

# **Haringey Council**

## **Community Asset Transfer Policy 2017**

# 1 Document Control

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## Introduction

Community Asset Transfer is the term used to describe the process of transferring the management and/or ownership of public land and buildings from its owner to another organisation. Asset transfer can help to secure community use of buildings to deliver social value and provide an opportunity for local community and voluntary organisations to develop their business model and financing to deliver better services to the people they serve.

Management of assets would normally take place through a long full repairing insuring (FRI) 125 year lease that enables the community organisation to borrow against the value of that lease.

The policy will support delivery of the Council's Corporate Plan (and successor plans) and Community Strategy and will complement the Council's Asset Management Plan, the Community Buildings Review and the emerging Disposals and Acquisitions Policy. The aim is to ensure that the Council's land and property assets are fit for purpose, deliver value for money and enhance service delivery by:

- ensuring a coherent organisational approach to the management of the Council's land and property assets;
- optimising the estate to meet current and future service requirements;
- taking a more holistic approach to managing the estate, through appropriate delivery arrangements; and
- enabling communities to design and deliver services that meet local need and aspirations.

This policy of Community Asset Transfer is a separate process to the Right to Bid for assets of community value nominations or other Localism Act 2011 provisions.

The application of the Community Asset Transfer Policy will be balanced against other Council priorities and ensure that the resource required is proportionate compared to the benefits received. It is also a discretionary policy and will be secondary to the Council's Asset Management Plan and Corporate Plan.

## What is Community Asset Transfer?

Community Asset Transfer (CAT) is the transfer of the management and/or ownership of property of land from its owner (often a local authority) to a community organisation to achieve a local social, economic and/or environmental benefit. The process is about giving local people and community groups greater control in the future of their area and their community. If local groups own long term interests or manage community buildings, such as community centres, it can help promote a sense of belonging in the community and bring people from different backgrounds together to work towards a shared goal, creating lasting change in local neighbourhoods.

Community ownership can also play a part in raising people's aspirations, improving the skills of the people involved and encourage a stronger community spirit by enhancing the local environment, reducing inequalities and helping to alleviate deprivation via the delivery of local social, economic and environmental benefits.

## The National Picture

The Quirk Review in 2007 recommended that local authorities and other public bodies consider community asset transfer as a viable option for achieving local benefit.

The Localism Act received Royal Assent on 15 November 2011. This legislation requires local authorities to draw up, hold and publish a list of assets of community value. Communities will have the opportunity to nominate for possible inclusion the assets that are most important to them. More recently due to relatively poor take up of this opportunity and a tendency to retain control centrally, the Government has introduced The Cities & Local Government Devolution Act 2016 to encourage devolvement of decision making from the centre. The principle of below market value transfer of assets where the class of use is reflected by lower valuations and other scenarios was established some time ago by the General Disposal Consent (England) 2003<sup>1</sup>.

The “Community Right to Bid” measure in the Localism Act gives local people a legal right to nominate vital buildings on a “most wanted” council list. If one of these assets is put up for sale, a 'community countdown' will be triggered, giving local people time to prepare a business plan and raise funds to bid for the asset. This has to date been implemented by the Council on a case by case basis for its own assets but the rule applies to privately owned assets that fall within the categories of buildings and land as found below<sup>2</sup>. Whilst this policy has similar aims to community right to bid measures, it concerns community asset transfer and has been developed to ensure a transparent and consistent approach to community asset transfer. Whilst Community Asset Transfer can deliver considerable benefits it can also carry risk and a group considering asset transfer needs to do a lot of work before deciding it is appropriate for their organisation and devoting resources to pursuing it.

**The Locality Agency** cites a number of benefits of an effective Community Asset Transfer (CAT) policy:

- more efficient use of staff time;
- clearer understanding among officers and members;
- clearer expectations for community groups;
- improved communication / relationships with community and local organisations; and
- more consistent and effective approach to decision making.

Consideration needs to be made for a programme of multiple asset transfers as may be the case with the transfer of community buildings. The Locality Agency provides advice on such programmes:

- securing community engagement;
- community empowerment lies at the heart of the process;
- any transfer must be financially viable and sustainable in the long term;
- services to local people should be enhanced;
- transfer should result from genuine partnership working;
- this model considers the use of a Special Purpose Vehicle (SPV) or other groups that come together for reasons of economies of scale and other efficiencies;
- the multiple asset transfer may lend itself to ‘counterweight assets’ where assets with strong earning potential may counterbalance buildings which will struggle to earn sufficient income to be viable if transferred in isolation; and
- the Locality Teams Asset Transfer Unit (ATU) has worked with existing voluntary organisations, a temporary SPV (ideally an existing community organisation or possibly an RSL) and a permanent SPV.

However it is clear that transfer of assets is about transfer of assets and not transfer of liabilities.

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<sup>1</sup> Appendix 6

<sup>2</sup> Appendix 2

## The Local Agenda

Haringey is a place of opportunities and growth with a very diverse population and vibrant communities. As a Borough, there are huge amounts of talent, resources and assets in local communities and neighbourhoods. We understand that many of the solutions to issues and problems do not lie with the Council but in local communities and that the future is less about the Council supplying or commissioning services for local residents and more about us coming together to solve local challenges and to support one another, building capacity through innovative and sustainable approaches.

We see the diversity of Haringey's local populations as a strength on which we can build and the Council's overarching vision is to Work Together with Our Communities: making Haringey an even better place to live.

Community Transfer of Assets is now being considered to transfer Council owned built assets to community groups that are already incumbent in those assets. The purpose is to enable community groups to achieve a long term commitment to the building that promotes better management of the asset and to enable long term funding of capital projects and planned maintenance. Community organisations with the benefit of long term 'ownership' of their buildings are likely to be more successful and attract external grant and other funding.

