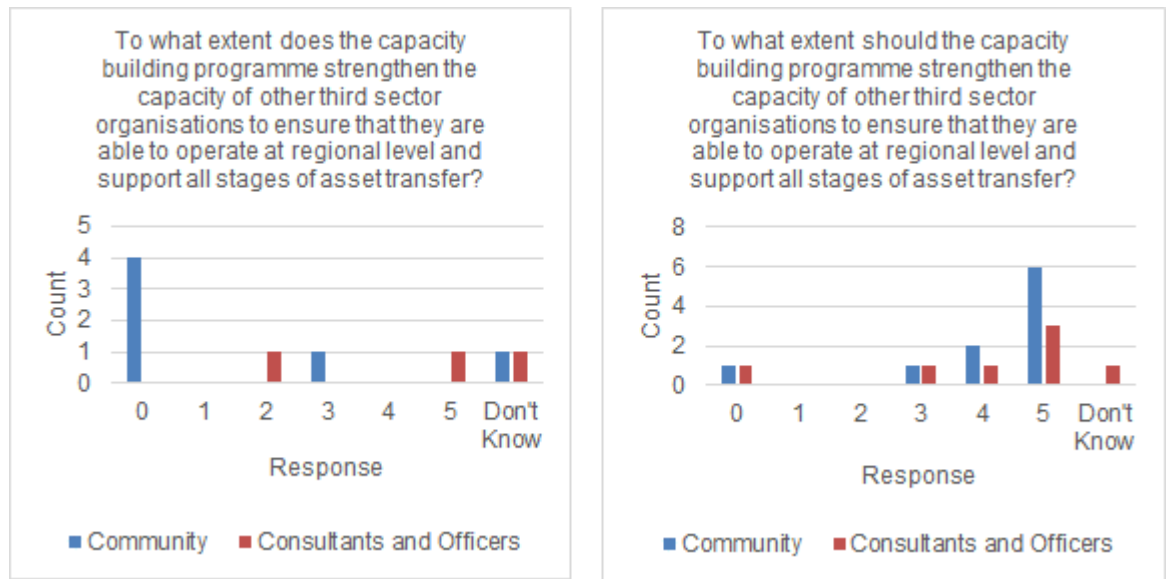
**Figure 5.7 - Capacity Building within Local Authorities**
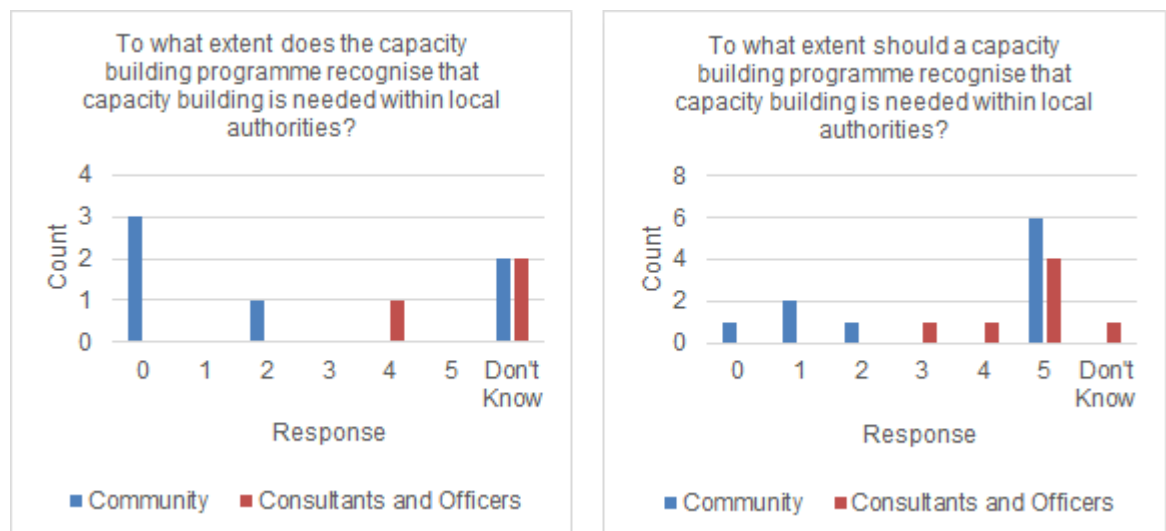


5.41    The issue of CAT goes across multiple departments and there was a lack of consistency between local authorities as to which department had greater responsibility. For example in some cases the CAT officer was located within the estates management team and in other instances they were located within the communities team.

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5.42    Figure 5.8 below demonstrates that there were mixed views regarding the existence of a capacity building programme within the third sector. Most of the participants believed that it was important that a third sector capacity building programmes was needed. However there were differing views regarding what the programmes should aim to achieve. Participants generally acknowledged that within the current policy environment, operating regionally was not necessary. Participants were split as to their opinion on whether they should be operating locally or nationally. We would recommend that an 'either/or' solution is not required as a more dynamic approach that includes both top level leadership and coordination and local level peer networks is likely to have a greater overall impact. It was acknowledged that London operates within a different environment and would benefit from location specific support.

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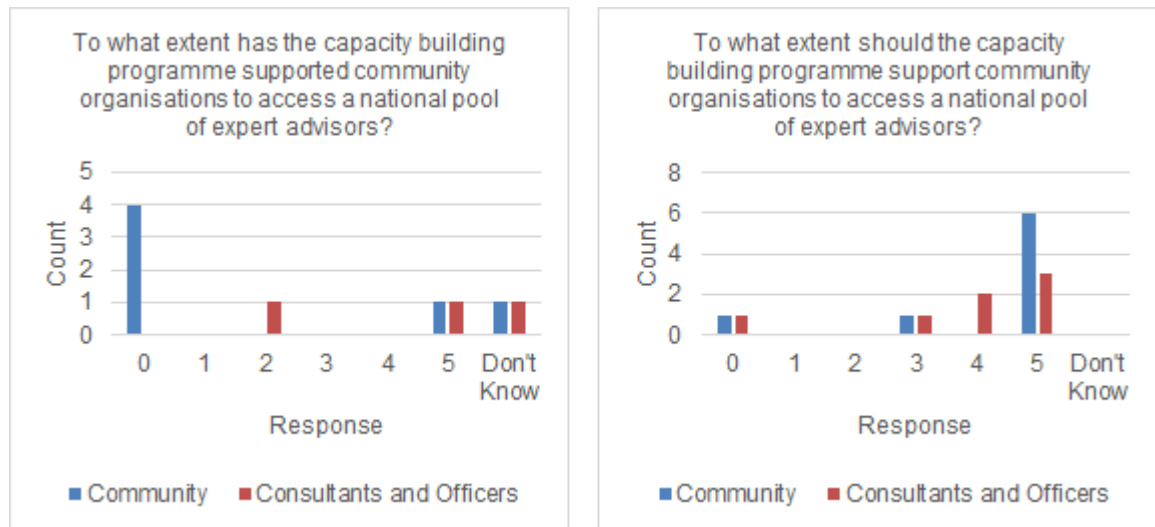**Figure 5.8 - Capacity Building within the Third Sector**



5.43 Communities acknowledged that their experience with the third sector / community focused organisations was very good, however there are certain gaps in support offered. A capacity building programme could bridge this gap. This included:

- Legal advice - communities often go to commercial solicitors who do not offer charity law advice, and they can therefore receive bad advice.
- Access to organisational development support.
- Technical support – e.g. valuation, maintenance, construction and property management.

5.44 As shown in Figure 5.9, participants generally recognised that community organisations have limited access to a national pool of expert advisors and that there is a need for greater capacity building programmes for local communities. The range of answers relating to whether a capacity building programme should support communities to access a national pool of advisors was due to differing perceptions on whether the advisors should be local, national or sector specific.

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**Figure 5.9 - Capacity Building for Community Organisations**



5.45 In the years following the Quirk Review, 'The Pool' was set up. This was a service offered by DTA and later Locality. This included a group of 500 individuals who had learnt a lot during their CAT experience and were encouraged to become consultants that support other community organisations. The Pool has since been absorbed by Locality to the extent that it does not exist in its own right anymore. Locality's current 'consultancy' service is its legacy today.

5.46 The participants that were aware of The Pool considered it to be a really useful tool, however it requires significant co-ordination. One of the participants had access to an informal network of peer-to-peer support where they had the opportunity to meet with another community organisation that had been through the CAT process. This connection proved invaluable to their community organisation.

## Summary and Recommendations

5.47 There is a limit to the impact that guidance can have; ultimately many of the participants require help building their own skills and capacity. Some of the participants highlighted the difficulty in interpreting guidance and applying the guidance to their specific circumstance. Advancing Assets for Communities, and subsequent asset development programmes, provided technical and professional support via a case manager who liaised between the local authority and community. The reinstatement of these programmes or similar would help build the necessary skills amongst Local Authorities and the community. This was a central government funded programme.

5.48 One of the key issues related to capacity building is funding. In the current environment where funding can be sparse, it is important to focus resource on the most efficient and effective

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programmes. With a high turnover of personnel within both local authorities and community groups, capacity building programmes need to be ongoing and consistent.

5.49    Peer to peer support has been found to be effective and is a method of tapping into pre-existing knowledge. Peer to peer support should be encouraged across local authorities, this could help local authorities to achieve a consistent approach and disseminate the lessons learnt. However due to limited resource within local authorities this may be difficult to achieve and authorities will need incentives to participate in any programme.

5.50    While it is important that communities across the nation can access third sector / community specific support it is not necessary for specific third sector organisations to operate regionally. Due to the variety of approaches adopted by local authorities it is more important that organisations can provide support that is based on local knowledge. As previously outlined there are gaps within the support that the third sector currently offers and these gaps should be filled.

5.51    Due to the success of programmes that encourage peer-to-peer support, we recommend that a peer-to-peer networking / mentorship programme should be set up. We acknowledge that this requires considerable co-ordination and all client partners should help in encouraging community organisations to participate within this programme.

## Funding

5.52    Quirk recognised the need for communities to access funding to support the maintenance and repair of assets and to support innovative community initiatives. Support mechanisms also require funding.

5.53    Community Asset Transfer is a particularly costly endeavour. Built assets and land is usually expensive, the assets themselves frequently require significant repair and maintenance and in the medium to long term there can be an issue of insecure revenue streams.

5.54    The majority of participants highlighted a need for more funding. At the moment there are very limited funding sources and there is often uncertainty as to when funding may be available. The window of opportunity to apply for funding can often be small and there can be uncertainty to when these channels will open or shut. For example, the Heritage Lottery Fund is currently shut for capital projects as 2018 has been a transitional year and it is anticipated that their new funding portfolio will open alongside their Strategic Funding Framework in 2019. We note that there is no guarantee that asset related funding streams will be available in their new approach. The irregularity of funding opportunities is both caused and exacerbated by there being limited funds available.

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5.55    Figure 5.10 shows that in general participants believed that funding was not effectively distributed in a way that can lever additional finance. Participants had acknowledged that some funding was available however this was not distributed in an even or consistent manner. The participants' response to whether this was a good idea was more mixed.

5.56    Some participants had an issue with the focus on loan funding rather than grant funding. Very few projects were considered to have commercial viability for unlocking private lending. Furthermore financial intermediaries are less publically accountable and interest rates were quoted to range between 8% and 20% which can be burdensome for community groups. Many communities are attempting to save an asset that is in danger due to its current state of repair. Therefore while buildings can be sustainable in the longer term, it can be very difficult for them to service a loan in the initial years.

**Figure 5.10 - Distribution of Funding**
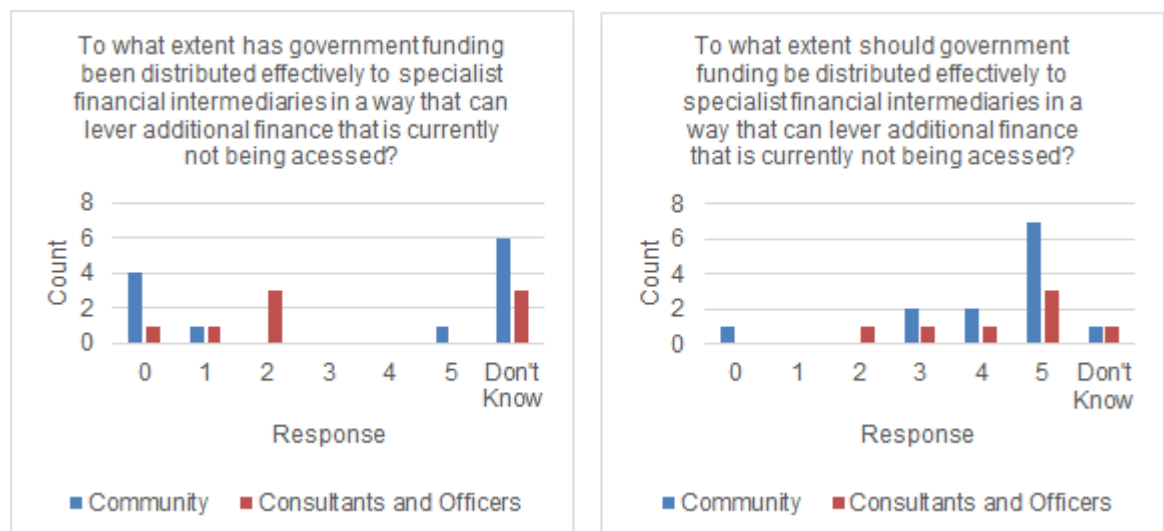


5.57    In some instances, local authorities are only willing to transfer an asset for a short lease of 2 – 3 years in an attempt to be risk adverse, and to keep more valuable assets on the balance sheet. This is not giving organisations or funders the necessary security to invest in the asset. For example, when looking at loan finance, participants have stated that it is impossible to make schemes viable on leases less than 50 years. Additionally, virtually all the main grant funders would not provide grants for leases that are less than 10 / 25 years.

