

## **Cabinet**

**15 July 2015**

### **Implementation of the Community Buildings Strategy**



### **Implementation of Key Decision**

**CORP/A/05/11/3**

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#### **Report of Corporate Management Team**

**Lorraine O'Donnell, Assistant Chief Executive**

**Councillor Brian Stephens, Cabinet Portfolio Holder for Neighbourhoods and Local Partnerships**

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#### **Purpose of the report**

- 1 To review the implementation of the Community Buildings Strategy 2012 – 2014 and to seek agreement on the steps required to conclude the community buildings asset transfer programme.
- 2 To seek agreement to revise the Council's approach to the provision of Community Buildings Grants.

#### **Executive Summary**

- 3 In 2012 the Council embarked on one of the largest asset transfer programmes in the country. This involved 120 community buildings and aimed to create a sustainable network of buildings controlled by local people. After extensive work by community building management groups, staff and partner organisations this vision is on track to be achieved, with 87 facilities expected to remain as community buildings and a total of 98 to remain in community use.
- 4 The transfer of 40 buildings to housing providers has allowed 25 of these to be maintained as communal rooms with investment from the housing provider. This compares to five initially identified for investment by the Council in 2012. Seven buildings have been or are to be converted to housing stock to meet local need.
- 5 Although the majority of transfers have now been completed, with 40 transferred to housing providers, 47 now in the control of local people and 18 declared as surplus, 15 buildings with complex issues remain and this report seeks Cabinet approval for action to address these issues and help communities take control of these facilities.
- 6 The capital costs associated with the 120 community buildings was estimated to be £11.25 million over the ten year period from 2011 to 2021. A £2.15 million investment fund was established to support the programme and to

meet 70% of refurbishment costs for 36 prioritised buildings, with the aim of supporting more if this was possible within the available resources. Through this programme, buildings in the priority group received the investment they needed and a further three buildings received significant funding.

- 7 In addition, most buildings accessed other sources of funding from the Council including Area, Neighbourhood and section 106 funding. Due to the nature of the scheme a number of buildings also had immediate repairs and maintenance works carried out by the Council to deal with health and safety issues, thereby reducing the need for further capital investment.
- 8 As part of the programme, local management groups have also been able to access external funding not available to the Council and so far they have raised £639,000 from external grants. Management groups are presently preparing or awaiting the outcome of bids to external bodies for a further £5,252,587.
- 9 The Council allocated £600,000 for staffing to support groups through the asset transfer process and to fund independent surveys and legal advice for management groups. This resource allowed staffing to be provided over a three year period to 31 March 2015. During this time the support team received many compliments for their work and in 2014 they were finalists in the Council's Great Staff Great Stuff Awards (Team of the Year) for their achievements.
- 10 Although cautious at first, management groups that have taken control of their community buildings are generally pleased with the outcome and feel that they are now better able to meet the needs of their local community. The robust process followed prior to asset transfer has ensured that management groups have appropriate governance arrangements in place and are no longer personally liable. The support provided by the VCS, through Durham Community Action, has also ensured that good policies and procedures are in place and day-to-day management arrangements have improved.
- 11 The new compliance arrangements that have been developed ensure that management groups know what they need to do to ensure services remain as safe as possible and that regular checks are carried out to protect those using their facilities.
- 12 Following investment, buildings are of a higher standard than they were. As part of the business planning process management groups are ensuring that they understand local need, their income is sufficient to set aside resources for future repair and maintenance needs and that they have the right personnel to maintain and develop activities. Local people now have centres that are more attractive, in better condition, with better facilities, and which are more focused on local needs and aspirations.
- 13 The revenue costs associated with the 120 buildings showed expenditure of £870,000 in 2009/10 and this has been reduced to £240,600 in 2014/15 and with only minimal costs (associated with compliance checks) for the Council being projected in future years.

- 14 Community building management groups are presently able to apply for a community buildings grant from the Council, which in 2014/15 was £1,617.50 for each building. Although valued by a number of community building management groups the programme has shown that most groups are able to access external funding which far exceeds this amount and for many, represents a relatively small element of their annual running costs/reserves. This report seeks Cabinet approval to end this funding source on the basis that a reserve is put in place to support management groups facing extreme difficulties following this change.
- 15 An evaluation, of the community buildings programme, carried out with St Chad's College, Durham University concludes that the programme has largely been achieved because the council and local community groups have worked together and that community centres are now doing more to serve their local communities.
- 16 The positive outcome of this programme has attracted interest from a number of other local authorities, CIPFA and universities, as it provides the opportunity to maintain the services valued by local people whilst reducing council costs. Within Durham this approach is now being taken forward through the Durham Ask, with the lessons learnt putting the Council in a good position to take this new approach forward.

## **Background**

- 17 On 14 September 2011 Cabinet considered a review of the community buildings owned and/or managed by the Council following Local Government Review (LGR). This review showed significant inconsistencies in terms of lease agreements, usage, conditions, management arrangements and costs. It was therefore agreed that a new approach was needed to rationalise and improve these facilities for local people, which involved more than 700 volunteers and over 21,000 users.
- 18 This review initiated a major piece of consultation to determine the Council's future approach towards its stock of 120 community buildings. This consultation, which took place between 19 September and 12 December 2011, involved more than 3,600 people. It led to the development of a new Community Buildings Strategy, which was agreed by Cabinet on 29 February 2012.
- 19 Following agreement of the strategy, Cabinet made two further decisions on its implementation; firstly in July 2012 to work with housing providers regarding the future of communal rooms (the Council's stock of much smaller community buildings, often linked to existing housing stock) and in July 2013 to extend the flexibility of the project to address some of the concerns emerging from local management groups.
- 20 Earlier this year, as part of the MTFP, the Council also carried out consultation on the future of the Community Buildings Grant, which in 2014/15 totalled £263,652 and supported 163 centres with each receiving £1,617.50.