## Policy & Decision Making Context

The Council has considered its portfolio of community buildings, and the proposed strategy for asset transfer arises from Cabinet decisions on three reports as referred below in Appendices 3, 4 and 5. In **December 18<sup>th</sup> 2012 Cabinet Agenda item 22** (recommendations accepted by Cabinet) summarised the review of the Council's community buildings as highlighting:

- a disconnect between the use and allocation of community buildings and the Council's Voluntary Sector Strategy/Commissioning and Funding Framework and actual outcomes;
- a mix of historic lease arrangements, relating to lease length, security of tenure and landlord/tenant obligations;
- inequality and non-transparency in terms of the allocation of rent subsidy (Circular Funding), which is currently benefiting a small number of tenants and remains at historic levels;
- the sustainability of portfolio is at risk due to the overall poor condition of the stock and lack of funding for maintaining buildings;
- notwithstanding tenant's repairing liabilities, the Council retains an increasing financial exposure for property repairs; and
- historic barriers to access, adding to building under utilisation and resulting in a poor use of assets.

The same report suggested there was scope to "consolidate" community assets and to release some assets for regeneration and other priorities:

- scope for releasing a number of buildings/sites to:
  - generate new homes/jobs by implementing Council led developments
  - contribute to priority regeneration plans through land assembly
  - generate funds to re-invest and improve sustainability of stock and invest in Council priorities.
- consolidated new state of art community facilities;
- widening access to community spaces for many smaller/newer community organisations;

- better utilisation, shared use, flexibility and management of community buildings;
- a reduction in Council financial exposure through consolidation of the portfolio;
- tackling inequality and negative perceptions by introducing greater transparency and objectivity in the decision making process for retaining and renting community leases; and
- better use of Council investment (rent subsidy) through reform of Circular Funding based on Council priorities and outcomes.

**The Cabinet report of 14th July 2015** sought to set out the overarching principles and recommendations of the Community Buildings Review and it was resolved to agree (summarised):

- to agree to adopt the strategic framework;
- to agree the recommendations as set out in Appendix B, and made in the context of robust assessments of building condition, lease and contracts, organisational capacity perspectives together with demand for education, health or housing and/or other regeneration needs
- to agree the further recommendations to guide future decisions on buildings in the portfolio – to free up assets for regeneration where education, health or housing overriding need arises
- to agree to the new Community Model lease;
- to agree to the end of circular funding (in a phased way and to move towards payment of an agreed market rent over a period of 2-3 years);
- to agree to the recommendations to establish criteria around asset transfer and lease monitoring and evaluation;
- to agree that the authority is to work with organisations to effect the recommendations of Section 7; and
- to note the Equalities Impact Assessment and agree that individual assessments will be undertaken as appropriate.

## Community Organisation Expectations

Organisations who want to apply for Community Asset Transfer will need to meet set criteria<sup>3</sup>, including:

- be an appropriately constituted voluntary and community sector organisation or social enterprise;
- be able to demonstrate good governance;
- be able to demonstrate sustainability/viability;
- the proposed use must ensure extensive reach into the community and will be open to all - organisations that serve a particular interest group or area will be expected to demonstrate how they will be inclusive, have the skills and capacity to effectively deliver services and manage the asset to be transferred and /or have access to the necessary skills and capacity; and
- be aware of any need to build capacity within their organisation and demonstrate how they intend to do this.

The Council would offer a 125 year Full Repairing Insuring Lease (FRI) utilising the model community lease approved by Cabinet on 14<sup>th</sup> July 2015 agenda item 22 'Community Building Review Outcome and Recommendation' Appendix 5. The lease would require that the key outcomes and focus of activity of the organisation are maintained continuously,

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<sup>3</sup> Appendix 7

although sub-letting to other community organisations would be permitted in part (or whole with prior consent of the Council) where this would also deliver the agreed outcomes. Assignment of the lease may be permitted with prior consent of the Council.

A draft Heads of Terms is included below and at Appendix 8<sup>4</sup>;

A covenant would restrict use to the planning class use D1 community use that reflects the nature of the services offered by the applying organisation.

A formal service level agreement (SLA) will be required that defines the quality and volume of services with appropriate key performance indicators in place that are regularly reviewed with mechanisms in place to ultimately determine the lease upon failure to deliver the agreed services.

The Council will have a right to monitor and assess the activities of the organisation and the organisation will have a duty to demonstrate that their business plan is on track and where it does not meet the defined objectives to produce an agreed remedial business plan that will ensure the sustainability of the organisation and its agreed outcome. The monitoring would be limited to ensuring that the outputs of the SLA are being delivered with a 5 yearly review in some depth to assist the organisation in matching the service delivery requirements to the needs of the community and the Council's objectives. The Council would not become involved in the monitoring of management of the built asset and related property matters.

Community Organisations are required to reflect in their business case that demonstrates capacity to comply with the pre-qualifying conditions are exemplified, but not fully described, as below, although it is in the interests of such organisations to seek appropriate advice and apply due diligence to any property transaction of this nature:

- ensure that the business case for acquisition of a 125 year lease is prepared that reflects upon the need to provide a long term business plan for the activities of the Organisation and that where necessary contingency plans are prepared which accommodate anticipated changes in future service demands;
- ensure that a medium to long term building maintenance plan is available to identify planned preventative maintenance that is required and to include those costs within their business case;
- ensure that adequate insurances are affordable and maintained continuously in accordance with the terms of the lease and necessary to protect the Organisation and individuals within from anticipated claims against itself/themselves;
- ensure that the building is fit for purpose and that any alterations required to deliver the services of the organisation are incorporated into the business case along with the costs of any statutory approvals and licences to undertake those alterations;
- ensure that a business case is prepared to an appropriate methodology that provides adequate information for the Council to determine the transfer is compliant with its pre-qualifying conditions and sustainable after commencement of a lease, if agreed.
- ensure that the business case is clear about expectations for funding requirements from loan, grant (awarded or expected), subsidy, discount, income or other source;
- Ensure that the valuation of the lease represents value for money against its planning class use and any potential liabilities;
- ensure that the energy costs are affordable and that a costed plan to improve energy consumption where viable is incorporated into the business case; and

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<sup>4</sup> Appendix 8



- ensure that the management capacity and governance of the Organisation is robust and sustainable and that sufficient information is supplied in the business case to demonstrate this capacity to the Council.

