

Leicester
City Council

MEETING OF THE CULTURE AND NEIGHBOURHOODS SCRUTINY COMMISSION

DATE: THURSDAY, 11 SEPTEMBER 2025

TIME: 5:30 pm

**PLACE: Meeting Room G.01, Ground Floor, City Hall, 115 Charles
Street, Leicester, LE1 1FZ**

Members of the Committee

Councillor Zaman (Chair)

Councillor Halford (Vice-Chair)

Councillors Dr Barton, Cassidy, Chauhan, Dave, Haq and Waddington

Members of the Committee are invited to attend the above meeting to consider the items of business listed overleaf.

For Monitoring Officer

Officer contacts:

**Ed Brown (Edmund.Brown@leicester.gov.uk) and Julie Bryant (Julie.Bryant@leicester.gov.uk) or
Governance Services (committees@leicester.gov.uk), or call in at City Hall.**

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- ✓ to ensure that the sound on any device is fully muted and intrusive lighting avoided;
- ✓ where filming, to only focus on those people actively participating in the meeting;
- ✓ where filming, to (via the Chair of the meeting) ensure that those present are aware that they may be filmed and respect any requests to not be filmed.

Further information

If you have any queries about any of the above or the business to be discussed, please contact:

Ed Brown (Edmund.Brown@leicester.gov.uk) and Julie Bryant (Julie.Bryant@leicester.gov.uk) or Governance Services (committees@leicester.gov.uk), or call in at City Hall.

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PUBLIC SESSION

AGENDA

FIRE / EMERGENCY EVACUATION

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1. WELCOME AND APOLOGIES FOR ABSENCE

To issue a welcome to those present, and to confirm if there are any apologies for absence.

2. DECLARATIONS OF INTEREST

Members will be asked to declare any interests they may have in the business to be discussed.

3. MINUTES OF THE PREVIOUS MEETING

[Appendix A](#)

The minutes of the meeting of the Culture and Neighbourhoods Scrutiny Commission held on Thursday 19th June 2025 have been circulated, and Members will be asked to confirm them as a correct record.

4. CHAIR'S ANNOUNCEMENTS

The Chair is invited to make any announcements as they see fit.

5. QUESTIONS, REPRESENTATIONS AND STATEMENTS OF CASE

Any questions, representations and statements of case submitted in accordance with the Council's procedures will be reported.

6. PETITIONS

Any petitions received in accordance with Council procedures will be reported.

7. HERITAGE PLACES FUNDING, NATIONAL LOTTERY HERITAGE FUND - VERBAL UPDATE

8. COMMUNITY ASSET TRANSFER POLICY UPDATE **Appendix B**

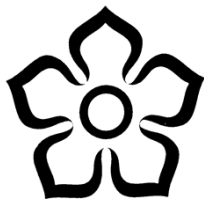
The Director of Estates & Building Services presents a report to:

- Update the Commission on the Community Asset Transfer (CAT) Policy, amended in light of changes to legislation, Council objectives, the Community Services & Library Needs Assessment, policy and practice since adoption of a CAT Policy in 2008 as last updated in 2022.
- Provide an overview of the recent amendments in light of the above changes.
- Agree the mechanism for bringing to full Council for approval (if necessary).

9. WORK PROGRAMME **Appendix C**

Members of the Commission will be asked to consider the work programme and make suggestions for additional items as it considers necessary.

10. ANY OTHER URGENT BUSINESS



Leicester
City Council

Appendix A

Minutes of the Meeting of the
CULTURE AND NEIGHBOURHOODS SCRUTINY COMMISSION

Held: THURSDAY, 19 JUNE 2025 at 5:30 pm

P R E S E N T:

Councillor Zaman – Chair
Councillor Halford – Vice Chair

Councillor Cassidy
Councillor Dave

Councillor Chauhan
Councillor Waddington

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132. WELCOME AND APOLOGIES FOR ABSENCE

The Chair welcomed those present to the meeting.

Apologies were received from Cllr Dr Barton and Cllr Haq.

133. DECLARATIONS OF INTEREST

Members were asked to declare any interests they may have had in the business to be discussed.

There were no declarations of interest.

134. MINUTES OF THE PREVIOUS MEETING

AGREED:

That the minutes of the meeting of the Culture and Neighbourhoods Scrutiny Commission held on 3 April 2025 be confirmed as a correct record.