## Community Buildings Strategy

- 21 In February 2012 Cabinet agreed a new strategy for its stock of 120 community buildings, with the aim of improving efficiency and securing the long term sustainability of those facilities most valued by local communities.
- 22 The Council recognised the vital role that community buildings play at the heart of their local communities and the valuable work carried out by the dedicated volunteers who managed them. The vision for the future provision of communities buildings was summarised as:
- ‘To ensure that by 2014 the County has a network of sustainable, well placed, highly valued and well used community buildings across the County, which are owned or controlled by local people’.
- 23 Consultation on the future of community buildings had shown there was support for asset transfer with investment prioritised on usage, deprivation and costs provided help and support was available to facilitate the necessary changes.
- 24 This strategy therefore introduced targeted investment (from a total investment fund of £2.15 million) on priority community buildings, on the condition of asset transfer and selective withdrawal from lower priority buildings. 36 buildings were identified as a priority for investment (up to a maximum of 70%) with a further 38 identified for support and investment if there was any underspend.
- 25 Condition surveys indicated that these buildings would require investment of £11.25 million over the next 10 years and an review of revenue costs showed annual expenditure of approximately £870,000. In addition the consultation had shown that some buildings were not valued locally and had very little usage.
- 26 In April 2012 the Council embarked on one of the biggest asset transfer programmes in the country. This programme ran for three years to March 2015 and action focused around the four key objectives set out in the strategy:
- a. **Developing strong and vibrant communities** – action was taken to help community building management groups to build stronger links with their local AAP, their local Town or Parish Council, the VCS and other networks and partnerships, in order to strengthen their position and role and maximise the support available. This has been successful with management groups receiving more than £272,000 from Area and Neighbourhood budgets and some buildings receiving significant investment and/or on-going revenue support from their Local Council. Community buildings management groups now have a greater awareness of the support available and many have established strong links with local VCS organisations and peer support networks and receive regular newsletters from Durham Community Action. They are now playing a stronger role in their local community.

- b. **Maximise the impact of resources available to invest in community buildings** – feasibility studies were carried out to confirm the extent of works required and the investment needed for each building. Action was then taken to allocate funding from the £2.15 million community buildings capital programme and support management groups to raise 30% or 100% of the funding they required. The capital works programme was dependent on asset transfer and groups raising funds for their contribution therefore most works are at an early stage or still to commence. If agreed the proposals set out in this report would result in £150,000 remaining unallocated as a contingency for the programme. Given the complexity of the works included within this programme, this is considered to be a prudent amount. It is **recommended** that the allocation of this funding should be delegated to the Assistant Chief Executive in consultation with the Cabinet portfolio holder for Neighbourhoods and Local Partnerships to assist in the completion of the community buildings strategy and if any remains it should be allocated to the Durham Ask programme. To maximise investment 40 properties were transferred to housing providers and work was carried out with funders to ensure the best advice and support could be given to other groups to access external grants. Action was taken to close facilities which were not well used or valued by local people and 18 buildings were declared surplus for sale or demolition (although four of these remained in community use). The lease arrangements for those buildings where the management groups already had full responsibility for all costs, repairs and insurance were also clarified and support provided where this was needed. In addition to the Council's £2.15 million, management groups have raised substantial additional resources to improve their buildings, to date this has totalled £911,000 with likely future bids amounting to £5,252,587 (taking account of planned works and extensions).
- c. **Handing over control to local communities** – the local benefits to communities of taking asset transfer of their community building were set out and support officers worked closely with management groups to help them to maximise these benefits. A comprehensive training and support package was made available to management groups and the risks to groups were minimised through robust business planning, with those buildings that would not be sustainable encouraged to close and move activities elsewhere. A clear decision making process was put in place using the powers delegated to the Assistant Chief Executive and Equality Impact Assessments were carried out before any closure. Most management groups now feel that they are better able to meet the needs of their local community, for example, the chair of Framwellgate Moor Community Centre has stated that he had reservations at the start of the process but came to realise that the management group needed to change their approach to be fit for purpose and through the asset transfer process they have been able to ensure that their building is also fit for purpose for the first time in 40 years.
- d. **Supporting the dedicated volunteers who run community buildings** – a time limited support team was put in place to implement

the community buildings strategy and support management groups to prepare for asset transfer and raise the capital funding required. Durham University, Durham Community Action and Skillsbridge all played an important role in providing the support, reassurance and advice that management groups needed, including providing bespoke training and mentoring when required. Funding fayres were arranged and groups were given help to complete funding applications and changes were made to the provision of the Council's Community Buildings Grant to respond to the views of management groups.

### **Impact of the Community Buildings Project**

- 27 As a result of this programme it is anticipated that 98 centres will remain in community use, including 87 as community buildings, seven as housing and four of those identified as surplus.
- a. 41 management groups are taking control of their community building. 26 buildings have already been transferred from the Council to local community groups on 30 year full repairing and insuring leases (FRI leases), with a further 5 buildings in the final stages of transfer to local groups. A further 10 buildings require special decisions due to the complex issues that have emerged (these are set out below).
  - b. 21 buildings are already controlled by local community groups, including 8 CISWO (Coal Industry Social Welfare Organisation) and 13 facilities which have been confirmed as already on FRI leases and therefore already transferred to local management groups.
  - c. 40 properties have been transferred to housing providers, with 25 remaining as communal rooms, seven being converted to housing and 8 being redeveloped or demolished.
  - d. 18 properties have been declared surplus for sale or demolition. Four of these have remained for community use as a CAB office, a GP surgery and two community facilities.
- 28 Having transferred buildings on 30 year FRI leases the Council will no longer have the need to potentially invest a further £9.1 million in these buildings, which in the present financial climate would inevitably have led to the enforced closure of some buildings on the basis of their condition. The management groups of these buildings are now able access external funds to facilitate these improvements as they hold FRI leases of over 25 years.
- 29 The support of local Members has been critical in this process. They have contributed more than £272,000 from their local budgets for these schemes, which can provide the foundation for the provision of many other services and facilities for local people and in many cases Members have offered strong support to enable communities to build the confidence to take control of these facilities.
- 30 Through the programme the revenue costs associated with community buildings has reduced considerably and will be reduced further in 2015/16. The revenue costs in 2009/10 showed expenditure of £870,000. The costs

associated with these buildings in 2014/15 had dropped to £240,600, with only minimal costs associated with compliance projected in future years when all transfers are completed.

