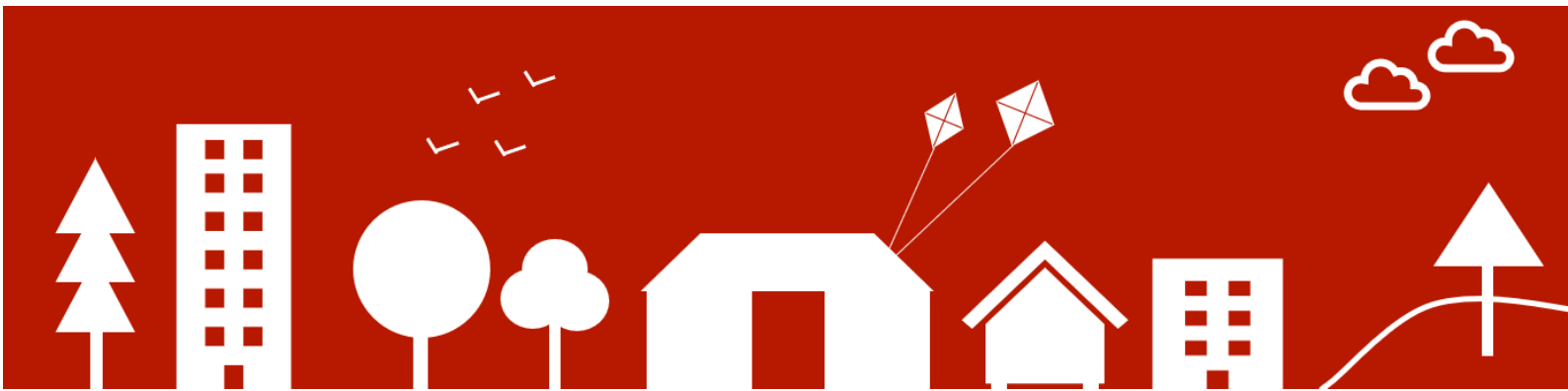




**WOKING**  
BOROUGH COUNCIL

# Community Asset Transfer Policy and Guide



12 December 2023

# 1. Introduction to this policy

This document provides the policy and guide to establishing Community Asset Transfers (CAT). CATs involve the transfer of a council asset to be operated by the community, usually on a long lease basis. This enables the community to take control in running assets to best meet local need and supports the voluntary and community sector to meet their growth ambitions. It also means the asset can be sustained and revitalised beyond the means of the council at a time of increased budget pressures.

This policy acts as a framework in managing an asset transfer based on circumstances and conditions under which the council will consider the transfer of its interest in a property or land. It also outlines the criteria of the community organisation as the receivers of the asset and includes the steps each party needs to take.

The policy should be used as a guide to both the local authority and the community organisation - the council needs to make sure it is proceeding in the right way based on the best option for the people of Woking, and the community organisation needs to ensure it has all the foundations in place to make the management of the asset a success. Though, to note, the community organisation should always seek independent professional advice when considering a CAT.

Collaboration is key and working in a transparent and open way will achieve the best results. The guidance set out in this policy aims to create an expected and consistent approach, though recognising each CAT will be unique based on the type of asset and the scale of the transfer.

The council's objectives are that:

1. CATs will be a route to sustaining valued community assets and enabling locally run services to thrive and flourish independent of council funding
2. CATs will be a vehicle for enabling and empowering community organisations to directly operate assets and to support the growth and development of the third sector
3. CATs will foster social and economic benefits for the local area, focusing on social inclusion and be environmentally considerate.

The policy reflects the intentions outlined in the [Woking for All](#) and 2022/23 [Supplementary and amended priorities](#), and in line with the Localism Bill 2011 which is the legislation that changes the powers of local government in England.