5.58    Community organisations can have issues accessing funding and there are gaps in current support, at all stages of the lifecycle. It is often the case that funding is required in order to access funding as they often have to hire external consultants which can be costly. We list below areas in which community organisations require support:

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- Bid writing - grant funding can be difficult to obtain and communities often lack the necessary experience.
- Business development – funding will often require community organisations to submit a business case.
- Governance structure – different funding sources can require the organisations to adopt specific governance structures and organisational restructures can require funding.
- Professional fees – advice from surveyors, architects, accountants, lawyers, etc, is essential in the majority of cases. It reduces the risk of the investment for the funder and makes the receiving group a more informed client.

5.59   Communities have found that the current funding climate can be difficult to navigate. It was acknowledged that there is some funding available for project development, however it is difficult to access funding for capital works and asset development. This can be particularly difficult for undesignated heritage assets which on paper can make an asset a lower priority to funders compared to designated assets. Assets are often in a poor state of repair and bringing the assets into a standard which is fit for purpose can be a necessary but costly endeavour.

5.60   One of the participants highlighted their particular difficulty in gaining access to funding. Funding was available for early feasibility work. Once this was completed they were considered 'too far advanced' to access set up funding, however not advanced enough to access bigger grants. The organisation also found it difficult targeting specific pots of money, for example they had the option for applying for social enterprise funding or community housing funding. For both of these options they needed completely different governance structures, however they did not have the funds required to organise the restructure.

5.61   A recurring issue identified by participants is the need for revenue support. Organisations can often suffer from financial instability as funding is primarily available for the earlier stages of the CAT process. Participants have experienced that after the first 1-3 years post transfer, the initial funding has run out and if the organisation is not yet commercially sustainable the organisation can run into difficulty. Revenue support post transfer is therefore an important area of funding that is being neglected. It should be noted that sustainability is an important issue and that projects should not be reliant on grant funding indefinitely.

5.62   Participants acknowledged that there appears to be little or unsuccessful efforts from the Government in taking the lead in facilitating collaboration by promoting the share of information and good practice, and encouraging communication and co-ordination within the Government itself. It was however acknowledged that this would be beneficial. It was noted that the pooling of funding would be beneficial to increase the availability of larger grants. This is because it takes almost as much effort to apply for a small grant as it takes for a large grant.

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5.63    As shown in Figure 5.11, there is also a general consensus that the Government have not been doing enough to help with the interpretation of state aid rules. There is lack of understanding across the sector as to the interpretation of state aid rules. Participants found that any guidance that is available outlines the rules and does not include a section on how to interpret them. It was noted that local authorities and communities alike are nervous about state aid rules and that local authorities can often be conservative in the provision of their support due to a perceived need to protect themselves.

5.64    Note however that this is unlikely to change with Brexit. State aid is one area where the Government plans ongoing harmonisation with EU rules, because that fits with competition policy. The Government's Brexit technical guidance[9] shows there are no plans to diverge significantly even in a no-deal scenario and that the Competition and Markets Authority (CMA) will be responsible for supervising and enforcing the UK state aid rules throughout the UK when the UK leaves the EU (and will do so from 29 March 2019 if it leaves without a deal).

**Figure 5.11 - State Aid Rules**
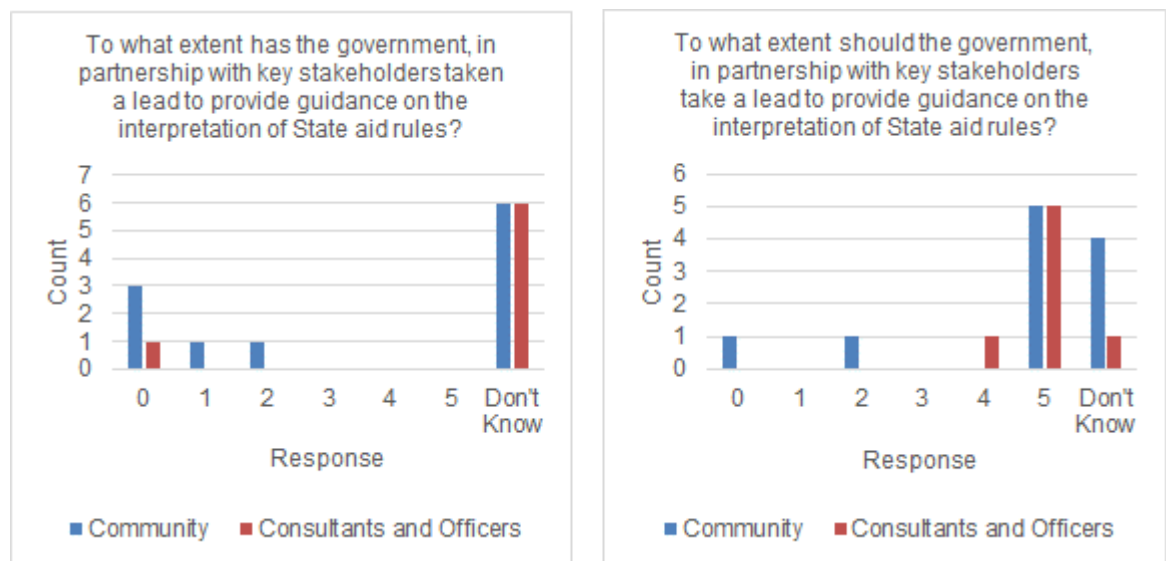


## Summary and Recommendations

5.65    Lack of funding is a pervasive and consistent issue. Communities are frustrated due to gaps in available funding and the focus on loan funding. One of the big issues regarding funding is inconsistency and irregularity which creates the risk of uncertainty.

5.66    A key issue with funding is ensuring that it covers every step of the process. There may be funding for initial scoping works and feasibility studies as well as the purchase of the asset, however some organisations have noted that there is little funding available for the steps in

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[9] https://www.gov.uk/government/publications/state-aid-if-theres-no-brexit-deal/state-aid-if-theres-no-brexit-deal

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between. Funding for ongoing maintenance and revenue support is also important. Some participants perceive that one of the motivations for local authorities to transfer an asset was the desire to rid themselves of a liability. Lack of funding within the local authority is perceived to have allowed buildings to deteriorate and become liabilities. On this basis, for CAT to be successful it is intrinsically important that communities have access to funding in order to repair the asset and have a sufficient income stream in the long term for maintenance.

5.67    It has been noted that many of Quirk's recommendations were implemented 5-10 years ago, however government funding has since run out and participants have noted that the operating climate has become much more difficult for the voluntary and community sector organisation to operate in. As it is easier to keep something running than start from scratch, it is important that any new initiative receives continuous funding. Client partners should commit between them a fund that is ongoing. The Government rarely commits to funding anything for longer than a few years which means that projects can lack permanence.

## Getting the Message Across

5.68    Quirk identified that both public bodies and communities are confused about what the law allows. Quirk recommended a major campaign to spread the word, through seminars, roadshows, training, use of the media, online and published information, and the dissemination of good practice as well as promotion of 'bottom up mechanisms'[10].

5.69    Quirk's wording was copied verbatim in DCLG's (now MHCLG) Opening the Transfer Window where they proposed a major campaign to spread the word, through seminars, roadshows, training, use of the media, online and published information, and the dissemination of good practice, as well as promotion of 'bottom up mechanisms'[11].

5.70    We understand that this was implemented by the Asset Transfer Unit, who conducted an awareness campaign that included seminars and the Advancing Assets demonstration programme. Communities and councils applied together to participate. One participant who was involved in this programme stated that originally 20-30 cases participated in this programme. These were so successful that the programme expanded to support over 100 cases. The programme has been attributed to have succeeded in changing people's minds regarding CAT and is why CAT is still talked about today.

5.71    The programme has since been discontinued due to a lack of Government Funding. An ongoing demonstration programme would provide the opportunity for council's to learn by going through the process.

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[10] Page 8, Quirk, Making Assets Work, 2007

[11] Page 4, DCLG (now MHCLG), Opening the Transfer Window: The Government's response to the Quirk Review of community management and ownership of public assets, 2007.

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5.72    Figure 5.12 below demonstrates that there has been a mixed awareness and appreciation of any promotional campaign. Mixed awareness is linked to how long participants have been involved with CAT as there has not been any major promotional campaign undertaken within recent years. It was generally considered as being something that would be beneficial to varying degrees. Some participants held the view that in general people are aware of community asset transfers and therefore it is more beneficial to use resources elsewhere. It is important to note that not all individuals considered it important to encourage community asset transfers, the view exists that local authorities can be overly eager to dispense of assets without fully considering the consequences. There is a perceived danger of the over promotion of CAT as this could encourage CAT without proper consideration of specific circumstance. Some participants believed that local authorities are motivated by and prioritised by ridding themselves of a liability and financial strain.

### Figure 5.12 - Promotional Campaign
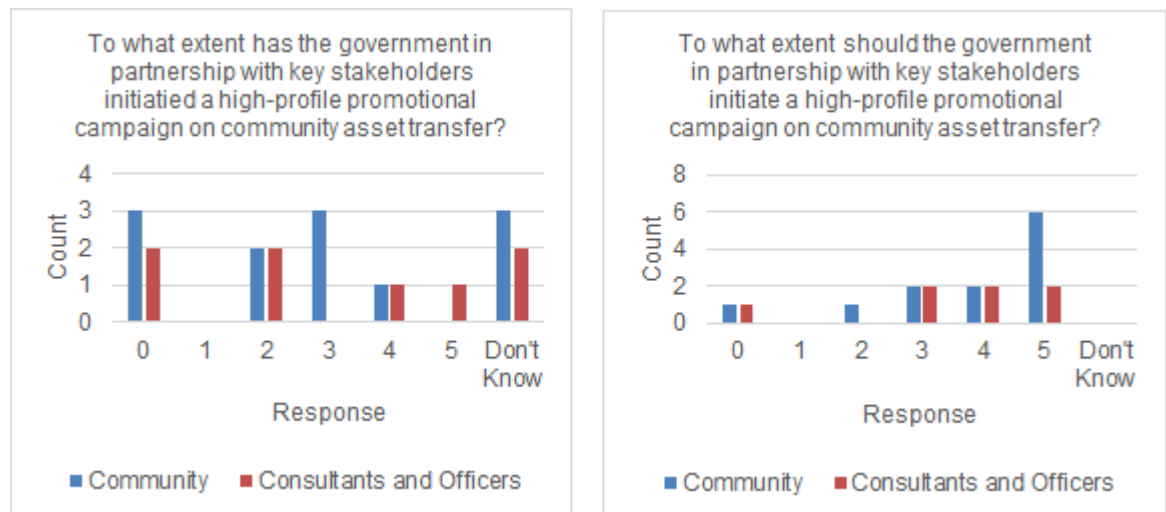


5.73    There was a mixture of views regarding when, where and in what form a promotional campaign would be beneficial.

- Some believed that a promotional campaign should be the responsibility of local authorities when they have an asset that is available for transfer;

- Others believed that there should be a general campaign as people have the right to know their rights; and

- Some participants believe that it is more appropriate for third sector organisations to deliver the campaign and that the Government should just provide support via funding.

5.74    There was support for a campaign to promote how and where to access support as well as to disseminate examples of best practise. Providing relevant and familiar examples of what has and has not worked was often considered more important than providing additional theoretical guidance. Quirk's recommendations are 10 years old and participants considered that social

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media would be a more effective campaign tool than roadshows. Note that appetite for events at the local level was more focussed on capacity building or encouraging communication between Local Authorities and their communities.

5.75    Figure 5.13 below demonstrates that there was a diversity of views regarding whether an online gateway had been implemented or not. This demonstrates the diversity of people's experiences as well as their interpretation of the question. Some participants scored highly as some third sector organisations such as Locality and Heritage Trust Network have a wealth of information online. All of the participants perceived an online gateway to be a useful source.