135. MEMBERSHIP OF THE COMMISSION 2025/26

The Membership of the Commission was confirmed as follows:

Councillor Syed Zaman - Chair

Councillor Elaine Halford – Vice-Chair
Councillor Susan Barton
Councillor Ted Cassidy
Councillor Sue Waddington
Councillor Yogesh Chauhan
Councillor Bhupen Dave
Councillor Zuffar Haq

136. DATES OF MEETINGS FOR THE COMMISSION 2025/26

The dates of the meetings for the Commission were confirmed as follows:

19 June 2025
21 August 2025
3 November 2025
22 January 2026
5 March 2026
16 April 2026

137. TERMS OF REFERENCE

The Commission noted the Scrutiny Terms of Reference.

138. CHAIR'S ANNOUNCEMENTS

- The Chair reported that the recent visit of the Commission to Jewry Wall Museum prior to it opening had been interesting both in terms of the historical artefacts and the modern technology used to bring it to life. The museum would open on 26th July and members of the Commission could attend a launch on 24th July.
- The Chair emphasised that the Commission was there to scrutinise and hold the executive to account, and asked the Commission to do this respectfully. He further asked that when members asked questions, that they be kept to the topic at hand and that any other issues be brought up with members and/or officers outside the meeting.

139. QUESTIONS, REPRESENTATIONS AND STATEMENTS OF CASE

The Monitoring Officer reported that none had been received.

140. PETITIONS

The Monitoring Officer reported that none had been received.

141. OVERVIEW OF CULTURE AND NEIGHBOURHOODS

The Director of Neighbourhood and Environmental Services gave a presentation using the slides attached with the agenda pack. Additional points included:

- It was likely that the City Centre Director would provide information on city centre performance at some point.
- The Festivals and Events team celebrated the city well and had a 28% increase in engagement, which was good in a post-Covid society.
- The divisions of Neighbourhood and Environmental Services and Tourism, Culture and Economy worked closely together.
- The Record Office was run jointly with Leicestershire County Council and Rutland Council.
- There were close links with place marketing and good work had been done with digital content.
- The Culture and Creative Industries Strategy had been recently developed and the Museum Service Vision was a part of this. It showed ambition for capital investment and work with communities as well as working with children, young people and schools.
- Leicester Museum and Art Gallery (LMAG) was being developed in terms of its climate change and social history galleries, and Jewry Wall Museum would open shortly.
- The capital investment in LMAG and Jewry Wall was aimed at creating memorable visits and providing an excellent visitor experience.
- Arts Council England had provided regular National Portfolio Organisation funding of £1.2m in regular funding of £400k per year, from 2023 – 31st March 2026 this was for fixed term posts in the service and a wide range of activities making collections more accessible, taking objects into the community, learning, volunteering and access initiatives. Another year of funding had just been confirmed (2026-27), and the level of this funding was to be confirmed by the funder.
- The Division of Neighbourhoods and Environment had a £45m budget over seven areas and the work of the division touched on all parts of the city. 50% of this budget went on waste services, this was a statutory service.
- The division was representative of the city in terms of ethnicity, age profile and gender split.

The Committee were invited to ask questions and make comments. Key points included:

- In response to a query on whether the contract with Biffa would be renewed, it was explained that the Council were coming to the end of their contract with them and beginning an open-market procurement exercise. There was still a Private Finance Initiative PFI agreement with Biffa. A site visit to Biffa could be arranged.

- The majority of the Divisional budget for waste was spent on the contract with Biffa. The cost of the contract had only grown by inflationary amounts.
- In response to a query on the enquiry system and whether there would be a named individual in each department to take on directing queries, it was explained that it was being looked to move away from current arrangements and a decision would be arrived at on what the future could look like, and this would be communicated to Councillors. This may mean that there could be named individuals to direct enquiries, arrangements would be considered over the coming weeks.
- It was suggested that officers could aim for a turnaround time of five days to respond to queries.

AGREED:

- 1) That the presentation be noted.
- 2) That comments made by members of this commission to be taken into account by the lead officers.
- 3) That a site visit to Biffa be arranged.

142. KING RICHARD III VISITOR CENTRE CAFÉ BUSINESS CASE

The Director of Tourism Culture and Economy submitted a report on the business case for the new Café at the King Richard III Visitor Centre.