## 2. Statement of Commitment

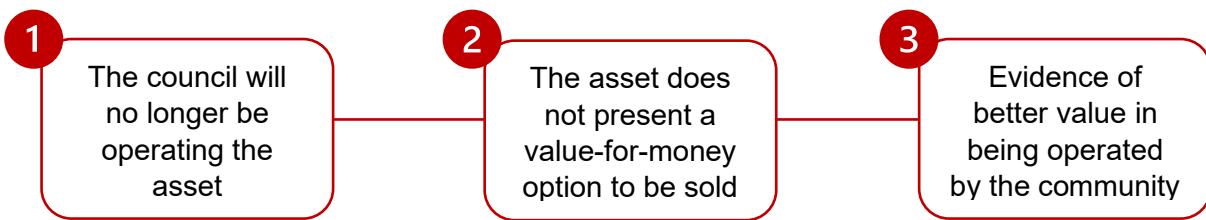
As part of its commitment to CATs the council will:

- Work closely with community organisations in a co-operative manner to achieve the best results for Woking
- Operate in a transparent way to ensure the community organisation will have all the information it needs to make a decision to accept a transferred asset
- Expect the community organisation to respect the confidential nature of information and not share beyond those who need to know
- Address any blockages in decision making and progressing with the CAT in a timely manner
- Expect the community organisation to operate the same commitments.

### 3. A CAT and its Benefit

A CAT is the transfer of a council-owned asset (usually land or buildings) to a community organisation at less than market value.. The community organisation would operate the asset as a way of continuing it without funding from the council due to budget pressures on discretionary services. Therefore, the aim is to achieve local social, economic or environmental benefit, usually by way of a long lease or in some limited circumstances a freehold transfer.

The council will consider a transfer based on one or a combination of the circumstances:



The council views CAT positively in providing the benefits as listed below.

The potential benefits of asset transfer for the community organisation include:

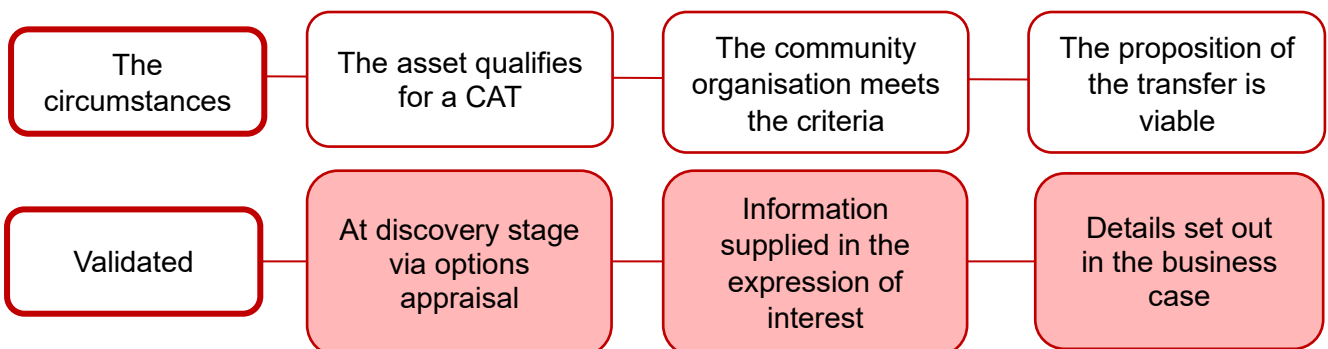
- Providing an opportunity for community organisations to grow and meet their ambitions
- Creating opportunities for income and funding to reinvest in the asset to support its sustainability
- Securing the asset to meet the community need and aspirations in line with the purpose of the community organisation.

The potential benefits of asset transfer for the council include:

- Creating the opportunity for investment in the asset that may not be possible within council ownership
- Providing a catalyst for regeneration of an area that is based on a partnership approach between sectors
- Contributing to the council’s objective to rationalise its estate and facilitate more effective use of its assets when led by the community.

### 4. The circumstances for a CAT

The circumstances for a CAT are based on three factors:



#### **4.1. When the asset qualifies for a CAT all the following apply:**

1. The legal power exists to allow the council to transfer assets under the 'general power of disposal' and transfer of the asset would not be contrary to any obligation placed on the council
2. The asset will no longer be operated by the council, which has been tested through an options appraisal which takes into consideration current and long-term use, future investment value and value through being sold
3. The transfer of the asset will remove recurrent expenditure from the council that it would ordinarily have to incur and remove financial / non-financial liabilities
4. The council would not generate a rental income from the asset that would outweigh a community benefit
5. The asset is fit for transfer or an understanding that the transfer takes place knowing the liabilities
6. The transfer abides by the Commercial Protocols of the council.

