



# **Community Asset Transfer Policy**

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## Foreword

I and the Council recognise the essential contribution that community organisations make to the wellbeing of the district. I strongly support the proportionate use of the Council's assets to support those organisations. Also of course we have to be judicious with public resources and careful not to allow groups to take on unsustainable responsibilities that detract from their primary purposes.

My aim is not to push properties onto other groups, they have responsibilities that go with them. I do aim to help organisations to achieve community outcomes. In this policy we aim to set out a framework against which requests from groups can be considered: carefully and with regard to the use of resources and doing the right thing by the groups as well as the Council and its successor authority.



## Introduction

Braintree District Council holds a public estate to support the Corporate Strategy and the vision to make Braintree District a place where everyone has the best opportunities and quality of life.

Where it is best to transfer the control of property to further those aims the Council is supportive of the principle of that transfer, while taking care to ensure that anticipated gains are secured.

## Scope and Purpose

The Policy is intended to provide a context and framework for BDC consideration of potential community asset transfers and to provide information to external parties on the Council's approach to such transfers. It outlines key information on Community Asset Transfers and is supported by annexes giving further information including a guide to the application process.

This Policy and associated annexes are not intended to provide advice to individual organisations about their rights, responsibilities or capabilities for stewardship of Council property. Each organisation should seek their own professional advice when considering whether to make an application. There are some references for further information above under "Links to further guidance".

The Policy is produced in the context of Devolution and Local Government Reform. The purpose is to provide a reference point for considering transfers on a case-by-case basis. It is not intended to support generic transfers or transfers that result in material change to the composition and size of the portfolio or to the values or income levels associated with the portfolio.

This Policy applies to property and land only, it does not apply in cases for requests for the transfer of service provision which will be considered through other channels.

## Policy Outcomes

This policy provides guidance to external parties on the alignment of proposals for transfer with the priorities in the Corporate Strategy including a commitment to our communities, to empower a thriving and voluntary community sector. It is acknowledged that asset transfers can contribute to successful community and voluntary organisations. However, there are risks associated with community asset transfers.

To mitigate the risks associated with community asset transfers this Policy is supported by a due diligence process, a process that will be relevant and proportional to each transfer.

This Policy forms part of a suite of strategic asset management policies including the Asset Management Policy and Strategy.

The Policy provides direction to interested organisations to support them in what is a complex subject and to signpost them to other information which may assist in their decision on whether to apply.

## Legal Background

The principal power for Councils to dispose of land is provided by the Local Government Act 1972. The Act also provides that:

- land (and property) should be disposed (including any lease longer than seven years) of for best consideration reasonably obtainable (considered to be highest price or market value) unless the consent of the Secretary of State is granted.
- the Council should advertise the potential disposal of land that is public open space and consider any objections prior to competing any disposal.

The General Disposal Consent (England) 2003 provides a general consent to dispose of land at less than the Best Consideration reasonably obtainable, as long as:

- a, The proposed undervalue is less than £2,000,000.00, and;
- b, the disposal will improve the social, economic, or environmental wellbeing of the area.

The Council has a duty to ensure that it is acting in a financially responsible way and having due regard to the use and security of public funds. This makes appropriate prices necessary for leases of less than seven years. It is also important that envisaged benefits from transactions are legally secured and that the financial value of property is secured in the event of failure.

## Community Asset Transfer Policy

Braintree District Council is committed to supporting communities. Our vision in the Corporate Strategy confirms that vibrant communities are crucial in addressing the future challenges we have as a district and we want to enable more people to participate and have a role in how things are done on matters that impact them and where they live. Communities have the ability to improve people's quality of life and the support they can bring is also essential to reducing health inequalities.

Communities require places to come together, places such as

- Parks and Open Spaces
- Community Centres
- Museums
- Leisure Centres
- Heritage property and Monuments
- Allotments

In recent times there has been a drive to empower communities to get involved in influencing their locality, including:-

- A suite of community rights introduced in the Localism Act 2011
- Communities encouraged to establish parish and town councils
- Neighbourhood planning
- To register town and village greens
- Government sponsored reviews on community asset transfers

There are many ways the community can get involved in their environment and more information on this can be found on the Government web site and through My

Community, web links to this information is found on the “Links to Further Guidance” section of this Policy.