**The key issues** that need consideration by all parties in the process to determine the transfer include:

- the organisation needs to demonstrate its social and community value along the lines of the right to bid process;
- the agreement of a lease with a duration of a 125 year FRI term;
- the 125 year lease and business case will need to coincide on the liabilities of a full repairing insuring FRI lease;
- the valuation of the asset will reflect the prescribed D1 planning use and social value of the organisation;
- leases will be contracted out of the Landlord & Tenant Act 1954;
- to determine the impact of existing building condition liabilities and future maintenance liabilities on the value;
- to determine the nature of the organisation's Service Level Agreements to deliver local services;
- the lease and covenant mechanisms that will prevent potential windfall profits from future sub-lets or sales unless a development agreement is reached that replaces the model community 125 year lease;
- assets are to remain in Council control (short CML agreements) where they are in or adjacent regeneration areas; and
- the community group will be required to demonstrate that they will have undertaken their own due diligence prior to a transfer to mitigate their transferred risks associated with full responsibility of the asset.

The rationale for transfer hinges on the ability of the community group to be able to better manage the long term maintenance and improvement of assets and to maximise delivery of local social, economic and environmental benefits. The Council has to operate within budget constraints that are not necessarily able to deliver overall long term value for money for the individual asset.

The proposed Asset Transfer Policy Framework is being built upon current experience and best practice and aims to provide a clear policy framework for responding to any requests for asset transfer.

## **The Process**

**Improved Process-** The process will be fair and robust with clear timescales for the submission of information at different stages. Information will be available from the outset to allow Community Groups to understand the level of responsibility being taken on. The Council welcomes applications from all community groups and organisations that are able to proactively take the lead in the application and management process and are not for profit.

**Appropriate support-** Throughout the process groups can access support from organisations such as Locality, or any other organisation offering advice to the third sector. The Council's Commissioning team can offer honest, experienced, knowledgeable advice. Meetings will be held with groups to allow them the opportunity to discuss their proposal with Council officers.

**Clear, robust and proportionate assessments-** The Council will engage Adult Services Commissioning, Strategic Property, Facilities Management, Legal and Finance, who will

assess applications and if satisfied, make a recommendation to Cabinet to accept a proposal. Organisations will be notified in writing if their applications have been successful and informed of the next stage of the process if applicable.

### **Pre-qualifying conditions:**

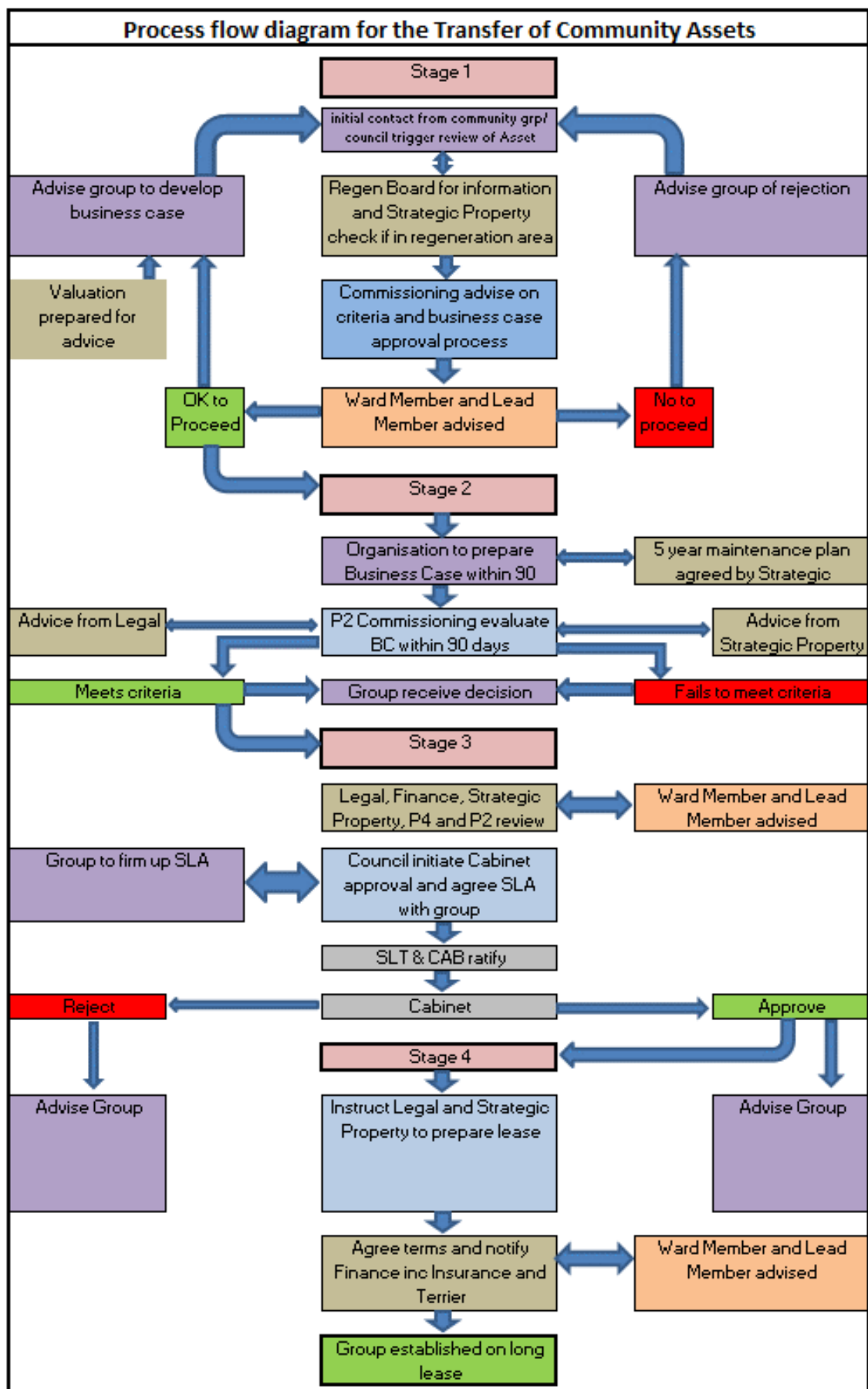
There are a small number of pre-qualifying conditions which will determine whether an organisation can move forward to the next stage in obtaining a decision to transfer an asset.