#### **4.2. When the community organisation meets the criteria when operating the CAT:**

1. Be a Woking based community organisation or if not actually based in the area have a demonstratable track record of creating social benefit in the Woking borough
2. Have the appropriate constitution in place or demonstrate it will be operational at the time of community transfer e.g. registered charity, community interest company or charitable incorporated organisation, not-for-profit company or co-operative, co-operative and community benefit societies
3. The constitution allows for the management of assets to operate for public good resulting in social, economic and/or environmental benefits for the people of Woking
4. Have the current or planned capacity to manage the asset and have directors, management committee members and/or employees who have the necessary experience and skills in place at the point of the community transfer
5. Complies with relevant equal opportunities legislation in its work and recruitment/employment of staff - embraces diversity and works to improve community cohesion
6. Complies with all statutory requirements in operating a community asset (including safeguarding) including Charity Commission and/or Companies House requirements.

#### **4.3. Proposition of the transfer is viable:**

1. Can demonstrate community need – therefore evidence of local consultation and involvement in designing the proposition in receiving the asset. This can be through letters of support, resident's forums, surveys, etc.
2. When based on a well defined business case that demonstrates financial sustainability and viable management arrangements; large scale transfers (with a planned turnover of £100k and over) presenting the proposition in a business plan alongside the business case
3. When based on an inclusive approach to people using the asset, or targeted activity for participants with evidenced need
4. It does not duplicate activities and compliments services or facilities already present in the local community and provides evidence enhancement of the neighbourhood e.g. supporting letters
5. Include key performance indicators (KPIs) in the business case in which success can be measured.

#### **4.4. When a CAT would not be transferred:**

1. When the asset is still needed for the council to directly deliver services, or the option to sell provides greater value to the wider community
2. If the community organisation applying to take on the asset cannot demonstrate an additional community benefit or viable business case
3. If the community organisation does not fit the criteria as outlined in this policy
4. If the community organisation applying to take on the asset was operating a function or activities that does not accord with the objectives of the council
5. When community assets have been acquired by compulsory purchase on behalf of a third party
6. Where an organisation is intending to operate the asset to generate a commercial gain without reinvestment plans
7. If the community organisation operates solely for faith, religious or political purposes
8. When covenant restrictions do not allow for the transfer
9. When the expiry date for transfer as agreed has passed
10. Where a community organisation has breached confidentiality, or acting in a way that is not open, transparent or is intentionally misleading the council.

If the council decides to halt the asset transfer after an expression of interest has been submitted it will outline the reasons why based on the previous points.

When there is more than one community organisation interested in the same asset (part or whole) then the highest score business case will proceed. The unsuccessful community organisation will be informed as to why their business case did not score as well.

## **5. How the lease will Operate**

The council will be as flexible as possible when designing lease clauses to recognise the value of assets being transferred. The heads of terms will be proportionate to the scale of the transfer, aiming to support the long-term success of the venture whilst also meeting the legal, statutory and operational obligations and duty of care for the users of the transferred asset.

Leases will be accompanied by a Service Agreement that will set out the agreed minimum standards, opening hours and activities, and how these will be measured and monitored. This agreement will include the intentions as outlined in the business case with KPIs so success can be measured against the decision to transfer the asset. The council will be open to reasonable revisions based on changing circumstances but changes will need to be agreed in advance, and may need to be formally accepted through the council's governance.

### **5.1. Maintaining the Asset**

Depending on the asset and the circumstance of the community organisation a lease will be between three and 25 years - a lease longer may be appropriate if supported by a business case that demonstrates specific conditions or requirements from funders or lenders. A freehold transfer will be considered in exceptional circumstances.

As previously outlined, once granted a lease can be extended or restructured at a future stage to meet changed activities or circumstances.

The asset will be transferred for a rental value which will vary depending on the asset. The rental value will be communicated to the community organisation in advance of submitting the business case.

The lease will be based on Full Repairing and Insuring (FRI), meaning that the community organisation taking on the asset will be responsible for all the repairs and maintenance from the date of transfer. This will include being responsible and liable for all operations of the asset.

There will be an Asset Lock in the lease that prevents the asset from being sold for unintended financial gain and the loss of the agreed benefits. Leases will contain suitable clauses to ensure the return of the asset to the council if the terms of the service agreement are not met, or in the case of dissolution, insolvency or corruption by the community organisation and its representatives.

The asset must be maintained by the community organisation to at least the same standard as is currently provided or better if part of an investment plan. As part of the maintenance it will need to be compliant with all planning, licensing and other relevant regulations and have in place all appropriate insurances for fire, wet peril, inclement weather, theft, public liability etc.