- 31 The asset transfer of community buildings has, in general, provided positive outcomes for both local people and the Council. The programme has, however, been far from easy with many unexpected issues emerging along the way such as bats, nesting birds, dry rot, asbestos, floor heave, land and boundary issues etc. Management groups have needed to address issues such as governance and succession as well as make difficult decisions regarding viability and future sustainability of their building. However, positive outcomes have been achieved by the Council, communities and others working together in partnership.
- 32 The most significant impact of this programme relates to the achievements of local people, who through commitment, dedication and hard work have made community buildings more vibrant and sustainable. They have implemented stronger day to day management arrangements, taken a business style approach, increased usage, improved the facilities available ensuring that these meet the needs of local people, made their centres more attractive to local people and service providers and made their centres fit for purpose and fit for the future.
- 33 One of the key outputs of the Community Buildings programme has been to check management groups understand their responsibilities in relation to compliance with regulations such as gas, water, electrical wiring, emergency lighting, automatic doors, asbestos, fire etc. Training and support has been offered to all groups and information and proformas have been developed to help groups know what they must do and how often. To support groups the Council is offering them the opportunity to take up a service level agreement with Direct Services to carry out the required checks. In addition, the Council will ask groups in leased premises to provide copies of compliance certificates after one year and five years to provide reassurance.
- 34 The future of community buildings in the County is now more positive than ever, with the capacity of management groups increased and the quality of the buildings improved. Buildings are in better condition, voluntary management groups members have more personal protection, centres are more vibrant and better able to respond to local need, and many centres are now local hubs and good facilities for the provision of other public services. Centres also have a more robust approach to safety and compliance and some are now working towards ambitious plans for their local community.
- 35 This has put the Council in a good position to take forward the Durham Ask. The lessons learnt from the community buildings programme have helped the Council to develop a comprehensive approach to asset transfer of facilities and streamline many of the steps involved. The Council has been able to develop a process which recognises the importance of working together with the local community to enable them to build their expertise and capacity to manage local facilities. As a result the experience has shown that it is possible to reduce council expenditure whilst saving those services and facilities that local people most value. In addition it has enabled local people

to change, develop and improve these services and facilities to more closely meet local requirements.

- 36 An evaluation of the programme has been carried out with St Chad's College, Durham University. This highlights the lessons learnt and concludes that the asset transfer programme has largely been achieved because the Council and local community groups have worked together. They also stated that many of the community organisations involved are now in better shape than they were, are making progress in accessing new sources of funding, and are doing more to serve their communities. The full document is attached at appendix 2.

### **Present Position**

- 37 Following implementation of the Community Buildings Strategy asset transfer work related to 105 of the 120 buildings has been completed and the work to asset transfer 15 buildings remains.
- 38 Five management groups are expected to complete the asset transfer process very soon (these are Parkside Community Centre, Middleton-in-Teesdale Village Hall, Newton Hall Community Centre, Witton-le-Wear Community Centre and Escomb Community Centre). It is therefore **recommended** that officers should continue to work with these five community buildings to enable them to complete the asset transfer process. The management group of each of these buildings has faced difficult issues over the last two years, which have led to delays but each should now be able to move towards asset transfer without further problems. However, if asset transfer to community groups cannot be achieved by 31 August 2015 it is **recommended** that the Assistant Chief Executive, in consultation with the Cabinet Portfolio Holder for Neighbourhoods and Local Partnerships has the delegated authority to consider, on a case by case basis, if the offer of asset transfer should be removed and the future viability of the centre reviewed. It is proposed that at this stage in the programme, after three years of intensive support, additional time to complete the asset transfer process should only be offered in exceptional circumstances and where delays have been beyond the control of the centre's management group.
- 39 One of the five buildings presently in the final stages of asset transfer is Middleton-in-Teesdale Village Hall, which Cabinet agreed in July 2013 could use the capital investment set aside for this building (£143,910) for alternative provision, as investment in their existing building showed poor value for money due to the extent of works required. Over the last year the management group has therefore worked with the Teesdale AAP, UTASS (Upper Teesdale Agricultural Support Services) and the local school to develop plans for a new build development on the school site. Progress to facilitate this change is going well although it is acknowledged that this work is unlikely to commence before 2017/18. The management group is therefore preparing to sign a five year FRI lease on their existing building. It is **recommended** that if the management group sign the short term lease on their present building, the Council sets aside £143,910 until March 2018 (with the potential to extend this if plans for the new development are progressing well) from the community buildings capital investment programme as a contribution to a new build facility in the village. In addition it is



**recommended** that £20,000 from the fund set aside (£143,910) is made available for any urgent repairs and maintenance needed in the existing building until the new facility is available.

40 There are 10 buildings which have more complex issues. Each of these is considered below:

1. Annfield Plain Community Centre – This centre requires significant capital investment (£167,168). The group were given additional support and time to draw together a viable business plan but with the high costs identified and the low level of need for the centre it was agreed that asset transfer of the Centre was not appropriate. The management group were keen to continue and work commenced to look for alternative facilities in the community. This resulted in an agreement for the management group to work with Harelaw school, which will move to the refurbished Greencroft School in the summer. It is therefore **recommended** that the community group remains at Annfield Plain Community Centre until they are able to move into the school, which is anticipated to be in October (when the new Head Teacher will be in post). During this period only Health and Safety related repairs to the community centre will be carried out up to a maximum of £1,000. If any works are estimated to exceed this amount the future of the Centre would be reviewed or specific facilities isolated. To enable the management group to continue to provide a full range of activities in the school it is **recommended** that £10,000 from the community buildings capital programme is allocated to the school to enable cosmetic improvements to be made to the sports hall on the basis that the community group provides match funding towards the works from their reserves.

2. Stanhope Town Hall – A number of public meetings have been held during the community building programme to seek public interest in taking control of Stanhope Town Hall. Unfortunately, this work was unsuccessful. This building is a prominent feature in the town and the external structure of the building is in relatively good condition, however there are some concerns regarding the interior, which will need to be addressed if the building is to remain open. The building is mainly used for the legacy gym. As the public meetings indicated that there is no local appetite for asset transfer as a community building it is **recommended** that plans are developed to seek interest from beyond the local community for social enterprise or other community use, within the next 6 months and, if this is not possible, the property is put forward for disposal on the open market.

3. Burnside Community Centre – this centre is managed by the Craghead Development Trust (CDT) and has 18 years remaining on the current lease, under the terms of which the Council is responsible for external repairs and maintenance (not including parking spaces). When the community buildings programme first started CDT did not want to take on asset transfer, instead the group sought the freehold of the property to enhance their present position. This was not agreed as this was not in line with the Council's approach agreed in 2012. However to facilitate asset transfer CDT was offered £20,000 for repairs and maintenance that may be required during the remaining years of their present lease, if they accept a full repair and insurance (FRI) lease and take responsibility for any future costs. This was

pursued and draft Heads of Terms for the asset transfer were agreed and signed, lease instructions were drafted and plans were sent to the Trust's solicitors. Progress was then put on hold as a number of arrangements between CDT and a range of Council service areas needed to be reviewed. As these reviews have now been completed it is **recommended** that work towards asset transfer with a contribution of £20,000 towards repairs and maintenance is resumed on the basis that the Management Committee provide a robust business plan and evidence of need with a deadline for completion by 31 October 2015. If this is not possible, it is recommended that the offer of financial support is withdrawn and action to transfer the building ended. If this offer is not pursued the Council will remain responsible for future external repairs and maintenance.