**Figure 5.13 - Online Gateway**
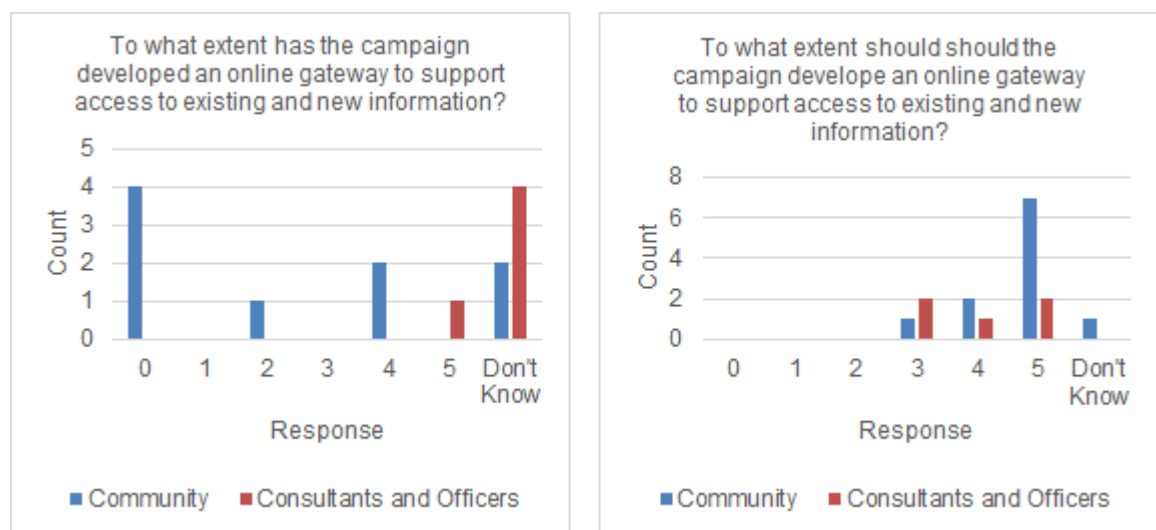


## Summary and Recommendations

5.76    Our research suggests that community sector organisations (such as the client partners) are in the best place to provide a promotional campaign, furthermore while promoting CAT they are also able to promote their own CAT services and toolkits. The Government can however, support these programmes through providing funding. There appears to be a good level of awareness of CAT, therefore promotional campaigns should focus on raising awareness of capacity building programmes and the dissemination of good practice

5.77    Participants have acknowledged that there is a wealth of knowledge that can be available via an internet search. Some participants find the amount of available information overwhelming and specific guidance can be difficult to find. There also appears to be a certain amount of guidance fatigue. There is a greater need for more practical support and help interpreting guidance so individuals can understand how to apply it to their specific situation

5.78    Quirk recommended that the campaign should include seminars, roadshows, training, use of the media, online and published information. Today social media can be an effective campaign

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tool and should be an important inclusion within any campaign. Social media also has the benefit of being less resource heavy compared to, for example, roadshows. An online gateway is an important inclusion within the CAT online presence. This already exists to varying degrees across different third sector organisations. This needs to be built upon. A single 'CAT' website which signposts to where information can be found would be beneficial and help users access the guidance they need.
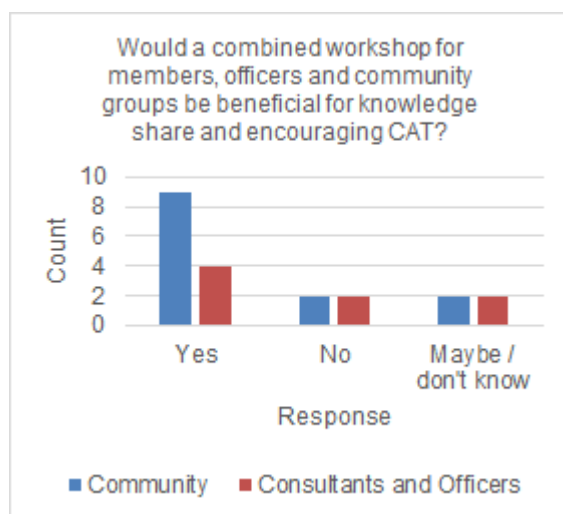
## Recommended Activities

5.79    The last section of our survey focussed on recommending activities in a few areas (i.e. building upon the survey and the Quirk recommendations).

### Training and Guidance

5.80    Participants identified that more training for community groups, council officers, and council members would be beneficial. We asked participants if a combined workshop for members, officers and community groups would be beneficial and there was more of a mixed response, with the majority still saying yes (Figure 5.14). While a combined workshop could benefit outcomes through encouraging knowledge share and co-ordination, members, officers and community groups have different requirements and there may be conflicts of interest. Participants therefore commented that while training should be more specific, opportunities to meet, share knowledge and align aspirations will enhance the relationship between communities and their councils and therefore encourage more successful outcomes. A cultural share / cross-sector collaboration relies on cross-sector trust, there is therefore a need for joint events.

**Figure 5.14  - Training Workshop**

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5.81    In some authority areas participants viewed council officers as being very knowledgeable, in other instances it is perceived that officers do not fully understand CAT. Furthermore some officers are not aware of or fully understand policy and law relating to CAT such as the General Disposal Consent (2003). It would be more efficient for client partner efforts in regards to local authority training to be focused on the latter. However the experience, knowledge and skill of the community organisations are likely to be more evenly spread therefore client partner efforts towards helping the organisations should be more evenly spread.

5.82    Figure 5.15 below demonstrates that the majority of participants believe that client partner efforts should be evenly distributed across all areas despite the current levels of CAT. The type of help offered however could vary depending on local circumstance. In some authority areas participants viewed council officers as being very knowledgeable, in other instances it is perceived that officers do not fully understand CAT. Furthermore some officers are not aware of or fully understand policy and law relating to CAT such as the General Disposal Consent (2003). It would be more efficient for client partner efforts in regards to local authority training to be focused on the latter. However the experience, knowledge and skill of the community organisations are likely to be more evenly spread therefore client partner efforts towards helping the organisations should be more evenly spread.

**Figure 5.15 - Focus of Client Partner Efforts**
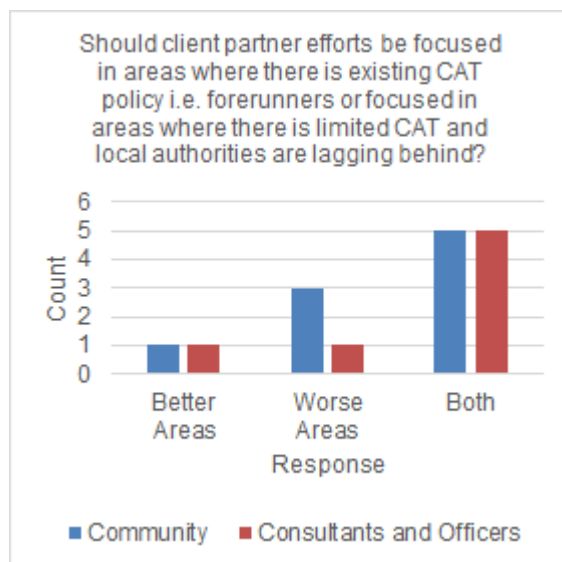


5.83    As shown in Figure 5.16 below, views regarding whether there are any gaps in current guidance are generally mixed with the majority of community organisations saying yes and the majority of officers and consultants unsure. Some participants stated that there was plenty of guidance however it can be hard to find, hard to understand or requires updating. It has been highlighted that guidance can be very high level and there lacks more guidance at ground level.

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**Figure 5.16 - Guidance**



5.84    The following gaps in guidance have been identified:

- Property Management: guidance exists regarding the transfer itself, however a recurring theme during the course of the survey is the issue of managing the property post transfer. Many of the community organisations are motivated to save an asset because they wish to save the service that the asset provides (e.g. a library). In this case community organisations can be focused on how to run the service and naive to the responsibilities of property management.

- Simplified instructions: some participants found existing guidance hard to understand and highlighted that an 'idiots guide' and overview of the process would be useful. This could include a checklist of steps that community organisations need to go through, signposting to where further information on specific topics can be found and definitions of terminology.

- Specific issues: it would be beneficial to disseminate lessons learnt from community organisations and how they overcame specific issues that arose during the course of the process. These issues might be niche, such has the process of turning a CPO into a CAT. The identification of specific issues therefore needs to be a bottom up approach of sharing lessons learnt. Participants note that there may be small subtleties between success and failure and these can only be understood through reviewing examples of

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success and failure. We have found that difficulty in interpreting guidance and the need for examples to be a recurring theme.

5.85 The majority of participants agreed that there is a requirement for information to be collated on a single website repository. This confirms the conclusions drawn earlier that an online gateway would be beneficial. The general view is that there is no need to re-create the existing online sources, however an over-arching, co-ordinating and signposting website would be useful.

## Monitoring and Evaluation

5.86 We found that very few community organisations had formal monitoring and evaluation approaches and that this is an area that very few community organisations were concerned about. Community organisations were more focused on survival. The organisations that had implemented a strategy predominantly did so because it was a requirement of their funders.

5.87 Adopted monitoring and evaluation strategies include:

- Evaluation strategy as recommended by the HLF, this includes annual and 3-5 yearly evaluations
- Annual report on operational matters, financial viability and building maintenance issues.
- Annual report for the charity commission.

5.88 Success was assessed against whether the asset was back in use; the management organisation was operating sustainably; and, the level of community appreciation / use of the asset.

5.89 We have not identified any instances where the community organisation is required to report back to the local authority. The Council Officer interviewed highlighted that there is a lack of resource within the Council to monitor and evaluate the asset transfers. They did however acknowledge that it would be beneficial to meet with the community organisations regularly and have the resource to be able to act upon issues and areas of difficulty that subsequently get identified.

## Summary and Recommendations

5.90 The participants noted that training is always beneficial, however we also recognise it can be more efficient to focus resources on specific issues. In terms of local authority training, efforts could be spent helping resistant local authorities with a negative perception of CAT to gain a greater understanding of the benefits of community ownership and management of assets. Local authorities may also need reassurance on the scale of risk and how to manage risks. It may be effective to encourage local authorities where CAT has been successful to share lessons learnt with the more risk adverse authorities.

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5.91    It is noted that Historic England runs a training programme for local authorities called HELM that includes a course on managing local authority heritage assets.[12] It may be worth reviewing or expanding this programme as appropriate.

5.92    In general we recommend that peer to peer support is an effective tool. There is a wealth of untapped knowledge within communities and organisations that have undertaken CAT. One of the main issues amongst communities is difficulty in interpreting guidance and understanding the terminology used within the sector. Community organisations themselves are in the best place to empathise with and understand the issues faced by other community organisations. We recommend that a peer-to-peer support network or mentoring scheme should be set up.

5.93    It would also be beneficial for community organisations to be encouraged to write specific case studies for individual issues that arose during the CAT process and how they overcame them. These could then be collated into a database of case studies organised by type of issue.

5.94    A combined training session for members, officers and local communities may not be efficient or effective. However, client partners could encourage members, officers and local communities to meet regarding specific local assets. This would encourage co-ordination, the share of information and help build positive relationships between councils and their communities.

5.95    While the majority of participants highlighted a need for more guidance, it was also common for participants to state that comprehensive guidance exists. Issues with current guidance include being overwhelmed with guidance, finding it hard to find and finding it hard to understand. More simplified guidance that outlines in layman's terms the basic steps within the CAT process and signposting to more detailed guidance on specific issues would be beneficial. This could be implemented through the creation of an online gateway that highlighted the CAT process. The website should identify where to get more information and support relevant to each and every stage of the CAT process.

5.96    One area where there may be a specific gap in current guidance is property management. When Quirk conducted his review 10 years ago the main focus was in encouraging asset transfer. We are now in the environment where assets have been transferred and organisations are now facing the challenge of general property management. There is also a lack of consistency regarding monitoring and evaluation. Local authorities may need more guidance as to what methods should be implemented, however this is dependent on the authorities having the resource for implementation.

## Additional Feedback

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[12] https://historicengland.org.uk/services-skills/training-skills/helmtraining/

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5.97    In this section we highlight other themes and issues that have arisen during the course of our study.

5.98    Perceptions of local authorities are divided into two camps (i) those who are too risk adverse to consider CAT (ii) those who are focused on disposing of a liability and give insufficient attention to the consequences. Managing an asset can be a great challenge for community organisations who have little experience within property management. They would greatly benefit from open communication with the local authority who have experience of managing the nuances of that particular asset.

5.99    This is a contentious issue as some may question whether assets should be transferred to organisations who cannot cope with the management of that asset. It is prudent for local authorities to evaluate the capacity of the community organisation in question as part of their options assessment. This sentiment is evident in the perceptions of the Council Officer who held the opinion that CAT is not sustainable as community organisations are often made up of a small group of people who have very little relevant experience. The Council Officer stated that community groups do not understand the enormity of taking on an asset, despite the Council's efforts to warn them. CAT relies heavily on grant funding and community organisations do not necessarily have the skills to succeed in bid writing. The Council Officer's experience is that in a time when the Council were trying to save money the Council has ended up propping up organisations who were in receipt of the CAT rather than gaining capital receipts.

5.100   It should be noted that this is one Council Officer's experience and the fact that CAT has been successful proves that this is not always true. The Council Officer's sentiment does however suggest that more needs to be done to support community organisations post transfer and the need to demonstrate to councils that community organisations do have the support they need in order to cope with the challenge of managing the asset.

5.101   Another participant noted that they require advice from the Council regarding maintenance issues as the Council are familiar with the building. The participant's experience is that the Council cannot officially provide free advice but staff members try and be helpful through providing informal advice over the phone.

5.102   The Council Officer's experience highlighted above is clearly unsustainable and this is not the intention of CAT, however it would also be beneficial for councils to be more open to offer support in the initial few years. One of the participants suggested more of a gradual transfer process where local authorities cover operating costs for the first year. This will enable the community organisation to gain a year of experience and a greater understanding of the issues of property management prior to taking on all of the risk.

5.103   In many cases it is the lease of an asset that has been transferred, therefore if the asset is not managed effectively it is ultimately the local authority who may have to deal with the

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consequences. Some participants believed therefore that the local authority should pay more attention to the success of the asset post transfer.

5.104 The administration process for community organisations with an asset is the same as the commercial process. This is problematic, particularly as many community organisations in receipt of an asset have struggled with maintaining a sustainable level of revenue post transfer. There is danger of assets being lost to the private sector if a community organisation goes into administration.

5.105 It is acknowledged that sustainable social business are required to take on CAT but we have to recognise that in some instances they will fail. Ideally there would be an administration process for community organisations which differs to commercial organisations. It was suggested that another solution is to create two community entities, an organisation that owns the asset and an organisation that operates the asset. Whilst this is a simplistic approach, it provides some protection as the asset would not enter the administration process if the operating organisation fails.