Any proposed major investment works would require the council's prior approval, the purpose being to ensure that the property remains suitable for the use for which it was released or any subsequently agreed variation. As the asset remains in the ownership of the council the value will remain on the balance sheet of the council, rather than the community organisation. As operators of the asset the community organisation will be liable for the rates where relevant.

Throughout the duration of the lease, the council reserves the right to monitor the running of the asset in line with the asset transfer agreement.

Leases will be contracted out of the security of tenure provisions of the Landlord and Tenant Act 1954 to give the council the flexibility to determine the future use and disposal of its property.

## **5.2. Ceasing the Lease**

The council will support the community organisation to succeed in the operation of the transferred asset. However, if the community organisation should unfortunately be wound up or liquidated the council will be the interested party to regain possession of the asset. The council can terminate the lease should the property not be used for the purpose for which it was transferred, unless such changes have been formally agreed in writing. The return of the asset will happen if:

1. The asset is not being maintained as agreed
2. The benefit to the community (as set out in the business case and agreements) is not being delivered
3. The use of the asset has been changed without the prior written permission of the council
4. Any element of the asset has been sub-let to a third party without prior written permission of the council
5. Any illegal activity is found being undertaken from the asset
6. A commercial gain is not being invested in the transferred asset

7. The community organisation faces dissolution and insolvency or found to be corrupt, not operating in the best interest of the community or having questionable standards of behaviour (including its individual representatives)
8. If specific terms of the lease have been breached e.g. insufficient insurance or indemnity cover.

At the end of any lease the council will expect the property to be returned in the condition that it was made available taking into account reasonable wear and tear.

The community organisation should take appropriate professional advice as to the condition, future repairs and maintenance liabilities and premises management requirements.

## 6. CAT Governance

The council will have in place a CAT Board. This will consist of representatives from property, legal and financial services plus relevant directorate representatives. It will meet at different stages of the CAT process, with its role centring on:

- Identifying premises suitable for a CAT
- Ensuring communication to services and directorates that an asset will no longer be run by the council and responding to cases for retaining the asset
- Response to a community organisation that has presented an asset suitable for CAT
- Assessing the expression of interest, and agreeing to proceed to business case submission or rejection giving clear reasons why
- Assessing the business case to agree, outline where further work may be needed or to reject, again giving clear reasons for any rejection
- Forming the recommendations for an executive decision including outlining bespoke elements needed within the lease and agreement.

The decision to transfer the asset will be made by the member executive or relevant member portfolio holder based on recommendations from officers once the business case has been agreed through due process (council members will not be involved in any aspects of the negotiation process to transfer the asset to ensure impartiality).

The council will assign a lead contact officer during the process of transferring the asset and support ongoing relations when the asset has been transferred. The community organisation will make the same arrangement of having a single point of contact.

The CAT will be operated without interference from the council, though the council will want to know that the intentions of the asset transfer are being delivered in accordance with the agreed business case and lease. Therefore, the council lead may attend the committee / board of the community organisation as an observer and receive board papers. Also, the council and community organisation will agree a proportionate reporting regime based on an annual report with accounts to be published, with the option of conducting spot-checks and audits for justifiable reasons.

The council and community organisation will agree a communications plan and protocol, with any press and social media on the asset transfer acknowledging the contribution from the council.

Any council party (officer and member) will have to declare an interest relevant to the transfer or community organisation. If an executive member is on the board or has links to

the community organisation the decision making on awarding the transfer will need to pass to another executive member or abstain and leave the meeting from voting if the decision is via committee.

A ward member can be key in letting the community know when an asset has the potential to be a CAT. Where there is more than one community organisation interested in a CAT, the ward member(s) need to be impartial and give equal support to each party.

## 7. Process for establishing a CAT

The process for establishing a CAT is outlined in more detail in Appendix 2, and outlined in this section based on five stages including the headline requirements of the council and the community organisation.



### 7.1. Discovery

The purpose of this stage is to identify assets suitable for CAT.