The General Manager of the King Richard III Visitor Centre (KRIII) presented the report.

Key points included:

- This was a £551k project to bring the café to the front of the site so that all visitors could make use of it.
- This would involve the conversion of space, lowering the floor and windows and creating a doorway to create a café seating area. Additionally, the existing reception area would be converted to be a café server area as well as a place to sell tickets.
- There could be outside seating on the street.
- The existing café would be converted to an education space, this could also be hireable.
- This was an 'invest to save' scheme whereby expenditure would be reduced, and income would be increased and service on the site would be improved.

The Committee were invited to ask questions and make comments. Key points included:

- In response to a request for assurances over the budget, it was explained that lots of work had been done to remove unknowns. Many surveys had been taken ahead of the project, and this proposal was the

second iteration. Costs and factors needed had been considered and factored in. Additionally, there was a £100k contingency and research and surveys had been conducted to avoid additional costs.

- It was requested that a report come back to the Commission 12 months following the opening of the new café to ascertain whether expectations had been met in terms of customer numbers and cost/benefit.
- It was noted that the existing café had a record year since the pandemic and income had increased 10% year-on-year.
- In response to a query on whether the King Richard III Society had any association with the site, it was clarified that the Leicestershire Branch of the Richard III Society met at the King Richard III Visitor Centre monthly and there was a section of retail sales that were their products. Additionally, there were connections with the national Richard III Society and associations with both their past Chair and their current Chair, and Phillipa Langley would be giving presentations at the site.
- In response to a query on the impact on the site whilst the works were taking place, it was clarified that the major works would take place in the temporary exhibit area, so this would minimise the impact on the rest of the experience. The rest of the site would not be affected until the breakthrough, which was aimed to take place during the winter period when the museum was closed.
- In response to a query about how the new café would be advertised, it was noted that the offer in the area included the museum as well as the tomb and the cathedral. As such, the cathedral was worked with closely and between the museum and the cathedral there were over 50k visitors per year.
- In response to a query about what would happen to the temporary exhibition space where the new café was to be situated, the information and stories in this area would be covered elsewhere in the museum.

AGREED:

- 1) That the presentation be noted.
- 2) That comments made by members of this commission to be taken
- 3) That a report come back to the Commission 12 months following the opening of the new café to ascertain whether expectations had been met in terms of customer numbers and cost/benefit.

143. PUBLIC SPACE PROTECTION ORDERS - PROGRESS

The Director of Neighbourhood & Environmental Services will deliver an update on the progress of Public Space Protection Orders.

The Deputy City Mayor, Housing, Economy and Neighbourhoods, introduced the item.

- She explained that the Community Safety team led the PSPO consultation, while the political messaging was managed by the City Mayor. The PSPO, which formed part of the Heart of Leicester action plan, already had a significant impact on the City Centre and had

contributed considerably to safer streets. However, she clarified that the purpose was to engage and educate members of the public, rather than to be punitive. The issuance of fines was intended primarily as a deterrent.

- The Deputy City Mayor further highlighted the partnership work undertaken in collaboration with the Police to ensure the success of the PSPO, including Operation Pedal Fast - an operation targeting the seizure of illegal bikes and scooters. She noted that by dispersing these behaviours in the City Centre, the Council was better positioned to focus on individuals who require support, such as those leading a street lifestyle despite having an active tenancy.

The Head of Safer Communities elaborated further on the report, stating that the PSPO went into effect in April and focused on the City Centre. She outlined the timelines of events from the education campaign to the Operation Pedal fast and the engagement of businesses, all of which complemented the PSPO. It was noted that:

- The PSPO covered offences relating to loitering and begging, microphones, loudspeakers, temporary structures, e-bikes (and other offences detailed in the presentation).
- The target hours of work were 8 Staff per day, split between the City Wardens and the Community Safety team.
- Thirty-eight signs had been installed at specified locations, alongside digital displays in April. There were plans to do this again for education and public awareness throughout the city.
- Since the PSPO came into force, three FPNs had been issued, a relatively low number compared to the level of engagement. This underlined the fact that the priority was engagement. However, there were challenges with issuing FPNs, including threatening behaviours, refusal to provide details, and lack of support from the police.
- There was a high risk of intoxication, but the team was also proactive in removing alcohol from people under the powers granted by the PSPO. Some individuals were also referred to outreach services.
- Opposition from preacher groups regarding the amplification aspect of the PSPO had also posed some challenges. It was, however, important to emphasise that the robust system governing protests and campaigns remained in place, and the intention was not to hinder any of these activities. Plans were underway to meet again with a religious group, following an initial meeting, to ensure sustained engagement.
- Press coverage had been generally positive.