Organisations must be:

1. Occupying premises in Haringey and offering services to Haringey residents, with evidence of reach to Haringey residents
2. Not subject to investigation by the relevant regulator, which may include the Charity Commission, Ofsted or the Care Quality Commission
3. Able to evidence that the organisation is viable and that accounts are up to date and filed with the appropriate national body
4. Set up as an organisation operating in the voluntary and community sector – they must be structured to reinvest their profits back into social causes. This for example would include registered charities, community amateur sports clubs, not for profit companies, community interest companies and social enterprises.
5. Demonstrate that they are operating in a transparent manner – local residents should be able to publically access information on the services or facilities that the organisation provides
6. Not receiving more public-funded aid than EU State Aid de Minimis rules permit (an organisation must not have received public-funded aid to support commercial activities exceeding a total of 200,000 Euros over a 3 year period – this includes all reliefs, grants, subsidies and guarantees received from public bodies)
7. Able to demonstrate that they deliver social benefit within the local community to include impact and outcomes across at least one of the following domains:-
  - Prevention and Early help;
  - Local employment;
  - Equity and social inclusion;
  - Building strong communities;
  - Healthy life expectancy; and
  - Sustainable environment.

A fuller extent of these requirements is included at Appendix 7.

A Process flow diagram setting out the step by step process of decision making for the Transfer of Community Assets is set out overleaf.



## Appendix 1

### National comparisons

14 Pathfinder City Council authorities have established Community Asset Transfer (CAT) Policies – 4 of the policies are summarised as below:

#### Norwich City Council:

- 15 community centres;
- assets with their commercial portfolio and leased with a grant in kind;
- recreational facilities;
- their policy refers to community assets returned to the Council as no longer viable for the current user;
- their policy therefore is relevant only to any consideration of the 'right to bid' process; and
- their evaluation processes may none the less be relevant to transfers to incumbent organisations when it comes to evaluation of their social and community value.

#### Bristol

- its CAT policy is not specific about the asset transfer applying to right to bid or to incumbent organisations and is therefore valid for both models;
- the policy clearly identifies the criteria for organisations that will be considered for CAT;
- transfers may be either at reduced cost or free of charge – the level of subsidy being determined by the social, economic or environmental benefits;
- transfers are considered for a phased transfer depending on the third sector organisation's (TSO) resources and strength of business plan;
- leases are offered for up to 35 years or more in exceptional cases;
- a key reason for the transfer is to enhance the prospect of the TSO being able to secure loans or grant / lottery funds from other sources by holding an asset with bankable value;
- organisations are given longer leases with an 'asset lock' that prevents the lease being assigned or sold for unintended financial gain; and
- the policy includes a detailed assessment process for evaluation of applications for CAT.

#### Leicester

- their policy was established to offer community groups who had been stable, long term tenants in council properties the opportunity to buy their premises at market value less a 20% discount;
- it is equally valid for Right to Bid scenarios;
- the council pro-actively seeks to transfer assets to community groups in order to promote the widest public value that can be achieved in relation to, for example:
  - Facilitate forward investment
  - Community empowerment and greater control over services
  - Area wide benefits
  - Building the capacity of the community and encouraging sustainable community organisations by building partnerships
  - Economic development and social enterprise
  - Improvement to local services
  - Value for Money
- a service level agreement (SLA) may be applied to the contract;

- the policy defines risks and expectations for the council and community organisations;
- the policy includes a comprehensive flow chart of the process for evaluating and a summary of assessment criteria; and
- the policy includes a copy of the ATU's legal process "map" which outlines risk to the council and the TSO.

## **Portsmouth**

- Portsmouth has published a CAT policy (undated) and a comprehensive review into making community ownership work for Portsmouth under the Economic Development, Culture & leisure Scrutiny Panel dated April 2013;
- the policy refers to policy documents of Derby, Sheffield, Devon and Leicester Councils
- the council has some 80 properties that are used by a variety of voluntary and other organisations;
- the purpose of their strategy is to set a transparent and positive framework to enable asset transfer to a TSO. The policy is to additionally supports council and wider community objectives;
- the policy refers to the need to revise their Acquisition and Disposals policy;
- the operation of the policy has regard to:
  - Sustainable Community Plan
  - Council Plan
  - Local Development Framework
  - Empowerment and Engagement framework
  - Corporate Asset Management plan
  - Vision for Portsmouth
  - Capital Strategy
- the policy defines the eligibility of organisations that will be considered; and
- the policy includes risk management and asset transfer process.

## **More recent examples of good practice**

### **Calderdale Council**

- their policy is specifically addressed at community asset transfers to incumbent organisations;
- the Locality team has recommended their policy and process as exemplar;
- they have a separate policy and process map for Right to Bid so the distinction is clear and transparent; and
- the policy is fully supported by process and procedure documentation published on their website

### **Lambeth Council**

- policy developed in conjunction with Locality team;
- multi purpose policy to include CAT, Right to Bid and Community Hubs Strategy and acquisition of buildings for community use; and
- the Council publishes a list of assets of community value that are privately owned with a progress tracker (not up to date). They appear not to address the risk of private owners seeking compensation for loss of value and expenses in connection with the listing.

## Appendix 2

### Extract from Government Policy paper '2010 to 2015 government policy: localism'

The Community Right to Bid gives community groups a fairer chance to save assets that are important to them. This could include their:

- village shop
- pub
- community centre
- children's centre
- allotment
- library
- cinema
- recreation ground

The right covers private as well as public assets.