The council responsibilities include:	The community organisation responsibilities include:
<ul style="list-style-type: none"> <li>▪ Options appraisal for assets viable for CAT or consider proposition from the community</li> <li>▪ Ensure assets are no longer needed by council services – including consultation with departments</li> <li>▪ CAT Board to decide the release of assets as potential CAT</li> <li>▪ Promote an asset as available as a CAT</li> <li>▪ To understand if any TUPE (Transfer of Undertakings Protection of Employment) arrangements would apply.</li> </ul>	<ul style="list-style-type: none"> <li>▪ Identify property for CAT</li> <li>▪ Form initial approaches on how the asset would be used and managed</li> <li>▪ Consider the CAT policy in line with the intentions for the asset</li> <li>▪ Gather initial evidence of need</li> <li>▪ Approach the council for initial discussions.</li> </ul>
<ul style="list-style-type: none"> <li>▪ Joint activity: Have an initial meeting to outline the requirements in the expression of interest, to outline any TUPE implication, planning restrictions and covenants on the asset.</li> </ul>	
<ul style="list-style-type: none"> <li>▪ Decision: To proceed or not to the expression of interest stage.</li> </ul>	
<ul style="list-style-type: none"> <li>▪ Documentation: CAT Policy for guidance and reference.</li> </ul>	

Whether an asset is considered suitable by the council for a CAT (either through an internal options appraisal or via an approach from a community organisation) the potential CAT will be listed on the council webpage.



## 7.2. Expression of interest

The purpose of this stage is to develop an early outline of the intentions of the CAT.

The council responsibilities include:	The community organisation responsibilities include:
<ul style="list-style-type: none"> <li>▪ First check of the expression of interest by lead officer – advising the community organisation if there are elements missing</li> <li>▪ Appraisal of the expression of interest at the CAT Board</li> <li>▪ Inform the community organisation of the outcome of the appraisal – either more work needed or rejection</li> <li>▪ Outline briefing to the senior management, executive members and ward members on the progress of the CAT.</li> </ul>	<ul style="list-style-type: none"> <li>▪ Complete the expression of interest ensuring that outline requirements are completed and in place</li> <li>▪ Refine the expression of interest based on feedback</li> <li>▪ Conduct consultation with the community if not already taken place.</li> </ul>
<ul style="list-style-type: none"> <li>▪ Joint activity: Discussion on where the expression of interest could be improved.</li> </ul>	
<ul style="list-style-type: none"> <li>▪ Decision: To proceed or not to the business case stage.</li> </ul>	
<ul style="list-style-type: none"> <li>▪ Documentation: Evaluation form for expression of interest; expression of interest templates to be completed by the community organisation.</li> </ul>	

The community organisation will have two opportunities to submit an expression of interest to the council with the second one based on suggested improvements from the CAT board.

## 7.3. Business case

The purpose of this stage is to document the case for transferring the asset.

The council responsibilities include:	The community organisation responsibilities include:
<ul style="list-style-type: none"> <li>▪ Provide all information based on management of the asset including financial details, condition surveys, liabilities.</li> <li>▪ Share draft terms of agreement/lease so the community organisation knows what to expect</li> <li>▪ Appraisal of the business case at the CAT Board</li> <li>▪ Inform the community organisation of the outcome of the appraisal</li> <li>▪ Review any appeal or resubmission.</li> </ul>	<ul style="list-style-type: none"> <li>▪ Complete the business case template ensuring that all the key requirements are completed and in place, with business plan over the threshold</li> <li>▪ Seek external advice and support</li> <li>▪ Commission condition survey if not up to date</li> <li>▪ Submit the business case, resubmit on feedback if inclined</li> <li>▪ If inclined, submit an appeal against a “no” decision.</li> </ul>
<ul style="list-style-type: none"> <li>▪ Joint activity: Joint interest in sharing information and agreeing on a time scale; keep in contact with how the CAT is progressing and jointly troubleshoot issues.</li> </ul>	
<ul style="list-style-type: none"> <li>▪ Decision: To recommend award of the CAT or not.</li> </ul>	

The council responsibilities include:	The community organisation responsibilities include:
<ul style="list-style-type: none"> <li>▪ Documentation: Business case template to be completed by the community organisation; evaluation form for business case to be completed by the council. Supporting information – budgets, ground and condition surveys etc.</li> </ul>	

The content of the business case is extremely important as it will form the basis of the lease and the agreement, along with the information provided used to form the executive decision to proceed with the CAT.

In cases where there are two or more groups interested in an asset (whole or in part) these will be selected based on the content of the business case. A separate business plan is needed for any property with a turn-over of £100k.

The community organisation will have two opportunities to submit a business case – the second based on feedback from the CAT board. The appeals process, if needed, will be routed through the council's complaints process.