Members commended the PSPO but expressed concerns that it might potentially stifle activities in the City Centre. In response to questions and concerns, the following points were made:

- Oversight was in place for the implementation of the PSPO, and contrary to the concerns about suppressing activities, its purpose

was to open up the City Centre in a regulated manner. Accordingly, the PSPO focused on amplification, rather than the total cessation of certain activities.

- To further reinvigorate the City Centre, a busking programme was being considered by the Festival Team, to sustain the environment that had been created by the PSPO.
- City Wardens were temporarily redeployed from their wards, with executive approval, to embed the PSPO in the City Centre. However, the team had identified that the use of City Wardens was not sustainable in the long term, and they were expected to return to their posts in July. Potential changes in future management were anticipated.
- When unable to issue FPNs due to threatening behaviours, the mandate of staff was to step away for their safety. However, staff could record incidents and report them to the Police for follow-up.
- Regarding concerns that ASB might have shifted from the City Centre to other parts of the city, it was acknowledged that dispersing encampments carried the risk of individuals relocating elsewhere. However, this also provided opportunities to continue engagement, discouragement, and support to help people move away from such behaviours.

Members expressed a desire to see the scheme expanded beyond the City Centre while requesting increased vigilance to ensure that the PSPO does not exceed its remit or unduly restrict the public's freedom of expression.

AGREED:

- 1) That the presentation be noted.
- 2) That comments made by members of this commission to be taken into account.
- 3) That a follow up update to be presented at a future meeting.

144. HOUSEHOLD WASTE ENGAGEMENT SURVEY FINDINGS

The Director of Neighbourhood and Environmental Services submitted a report providing a summary of the Household Waste Collections Engagement Survey including the approach to the engagement survey, the key lines of enquiry in the form of its objectives and scope.

The Deputy City Mayor, Housing, Economy and Neighbourhoods, introduced the item.

- She explained that Waste services generated significant interest in the city because it was a visible service delivered directly by the Council to residents. The proposed changes to waste collection aimed to align with the growing trend of increasing recyclables, separating food waste, and diverting as much waste as possible from landfills. Many other local authorities had already begun adjusting their frequency of waste collection. However, with any changes made, the Council intended to

fully involve the community, recognising their feeling and opinions, and responding to their proposals. The first step toward this was the engagement survey which covered different themes.

- The Deputy City Mayor highlighted that the waste management services contract between the Council and Biffa was due to expire in 2028, and recommissioning under the current terms would be unaffordable by the council, particularly given the well-known financial challenges being faced by the council, and other local authorities in general.
- She further affirmed that the proposed changes were also driven by the new legislation requiring local authorities to focus on reducing the volumes of waste, increasing the proportion of recycling and collecting food waste. This presented an opportunity for the Council to educate the community about recycling, as the survey revealed certain knowledge gaps in this area; as well as make the new system more accessible and simplified.
- She acknowledged the difficulty of implementing these changes, particularly given that the current scheme was viewed as successful, and there was understandably hesitation and uncertainty about changing the frequency of collection. However, the engagement survey explored various waste-related issues and gathered valuable data on the perspectives and reality of the communities. The survey delved into topics such as willingness to pay for caddy liners, knowledge about recycling, indoor and outdoor storage space for extra bins based on size and type of houses, among others. The information gathered were informative and would be incorporated into future decisions.
- The Director for Neighbourhoods and Environmental Services expanded on the previous points and highlighted the following;
- Many Local Authorities were rolling out different collection streams, like food waste collection, etc., in alignment with the national change programme. Thus, Leicester City Council needed to procure beyond 2028 and adapt its approach to reflect national expectations.
- There was a need to further engage residents to provide them with the necessary understanding and knowledge, which was expected to become easier as the new collection regime became standardised. This knowledge would be key to securing resident support for the proposed changes.