5.106 Participants have noted that community organisations often have little understanding of governance structures. It was flagged earlier that specific funding streams require specific governance structures, however re-structures can often be costly. The need to regularly assess and review governance structures was also highlighted by one of the consultants. It was stated that this is an important area that community organisations often overlook as they are primarily focused on delivery and the mechanics of CAT.

5.107 It is important to note that some community organisations evidently have working governance structures. The differing skill sets within each community organisation varies considerably, however our evidence suggests that governance structures is a common theme and it is important to provide advice and support for those organisations who do not have experience within this area.

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# 6     Conclusions and Recommendations

6.1     In the years following the Quirk review, a number of his recommendations were met. 10 years later however, CAT appears to have moved down the Government agenda and funding has ceased for most of the CAT programmes. Officers and Consultants who were active within the industry 10 years ago noted the success of these programmes. Community Asset Transfers are happening. Participants are split between those who think that it is not happening enough, and some who believe CAT needs to be enacted with more caution.

6.2     There is a general sentiment that although general awareness of CAT has increased and a plethora of guidance exists, many of the key issues that Quirk identified are still relevant today. Guidance can be difficult to locate and rationalisation, signposting and updating is required, a key barrier lies in the lack of leadership and resources to do so. A joined up strategy is required to enable relevant updates are linked and co-ordinated.

6.3     There is no point reinventing the wheel and client partner efforts should be focussed on building on or reviewing existing guidance, as well as reinstating and expanding existing programmes. Where MHCLG have produced guidance within this sector, it is more efficient for the client partners to work with MHCLG in updating the existing guidance then for the client partners to recreate their own guidance on these topics.

6.4     We have noted that there should be greater support post transfer. Attention should be paid to ensuring that once assets have been transferred the organisation remains stable and have the skills and capacity for property management. There is the general perception that no amount of guidance will change the fact that there needs to be more funding and more skills and capacity building.

6.5     CAT can be a great opportunity for communities, however we cannot deny the risks involved. Focus needs to be on managing risk and helping communities to manage the properties – the best way to demonstrate to local authorities the benefit of CAT is to provide them of multiple examples of successful outcomes. We note that various guidance already exists which aims to do this[13][14]. Priority should be in ensuring that the transfers that do occur, are successful. Once this has been achieved focus can shift to disseminating good practice and lessons learnt and trying to encourage more local authorities to be open to CAT.

6.6     A joined up strategy amongst client partners would be beneficial to ensure that resource is spent efficiently. However, participants noted the benefit of having access to sector specific advice. In terms of the community facing work of the client partners, co-ordination should focus on the creation of an online gateway to signpost the location of existing support and guidance.

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[13] Locality, Building Powerful Communities through Community Asset Transfer, 2018

[14] LGA and Locality, Empowering Communities: Making the most of local assets, 2012

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We have also discussed the benefits of greater peer to peer support. A peer-to-peer support network would benefit from all client partners encouraging communities to get involved. Client partners may also be able to make their resources available e.g. the Heritage Lottery's ROSS (Register of Specialist Support) Framework agreement.

6.7    It may also be more efficient for co-ordination between client partners in any campaign geared towards local and central government. Our research has identified that many of Quirk's recommendations were implemented in the years following the publication of his review, however funding has since ceased. It would be beneficial for a co-ordinated effort in ensuring the continuation of funding for programmes that benefit all sectors whether that's through sourcing funding themselves or putting pressure on central government for continued support.

6.8    Input from central government would also be beneficial, however some of the participants identified that the client partners are in the best place to disseminate guidance and support, therefore the role of central government should be focussed on providing funding, supporting the LGA in their role in encouraging CAT amongst Local Authorities, and providing an update to existing guidance.

6.9    Further detail of the recommendations referred to above can be found in the following section.

## Recommendations

6.10    In this section we summarise our recommendations for each of the action areas.

6.11    Where relevant we make reference to specific programmes or guidance documents. Where we have identified a need for Client Partners to 'raise awareness amongst community groups of…' we envisage that this information should be disseminated through:

- existing programmes and advice that passes from client partner officers to communities,
- the inclusion on client partners own website, and
- the inclusion on a co-ordinated online gateway.

6.12    There has been limited input from central and local government within this report. Therefore where our recommendations are aimed at the Government we envisage that client partners will provide a co-ordinated effort in encouraging the Government to enact the recommendations.

### Risk Assessment and Management

a)    MHCLG should review and update the risk assessment and management guidelines, with input from Historic England who can help with the inclusion of a new section on heritage assets. The existing guidance is for the most part very extensive, however it is now 10 years since this has been published and the risk environment may have

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changed. Relevant updates should also link with other government guidance, for example work of the Government Property Unit (GPU) and its disposals guidance.

b) Client partners should raise awareness amongst community groups of how local authorities asses and manage risk. This would help them to understand how they should approach the risk themselves and how they can demonstrate to the local authority that they can successfully manage risk.

## Public Sector Asset Management

c) Client partners should raise awareness amongst community groups of the existing MHCLG Local Authority asset management guidance.

d) Client partners should encourage local authorities to produce and publish a CAT policy to encourage consistency and transparency. Communities would benefit from a guide that helps them understand how an asset is managed but also what guides local authorities' decision to transfer an asset. This will vary between local authorities and therefore needs to be produced at a local authority level.

e) Client partners should encourage local authorities to put in place a mechanism where they can implement an outline agreement for CAT with conditions that the community organisation must meet for the transfer to go ahead. This should encourage a more sustainable approach to CAT where the receiving organisation is sufficiently prepared to cope with the asset.

## Building Skills and Capacity

f) Client partners should ensure that skill and capacity building programmes are ongoing and consistent. We envisage that the client partners should individually provide capacity building programmes that are sector specific, however reinstatement of the Advancing Assets for Communities Programme by central government would also be beneficial. It was highlighted that there are gaps in current provision for communities, this includes:

o Legal advice - communities often go to commercial solicitors who do not offer charity law advice; and they can therefore receive poor advice.

o Access to organisational development support.

o Technical support – e.g. valuation, maintenance, construction and property management.

g) A peer-to-peer networking / mentorship programme should be set up. We acknowledge that this requires considerable co-ordination and all client partners should help in encouraging community organisations to participate within this programme.

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h) We have identified that post transfer is a particular area of need in relation to capacity building within community groups, client partners should therefore focus resource on this area.

## Funding

i) Participants have highlighted that there can be gaps in funding provision which causes community organisations to become stuck between stages, we therefore recommend that client partners should ensure that there is funding available for every step of the CAT process i.e. from community organisation formation all the way through to repair and maintenance post transfer.

j) Community organisations do not necessarily have experience in completing grant funding applications, this can often be a long and detailed process. Client partners should therefore provide support and access to funding in this area.

k) Provide funding for on-going maintenance and revenue support. It is imperative that community organisations are self-sustaining in the long terms, however in the initial years post-transfer it can be particularly difficult for community organisations to cope with managing assets while their asset related social business or organisation is in its infancy.

l) Commit a fund between client partners to ensure that any future and existing initiative receives continuous funding. Many of Quirks recommendations were initially enacted in the years following his review. Central government funding has since ceased for these programmes (e.g. The Pool and Advancing Assets for Communities Programme). It is more efficient to ensure the continuation of programmes then start from scratch. We understand that central government funding can only ever be committed in the short term, therefore when funding for programmes nears to an end it is important for client partners to put pressure on central government to continue funding or commit a fund between them and source funding for these programmes themselves.

## Getting the Message Across

m) Client partners should use social media as an on-going campaign tool. General awareness of community asset transfer amongst communities appears to be relatively good. Focus should therefore move towards raising awareness of the support and guidance that is available.

n) Client Partners should disseminate case studies and examples of good practise within any campaign. There is a limit to the amount of new guidance that can be produced without organisations becoming fatigued. Participants noted the importance of more practical support and the use of examples and case studies.

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o)   Efforts could be spent helping resistant local authorities with a negative perception of CAT to gain a greater understanding of the benefits of community ownership and management of assets. Client partners should share examples of good practise and successful asset transfers with local authorities.

p)   Efforts should also be made to build on existing training resources and programmes, such as Historic England's HELM training programme and related training materials.

q)   Client partners should encourage peer-to-peer support. Community organisations themselves are in the best place to empathise with and understand the issues faced by other community organisations. The Peer-to-peer network recommended earlier should include a database of issue specific case studies. It would be beneficial for all client partners to encourage community organisations to become involved and to write up case studies of how they overcame specific issues. It would be beneficial for networking / knowledge share events between communities and local authorities to be encouraged. This could be organised by either the local authorities themselves or the client partners. Opportunities to meet, share knowledge and align aspirations will enhance the relationship between communities and their councils and therefore encourage more successful outcomes.

r)   Implement an online CAT specific gateway with a step-by-step simplified guide pinpointing where more detailed guidance for each step can be found. Participants highlighted that there is a wealth of knowledge out there and that it can be hard to identify, process and understand the guidance. A simplified guide that outlines each of the basic steps in an easy to understand manner would therefore be beneficial. The gateway can then signpost to where more information, guidance and support can be found. This online gateway should be provided by all the client partners working together.

s)   Client partners should provide guidance in property management. Property management post transfer was identified as being an area of CAT where there is insufficient guidance and support.

t)   Client partners should offer advice regarding the governance structures of community organisations. This can often be an area that community organisations overlook as their attention is focused on saving the asset itself.

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Appendix 1 – Survey Questions

# 181025 CAT Partners Survey Questions v18_TEMPLATE Survey Qs

| | B | C | D | E |
|---|---|---|---|---|
| 1 | Client Partner Organisations | 1 | 1 | 1 |
| 2 | Contact Name: | | | |
| 3 | Organisation: | | | |
| 4 | Position in Organisation: | | | |
| 5 | Phone Number: | | | |
| 6 | Email: | | | |
| 7 | Contact Source | | | |
| 8 | Score 0-5, 5 = fully implemented / very relevant 0 = not implemented at all / not relevant 6 = don't know/not known | What extent do you consider the recommendation to have been implemented? | What extent do you consider the recommendation is still relevant today? | Comments |
| 9 | Risk Assessment and Management - Quirk identified that there should be a toolkit to help local authorities identify and manage risk. | | | |
| 10 | Has a toolkit for local authorities been published on risk assessment and risk management? | | | |
| 11 | If yes, to what extent does it / should it…… | | | |
| 12 | ….be based on existing good practice, and informed by both local authority and third sector experience. | | | |
| 13 | ….include advice on measures to safeguard against the capture of particular assets by minority interests, and protect assets from diversion to other than socially beneficial purposes. | | | |
| 14 | Public Sector Asset Management - Quirk reviewed the Asset Management procedures in local authorities in the context of CAT | | | |
| 15 | Has a comprehensive, up to date, and authoritative guidance on local authority asset management been published? | | | |
| 16 | If yes, to what extent does it / should it….. | | | |
| 17 | …..reflect the government's views on best practice in asset management, and cover all local authorities as defined in the Local Government Act 1972, [i.e. including police authorities, metropolitan fire and rescue authorities, metropolitan passenger transport authorities, and certain others.] | | | |
| 18 | ….include a whole new section covering the transfer of assets to community management and ownership which deals with: | [read list and answer in row 19 only] | | |
| 19 | – the powers that can support transfer of assets to community management and ownership | | | |
| 20 | – the processes that can ensure its inclusion in options appraisals | | | |
| 21 | – specific advice on how Local Authorities can compare the benefits of community asset transfer with the capital receipts which might otherwise be realised | | | |
| 22 | – clear guidance on how Local Authorities can assess and manage the risks involved including those associated with State aid rules | | | |
| 23 | – advice on how Local Authorities can conduct area property reviews and ways in which they can be used to promote consideration of community asset transfers | | | |

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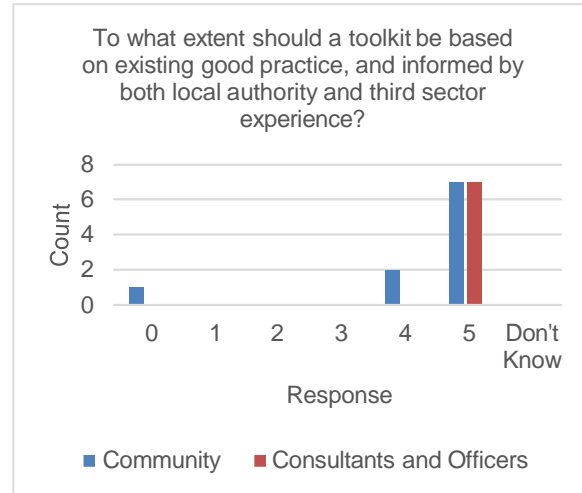| | B | C | D | E |
|---|---|---|---|---|
| 24 | To what extent has appropriate community asset guidance been provided following the Local Government and Public Involvement in Health Act 2007 and has community asset transfer been bourne in mind to develop methodologies for the Comprehensive Area Assessment, inspection and audit | | | |
| 25 | To what extent has the government simplified and made more flexible the budget and accounting framework that governes the disposal of assets by central government so as to encourage the consideration of community asset transfer? | | | |
| 26 | To what extent has / should there been a more systematic promotion of the PROD scheme [ Public Request to Order Disposal ] | | | |
| 27 | To what extent has / should there been discussion with the LGA about how they might drive this agenda forward proactively with their members | | | |
| 28 | To what extent has the Government worked with government agency and professional bodies to learn from their property review pilots and disseminate (spread widely) the lessons learnt | | | |
| 29 | To what extent has / should links been maintained with the current review of the Right to Manage regulations, to ensure that the proposals that emerge are consistent with Quirks | | | |
| 30 | To what extent has / should links be maintained with the Varney Review, to ensure that it takes proper account of the option of asset transfer to community management and ownership, as part of the emerging cross-government strategy | | | |
| 31 | **Building Skills and Capacity - Quirk identified that that successful asset transfer to community management and ownership depends on community organisations having sufficient access both to technical advice and support. Access to professional expertise and examples of good practice is as important for public bodies as for third sector organisations.** | | | |
| 32 | To what extent has the government collaborated with key stakeholders to ensure a capacity building programme has been developed | | | |
| 33 | If yes, to what extent does it / should it….. | | | |
| 34 | ...recognised that capacity building is needed within local authorities (i.e. in the transfer of assets to community organisations) | | | |
| 35 | ...strengthened the capacity of other third sector organisations to ensure that they are able to operate at regional level and provide specialist advice (to community organisations) and support all stages of an asset-based development | | | |
| 36 | ....supported community organisations to access a national pool of expert advisors | | | |
| 37 | **Funding** | | | |
| 38 | To what extent has / should government funding been distributed effectively to specialist financial intermediaries (such as the Charity Bank, Venturesome and Local Investment Funds) in a way that can lever additional finance that is currently not being acessed (e.g. from commercial banks) | | | |
| 39 | To what extent has the government taken the lead in facilitating collaboration between funders who support community asset trasnfers by promoting the share of information and good practice, and encouraging communication and co-ordination within the government itself. | | | |
| 40 | To what extent has / should the government Government, in partnership with key stakeholders taken a lead to provide guidance on the interpretation of State aid rules | | | |