Local authorities are required to keep a list of all of these 'assets of community value'. If an owner of a listed asset wants to sell it they have to notify the local authority. The local authority then, in turn, has to notify any interested parties.

If community groups are interested in buying an asset they can use the Community Right to Bid to 'pause' the sale, giving them 6 months to prepare a bid to buy it before the asset can be sold.

The Community Right to Bid came into effect on 21 September 2012 and over 3,500 people have used the right to date (April 2014). You can see some examples on the [Community Rights Pinterest board](#).

The Department for Communities and Local Government has put in place a support and advice service run by Locality and the Social Investment Business. They provide free advice and practical help, including grant funding.

Note that the Council has complied with its requirements to publish a list (on its website) of community buildings along with its non-housing list of land and building assets under its transparency agenda. However it has not yet published a list of privately owned assets of community value such as community buildings as promoted by the Localism Act 2011.

## Appendix 3

### Cabinet Report Agenda item 22 of 18<sup>th</sup> December 2012

“Property Review – Council Community Buildings”

[Minutes of Cabinet of 18th December 2012 - see agenda item 22](#)

## Appendix 4

### Cabinet Report Agenda item 20 of 18<sup>th</sup> December 2012

“Assets of Community Value (Right to Bid)”

[Minutes of Cabinet of 18th December 2012 - see agenda item 20](#)

## Appendix 5

### Cabinet Report Agenda item 20 of 14<sup>th</sup> July 2015

“Community Buildings Review: Outcome and Recommendation”

[Minutes of Cabinet of 14th July 2015 - see agenda item 20](#)

Including appendices A,B, C, E and F. Appendix D is the report as above Appendix 3

## Appendix 6

Extract of **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

“2. *The specified circumstances are:*

- a) the local authority considers that the purpose for which the land is to be disposed is likely to contribute to the achievement of any one or more of the following objects in respect of the whole or any part of its area, or of all or any persons resident or present in its area;*
  - i) the promotion or improvement of economic well-being;*
  - ii) the promotion or improvement of social well-being;*
  - iii) the promotion or improvement of environmental well-being; and*
- b) the difference between the unrestricted value of the land to be disposed of and the consideration for the disposal does not exceed £2,000,000 (two million pounds).”*

## Appendix 7

Organisations will be asked to demonstrate in writing how they meet at least one of the domains by submitting information to the stated level. The bulleted lists are designed to be guides to the sorts of activity which can contribute to delivery of the outcomes – where other activities are being carried out but are not laid out in the bulleted lists below and are considered to contribute these should be described.

### Prevention and early help

*People have access to early support to prevent problems or escalation of issues with community knowledge and capacity to support an early help approach.*

Organisations using this domain will be required to demonstrate that they are working in ways which:

- avert/reduce risk of crisis and support recovery and/or
- address underlying issues e.g. family breakdown, drug & alcohol abuse, debt and/or
- support parenting/family life/needs of carers/home learning environment and/or
- signpost/connect with debt/financial education/housing/welfare support and/or
- reduce avoidable admissions to hospital/delayed discharge and/or
- engage communities in wellbeing and resilience and/or
- strengthen awareness of and links to sources of community support

### Local employment

*People have opportunities for training, skills and support to find and keep good quality employment, with increased employment of people with mental health problems.*

Organisations using this domain will be required to demonstrate that they are working in ways which:

- provide training/skills/volunteering/employment for local people including where possible those facing the greatest barriers (people with mental health problems, disabilities, ex-offenders) and/or
- open up opportunities for young people and/or
- provide pathway activities e.g. volunteering, education, arts and creativity and/or
- demonstrate work-life balance/carers e.g. flexible working and/or
- offer opportunities for individual placement support in workplaces and/or
- use local businesses/social enterprises in the local supply chain and/or

### Healthy life expectancy

*People have knowledge, information, opportunities and support to improve their health and wellbeing and to influence factors that affect their health.*

Organisations using this domain will be required to demonstrate that they are working in ways which:

- promote health and wellbeing opportunities for those most excluded and/or
- offer opportunities for physical activity/improved access and/or



- deliver opportunities for healthy eating/affordable healthy food/cooking skills and/or
- provide opportunities/training for communities to deliver themselves where this might increase uptake and/or
- bring people together to reduce social isolation and/or
- increase basic skills (literacy & numeracy)

## Equity & social inclusion

*People with mental health problems experience better health, quality of life & independence and fewer barriers to achieving their goals.*

Organisations using this domain will be required to demonstrate that they are working in ways which:

- develop the assets/aspirations of disadvantaged groups and/or
- increase the engagement, participation, empowerment & influence of disadvantaged groups as well as those who use the service and/or
- provide additional opportunities/added value for individuals or groups facing greater social or economic barriers and/or
- increase access of the most disadvantaged & excluded e.g. financial inclusion, access to services, access to leisure, culture, sport, training, learning and/or
- reduce stigma and isolation e.g. supported self-help; befriending and/or
- utilise peer support & mentoring to connect people/groups/services/sectors and/or

## Building strong communities

*People feel connected, involved, rich in networks and able to contribute in their communities, with increased participation among those who have been least represented in the past, delivered through:*

Organisations using this domain will be required to demonstrate that they are working in ways which:

- promote asset based community development approaches and/or
- increase the skills, capacity, leadership of VCSE e.g. business support/facilities for community use and/or
- build capacity for co-production and/or
- reduce crime/anti-social behaviour and/or
- inspire and involves young people and/or
- channel profits/resources into philanthropy/community trust/sponsor awards/ contributes 'in kind' e.g. to time bank and/or
- add value to the local community e.g. staff volunteering, sharing facilities, complementary services delivered to community

## Sustainable environment

*People enjoy, take pride in and contribute to keeping their neighbourhood safe and improving their environment.*

Organisations using this domain will be required to demonstrate that they are working in ways which:

- improve opportunities to make the most of Haringey's green/open spaces and/or
- promote recycling and/or
- deliver environmental education

### **For those organisations in a community building wishing to explore Community Asset Transfer**

The proposal is that for those organisations occupying Council buildings, meeting the pre-qualifying conditions and able to demonstrate the social value they create using the criteria set out above, an initial meeting with Council officers will be offered. This will tease out the viability of a Community Asset Transfer in the particular circumstances of the organisation.