4. Shotton Community Centre – This community centre is presently managed by Shotton Community Association. The council has set aside an indicative £88,104, from the community buildings capital programme, for investment in this centre, which requires works amounting to an estimated £125,863. In addition to the community association there is also Shotton Partnership 2000 Ltd, which is a company limited by guarantee whose aim is to regenerate Shotton Colliery in collaboration with Shotton Parish Council. For the purpose of asset transfer the community association has agreed to merge with the Shotton Partnership. The community centre is currently running at full capacity and there are limited opportunities to bring in additional revenue with the present configuration. The Shotton Partnership, working closely with Shotton Parish Council who have significant land holdings around the centre, is therefore seeking to develop the facility at a cost of approximately £1.2 million, with proposals to secure funds through the sale of the surrounding Parish Council owned land and buildings and attracting external grants. A pre-feasibility study has been undertaken and the Partnership has indicated that investment from the council of £88,104 is critical for their plans to develop the centre and surrounding area. To take forward their plans the Parish Council has requested that the Council provides an investment of £88,104 and gives them the freehold of the community centre, on the basis that they and the Shotton Partnership will be selling their existing assets to invest in the proposed £1.2 million scheme as well as investing an amount of £74,000 from their combined reserves. The approximate market value of the community centre is in the region of £160,000. In addition a potential £100,000 of s.106 funding has been ring-fenced for refurbishment of the community centre. It is proposed that the Shotton Parish Council would lease the building to Shotton Partnership and would take full responsibility for any repairs and maintenance prior to refurbishment. The assets owned by the Parish Council and Shotton Partnership have been valued, by the Council, at approximately £200,000. It is therefore **recommended** that as Shotton Parish Council and Shotton Partnership will be investing more than £74,000 in the community centre and they will be working towards raising additional funding for their £1.2 million scheme, the Council should give Shotton Parish Council the freehold of the centre. In addition it is recommended that the Council contribute £88,104 from the community buildings capital programme to the scheme as match funding. This funding would only be released if the partnership raises the equivalent in match funding from external grant funders and sale of existing land, before 31 March 2017 for investment in this centre. In addition a covenant would be placed on the sale of the land whereby if planning

permission is approved for any alternative use, other than community use, on the land within 80 years from the date of transfer, the Council will be entitled to 80% of the increase in land value.

5. The Brockwell Centre – The Brockwell Centre is a relatively new facility, which was developed by Chester-le-Street District Council, and the management group have more than 90 years remaining on their present lease, with the council responsible for external repairs and maintenance. Work has been carried out with the centre to encourage the management group to consider transferring onto a FRI lease, however they are reluctant to do this given the beneficial terms of their existing lease. The management group have been offered advice and support to improve their viability and to address problems however negotiations with the Centre regarding the existing lease have not resulted in a way forward which is acceptable to both the Council and the management group, despite offering significant financial support through s.106 funding. It is therefore **recommended** that the community centre continue to operate on their existing lease, whereby the management group is responsible for utility bills, internal repairs and compliance and the Council maintains responsibility for external repairs and the car park.

6. Stanley Community Centre – the asset transfer of Stanley Community Centre started slowly as the management group were cautious about the process. The group were informed that the Council planned to invest approximately £150,000 in the building. Delays occurred due to the management group wanting to extend the building at the same time as the works were to be carried out to improve the building. Despite these delays the management group were planning to sign a new lease at the end of December 2014 and they prepared a first stage Big Lottery application to raise funding. However over the winter months the existing condition of the building became more concerning and a structural engineer was asked to look at structural issues linked to the front wall, roof support and windows. The funding application was therefore put on hold. To do further investigations an asbestos survey of the roof space was first needed. As the total cost of works required by the centre is now estimated at approximately £400,000 concerns were raised as to whether this building has a viable future as a community centre and local Members were consulted to explore alternative solutions. This in turn led to discussion with members of Derwentside Trust who were seeking funding to purchase a building from the Council that had previously been the Stanley Day Care Centre. Stanley Community Centre is a busy and well used centre. It was prioritised for investment as it is in a deprived area with no other facilities available within the LSOA (local super output area), however access to other facilities in the wider area could be considered if necessary. It is now known that a minimum of £120,000 must be spent on the building before the onset of winter otherwise some parts of the building will need to close for health and safety reasons. However, immediate investment of £120,000 will do little to address the long term viability of the building. It is therefore **recommended** that rather than sell Stanley Day Centre (which is presently in the Council's disposal programme and expected to raise approximately £150,000), it is offered to the management group of Stanley Community Centre on a 30 year FRI lease to work in partnership with Derwentside Trust, to explore the potential of the Day Centre being converted

into a community centre. The community buildings capital programme would be used partly (£50,000) to contribute to the refurbishment of Stanley Day Centre and the remainder (£100,000) held as a contingency within the wider programme. If this is not possible to go ahead with the conversion, action will be taken to close Stanley Community Centre and find alternative venues for users.

7. Burnopfield Community Centre – This 120 year old former school is the Council's only community building that is a listed building. Prior to 2009 some repair works were carried out which did not comply with requirements for listed buildings and therefore remedial works have been necessary, which has caused delays. The management group is committed to maintaining this well used community centre and have successfully brought in £10,000 in COMA funding to carry out a pre-feasibility study. This building has been identified as needing in the region of £600,000 capital investment. It was identified as one in which the Council would invest if resources became available. It is therefore **recommended** that the Council provides a contribution, in terms of specified works, from the community buildings capital programme of up to £100,000 if a FRI lease is in place by 31 August 2015. This will be possible from the underspend on the existing £2.15 million capital programme. However, if asset transfer to the management group cannot be achieved by this date it is recommended that the Assistant Chief Executive, in consultation with the Cabinet Portfolio Holder for Neighbourhoods and Local Partnerships has the delegated authority to consider if the offer of asset transfer should be removed and the future of the centre reviewed.