## 7.4 Award and Mobilise

The purpose of this stage is to agree to the CAT and put in place requirements for operation of the asset.

The council responsibilities include:	The community organisation responsibilities include:
<ul style="list-style-type: none"> <li>▪ Agree on the CAT through formal governance with published report</li> <li>▪ Finalise the legal agreements and monitoring regime</li> <li>▪ Ensure the property is in good order before transfer and/or the full liabilities are known and agreed.</li> </ul>	<ul style="list-style-type: none"> <li>▪ Formal agreement by the board of trustees or equivalent (documented for evidence if needed)</li> <li>▪ Confirm legal compliance with external advice</li> <li>▪ Ensure management arrangements are in place, insurance and any contracting arrangements</li> <li>▪ Compliance with legislation confirmed, e.g. health and safety.</li> </ul>
<ul style="list-style-type: none"> <li>▪ Joint activity: Sign the legally binding agreements.</li> </ul>	
<ul style="list-style-type: none"> <li>▪ Decision: Formal decision to award the CAT and agreement by the community organisation board.</li> </ul>	
<ul style="list-style-type: none"> <li>▪ Documentation: Legal agreements signed by parties.</li> </ul>	

## 7.5. Operation and Change

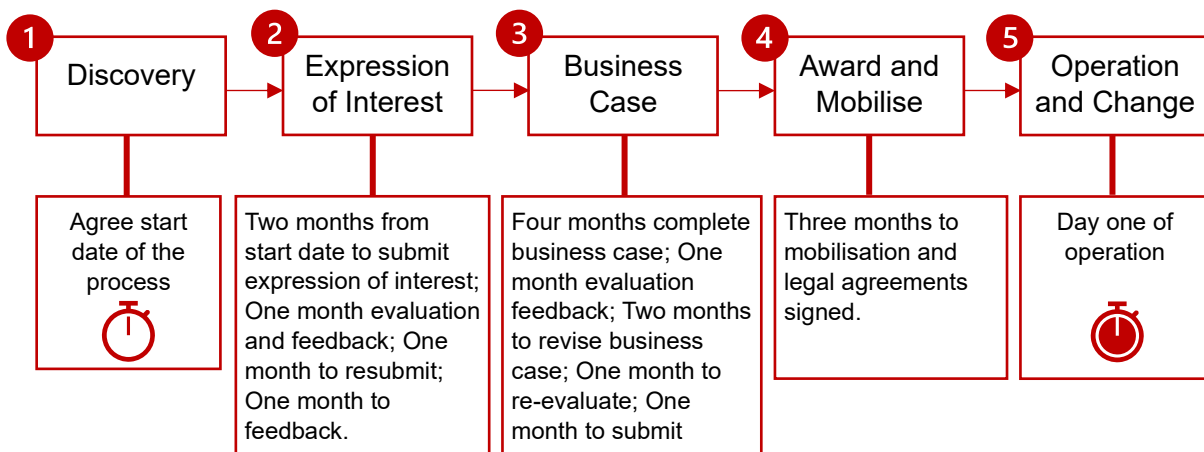
The purpose of this stage is to run the community asset transfer and agree change if needed.

The council responsibilities include:	The community organisation responsibilities include:
<ul style="list-style-type: none"> <li>▪ Monitor performance through KPIs set out in the business case</li> </ul>	<ul style="list-style-type: none"> <li>▪ Deliver objectives and activities outlined in the business case</li> </ul>

The council responsibilities include:	The community organisation responsibilities include:
<ul style="list-style-type: none"> <li>▪ Provide guidance to support the community organisation if needed</li> <li>▪ Complete monitoring visits and audits</li> <li>▪ Agree (or not) to altering the agreements/lease based on change of circumstances and requirements</li> <li>▪ Decide to terminate the lease based on points within this policy.</li> </ul>	<ul style="list-style-type: none"> <li>▪ Provide annual monitoring reports to the council that are published for transparency</li> <li>▪ Report any change in circumstances or activity to the council, particularly that alters the business case.</li> </ul>
<ul style="list-style-type: none"> <li>▪ Joint activity: Promote asset transfer and the joint venture; work in partnership to ensure the CAT is a success</li> </ul>	
<ul style="list-style-type: none"> <li>▪ Decision: Consider any change presented by the community organisation.</li> </ul>	
<ul style="list-style-type: none"> <li>▪ Documentation: KPI reporting by the community organisation.</li> </ul>	

## 7.6. The Schedule

It is important the process for the community asset transfer remains on track otherwise there could be a missed opportunity to use the asset, Also, both the council and the community organisation will have finite resources to allocate to the process.