Community Asset Transfer can take a number of forms. In Haringey, 125 year leasehold transfer to an organisation will only take place where that organisation can demonstrate that it has the capacity and capability now and in the future to deliver to the terms on which the transfer takes place.

Haringey will only transfer 125 year leasehold interest in community buildings to those organisations which can demonstrate that they can meet specific requirements as to:

- Current and future access to and use of the site and building
- Governance arrangements for such use which have clear lines of accountability to the terms of the transfer
- Evidence of social value being delivered for the residents of Haringey through the activities carried out at the site and building and under the auspices of the organisation entrusted with the premises

No organisation which is located in or adjacent to a regeneration area will be permitted to put itself forward for a Community Asset Transfer.

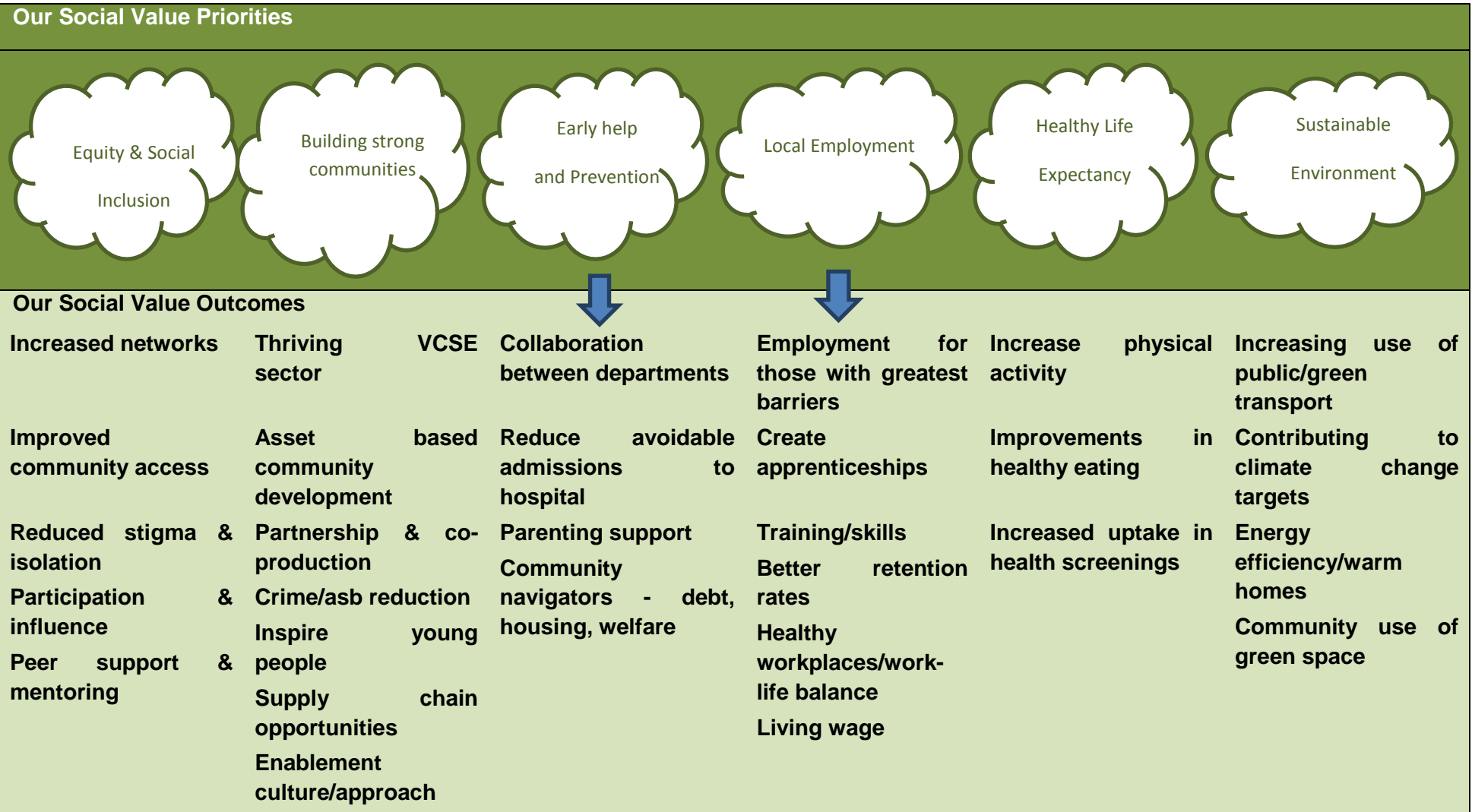
Written within the terms of any transfer of freehold or leasehold interest, will be a set of conditions, which will at a minimum include:

- A covenant on no redevelopment of the site and building unless agreed as a development agreement that would determine the existing community model lease.
- A second covenant restricting use of the site and building to community use only
- A requirement that the Council would have first right of refusal on the site and building if the organisation is no longer able to manage the site and building or is no longer functioning as a community organisation in the borough.

Where appropriate, Haringey will require the organisation to set up a specific Trust or Community Interest Company which can take the leasehold interest in the premises, the terms of which will specifically relate to the organisation's key activities and benefits. These key benefits will need to be agreed by the Council before any transfer can take place.

Any decision to transfer the leasehold interest in a building is reserved to the Cabinet and would need to be agreed at a Cabinet meeting, held in public.

## Draft Haringey Social Value Framework



'Fair Society, Healthy Lives' (Marmot 2010) brought together the evidence on health inequalities. This highlighted that health inequalities arise from social inequalities in the conditions in which people are born, grow, live, work and age and that action to address health inequalities will require action across all social determinants of health by central and local government, the NHS, the third and private sectors and community groups.