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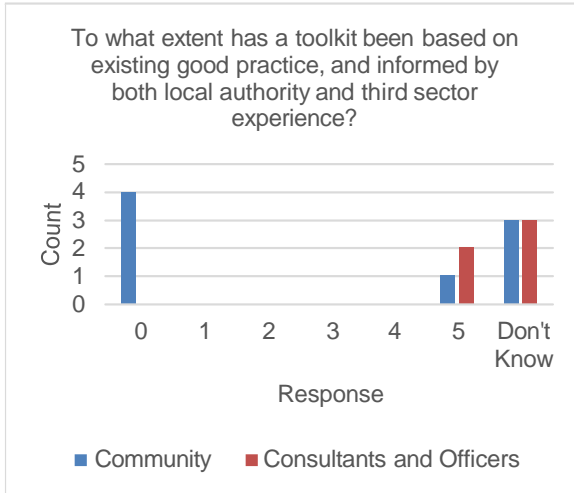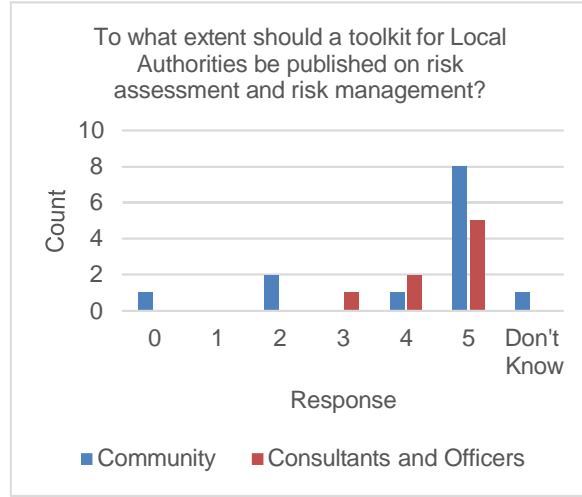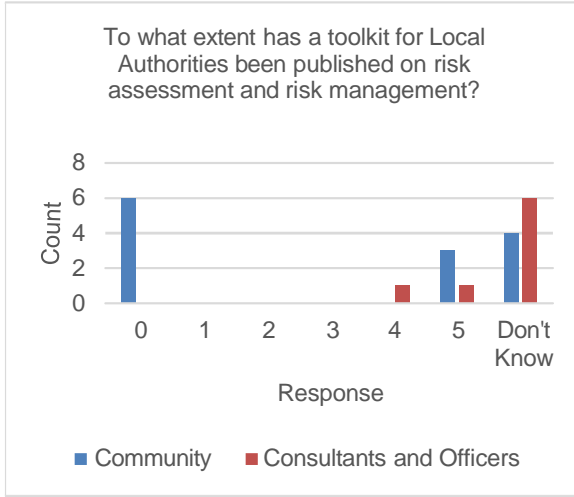| | B | C | D | E |
|---|---|---|---|---|
| 41 | **Getting the Message Across - Quirk identified that both public bodies and communities are confused about what the law allows.** | | | |
| 42 | To what extent has the government in partnership with key stakeholders initiated a high-profile promotional campaign on community asset transfer | | | |
| 43 | If yes, to what extent does it / should it….. | | | |
| 44 | To what extent has this campaign included relevant government bodies and third sector organisations | | | |
| 45 | used seminars, roadshows, media promotions and other publications to raise awareness within public bodies and the third sector | | | |
| 46 | To what extent has the campaign developed an online gateway to support access to existing and new information | | | |
| 47 | **To recommend activities in a few areas (Qualitative)** | | | |
| 48 | Do you perceive there to be a requirement for more training in regards to CAT for community groups? | | | |
| 49 | Do you perceive there to be a requirement for more training in regards to CAT for council Officers? | | | |
| 50 | Do you perceive there to be a requirement for more training in regards to CAT for council Members? | | | |
| 51 | Would a combined workshop for members, officers and community groups be beneficial for knowledge share and encouraging CAT? | | | |
| 52 | Should client partner efforts be focused in areas where there is existing CAT policy i.e. forerunners or focused in areas where there is limited CAT and local authorities are lagging behind? | | | |
| 53 | Is there a requirement for any more guidance, are there gaps in current guidance and best practice? | | | |
| 54 | Is there a requirement for guidance to be collated in a single website repository? | | | |
| 55 | **To suggest monitoring and evaluation approaches** | | | |
| 56 | What measures do you have in place to evaluate the success of your organisation's input into the CAT? | | | |
| 57 | What additional measures would be appropriate to measure and evaluate CAT? | | | |
| 58 | **AOB** | | | |
| 59 | Any other final comments | | | |
| 60 | Permission to use quotes? (unattributed) | | | |

| Date | Version | Comments |
|---|---|---|
| **181018** | v3 | |

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# Appendix 2 – Survey Results

## Risk Assessment and Management

0 = not implemented at all / not relevant, 5 = fully implemented / very relevant, 6 = don't know/not known



To what extent has a toolkit for Local Authorities been published on risk assessment and risk management?



To what extent should a toolkit for Local Authorities be published on risk assessment and risk management?



To what extent has a toolkit been based on existing good practice, and informed by both local authority and third sector experience?



To what extent should a toolkit be based on existing good practice, and informed by both local authority and third sector experience?



To what extent has a toolkit included advice on measures to safeguard against the capture of particular assets by minority interests, and protect assets from diversion to other than socially beneficial purposes?



To what extent should a toolkit include advice on measures to safeguard against the capture of particular assets by minority interests, and protect assets from diversion to other than socially beneficial purposes?
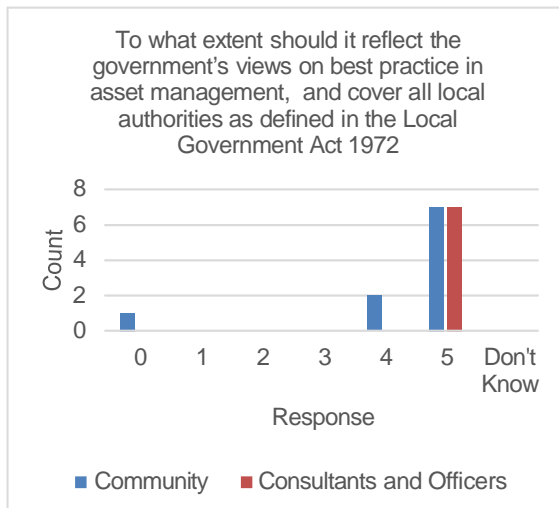
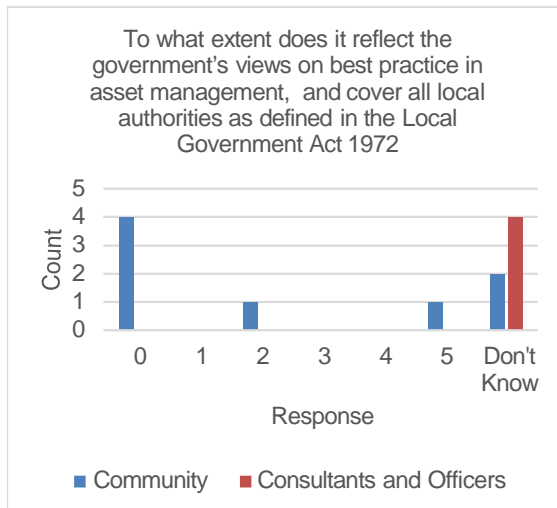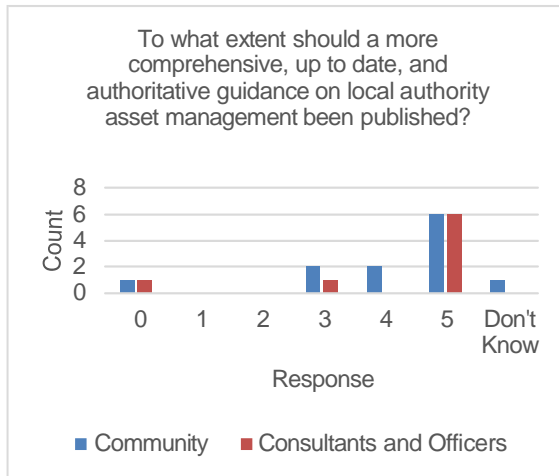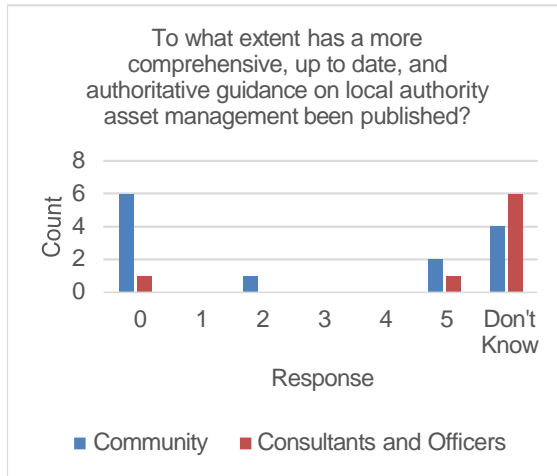**Public Sector Asset Management**

0 = not implemented at all / not relevant, 5 = fully implemented / very relevant, 6 = don't know/not known

### To what extent has a more comprehensive, up to date, and authoritative guidance on local authority asset management been published?



■ Community   ■ Consultants and Officers

### To what extent should a more comprehensive, up to date, and authoritative guidance on local authority asset management been published?



■ Community   ■ Consultants and Officers

### To what extent does it reflect the government's views on best practice in asset management, and cover all local authorities as defined in the Local Government Act 1972



■ Community   ■ Consultants and Officers

### To what extent should it reflect the government's views on best practice in asset management, and cover all local authorities as defined in the Local Government Act 1972



■ Community   ■ Consultants and Officers

### To what extent has it included a whole new section covering the transfer of assets to community management and ownership



■ Community   ■ Consultants and Officers

### To what extent should it include a whole new section covering the transfer of assets to community management and ownership?