8. Bullion Hall – This centre has a long lease (90+ years, with the opportunity to extend) whereby the management group are responsible for utility bills and interior repairs and maintenance and the Council is responsible for external works. The management group has been reluctant to take on a FRI lease of this building as this would lead to them picking up additional costs without any additional benefits. As the Council will receive no rent for the residual term of the 99 year lease this building is considered to only have a nominal value. As part of the community buildings programme a lot of work has been carried out with the management group to help them to re-evaluate their purpose, role and objectives. This work has gone well and the group has submitted a range of funding bids and have successfully accessed funding to facilitate feasibility and redevelopment costs. They are now better placed to take forward a strong and vibrant centre. The group are still willing to consider asset transfer but would like to see this result in a positive outcome for both the Council and the local community. £11,128 capital investment was set aside for this building at the start of the process, although the management group regularly carry out works and no specific works are now outstanding for this building. This centre is used to capacity and to enable the management group to provide the best opportunities for local people they must consider extending the property. As the management group already has a 99 year lease (with approximately 91 years left to run) with the right for this to be extended it is **recommended** that the management group are offered the freehold with a capital investment of £20,000 to offset any repairs and maintenance costs the council may have faced, with the proviso that this remains as a community facility. The group will be given until March 2016 to explore this alongside other financial models and assess the value to local people. If freehold is

pursued a covenant would be placed on the sale of the land whereby if planning permission is approved for any alternative use, other than community use, on the land within 80 years from the date of transfer, the Council will be entitled to 80% of the increase in land value. If this is not pursued the Council would remain responsible for external repairs under the terms of the present lease.

9. Great Lumley – This is a well-used centre in need of significant investment (approximately £368,414). In July 2013 this was one of three buildings that Cabinet agreed could consider utilising their indicative investment amount from the community buildings capital programme for a new or alternative facility in the locality if this would provide better value for money. An independent pre-feasibility study was undertaken to consider potential alternatives but concluded that refurbishment of the present centre was the only viable way forward. The opportunities for the management group to make good progress were limited by the need for the Parish Council to relinquish their lease for elements of land before the asset transfer could go forward. Issues linked to the sports hall and the need to raise the funds required going forward also caused delays. In addition, the association had engaged people on their management group with the appropriate skills however they moved on and it became likely that the group would have to consider closure. However, since March 2015 the management group has addressed concerns regarding membership, made good progress on their business plan and taken steps to go through the Lottery Exceptions process which could open up additional sources of funding to the group. In April 2015 the management group were asked to put in place the following by mid-July 2015:

- (a) A completed business plan (building on the good progress already made);
- (b) Completed accounts and a five year financial forecast, to show that the centre is sustainable;
- (c) Governance arrangements with all management roles filled by named officials;
- (d) Approval through the Lottery Exceptions process;
- (e) Independent legal advice on all issues related to the land.

Good progress has been made and it is **recommended** that the management group is given until 31 August 2015 to sign the lease and then allowed to carry out works in a phased programme, enabling funds to be raised by the group. If this has not been achieved it is **recommended** that the Assistant Chief Executive, in consultation with the Cabinet Portfolio Holder for Neighbourhoods and Local Partnerships has the delegated authority to consider, if the offer of asset transfer should be removed and the future viability of the centre reassessed.

10. Bearpark Community Centre – This centre is different from all others within the programme as the Council is the tenant of the Coal Industry Social Welfare Organisation (CISWO). If the property is handed back to CISWO

they would expect the building to be in a good state of repair. This is estimated to require significant investment (in excess of £200,000) due to the age and structure of the building. To assist in determining a way forward for the building local Members have come forward to fund an options appraisal and community survey from their neighbourhood allocations. Members of the local community have come forward to join the management group and a business plan is being developed to assess the building's viability and future sustainability. The Council has set aside resources, from the community buildings capital programme, for investment in this building and it is proposed that if the new management group is willing to raise 30% of the full investment costs that the works are carried out and CISWO is asked to allow the Council to sub-let the property to the management group to allow them to raise the funding required. It is **recommended** that the management group is given until 30 September 2015 to complete their work on business planning and explore fund raising. If this shows that the building can be sustainable the Council will enter into discussions with CISWO regarding subletting on a full repair and insurance basis. If the business planning and work to explore funding opportunities has not been completed by 30 September it is **recommended** that the Head of Partnerships and Community Engagement, in consultation with the Cabinet Portfolio Holder for Neighbourhoods and Local Partnerships has the delegated authority to consider if the Council should negotiate with CISWO regarding disposal and/or demolition of the centre.

### **Maintaining a Sustainable Network of Community Buildings**

- 41 Maintaining this sustainable network of community buildings will be important in the years ahead as many of these facilities provide the opportunities for the delivery of local services and support for local people. These community buildings will need to operate as social enterprises in order to ensure that they achieve sufficient income to remain sustainable. Management groups will be seeking the help and support of all partners as they move forward and develop.
- 42 Although the Council will continue to own the properties all day to day management and costs will be with the management groups. This gives them the freedom to do things differently and access support not available to the Council. This new relationship needs to be respected and supported. The VCS, led by Durham Community Action, is already working with management groups to ensure that they can access the advice and guidance they may need to remain vibrant and sustainable and new peer support mechanisms are being developed. It is therefore important that Council services support groups to access the advice and guidance available rather than step in to carry out work in the way that they may previously have done.

### **Community Buildings Grant**

- 43 The Community Buildings Grant is a non-recurring grant that has been available for community building management groups to apply for once a year from Durham County Council. The grant has not been tied to a specific purpose however its intended use is to help community building management groups become independent and sustainable.