## 8. Funding a CAT

The CAT could be transferred on the understanding that work is required by the community organisation to make it fit for use and development.

Once transferred, there will not be any recurrent funding available from the council for future repairs and maintenance or running costs of the asset.

The council will be willing to provide evidence of community transfer to a funder, investor and sponsor. The community organisation should confirm in writing details of funders, sponsors and investors etc. to ensure the sponsor is in line with the council's values – if considered not appropriate the council will outline the reasons why.

## 9. Risk and Solutions

There will inevitably be issues that arise as the council and the community organisation traverse the process of delivering the CAT. Below are some possible risks and potential solutions.

Possible Risks	Potential Solutions
The council is requiring too much of a community organisation in the establishment of the CAT.	Be proportionate in the requirements recognising the scale and size of the asset transfer.
The community organisation is not ready to take on the asset but is interested in a CAT.	To be well prepared for the requirements of a CAT, including being a registered organisation with a relevant constitution.
Community organisation does not have the capacity /skills to take over and manage the asset.	Understand the community organisation might need a development plan to have the right people in place and the business case could include recruitment of new board members and staff.
The full liabilities of taking on the asset are not known by the parties.	Ensure up-to-date condition and land surveys; along with full disclosure of the current running costs. Community organisation to ensure it has independent advice.
Community organisation does not have the finances in place to run the community asset.	Sound financial planning is put in place, including ways of generating income and grants that can be used to reinvest in the asset.
There is more than one community organisation interested in an asset.	The submitted business cases will be assessed fairly, but need to ensure all community organisations agree the time scale.
Not sure of the legal position of staff the council currently employs to run services at the asset being transferred.	If the services are to remain then TUPE would need to be applied; if the services will not be operated in the future the council will need to run a dismissal / redeployment process for the employees.
Once operational it becomes clear the business case as set out is not viable, or there are unforeseen costs.	Every support will be given to ensure the CAT is a success, though the council needs to be realistic in what can be achieved. Changes can be made to a degree through a revised decision or the asset is returned to the council.
Funders and investors require a long lease or freehold.	The council to be open minded to alter lease terms based on a strong case.
If the CAT fails funders expect to have ownership of the asset.	It is made clear in agreements between the council and the community organisation, and between the community organisation and the funder that the asset under leasehold reverts to the council.
The community organisation and the council do not see eye to eye on lease terms or process.	Both parties operate in an open and collaborative manner; with regular dialogue. Potential for mediation, or realisation that the parties have different intentions which would stop the CAT proceeding.

Possible Risks	Potential Solutions
Poor business case that does not outline the requirements to make an informed decision.	The lead officer to work with the community organisation requirements for the business case. The community organisation has two chances to submit the business case.
The council does not have sufficient capacity either financially or through personnel to support the CAT transfer and monitoring.	Resources are allocated within the council but with also clear expectations of the support the council can provide and time spent on the steps and stages.
There is significant damage to the property when operating as a CAT.	The community organisation needs to have relevant insurance in place with the council ceasing to have responsibility for the liabilities.

## Glossary and references

Item	Link for definition
Asset Lock	An asset lock is a legal clause that prevents the assets of a company from being used for private gain rather than the stated purposes of the organisation.
CAT	Community Asset Transfer is a process that allows a community organisation to take over publicly-owned land or buildings in a way that recognises the public benefits
CAT board	Woking Council Community Asset Board to identify assets for CAT and make decisions on expression of interest and business cases.
Charities Commission	<a href="http://www.gov.uk">About us - The Charity Commission - GOV.UK (www.gov.uk)</a>
Community building	A free-standing building that is managed, occupied or used primarily by the voluntary and community sector and where community-led activities for community benefit are the primary use of the building.
Community organisation	A community led organisation (also see third sector).
Companies House	<a href="http://www.gov.uk">Companies House - GOV.UK (www.gov.uk)</a>
Covenant	A provision contained in a deed to an asset that affects or limits its use.
Discretionary services	Services the council does not have a legal obligation to run.
Freehold	A form of ownership of land or buildings where ownership cannot be taken away from the owner unless they agree. This is the most permanent way in which someone can own land or buildings. The owner owns the property forever, or until they sell it or give it away. They do not have to pay anyone for the use of the land and buildings.
Full Repairing and Insuring (FRI)	A type of commercial lease in which the tenant is responsible for the cost of all repairs and upkeep of the property, as well as the cost of buildings insurance. The tenant is also responsible for insuring the property against damage or loss.
Governance	A process for decision making.
Heads of terms	A list of the main terms upon which the formal Community Asset Transfer will be based.