■ Community   ■ Consultants and Officers

**Aspinall Verdi**

**Public Sector Asset Management**

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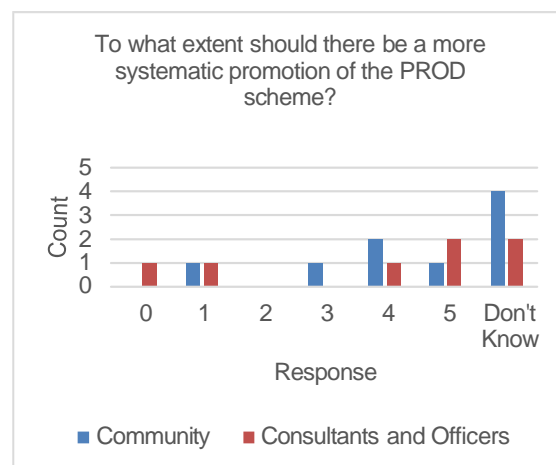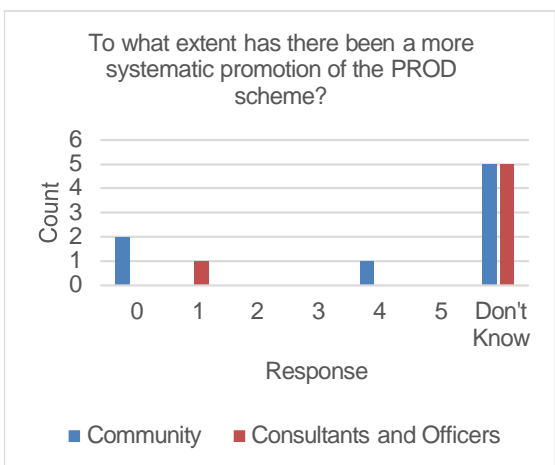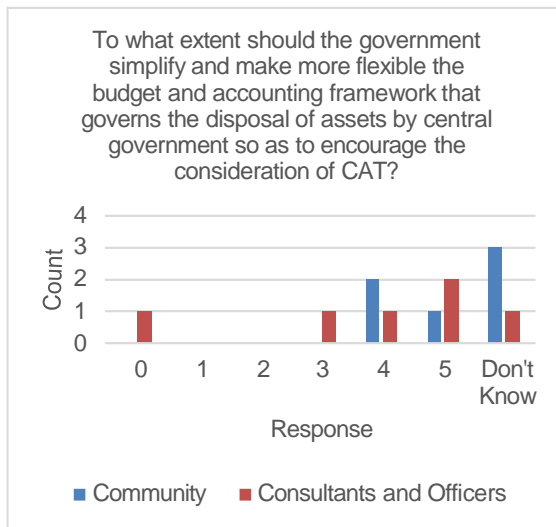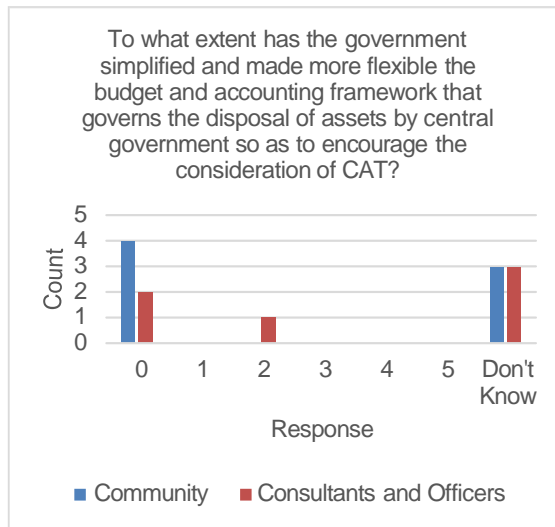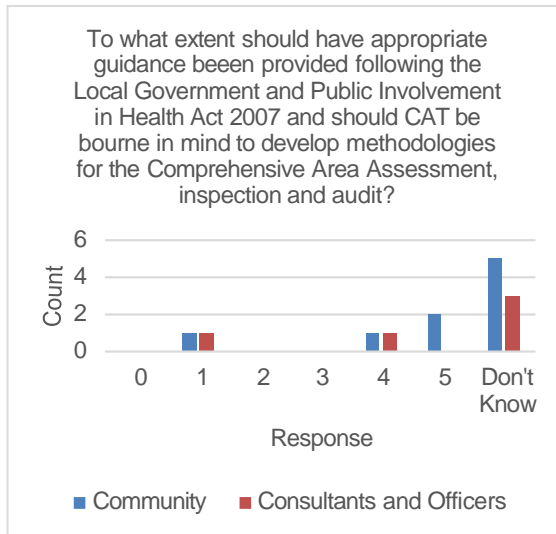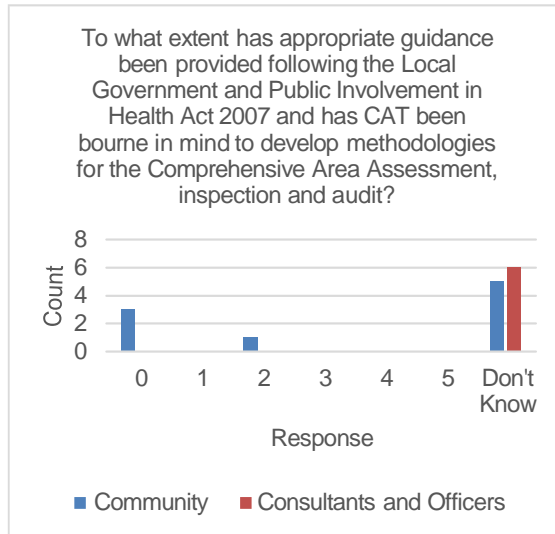### To what extent has appropriate guidance been provided following the Local Government and Public Involvement in Health Act 2007 and has CAT been bourne in mind to develop methodologies for the Comprehensive Area Assessment, inspection and audit?



■ Community ■ Consultants and Officers

### To what extent should have appropriate guidance beeen provided following the Local Government and Public Involvement in Health Act 2007 and should CAT be bourne in mind to develop methodologies for the Comprehensive Area Assessment, inspection and audit?



■ Community ■ Consultants and Officers

### To what extent has the government simplified and made more flexible the budget and accounting framework that governs the disposal of assets by central government so as to encourage the consideration of CAT?



■ Community ■ Consultants and Officers

### To what extent should the government simplify and make more flexible the budget and accounting framework that governs the disposal of assets by central government so as to encourage the consideration of CAT?



■ Community ■ Consultants and Officers

### To what extent has there been a more systematic promotion of the PROD scheme?



■ Community ■ Consultants and Officers

### To what extent should there be a more systematic promotion of the PROD scheme?



■ Community ■ Consultants and Officers

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**Public Sector Asset Management**

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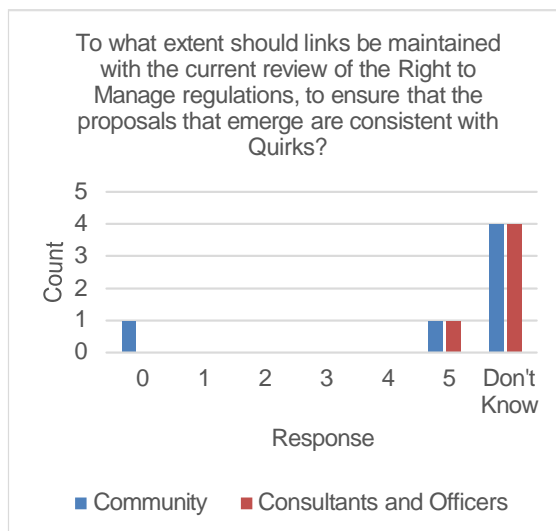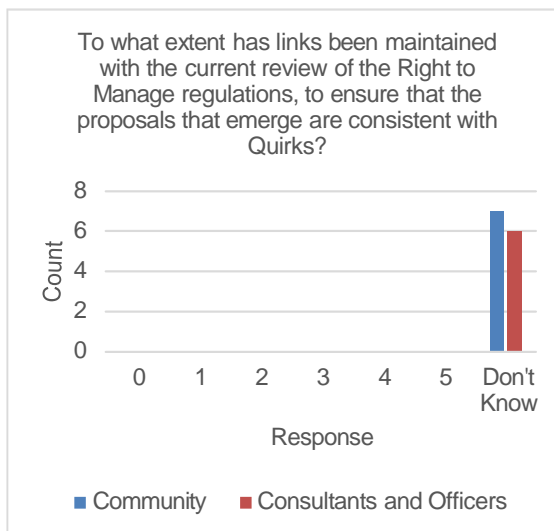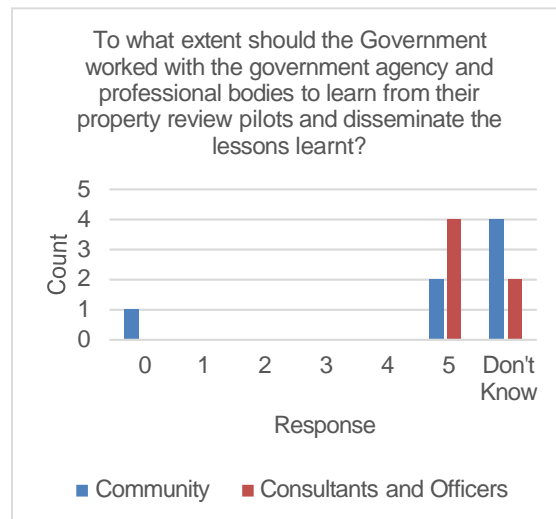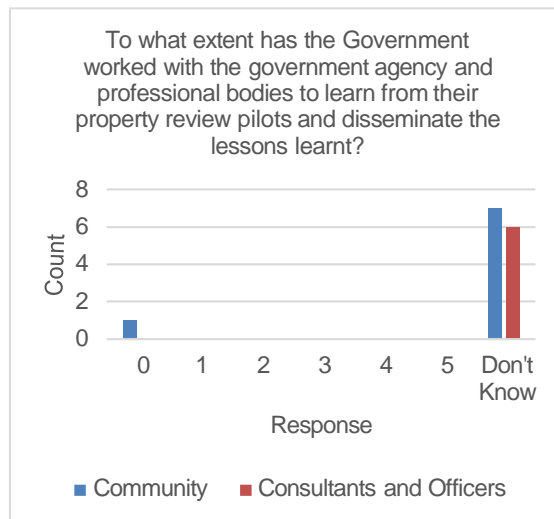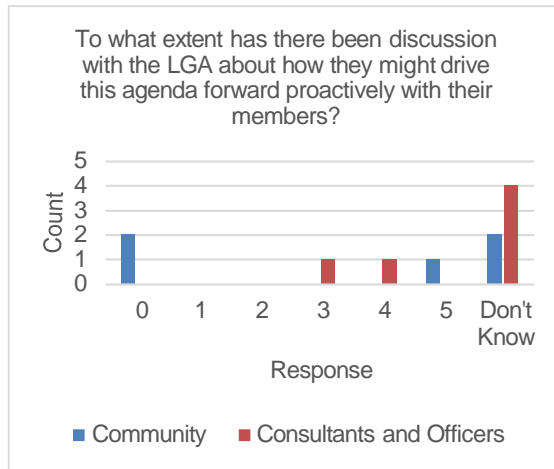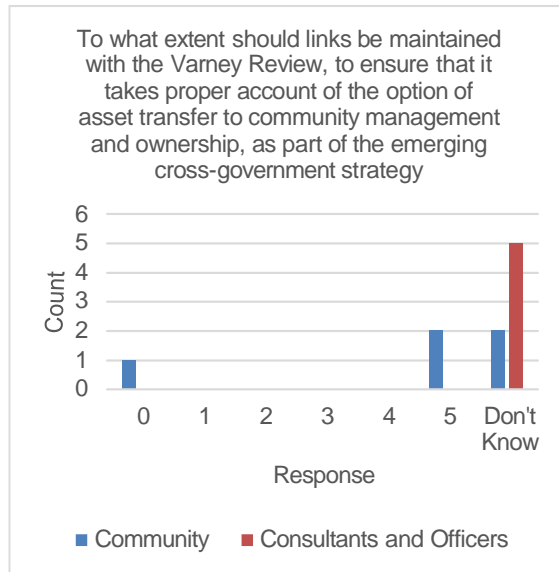To what extent has there been discussion with the LGA about how they might drive this agenda forward proactively with their members?



To what extent should there be discussion with the LGA about how they might drive this agenda forward proactively with their members?



To what extent has the Government worked with the government agency and professional bodies to learn from their property review pilots and disseminate the lessons learnt?



To what extent should the Government worked with the government agency and professional bodies to learn from their property review pilots and disseminate the lessons learnt?



To what extent has links been maintained with the current review of the Right to Manage regulations, to ensure that the proposals that emerge are consistent with Quirks?



To what extent should links be maintained with the current review of the Right to Manage regulations, to ensure that the proposals that emerge are consistent with Quirks?
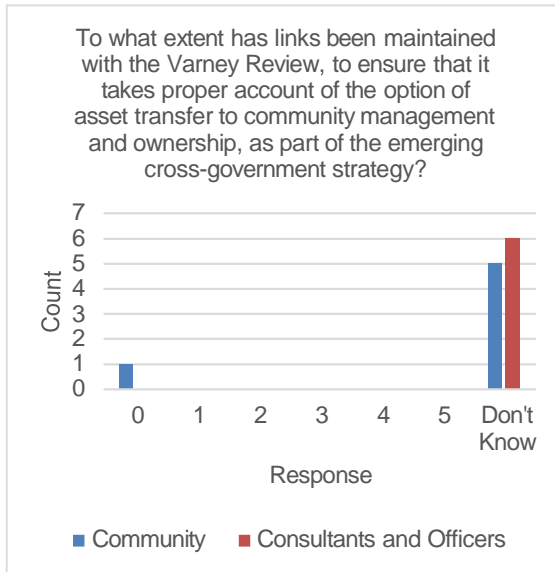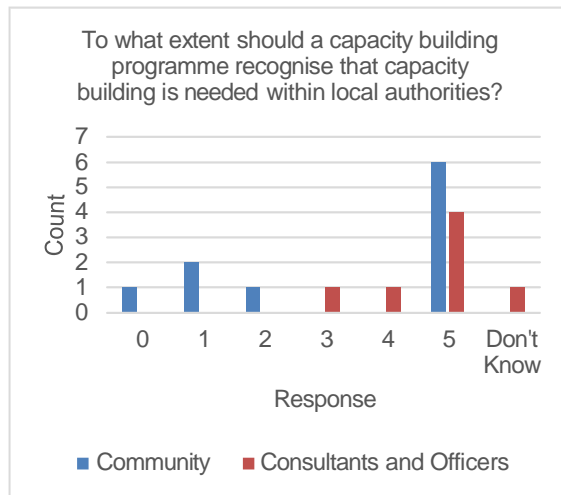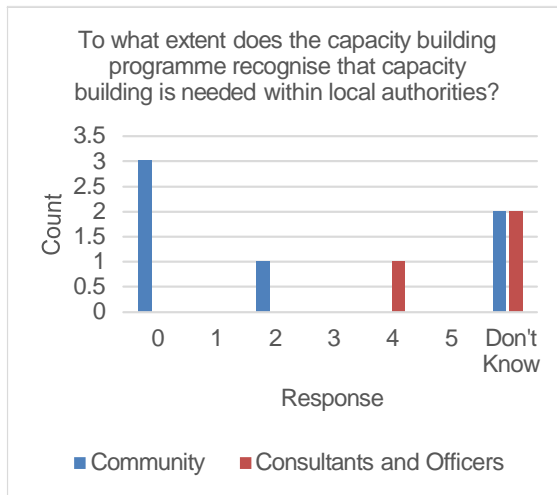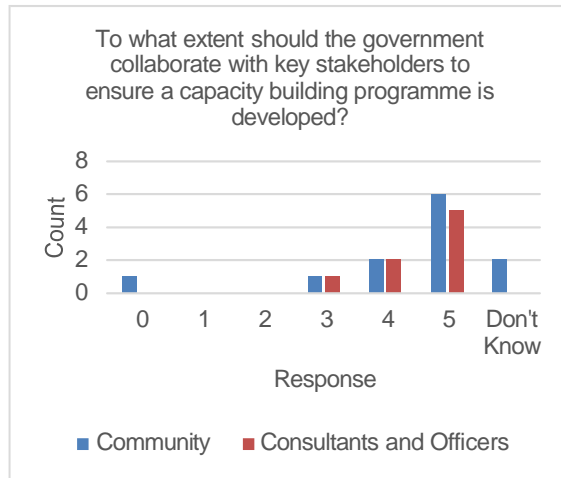
**Public Sector Asset Management**