Members commended the report and proposed the following;

- That the scheme be aligned with the Net Zero Strategy that was recently agreed at the Council. This was noted by officers.
- For the report to include a section that clearly outlines action points arising from survey responses, with timescales, recommendations, and responsible owners, to help members focus on key issues. Officers responded that while some actions could be implemented quickly, others would require fundamental service changes. Regardless, ultimate responsibility rested with the Director.
- A timetable and action plan to be brought in the future to update on progress.

In response to further questions, it was noted that;

- The team worked with schools to deliver messages to the children and hopefully contribute to behavioural change.
- The Council was incurring significant expenditure on the collection and treatment of household waste and recycling from the kerbside. The cost of processing food waste was also more than that of mixed recycling or disposal into a landfill.
- The use of blue bags to request additional recycling bags had shown improvement compared to the use of stickers. However, improved monitoring would be done to assess the effectiveness of the same.
- There were different methods for food waste collection, e.g. the modification of the vehicle body. The team was currently engaging with Biffa on implementing service changes, including food waste collection, which was expected to result in a cost increase of approximately £1.7 million.
- Regarding the request for a breakdown of the contract with Biffa, it was noted that the sum was a unitary charge, and it was not plausible to break down sums payable for recycling or residual waste as had been requested.
- On the possibility of exceptions for households requiring more frequent collections to prevent fly-tipping, it was explained that the engagement survey aimed to identify barriers and challenges faced by people in different settings. However, a one-size-fits-all all seemed most practical moving forward, with policy exceptions, which the Council would ensure were robust and captured vulnerable communities prone to fly-tipping.
- Regarding the consideration of the Council employing staff and managing waste directly, it was noted that an internal report had been examined, and the Executive concluded that such a proposal would be unsustainable in the current climate.
- A typical Leicester bin contained about 31% non-recyclable waste and 39% food waste. Additionally, around three-quarters of respondents did not fill their bins by the collection day. This information was critical for the residents to understand the broader context of the decisions that the council would take.
- The team was working on an evidence-based recommendation report, which would be circulated and presented at a future meeting.

AGREED:

- 1) That the presentation be noted.
- 2) That comments made by members of this commission to be taken into account.
- 3) That Officers to return with waste management options for consideration by commission members.

145. WORK PROGRAMME

A Grassland Maintenance Report was added to the workplan to include areas

for sports and recreation.

The work programme was noted.

146. ANY OTHER URGENT BUSINESS

There being no further items of urgent business, the meeting finished at 19:26.

Council Decision

Community Asset Transfer Policy Update

Decision to be take on: 18 September 2025

Lead Director: Matthew Wallace, Director of EBS

Useful information

- Ward(s) Affected: ALL
- Report authors:
Kathryn Ellis FIRRV, Head of Strategic Property, Estates & Building Services
Lee Warner, Head of Neighbourhood Services
- Checked by:
Kamal Adatia, City Barrister, Legal Services
- Report Status: FINAL

1 Purpose

The purpose of this report is to:

- Provide an updated Community Asset Transfer (CAT) Policy, amended in light of changes to legislation, Council objectives, the Community Services & Library Needs Assessment, policy and practice since adoption of a CAT Policy in 2008 as last updated in 2022.
- Provide an overview of the recent amendments in light of the above changes.
- Agree the mechanism for bringing to full Council for approval (if necessary).

2 Recommended Decision

The City Mayor is formally asked to approve the adoption of the revised Community Asset Transfer Policy.

3 Scrutiny

- 3.1 Lead Member Briefing 10.07.2025
CDN1:1 Briefing 29.07.2025
CMB 14.08.2025
Neighbourhood Services & Community Involvement Scrutiny Commission
11.09.2025
Full Council 18.09.2025

4 Detailed Background to the Community Asset Transfer (CAT) Scheme and Policy

4.1 Summary

Community Asset (Property and Land) Transfers come in many forms whether it be via a short term licence, a lease of under seven years (short-term lease), a disposal via a lease of seven years or more, or freehold disposal of an asset. These vehicles for licensing, leasing or disposal can be completed at market value or at a reduced market value/rent through an assessment of social, environmental or economic wellbeing benefit being provided on behalf of the Authority.

The circumstances for each property will be unique to the asset and the organisation benefiting from it and each is evaluated on its own merits.