**The Marmot Priorities**

<b>Best start in life</b>	<b>All people can maximise their potential/capabilities</b>	<b>Prevention of ill health</b>	<b>Fair employment/good work</b>	<b>Ensure healthy standard of living</b>	<b>Healthy and sustainable places and communities</b>
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The Public Services (Social Value) Act 2013 requires all public bodies to consider how services they commission and procure can improve the economic, social and environmental wellbeing of an area. In Haringey, we take this to mean that all potential providers services will be asked to detail and demonstrate how they can achieve the above `social value outcomes and benefits, based on local evidence, as part of the main contract.

## Appendix 8

### Draft Heads of Terms

## COMMUNITY ASSET TRANSFER

## MODEL HEADS OF TERMS FOR NEW LEASE

### SUBJECT TO CONTRACT

1. LANDLORD: London Borough of Haringey, Civic Centre, Wood Green, London, N22 4LE.

Registered office: As above

Correspondence address: Strategic Property Unit, River Park House, 6<sup>th</sup> Floor, 255 high rd Wood Green N22
2. TENANT: Trustees of ----- Community Centre- Names of current Trustees– **to be provided.**

Registered office and Number: **to be provided.**

Registered Address: **to be provided.**

Trustee changes need to be advised to the Council in writing by the organisation not less than one calendar month after such changes have taken place.
3. PREMISES All that land and buildings known as Alexandra House Community centre, 10 Station Rd, Wood Green N22 (as shown on the attached plan edged in red).

4. TERM: 125 years from date of completion. The surrender of the existing lease will take place on the completion of the new lease.
5. SUB-LETTING AND ASSIGNMENT: The tenant will not be allowed to assign the whole or part. The tenant will not be permitted to under let part or whole of the lease without obtaining formal consent of the landlord.
6. HIRING OF PREMISES: The tenant will be permitted to hire the premises of the whole or any part of the demised land and premises. The hiring must be done a daily basis for bona fide community activities so that no relationship of Landlord and Tenant is created between Tenant and occupier and such occupier complies with the use as set out in item 13 subsequently.
- The tenant shall keep a schedule with full details of all such hiring's and sub-lettings and provide the Landlord annually with an updated schedule.
- The landlord reserves the right to demand the immediate discontinuance of any activity or proposed activity which it does not approve, providing that such right is reasonably exercised.
7. RENT: **£1 (if demanded)** - exclusive of VAT, business rates and other outgoing.
8. DEPOSIT: N/A.
9. RENT REVIEWS: N/A.

10. INSURANCE: The Tenant to insure the premises in the joint names of Landlord and Tenant and provide the Landlord a copy of the Insurance documents annually. The tenant must also insure the fixtures and fittings including any plate glass.
11. REPAIRS: The tenant is to be responsible for all external and internal repairs. The tenant is solely responsible for all property maintenance, gas, electricity, water, telecommunication and plant and machinery i.e. Boiler.
12. DECORATIONS: The tenant is to paint (where applicable) the premises externally and internally every five years of the term and advise the Landlord in writing when works are completed. The tenant must also keep a five year maintenance plan for internal and external works.
13. SCHEDULE OF CONDITION: A schedule of condition to be agreed and attached to the Lease.
14. SERVICE CHARGE: A provision to be contained within the lease to re-charge any cost the Landlord incurs as a result of tenants failure to comply with tenants repairing and decoration obligations.
15. OTHER OUTGOINGS: The Tenant to be responsible for the payment of all other outgoing that may be payable from time to time for the premises such as, business rates, electricity, gas, water, etc.
16. USE: The demised premises and land are only to be used as a **community centre** to provide facilities for social, educational, leisure and welfare activities for the benefit of the local community, always in accordance with:

- 1 The tenants Memorandum and Articles of Association. (or Constitution) or the aims and objectives of the charity
- 2 The aims and objects of the tenant as registered Charity number (if applicable) The Landlord's Equal Opportunities Statement.
- 3 To occupy the Community premises and keep it open for the Permitted Use (hours of operation to be inserted) and not to use the Community premises outside these hours.
- 4 Except one hour preparation time before opening and half an hour clearing up time after closing.
- 5 Not to do anything in the demised premises that may be a nuisance or annoyance or cause damage or inconvenience to the Landlord its tenants or any adjoining owner occupier or to the general public.

Under no circumstances will it be permitted for the prime function to become that of just letting out the whole or part of the accommodation if this occurs it will be considered a fundamental breach of the terms and conditions of the lease.

17. OPTION TO BREAK:

The tenant will have an option to break, at any time by giving 6 months notice to terminate provided they have complied with all the terms and conditions of this agreement especially as to repairs and maintenance of the building.

18. LANDLORD BREAK CLAUSE:

The Landlord can determine the lease by not less than six months notice in the following circumstances:-

1. If the tenant deviates from or fails to implement the provisions of the Tenant's Articles of Association.
2. If there is a material change to community demand for the services and the premises are substantially underutilised to the extent that the premises are only open to the community base



that they serve at less than 75% of the permitted/agreed opening hours.

3. If the tenant shall make any material change or alteration or amendment to the Tenant's Articles of Association which inhibits the Tenant carrying out its primary objects unless this has been approved by the Landlord.

4. If the Tenant fails to meet the objectives/KPIs set in the SLA and/or is unable to demonstrate that their business plan remains valid to deliver the agreed outcomes.

5. If the Tenant fails to comply with any notice/s served by the Council under the Tenants' repairing and maintenance obligations.