- 44 During 2011/12 as part of the wider consultation for Durham County Council's Community Buildings Strategy, a working group was set up which included representatives from community buildings and the voluntary sector. The group devised eligibility criteria and recommended that the grant fund should be divided equally between all applicants meeting these criteria.
- 45 The total grant amount for 2014/15 was £263,652, there were 163 successful applicants. Since the review, the number of applicants has increased each year, resulting in the allocated grant amount being reduced from £1,843.72 to £1,617.50
- 46 As part of the Council's MTFP and the need to achieve significant savings it is proposed that this grant is removed. A consultation exercise has been carried out to identify the current use of the grant, the potential impact of its withdrawal and the types of support needed to enable groups to become more sustainable without financial support from the Council. Consultation took place between 19 January and 27 February 2015.
- 47 A range of information and consultation methods were used to raise awareness and maximise participation, including a questionnaire, discussions with stakeholders and information on the Council's website. The consultation included all current and past recipients of the grant, as well as a range of stakeholders who could potentially be impacted by changes to the grant and others who could raise awareness of the consultation. This included a meeting of The Village Halls Consortium, VCS and Local Councils' Working Groups.
- 48 Questionnaires were sent to current applicants as well as past recipients and others who had registered an interest. From these, 130 community building management groups completed and returned questionnaires. 121 were current or past recipients of the community building grant and 99 had last received the grant for the year 2014/15.
- 49 The consultation asked those management groups that had received the grant (121) about the main use of their last grant and responses were recorded as follows:

<b>Main Use</b>	<b>Frequency</b>	<b>Percentage</b>
Running Costs	69	57%
Building Repairs/Improvements	29	24%
Staff Wages	5	4%
Part Funding for project/funding bid	2	1.5%
Publicity and Promotion	1	0.8%
Held in Reserves	1	0.8%
Training /Development	0	0%
Extending Volunteering	0	0%
Emergency Funds	0	0%
Other	3	2.5%
No response	11	9%

- 50 The responses indicate that many groups used it for running or revenue costs (57%). Additional comments noted that many funders no longer offer funding for running costs.
- 51 Another significant use was for building repairs or improvements, with 24% indicating this as the main use.
- 52 The consultation also asked all respondents (130) about what other funding they had accessed. The responses identified that many groups are accessing funding from a wide range of sources:
- a. 84 groups (65%) received funding from either the AAPs or Elected Member's Neighbourhood Budget or both in the last two years.
  - b. Town and Parish Councils granted funds to 40 (31%) of the management groups responding. (It should be noted that Town and Parish Councils are not present in all areas with community buildings).
  - c. County Durham Community Foundation funding was received by 51 groups (39%) in the last year.
  - d. 'Awards from All' Lottery grant was received by 22 groups (17%).
- 53 The questionnaire asked groups where they receive support, guidance and advice from. Responses show that many access help from Area Action Partnerships, 70 groups (54%) and the Community Building Support Team, 47 (36%). This could relate to the guidance provided to groups either undergoing asset transfer or seeking general advice from the Council. 12% accessed advice and help through the Durham County Council website.
- 54 The voluntary sector provided support to 47 groups (36%), mainly through DCA and East Durham Trust. 15% of groups had received help from the Village Halls Consortium and 15% from other community building management groups. This reflects the importance of peer support and networks through which advice and good practice can be shared.
- 55 Both Skillsbridge (4%) and Durham University (4%) were noted as having provided advice and support to community building management groups, again this indicates a link with those groups undergoing asset transfer.
- 56 A main focus of the consultation was to identify potential impacts from the removal of the grant. The responses (130) varied including impacts on the centre, the management group, users and the wider community. The main responses included:
- a. There would be a need to reduce running costs to match reduced income. 13 groups (10%) stated they may need to reduce their opening hours to achieve this.
  - b. 11 groups (8.5%) identified that there would be a need to find alternative funding sources including increasing fundraising activities.



- c. A risk of closure of building was mentioned by 11 buildings (8.5%).
- d. There was reference by 9 groups (7%) to the possibility of increasing charges, however most of these added concern that this could lead to fewer users and therefore a greater loss of income making the centre unsustainable.
- e. 10 buildings (7.5%) expressed concern about the isolation of older or vulnerable users. Especially significant from rural areas was the message that community buildings are a 'lifeline' in small villages where there are few or no other local facilities or restricted transport.
- f. It was suggested by 8 buildings (6%) that building standards may be compromised. Examples include diverting funds from building maintenance to running costs or their inability to pay staff.
- g. A risk to financial security was stressed by 7 Buildings (5.5%).

57 It was important that the consultation also considered the existing data known about the buildings and management groups receiving community building grant. This includes information regarding: reserves, annual revenue costs, other funding and use of the building. The Council holds data on the 163 grant recipients in 2014/15, which shows:

- a. For 87% of grant recipients, the grant represented less than 20% of their annual income,
- b. 37% of current recipients have an excess of 12 months running costs in reserves,
- c. 84% of community buildings currently generate a year on year surplus,
- d. 24% of buildings could face an income deficit if the grant was removed which range from £500 - £1,617. Of these, all have reserves which would sustain them for a minimum of 12 months.

58 Data held by the Partnership and Community Engagement (PACE) Funding Team was also considered as part of the consultation. It showed that, since 2009, community building management groups that received the Community Buildings Grant also received:

- a. Funding from AAP Area Budgets totalling £864,598;
- b. Funding from Member's Neighbourhood Budget totalling £2,195,776.

In total, since 2009 recipients of the community building grant have received an additional £3,060,374 from these two Council budgets.

- 59 We asked all respondents about the range and type of support that they would need if the grant was no longer available. The most significant request was for advice with identifying funding sources and making bids, with 71 responses stating they would find this useful. 7 groups would like help with legal and HR advice. Understanding Health and Safety and compliance issues was also mentioned by 7 groups. 2 groups stated they needed help with business planning. 10 groups indicated that they would need no help at all.
- 60 Officers also attended a meeting of The Village Halls Consortium to offer further information about the consultation process and to encourage greater participation. Discussions closely reflect the outcomes of the questionnaire with a strong emphasis on the rural issues. Those present explained that low usage is often due to small and dispersed populations. Despite this, the village hall is often a lifeline for isolated communities.
- 61 Although many groups have expressed concerns about losing the grant the consultation has shown that the impact would not be significant. The funding that groups have accessed since 2009 from AAPs and local Members has significantly exceeded the level of funding previously available via the community buildings grant and this is increasingly being used effectively by those groups that are vibrant and proactively meeting local need.
- 62 The main concern relates to funding day to day revenue costs, which most grant funding organisations will not cover. This would suggest that an important type of support would be advice to increase income and how it can be used to cover running costs.
- 63 It is therefore **recommended** that the Community Buildings Grant is withdrawn, with no standard payments made in 2015/16. Officer support will be offered to all groups that have expressed concerns regarding running costs, with a full analysis of their income and expenditure taken into account. In addition a fund of £60,000 will be established for community buildings in 2015/16 to allow a grant of up to £1,600 to be paid to any group facing extreme financial hardship and able to demonstrate that they have taken all reasonable steps to increase their income. Payment of this fund will only be considered following the provision of officer support to raise alternative funds and final decisions regarding eligibility will be delegated to the Assistant Chief Executive, in consultation with the Cabinet Portfolio Holder for Neighbourhoods and Local Partnerships.