This policy focuses on Community Asset Transfers. A Community Asset Transfer is a transfer of an interest in council owned property and/or land to a community organisation in exchange for securing community benefits. The Council already has many partnerships and agreements with community organisations but will consider new applications where these will bring benefits to our communities and contribute towards the council’s aims and objectives.

The Council’s property and land portfolio is under regular review, and we may bring sites forward that we determine are surplus to the Council’s needs and some of these may be deemed appropriate to continue to serve the community. Once determined as surplus the Council would then market the opportunity widely.

However, community organisations are encouraged to take part in property reviews and this policy outlines how they can get involved. This Policy is in line with our commitment to community consultation.

## Background

A Council holds a corporate estates portfolio for a variety of purpose including reasons such as:-

- Operational Space – in suitable premises and locations to deliver required services. Examples of this are recycling centres, civic meeting rooms and car parks.
- Regeneration and Economic Development – to provide buildings for job creation and economic growth, examples of these are the business centres.
- Heritage and Cultural Environment – in recognition of the wellbeing a heritage environment brings to society, such as the Bocking Windmill.
- Commercial Investment – this portfolio is held to provide revenue which is used to support the budgets that pay for service delivery.
- Community Estates – to support communities and provide areas for meetings and social wellbeing. Examples are community centres, parks and open spaces.
- Leisure Centres - to promote health and wellbeing, providing areas for sport and leisure activities.

The estate is categorised by the Council and accounted for according to its function in line with financial requirements. The Council has fiduciary duties to ensure that properties are regularly reviewed and valued according to their respective category and these properties and their values form part of the Council’s resource base. Property and land therefore has value to the Council; the value: both a monetary value and/or a social value, in some instances a mixture of both these things.

These estates are public resources, and the Council is regulated to ensure that these remain held for their category unless following an asset management review,

these are no longer required in the category, in which case there may be an alternative use for the Council and/or they may be determined surplus.

Braintree District Council's Asset Management Strategy and Policy gives more details on asset management but it is important to understand that only certain assets are held by the Council for community purposes.

The environment for Local Government is changing with Local Authorities increasingly looking at alternative models to provide services to the community. An increasing number of enabling powers and government commissioned reviews confirm that there are a range of ways that services can be provided outside of the existing council framework. Added to this, the various external funding opportunities provided by the public sector encourage control of the outputs of the funding to be led by the community and voluntary sector, with the local authority playing their part to administer this funding. This recognises that these sectors can have a greater range of skills and experience to support these sectors.

This policy focuses on local community organisations and voluntary sector, Parish and Town Councils, and supports relevant assets being transferred in the recognition that transfer of assets can bring benefits not only to the Council but also to its local statutory, voluntary and community partners. Such transfers provide the potential to strengthen the role and future sustainability of local community organisations.

The community and voluntary sector and Town and Parish Councils have high degrees of local and specialist knowledge. It may be advantageous to join that expertise with property to deliver the ability to resource and deliver social and economic benefits tailored to specific measurable outcomes:

- Greater understanding of the needs of the service users and communities
- Ability to deliver outcomes that the public sector may not be able to deliver on its own
- Innovation in delivering solutions
- Evidenced performance in delivery community benefits
- Ability to focus and contribute on the social wellbeing of the community

Parish and Town Councils represent local communities in their areas and may be best placed to deliver desired community asset transfer outcomes.

The Government in response to a review of community management and ownership of public assets and community empowerment (The Quirk Review – Making Assets Work) agreed with the three main conclusions:-

- Any sale or transfer of public assets to community ownership and management needs to realise social or community benefits without risking wider public interest concerns and without community purposes becoming overly burdened by operational considerations
- the benefits of community management and ownership of public assets can outweigh the risks and opportunity costs in appropriate circumstances

- that there are risks, but they can be minimised and managed.