Community Asset Transfers (CATs) are not mandatory in law and approximately only 50% of Council's nationally have adopted a policy. Leicester City Council has chosen to adopt a CAT policy and CATs have now been part of the Council's property portfolio since the Localism Act came into force in 2011.

Historical context

Prior to the Localism Act in 2011, the Council had leased and disposed of property to community organisations but not always in a consistent manner. Below gives the historical context.

Following the October 2006 publication of the Local Government White paper "Strong and Prosperous Communities", central government set out a new relationship between local government and its communities based on the devolution of power by granting Authorities with a greater say over local services.

From 2008, the Council adopted its own "Policy for transfer of assets for community governance" as an addition to the existing "Framework for Disposal of Property".

In 2011 it was agreed to offer community groups who had been stable, long-term tenants in council properties the opportunity to buy their premises at market value less a 20% discount.

The Localism Act 2011 sought to further empower communities to self-manage and reducing funding required Councils to consider different ways of delivering community services. With these factors in mind, the Policy was reviewed to reflect these changing circumstances.

The Community Asset Transfer (CAT) Policy is a voluntary process entered into proactively by public bodies.

The Community Asset Transfer Policy is only one way in which groups and organisations can acquire assets. Other ways include a commercial arrangement under the Local Government Act 1972 and the Community Right to Bid.

As an outcome of the Council's service transformation plans and part of its commitment to localism and community initiatives the Council produced a Policy for Council Assets of Community Governance in 2014 (revised in 2022) which detailed how surplus assets can be made available for use by community/ voluntary organisations, either through a grant of a lease or possibly a freehold transfer.

Changes in the Local Authority landscape, legislation and the Council's Community Services and Library Needs Assessment have meant this policy needs updating to reflect these changes and therefore the Draft Policy attached to this document at Appendix A sets out the Policy as proposed to be amended in 2025.

This Community Asset Transfer (CAT) policy will enable use of assets by community/voluntary organisations that are not-for-profit and are registered e.g. a registered charity, community interest company, etc. The Council will advise if an organisation has any doubt in relation to eligibility.

Over the past decade 11 Community Asset Transfer (CATs) leases were considered under the Transforming Neighbourhood Services (TNS) programme. The Council is currently consulting on proposals for libraries and communities which could release up to 8 buildings which are no longer proposed to be run by the Council for further proposed CAT opportunities.

There still remain a number of pre-CAT Policy transferred community assets which are no longer run by the Council which will require review upon renewal of lease.

Monitoring of CATs and Pre-CAT Policy-equivalents is imperative in order to continuously meet best consideration under the disposal legislation as detailed in s.123 of the Local Government Act 1972. It is therefore recommended that when a pre-CAT Policy community asset transfer lease is reviewed, these are reviewed under the latest adopted CAT Policy or are simply transferred to regularised leases (if relevant on review).

A programme and process has been developed at the Council since 2011 to promote opportunities for local communities and organisations and to support the development of business plans. Independent support is provided for groups. There have been good lessons learned through the programme to date. The assessment criteria for business plans is well formularised through a CAT Guide and the process and programme continues to be reviewed regularly for appropriateness in light of changes to the Local Authority landscape, legislative changes and any major community service changes.

4.2 Main changes to the DRAFT Policy:

The Land Transaction rules have had minor amendments to integrate the CAT Policy and the flow of the Policy in the context of those rules.

The process of application has been moved out of the Policy into a 'Guide for Community Asset Transfers' which will be added to the web page for Community Asset Transfers on the Council's main website: www.leicester.gov.uk in order to shorten the Policy and provide guidance for application, and the application process in one place. This has shortened the Policy and made it simpler.

An 'Exclusions to the Policy' section at Clause 3 has been added to aid organisations in determining whether a CAT Policy may apply to them; and other exclusions in law that disallow assets to be disposed of for any specific reason. Legal advice is sought on any application that may present specialised legal considerations at Executive Decision stage in the process.

5 Recommendations

- 5.1 That this updated CAT Policy is accepted and presented to Full Council at the next available meeting.

6 Implications

6.1 Financial implications

This report outlines changes that are proposed to the Council's CAT policy, including simplification and clarification. There are no direct financial implications of these changes. Financial implications will need to be sought as and when any specific asset is proposed or requested for a Community Asset Transfer.