Item	Link for definition
Key performance indicators (KPIs)	Set of measures to illustrate performance next to intentions.
Lease	An agreement between landlord and tenant granting the tenant the right to possess the leasehold property subject to payment of rent.
Leasehold	A form of land ownership that the tenant holds from a landlord for a limited number of years.
Management committee	Members of community organisation governing body (who may be called trustees, directors, members of the management committee).
Peppercorn rent	Minimal rent paid to keep a claim, or title, in force.
Restrictive covenant	A covenant acknowledged in a deed or lease that restricts the free use or occupancy of property.
Public Asset	A building or piece of land owned by a public sector body (government department or agency, local authority).
Third sector	The voluntary or community sector, not-for-profit organisation including community interest company and cooperative and community benefit societies.
TUPE	Transfer of Undertakings Protection of Employment. TUPE regulations protect rights as an employee when services transferred to a new employer.

## Appendix 1 – Community organisation Checklist

The following list aims to provide useful information for the community organisation when taking on a transferred asset. Most areas should already be covered in a constitution, and be proportionate to the scale of the asset being transferred. To note the requirements may not currently be in place, but in place at the time of the transfer.

Check	Requirement
<input type="checkbox"/>	We know the asset - its history, any liabilities e.g. flooding, contaminated land, building plans
<input type="checkbox"/>	We are a registered, non-for-profit organisation
<input type="checkbox"/>	We have the appropriate constitution with the appropriate registrations in place
<input type="checkbox"/>	Our constitution allows the management / ownership of buildings and provision of community based activities
<input type="checkbox"/>	We can demonstrate good governance by operating through open and accountable processes, with adequate monitoring, evaluation and financial management
<input type="checkbox"/>	Our trustees / directors / management committee members understand their legal obligations
<input type="checkbox"/>	We have written policies covering payment of trustees / directors / management committee members and volunteers
<input type="checkbox"/>	We can demonstrate we have the skills and capacity required to run the asset of this scale or have a development plan in place
<input type="checkbox"/>	Our roles and responsibilities are set out including powers to make decisions in our constitution or associated policies
<input type="checkbox"/>	We have a conflict of interest register
<input type="checkbox"/>	We have a reserves policy, have procedures for paying/reclaiming the correct amounts of tax, NI and VAT
<input type="checkbox"/>	We can provide copies of the accounts of the organisation
<input type="checkbox"/>	We have a clear purpose and understanding of the activities we wish to deliver
<input type="checkbox"/>	We have a track record of creating social benefit for the people of Woking
<input type="checkbox"/>	We have conducted consultation on our plans for the local area
<input type="checkbox"/>	We embrace diversity and work to improve community cohesion and reduce inequalities
<input type="checkbox"/>	We can evidence number of years established
<input type="checkbox"/>	Our management proposal includes a specific plan on health and safety issues and compliance with legislation and any statutory requirements arising from ownership or management of the building asset and the activity provided as part of it
<input type="checkbox"/>	We have all the necessary insurances in place or they are in plan
<input type="checkbox"/>	We know how the asset will be managed day to day that doesn't just rely on one person, including having repair and maintenance arrangements in place along with safety and security
<input type="checkbox"/>	Our governance structures are in place that rely on more than just a few people
<input type="checkbox"/>	We understand the terms of the lease and received independent legal advice
<input type="checkbox"/>	We know our digital requirements including IT security
<input type="checkbox"/>	We have all the required policies in place including where appropriate safeguarding, continuity plans, charging policy, complaints procedure, membership scheme criteria
<input type="checkbox"/>	We understand the statutory considerations that can include but are not limited to:- Health & Safety at Work Act 1974; Regulatory Reform (Fire Safety) Order 2005; Occupiers Liability Act 1957; Landlord & Tenant Act 1954; Charities Act 2011; Town & Country Planning Act 1960 and subsequent regulations; Equality Act 2010; Building Act 1994; Defective Premises Act 1972; Control of Asbestos Regulations 2012.