6. If there should be any financial or administrative mismanagement of the demised premises.

7. If the Council requires the site for redevelopment then notice to be served will not be less than 12 months.

- |     |              |   |
|-----|--------------|---|
| 19. | OTHER TERMS: | The Lease to be in the Council's standard form of the approved community model lease, as produced by the Landlord's Solicitor.  |
| 20. | ALTERATIONS: | The tenant is not permitted to alter or extend the premises without the consent of the Landlord. Major alteration works are to be documented by way of a Licence for Alterations. |
| 21. | LEGAL COSTS: | The tenant is to be responsible for the Council's legal and property costs for the new lease in the sum of £1,700.  |
| 22. | OTHER COSTS: | The tenant will be responsible for the payment of Landlords legal and professional costs for obtaining Landlords consents under the terms of the lease.                           |



## Appendix 9

### Glossary

**Community and Social Enterprises** – formally constituted not-for-private-profit vehicles - including Charities, Community Organisations, Charitable Companies, Community Interest Companies Limited by Shares (CICs), and Industrial and Provident Societies for the Benefit of Communities (IPs).

**Meanwhile Use of Assets** – a short-term leasehold arrangement entered into by the Council with a Community and Social Enterprises to stimulate interim usage of disused or under-utilised land and buildings, in keeping with the provisions outlined within Circular 06/03: Local Government Act (1972) General Disposal Consent (2003) and the Public Services (Social Value) Act (2012).

**Community Asset Transfer** – a long-term leasehold or freehold transfer arrangement entered into by the Council with a Community and Social Enterprise at market or below market value to stimulate the social, economic and environmental well-being of people living and working in the London Borough of Haringey, in keeping with the provisions outlined within circular 06/03: Local Government Act (1972) General Disposal Consent (2003).

**Community Right to Bid** – an asset nomination, registration and auction process entered into by the Council with a Community and Social Enterprises, to stimulate social well-being, in keeping with the provisions outlined within the Localism Act (2011).

**Community Right to Reclaim Land** – a request, response and sale entered into by the Council with a Community or social enterprise, to stimulate the development and use of disused or under-utilised land and buildings owned by public bodies, in keeping with the provisions outlined within the Local Government, Planning and Land Act 1980.

**Compulsory Purchase for Communities** – a request, support and back-to-back transfer process entered into by the Council with a Community and Social Enterprise, to stimulate regeneration through the acquisition of disused or under-utilised assets owned by private individuals or entities, in keeping with the provisions outlined within Circular 06/04: Compulsory Purchase and the Crichel Down Rules - Appendix KA (2011).

**Social Value** - *What we mean by social value is that we will consider and take into account wider 'value added' impacts and softer outcomes when considering requests under this policy rather than simply narrow financial returns.*

## Appendix 10

### List of Community Buildings

No	Community Building	Community Tenant	Ward	Lease Info
1	Jackson's Lane Community Centre, Archway Road N6	Jacksons Lane Community Association	Highgate	28 years Expired 2013
2	Markfield Road N15	Markfield Project	Seven Sisters	25 years Expired 2009
3	Irish Community and Cultural Centre, Pretoria Road N17	Haringey Irish Cultural and Community Centre Ltd	Northumberland Park	20 yrs Due to expire 2027  Receive circular funded rent
4	Portacabins r/o 33 Winkfield Road N22	The Haringey Phoenix Group	Woodside	TAW
5	Tottenham Community Sports Centre, 701 – 703 High Road N17	Tottenham Community Sports Centre Ltd	Northumberland Park	60 years Due to Expire 2052
6	Whitehall & Tenterden Community Centre, Whitehall Street N17	GRACE Organisation	Northumberland Park	10 years Expired 2006
7	628-630 Green Lanes N8	Turkish Cypriot Community Association	Harringay	20 years Due to expire 2022
8	Selby Centre, Selby Road N17	The Selby Trust	White Hart Lane	25 years Due to expire 2022.  Receive Circular Funded rent
9	Stationers Community Centre, Mayfield Road N8	Hornsey Vale Community Centre	Stroud Green	20 years Expired 2016 Receives Circular Funded Rent
11	Park Lane Community Centre, 46 Park Lane N17	Trustee of Cherubim and Seraphim Church	Northumberland Park	20 years Expired 2012.
12	8 – 10 Bedford Road N22	JAN Trust	Alexandra	10 yrs Expired 2012
13	The Old School House 136 Tottenham Lane N8	Hornsey Historical Society	Hornsey	10 years Expired 2009
14	Milton Road Community Centre N15	Kori Arts	Tottenham Hale	1 yr Expired 2012.
15	Cypriot Community Centre, Earlham Grove N22	Association of Cypriot Organisations	Woodside	21 years Due to expire 2033.
16	Fairfax Hall, Portland Gardens N4	Kurdish Community Centre	St Ann's	25 year lease due to expire 2026.  Receive circular funded rent.

17	6 Caxton Road N22	UK Islamic Cultural Centre	Noel Park	CML
18	8 Caxton Road N22	Council of Asian People	Noel Park	20 years Expired 2010.
19	10 Caxton Road N22	UK Islamic Cultural Centre	Noel Park	99 years Due to expire 2077.
20	Mitalee Centre, Stanley Road N15	The Bangladeshi Women's Association in Haringey Ltd	St Ann's	50 years. Due to expire 2040.
21	294 High Road N22	I Can Care Ltd	Woodside	20 years Due to expire 2021
22	West Indian Cultural Centre, 9 Clarendon Road N8	African Caribbean Leadership Council	Noel Park	125 years Due to Expire 2115
23	Northumberland Park Women and Children's Centre, Somerford Grove N17	Ilse Amlot Centre for Women and Children	Northumberland Park	19 years Due to expire 2017
24	Chestnuts Community Centre, 280 St Ann's Road N15	Chestnuts Community and Arts Centre Ltd	St Ann's	25 Years Due to expire 2026
25	Lord Morrison Hall, Scales Road N17	Afro International Theatre Productions	Tottenham Hale	20 years Expired 2012
26	Haringey Grove Community Centre Denmark Road N8	Greek Cypriot Women's Association	Haringay	20 years. Expired 2012
27	1 Eastfield Road N8	Kurdish Advice Centre		Recently relocated from Birkbeck Road