Stuart McAvoy, Head of Finance
Date: 16 June 2025

6.2 Legal implications

- 6.3 This report recommends updates to the existing Community Asset Transfer Policy. As stated in the report, the Council has no statutory obligation or duty to adopt a policy. The existing CAT Policy forms part of the Council's Constitution so the proposed amendments will require formal approval. Future CAT leases will have to be considered in line with the amendments once formally adopted.

Zoe Iliffe, Principal Lawyer (Property, Highways & Planning)
Date: 16 June 2025

6.4 Equalities implications

The Council's Public Sector Equality Duty (PSED) as set out in the Equality Act 2010 require decision makers to be aware of and take account of the impact of its proposals on those likely to be affected. Under the Equality Act 2010, public authorities have a PSED which means that, in carrying out their functions, they have a statutory duty to pay due regard to the need to eliminate unlawful discrimination, harassment, victimisation and any other conduct prohibited by the Act, to advance equality of opportunity between people who share a protected characteristic and those who don't and to foster good relations between people who share a protected characteristic and those who don't. Protected Characteristics under the Equality Act 2010 are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, sexual orientation.

The aim is to empower local communities by giving them control over assets that are important to them. This allows local people to directly manage and develop facilities and services in a way that best meets their specific needs and priorities. It is important that the policy sets out clear objectives and transparent criteria for assessing applications and the information is accessible. The outcomes of asset transfers should be regularly monitored to assess their actual impact on different protected groups.

Equalities Officer Surinder Singh,
Date: 28 May 2025

6.5 Climate Emergency implications

- Where operational properties are transferred to community organisations under CAT, then the more energy efficient the property is, the lower the operating costs will be for the community group. It therefore benefits the city as a whole for the council to continue improving the energy efficiency of its operational portfolio, even where the property may be transferred under CAT in the future.
- If a property is transferred out of the Operational Estate under CAT, the carbon emissions arising from its heating and other energy use will no longer be included in reporting of the council's own carbon footprint. However, it will continue to be part of the city's footprint.
- Transfer of a property has an opportunity cost to it in carbon terms, in the sense that it removes the ability for the council to invest in energy efficiency, renewable energy and decarbonisation improvements to the building while it remains transferred. However, it does create a possibility for the community group and the community it serves to explore opportunities to make those investments themselves and secure the benefits for the duration of the lease. This is more likely to have a viable business case if the group has a long lease on the building and should therefore be considered, where applicable, in relation to applying the second paragraph of clause 4.1 of the Policy.

- In addition, clause 4.3.1 of the Policy may be applicable where energy efficiency, renewable energy or other decarbonisation improvements to the building can be made by the community group, if these measures are considered to improve the environmental wellbeing of the area.
- The Government has committed to increase local community energy projects through its Local Power Plan, to be funded through GB Energy. Community energy projects involve local individuals and/or organisations investing their own money in decarbonisation measures for a community asset, on the basis of (a) securing improvements for the community and, (b) recouping their investment, and possibly gaining a return on it, from the savings or income secured for the community organisation. The council is seeking to put Leicester in a good position to benefit from any GB Energy support by engaging with local proponents of community energy. There may be community energy project opportunities which arise relating to transferred assets, and this should be kept under review.

Duncan Bell, Change Manager (Climate Emergency). Ext 37 2249
Date: 25 June 2025

6.6 Any other implications
None.

7 Summary of Appendices

Appendix A – Revised Policy

Appendix B – A Guide for Community Asset Transfers

8 Is this a Private Report (If so, please indicate the reasons and state why it is not in the public interest to be dealt with publicly)?

No

9 Is this a Key Decision? If so, why?

No

A Guide to Community Asset Transfer



Version FINAL DRAFT

29 August 2025



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1. About this guide

Since the introduction of the Local Government Act 1974, Local Authorities (LAs) may dispose of properties (sell or lease) at what is known as 'less than best consideration' i.e. less than the market value, however, there must be a provision for that undervalue to be measured, assessed, approved and agreed through social, economic and sustainability wellbeing in order to meet these requirements in law.

In 2011 the Government introduced the Localism Act 2011 which sought to empower communities to self-manage. Simultaneously, reduced Government grant funding required Councils to consider different ways of delivering community services. With this in mind, a policy was developed to specifically manage this process.