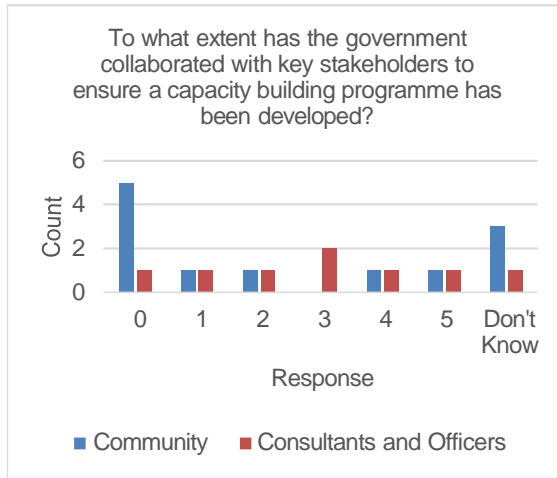0 = not implemented at all / not relevant, 5 = fully implemented / very relevant, 6 = don't know/not known



To what extent has links been maintained with the Varney Review, to ensure that it takes proper account of the option of asset transfer to community management and ownership, as part of the emerging cross-government strategy?



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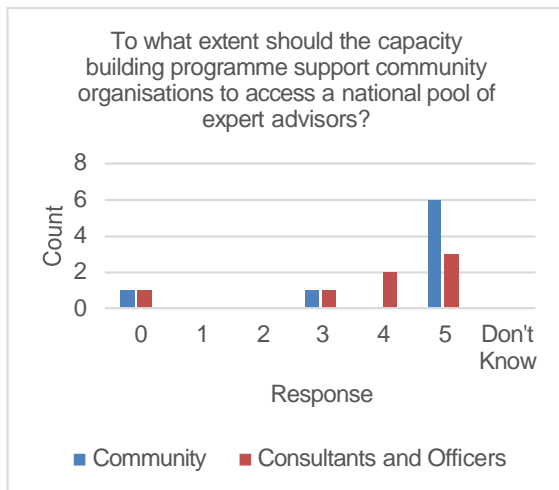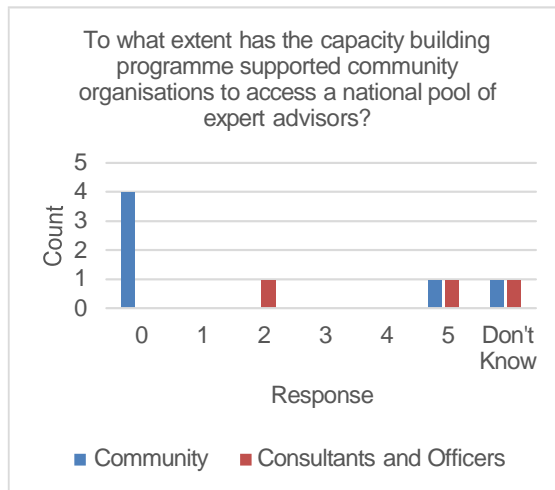
**Building Skills and Capacity**

0 = not implemented at all / not relevant, 5 = fully implemented / very relevant, 6 = don't know/not known



To what extent has the government collaborated with key stakeholders to ensure a capacity building programme has been developed?



To what extent should the government collaborate with key stakeholders to ensure a capacity building programme is developed?



To what extent does the capacity building programme recognise that capacity building is needed within local authorities?



To what extent should a capacity building programme recognise that capacity building is needed within local authorities?
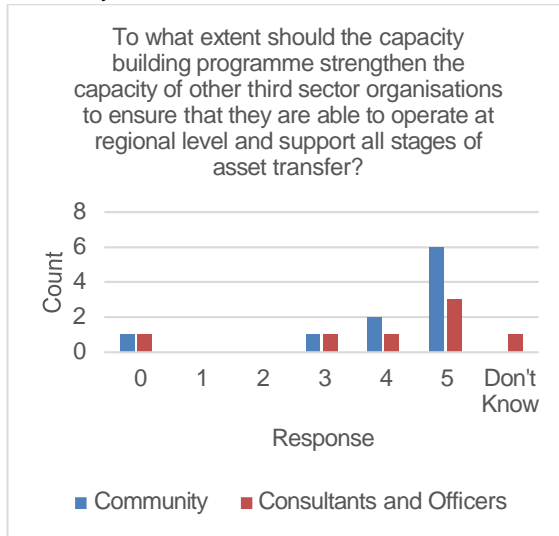
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**Building Skills and Capacity**

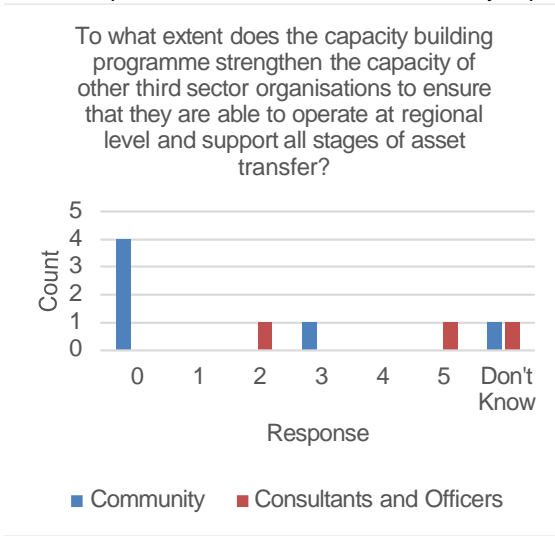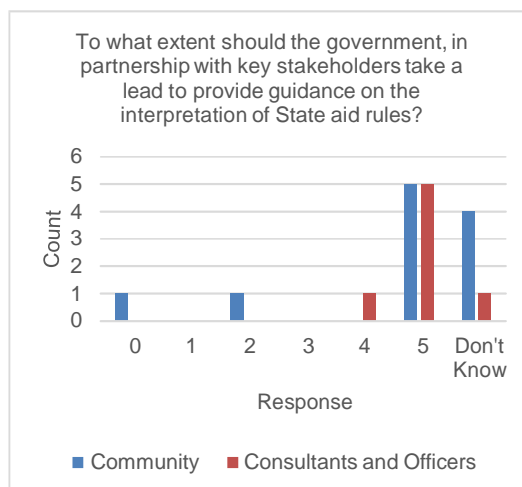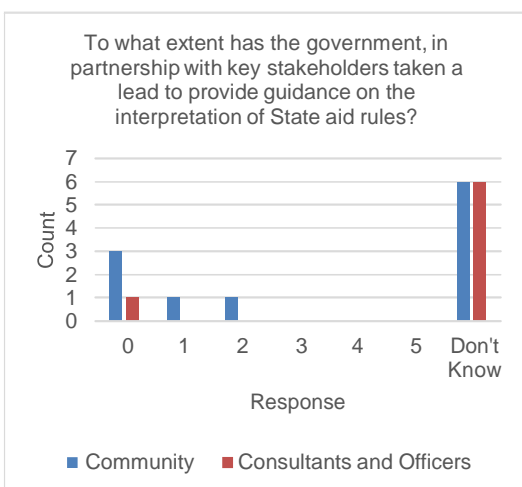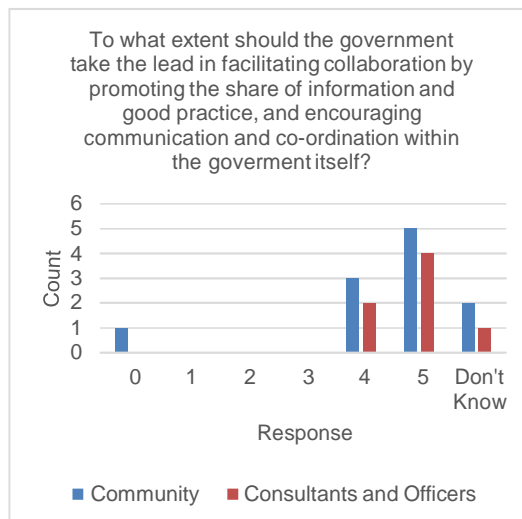0 = not implemented at all / not relevant, 5 = fully implemented / very relevant, 6 = don't know/not known



To what extent does the capacity building programme strengthen the capacity of other third sector organisations to ensure that they are able to operate at regional level and support all stages of asset transfer?

■ Community   ■ Consultants and Officers



To what extent should the capacity building programme strengthen the capacity of other third sector organisations to ensure that they are able to operate at regional level and support all stages of asset transfer?

■ Community   ■ Consultants and Officers



To what extent has the capacity building programme supported community organisations to access a national pool of expert advisors?

■ Community   ■ Consultants and Officers



To what extent should the capacity building programme support community organisations to access a national pool of expert advisors?

■ Community   ■ Consultants and Officers

**AspinallVerdi**

**Funding**

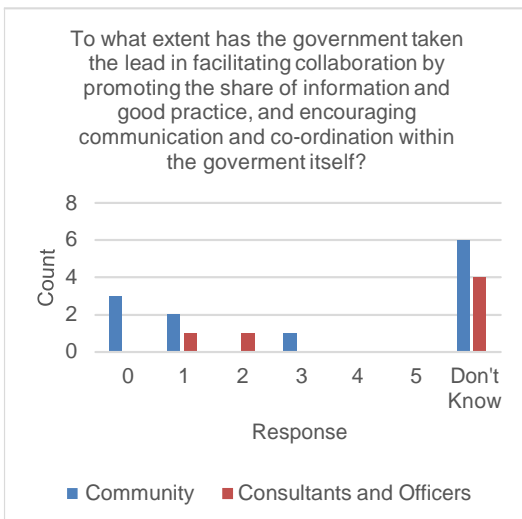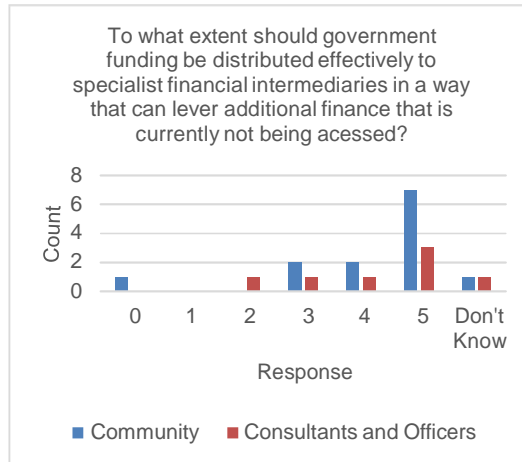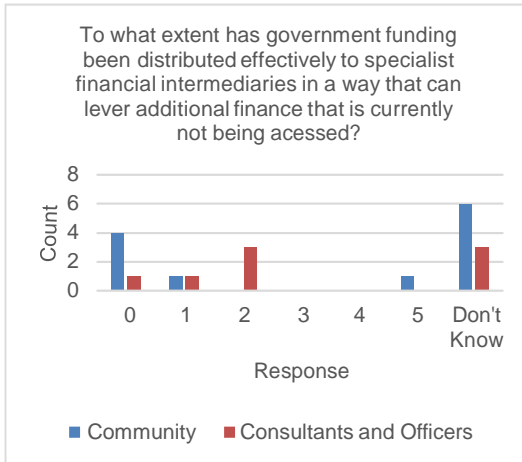0 = not implemented at all / not relevant, 5 = fully implemented / very relevant, 6 = don't know/not known


To what extent has government funding been distributed effectively to specialist financial intermediaries in a way that can lever additional finance that is currently not being acessed?


To what extent should government funding be distributed effectively to specialist financial intermediaries in a way that can lever additional finance that is currently not being acessed?


To what extent has the government taken the lead in facilitating collaboration by promoting the share of information and good practice, and encouraging communication and co-ordination within the goverment itself?


To what extent should the government take the lead in facilitating collaboration by promoting the share of information and good practice, and encouraging communication and co-ordination within the goverment itself?


To what extent has the government, in partnership with key stakeholders taken a lead to provide guidance on the interpretation of State aid rules?


To what extent should the government, in partnership with key stakeholders take a lead to provide guidance on the interpretation of State aid rules?