This policy and associated processes introduce a structured method for managing and minimising the risks associated with Community Asset Transfers

## Community Asset Transfer Process

### Stage 1

The Council may identify an asset as a community asset and/or the community organisation, Parish or Town Councils may review the published [property holdings list](#) to see whether there is a community asset that may meet their organisation's objectives. The list has been formatted to allow users to filter the results by either the area or by the current use of each property. The organisation may then email the Property Asset Management service on [property@braintree.gov.uk](mailto:property@braintree.gov.uk) to express an interest in the site.

### Stage 2

The Senior Property Asset Manager will review the expression of interest and confirm if the asset may be potentially appropriate for community asset transfer: subject to a due diligence process and both organisations' governance process.

The enquirer will then either receive an application to complete or an explanation why the asset is not available for community asset transfer.

If dissatisfied the enquirer may seek a formal review of the Senior Property and Asset Manager's decision by the Corporate Director for Growth.

### Stage 3

The applying organisation will be required to provide an undertaking on the Council's costs involved in valuation and legal processes in order to consider or complete a transfer. The applying organisation will be required to complete an application that includes supporting information on the proposed transfer and proposals, typically this includes:

- The governance documents of the applying organisation;
- Identification of the land/property sought;
- The nature of interest/estate sought;
- a business case – See FAQ document for required detail;
- information on the social benefits the transfer will provide to the organisation;
- information on the applicant's current experience of property management, and;
- financial accounts which demonstrate the financial ability to manage the asset and or an explanation on how funding will be obtained.

Any transfer agreement would be tailored to suit each organisation - there is no one type of transfer that suits all situations. For a relatively new community group it is likely a short-term licence will be considered, but for an established organisation with

experience of operating estates a longer-term arrangement may be considered, particularly if the organisation's business model relies on external funding. Similarly the length and nature of transfer offered will reflect nature of the community benefits to be delivered, again small gains would be associated with shorter terms and larger improvement in services with longer term agreements.

## Stage 4

Once the application is received the Council will seek an independent open-market valuation of the property requested.

A panel will review the information submitted. The panel will include representation from Property, Community, Finance, Governance and potentially other representatives depending on the nature of the request and type of transfer. At this stage the panel will also consult with local Ward Members. It is anticipated that Panel meetings will be held on a quarterly basis in order to make efficient use of internal resources by grouping applications together.

The panel will complete the assessment and make a recommendation through the internal officer Strategic Property Asset Management Board for operational review before progressing for formal consideration to the Portfolio Holder and/or Cabinet.

Until a final decision is reached by members and formal documentation completed by Legal Services there will be no binding agreement to transfer the asset. Full details of the governance process for property transfers is set out in the Constitution. In addition to the general procedures, for any transfer term longer than seven years the decision will be made by Cabinet irrespective of value.

Stage 4 decisions are member executive decisions and may be challenged or reviewed through the call-in process.

## Securing Values and Benefits

It is important that wherever property is transferred in support of community gains that those gains are delivered or that if there is default the property or the value can be recovered.

Accordingly transfers by lease will include covenants requiring the benefits and works proposed to be delivered. Break clauses will be included such that if the community functions are ceased the Council can recover the property.

Any freehold transfers will include positive and restrictive covenants and where applicable claw-back or pre-emption provisions.

## Glossary of terms

Term	Definition
Community Assets	Land and Buildings determined by the Council as being held primarily for Community Use
Community organisation/third sector organisations (TSO)	Organisations that are value driven and which principally invest their surpluses to further social, environmental and cultural objectives
Community Asset Transfer	The transfer of an interest in property and or land from the Council to a TSO, Parish or Town Council
Interest in Land and or Property	A licence, lease and or freehold interest in land and or property
Transparency Report (Property and Land)	The council published list of property holdings : <a href="#">Our asset list – Braintree District Council</a>

## Links to Further Guidance

Community Asset Transfer [Application Form](#)

Community Asset Transfer [Frequently Asked Questions](#)

[Our Corporate Strategy and Annual Plan](#)

My Community: [Community assets and ownership](#)

My Community [Understanding Community Asset Transfer](#)

## Review

This policy will be reviewed at the sooner of any change in legislation or as may be determined by the Council's successor organisation under Local Government Review

## Version Control

Version	Date	Issue
5	05 June 2026	Publication
4	11 May 2026	Cabinet
3	15 April 2026	Policy Development Committee
2		Not issued
1		Not issued