### **Conclusion and Next Steps**

- 64 The Council has implemented one of the most ambitious asset transfer programmes in the Country. 98 of the original 120 community buildings are expected to remain in community use with little or no future in input from the Council. This exceeds the expectations at the start of the programme. Significant savings have been made both in terms of capital (potentially a further £9.1m needed over the next 7 years, although work to-date shows that this may be a significant underestimate) and revenue (a saving of approximately £800,000 per year).

- 65 Work is now on-going with the VCS to enable community building management groups to access the on-going support needed to ensure that their buildings remain vibrant and sustainable. As part of this programme significant work has been carried out to ensure that groups can sustain their buildings in the future and it is important that the Council continues to promote this independence by enabling management groups to access support and funding when needed rather than stepping in with direct support or resources. If this is not possible the alternative will be closure of the facility and redevelopment, demolition and/or sale of the property.
- 66 Having transferred buildings to local community groups it is important that the groups meet all the compliance and Health and Safety requirement necessary. To enable groups to do this a compliance programme has been established. This commences at handover with clear information on what is needed, what is in place, when issues will need to be addressed and how to keep up-to-date with any changes. After the first year the position will be checked by Direct Services, with action taken if evidence of the required certificates is not available. The position will be checked again after five years.
- 67 This programme has shown that asset transfer can have significant benefits for both the Council and the community. However it requires a shift in culture. It is dependent on strong community engagement and the development of trust between local communities and the Council, the foundations for which have been built through the work of the AAPs.
- 68 Many of the lessons learnt from this project are now being taken forward by the Council as part of the Durham Ask. There has also been a significant amount of interest in the programme from other authorities, CIPFA and universities in the region.

### **Recommendations and reasons**

- 69 It is recommended that:
- a. The allocation of £150,000 remaining in the **capital programme** should be delegated to the Assistant Chief Executive in consultation with the Cabinet portfolio holder for Neighbourhoods and Local Partnerships to assist in the completion of the community buildings strategy and if any remains it should be allocated to the Durham Ask programme.
  - b. The **five community buildings presently finalising the asset transfer** process should complete the process. However, if asset transfer to management groups cannot be achieved by 31 August 2015 it is recommended that the Assistant Chief Executive, in consultation with the Cabinet Portfolio Holder for Neighbourhoods and Local Partnerships has the delegated authority to consider, on a case by case basis, if the offer of asset transfer should be removed and the future viability of the centre reviewed.
  - c. The management group of **Middleton-in Teesdale Village Hall** is given a five year lease on their present building and the Council sets aside £143,910, from the community buildings capital investment

programme, until March 2018, with the potential to extend this if plans for the new development are progressing well, as a contribution to a new build facility in the village.

- d. £20,000 from the fund set aside for **Middleton-in-Teesdale Village Hall** (£143,910) is made available for any urgent repairs and maintenance needed in their existing building until the new facility is available.
- e. The management group of **Annfield Plain Community Centre** remain at Annfield Plain Community Centre until they are able to move into Greenfield school, which is anticipated to be in October 2015. During this period only Health and Safety related repairs to the community centre will be carried out up to a maximum of £1,000. If any works are estimated to exceed this amount the future of the Centre would be reviewed or specific facilities isolated.
- f. The Council offer the management group of **Annfield Plain Community Centre** £10,000 from the community buildings capital programme to enable cosmetic improvements to be made to the school sports hall on the basis that the management group provides match funding towards the works from their reserves.
- g. Plans are developed to seek interest from outside the locality for **Stanhope Town Hall** for social enterprise or community use, within the next 6 months and if this is not possible the property is put forward for disposal on the open market.
- h. Officers work with Craghead Development Trust to complete the asset transfer of **Burnside Community Centre** with a contribution of £20,000 towards future repairs and maintenance (subject to the Trust providing a robust business plan and evidence of need), on the basis that asset transfer is completed by 31 October 2015 or that the offer of financial support is withdrawn and action to transfer the building ended.
- i. The Council offers Shotton Parish Council the freehold of **Shotton Community Centre** with a contribution of £88,104 from the community buildings capital programme to the scheme, on the condition that this funding is only released if the partnership raises the equivalent in match funding from external grant funders and the sale of existing land for investment in the centre, before 31 March 2017. In addition a covenant should be placed on the sale of the land whereby if planning permission is approved for any alternative use, other than community use, on the land within 80 years from the date of transfer, the Council will be entitled to 80% of the increase in land value.
- j. The **Brockwell Centre** continues to operate on their existing lease, whereby the management group is responsible utility bills, internal repairs and compliance and the Council maintains responsibility for external repairs and the car park.
- k. Stanley Day Centre (which is presently in the Council's disposal programme and expected to raise approximately £150,000) is offered

to the management group of **Stanley Community Centre** on a 30 year FRI lease to work in partnership with Derwentside Trust, with the capital investment set aside for this building (approximately £150,000) from the community buildings capital programme used in part (£50,000) to contribute to the refurbishment of Stanley Day Centre and in part (£100,000) to offset the capital receipt for Stanley Day Centre. If this is not possible action should be taken to close the building and find alternative venues for users.

- l. The Council provides a contribution, in terms of specified works, from the community buildings capital programme of up to £100,000 to **Burnopfield Community Centre** if a FRI lease is in place by 31 August 2015. However, if asset transfer to the management group cannot be achieved by this date it is recommended that the Assistant Chief Executive, in consultation with the Cabinet Portfolio Holder for Neighbourhoods and Local Partnerships has the delegated authority to consider if the offer of asset transfer should be removed and the future of the centre reviewed.
- m. The Council offers the management group the freehold of **Bullion Hall** with a capital investment of £20,000 to offset any repairs and maintenance costs the Council may have faced, with the proviso that this remains as a community facility. A covenant should be placed on the sale of the land whereby if planning permission is approved for any alternative use, other than community use, on the land within 80 years from the date of transfer, the Council will be entitled to 80% of the increase in land value. The group will be given until March 2016 to explore the value of this against other financial models. If freehold is not pursued the Council should remain responsible for external repairs under the present lease.
- n. The management group of **Great Lumley Community Centre** is given until 31 August 2015 to sign the lease and then allowed to carry out works in a phased programme, enabling the funds to be raised by the group. If this is not achieved the Assistant Chief Executive, in consultation with the Cabinet Portfolio Holder for Neighbourhoods and Local Partnerships has the delegated authority to consider, if the offer of asset transfer should be removed and the future viability of the centre reassessed.
- o. The management group of **Bearpark Community Centre** is given until 30 September 2015 to complete their work on business planning and exploring fund raising. If this shows that the building can be sustainable the Council will enter into discussions with CISWO regarding the future. If this has not been achieved by 30 September the Head of Partnerships and Community Engagement, in consultation with the Cabinet Portfolio Holder for Neighbourhoods and Local Partnerships has the delegated authority to consider, if the Council should negotiate with CISWO regarding disposal and/or demolition of the centre.