**Getting the Message Across**

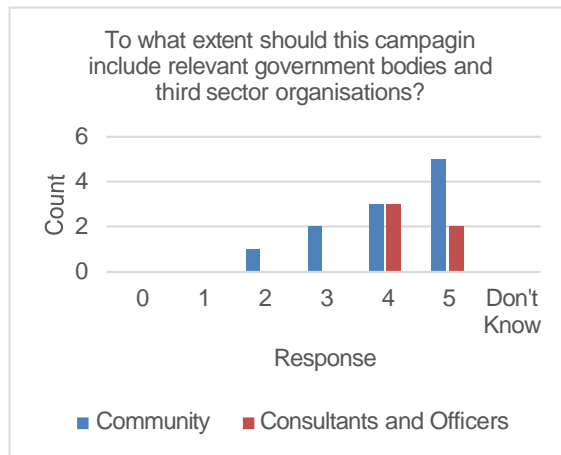0 = not implemented at all / not relevant, 5 = fully implemented / very relevant, 6 = don't know/not known
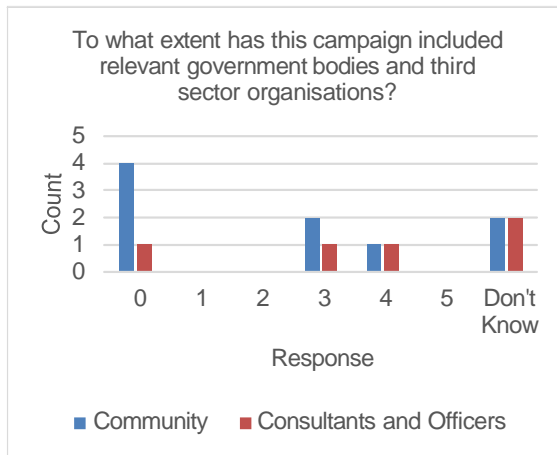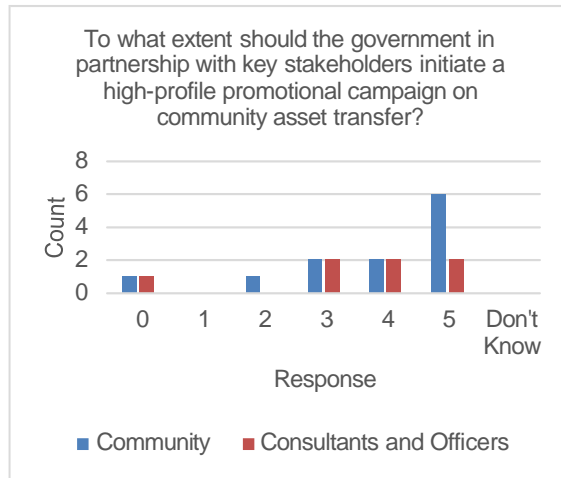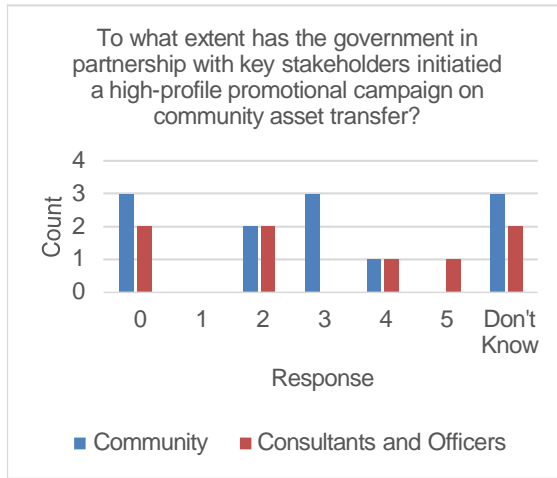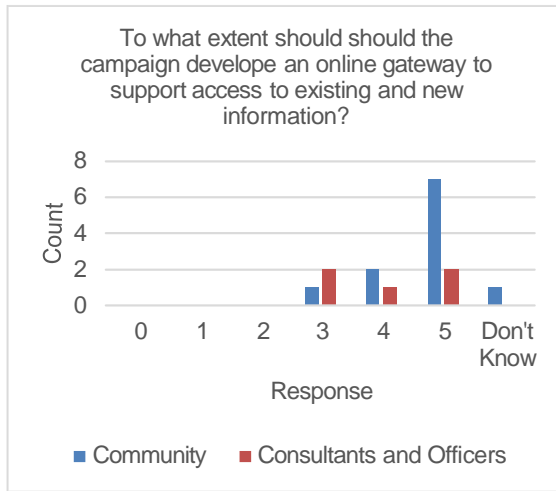


To what extent has the government in partnership with key stakeholders initiatied a high-profile promotional campaign on community asset transfer?



To what extent should the government in partnership with key stakeholders initiate a high-profile promotional campaign on community asset transfer?



To what extent has this campaign included relevant government bodies and third sector organisations?



To what extent should this campagin include relevant government bodies and third sector organisations?



To what extent has this campaign used seminars, roadshows, media promotions and other publications to raise awareness within public bodies and the third sector?



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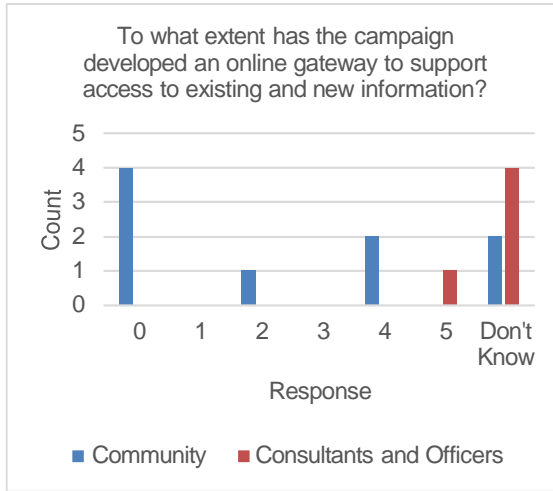
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**Getting the Message Across**

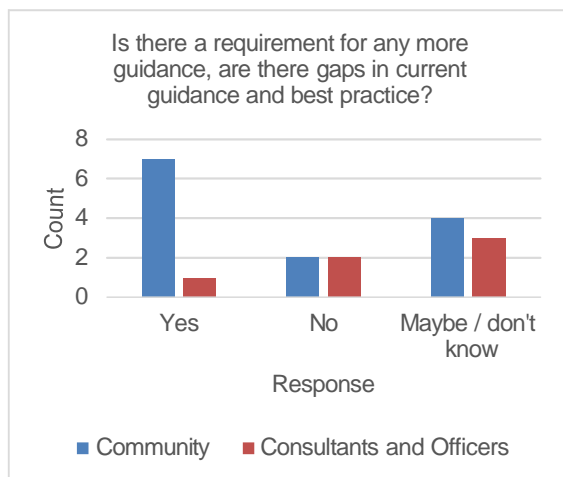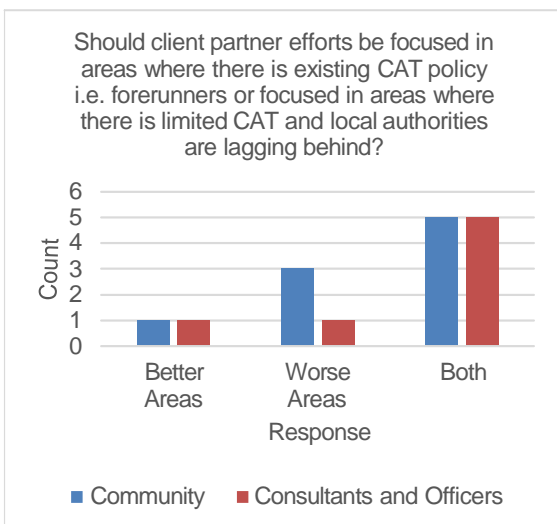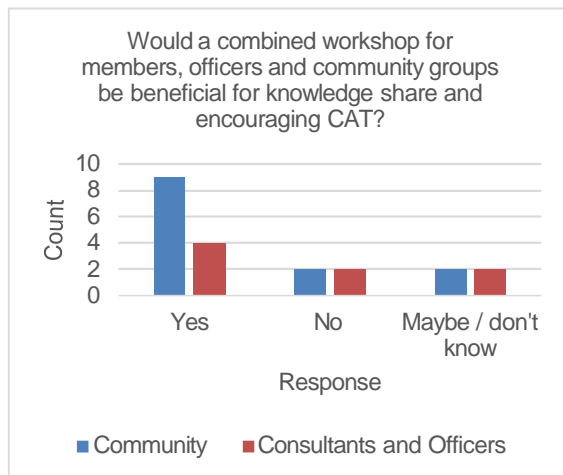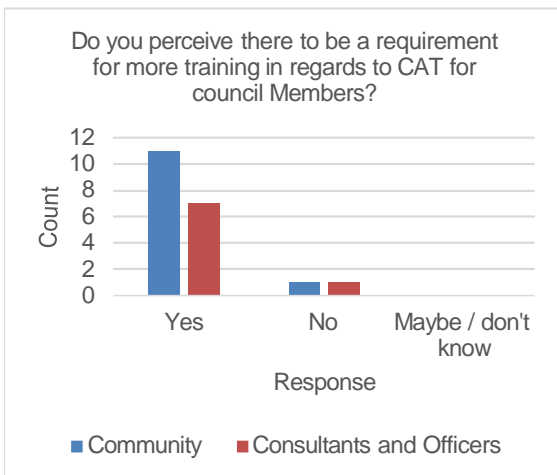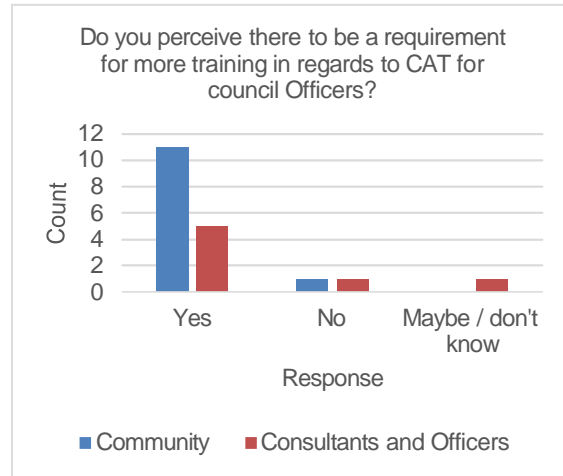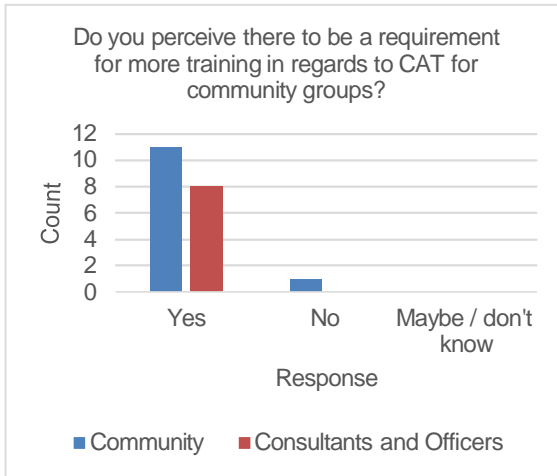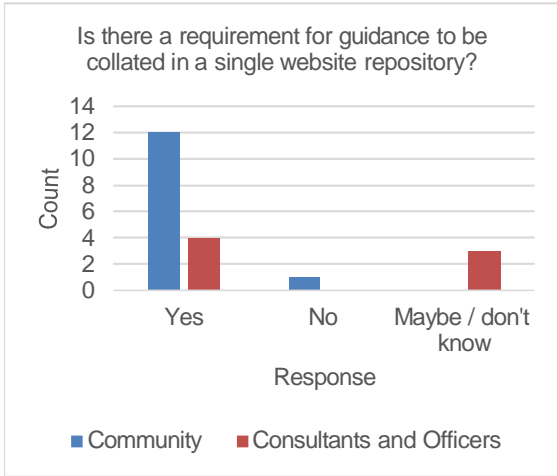0 = not implemented at all / not relevant, 5 = fully implemented / very relevant, 6 = don't know/not known



To what extent has the campaign developed an online gateway to support access to existing and new information?



To what extent should should the campaign develope an online gateway to support access to existing and new information?

# Recommended activities



Do you perceive there to be a requirement for more training in regards to CAT for community groups?



Do you perceive there to be a requirement for more training in regards to CAT for council Officers?



Do you perceive there to be a requirement for more training in regards to CAT for council Members?



Would a combined workshop for members, officers and community groups be beneficial for knowledge share and encouraging CAT?



Should client partner efforts be focused in areas where there is existing CAT policy i.e. forerunners or focused in areas where there is limited CAT and local authorities are lagging behind?



Is there a requirement for any more guidance, are there gaps in current guidance and best practice?

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**Recommended activities**

Is there a requirement for guidance to be collated in a single website repository?

Delivering co-ordinated support for communities
considering asset transfer
Historic England
October 2018

# Appendix 3 – References and Further Reading

DCLG (now MHCLG) (2003) Circular 06/03: Local Government Act 1972 general disposal consent (England) 2003 disposal of land for less than the best consideration that can reasonably be obtained.

DCLG (now MHCLG) (2007) Opening the Transfer Window: The Government's response to the Quirk Review of community management and ownership of public assets.

DCLG (now MHCLG) (2008) Building on Strong Foundations: A Framework for Local Authority Asset Management.

DCLG (now MHCLG) (2008) Managing Risks in Asset Transfer: A Guide.

Historic England (2014) Pillars of Community: The Transfer of Local Authority Heritage Assets.

Local Government Association and Locality (2012) Empowering Communities: making the most of local assets.

Quirk (2007) Making Assets Work; The Quirk Review of community management and ownership of public assets.