- p. The **Community Buildings Grant** is withdrawn, with no standard payments being made in 2015/16. A fund of £60,000 will be kept aside for community building in 2015/16 to allow a grant of up to £1,600 to be paid to any group facing extreme financial hardship and able to demonstrate that they have taken all reasonable steps to increase their income. Payment of this fund will only be considered following officer support to raise alternative funds and final decisions regarding eligibility will be delegated to the Assistant Chief Executive, in consultation with the Cabinet Portfolio Holder for Neighbourhoods and Local Partnerships.
- q. The community building programme involved capital investment of £2.15 million to facilitate the asset transfer of 120 community buildings. The recommendations set out in this report aim to enable this programme to be completed. If any of the above recommendations cannot be fulfilled the Assistant Chief Executive should have the delegated authority, in consultation with the Cabinet Portfolio Holder for Neighbourhoods and Local Partnerships, to make appropriate changes to facilitate asset transfer of the remaining buildings.

### **Background papers**

14 September 2011 – Cabinet Report ‘Community Buildings Review Findings and Recommendations’

29 February 2012 – Cabinet Report ‘Community Buildings: Consultation Feedback and Proposed Strategy’

24 July 2012 – Cabinet Report ‘Community Buildings: Communal Rooms’

17 July 2013 – Cabinet Report ‘Community Buildings: Progress Report’

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## Appendix 1: Implications

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**Finance** – The community buildings project involved a £2.15 million capital programme for facilities on the condition of asset transfer and £600,000 time limited funding for a Community Buildings Team and asset transfer support fund. The proposals set out in this report would utilise the amount remaining in the community buildings capital programme. The revenue support was stretched over three years and has been fully used except for £20,000 which is committed to management groups for contributions to legal fees and will be paid when asset transfer is complete. The annual revenue costs were identified at the start of the project at £870,000 and in 2014/15 had been reduced to £240,600, with only minimal revenue costs for compliance projected in future years after all transfers have been completed. The estimated capital investment required over the next ten years was £11.25 million. This will no longer be required due to asset transfer and the changes proposed. The budget for community grants is presently £263,652 (in 2014/15 this enabled a grant of £1,617.50 to be allocated to 163 centres). The report proposes that this grant ends and a £60,000 hardship fund kept for 2015/16, this will enable a savings to be made as part of the Council's MTFP.

**Staffing** – A time limited Community Buildings Team was initially put in place for two years, although with delayed appointments and vacancies this was extended to cover three years, although at a reduced level. This team has now been disbanded. Staffing costs in community buildings were linked to caretakers (employed by CAS) and cleaners (employed by Neighbourhood Services). CAS consulted on changes and implemented reductions prior to asset transfer and Neighbourhood Services moved staff as required and were able to reduce staff accordingly. The proposals set out in this report could have an impact on staff remaining in one these buildings.

**Risk** – A risk assessment was carried out at the start of the project and the identified risks were successfully mitigated. The key risks associated with the proposals now put forward relate to accessing external funding to facilitate the level of capital investment required and for management groups to attract sufficient income to ensure viability and future sustainability. In addition there will be the continued risk that groups will struggle to attract the volunteers facilities need to maintain services. To mitigate these risks the Council will continue to work with the VCS to ensure support and assistance to access funding continues to be available and through a Transformation Challenge Award funded project will seek to increase access to high quality volunteers. A further risk is linked to the changes to the community buildings grant. To mitigate this risk an officer within the County Durham Partnership Team will support groups to seek alternative funding, reserve levels have been noted, an emergency fund has been put in place and AAP funding has become a significant sources of income for groups as they have increased the range of facilities they offer.

**Equality and Diversity / Public Sector Equality Duty** – Equality Impact Assessments (EIAs) have been carried out at all stages of the programme. Community buildings that have completed the asset transfer process are now better placed to meet the needs of those with protected characteristics within their communities. If buildings have closed or face closure individual EIAs have been

carried out to assess and mitigate the impact. A EIA was also carried out as part of the community buildings grant consultation work.

**Accommodation** – The programme has improved the quality and condition of community buildings in the County. Many are now able to act as hubs or locations for the provision of Council services allowing other facilities to be relinquished and resources to be more focused on staffing and service provision rather than accommodation.

**Crime and Disorder** – Community Buildings have always been used for Police surgeries and PACT meetings and other safety advice sessions. Improvements to community buildings allows this to continue in a better environment. The increased activities provided by community buildings are also helping to prevent anti-social behaviour. When buildings have closed there has been close liaison with local police and community organisations to prevent any anti-social behaviour linked to empty properties.

**Human Rights** - None

**Consultation** - A full programme of consultation, involving over 3,600 people, was carried out prior to the development of the Community Buildings Strategy in February 2012. Consultation on proposals for the 15 buildings remaining in the Community Buildings programme has been carried out on an on-going basis with the management groups of these buildings and local Members. Consultation on the future of the Community Buildings Grant was carried out in 2015, with a questionnaire sent to current and past recipients of the grant as well as a range of stakeholders who could potentially be impacted by changes to the grant.

**Procurement** - None

**Disability Issues** – A disability access survey was carried out for each building before the programme commenced. The findings from these assessments have been used to identify the works required and these have been built into the capital works programme.

**Legal Implications** – Each asset transfer has involved a legal process to develop and agree FRI leases for each building. A standard lease was developed which could be amended according to local requirements. This has simplified the position for the Council whilst ensuring groups have clarity regarding their position. The Council provided each group with funding of up to £800 to access independent legal advice prior to signing the lease.