Leicester City Council's Constitution contains the Land Transaction Rules which guide the disposal process. The Community Asset Transfer (CAT) Policy sits within the Council's Land Transaction Rules.

The CAT Policy is a voluntary process entered into proactively by Local Authorities and in 2014 Leicester City Council developed a defined Policy. The Policy was updated in 2022 and 2025 through the Council's continued commitment to localism and community initiatives.

The Council recognises that community ownership of relevant land and buildings can transform neighbourhoods, support thriving communities, and unlock the power of community.

Community ownership also enables local people to take control of the important spaces and buildings which matter to them locally, to meet the priorities and needs of the local area.

Community Asset Transfer is the transfer of a publicly owned asset (usually land or buildings) to a community organisation. Community Asset Transfers come in many forms whether it be via a short-term licence, a lease of under seven years (short-term lease), a disposal via a lease of seven years or more, or on rare occasions through the freehold disposal of an asset. Licensing, leasing or disposal can be completed at market value (our starting point) or at a reduced market value/rent through a thorough assessment of social, environmental and economic wellbeing benefit being provided on behalf of the Authority. These benefits are assessed on an individual case by case basis.

The circumstances for each property will be unique to the asset and the organisation benefiting from it and each is evaluated on its own merits.

This guide provides information and guidance about the Community Asset Transfer process at Leicester City Council and guides you on your community ownership journey.

2. Introduction

As a community organisation, you might be thinking about securing premises to develop your community activities, services or community business. Or it might be that a local building is threatened with closure, and as a group of residents you want to save it.

Whatever your starting point, a Community Asset Transfer is a formal process. While the end results are worth it, it requires a long-term community commitment, passion and ambition.

2.1 How to use this guide?

This guide takes you through your community ownership journey in five phases:

- Imagination
- Discovery
- Building relationships
- Negotiation
- Taking ownership

These phases are not intended to be followed sequentially. Many of these phases will be happening at the same time, rather than sequentially, and we highlight how these overlap throughout this guide.

This guide can be used as a companion throughout your journey. It brings together key information, advice and support which already exists, and signposts you to further resources, where relevant.

2.2 What is the difference between Community Asset Transfer (CAT), a disposal at less than best consideration and the Community Right to Bid?

- **CAT** and disposal at less than best consideration only applies to publicly owned assets. The Right to Bid applies to both public and some private assets.
- **CAT** is the transfer of management or occasionally the ownership of a community asset to a community group to run community services on behalf of the Authority. Disposal at less than best consideration (i.e. under market value) applies to any asset the Council wishes to dispose of. The Right to Bid provides a six-month pause on the sale of an asset so that the community can raise money to purchase on the open market.
- **CAT** is a voluntary process entered into proactively by public bodies. Disposal of a Council asset at less than best consideration is a Council decision. The

Right to Bid is a legal right and applies to all assets listed as Assets of Community Value.

2.3 Key terms

Freehold: Outright ownership of land or buildings.

Leasehold: Where one party acquires the right to occupy land or a building for a given length of time. Rent level is assessed on the merits of the business case and starts at market value and will be assessed on the merits of each case.

Long lease: A leasehold of at least 25 years or more.

Business model: The way the organisation generates income or value from its activities – e.g. selling goods and services, rental income, delivering contracts, charging fees.

Business plan: This will include the business objectives, the evidence and reasons why the objectives are achievable, and the plan for meeting these objectives. It should be based upon local market conditions and research.

Exclusions: You will note, that there are several exclusions within the CAT Policy. We will review all aspects of your application at the Business Case point to ensure the group applying meets the CAT Policy. Below are some examples of excluded groups. This is not an exhaustive list, however the Council reserves the right to decline an application or end a lease for any reason if the Council's reputation is at risk.

- Unregistered groups i.e. organisations which are unincorporated bodies with no trustees (legal advice is sought on each occasion).
- Tenants that have occupied Council assets and who are in material breach of their existing lease.
- An organisation that is no longer a registered charity under the charity commission or has been struck off for any reason.

Feasibility: The ability of the project to meet its objectives, given its context and the resources available.

Viability: The ability of an asset to cover all its costs with income over a specified period. This period is usually 3-5 years, although for larger projects, or where bigger loans have been taken out, this period will be longer.

3. Imagination and Vision: Starting your ownership journey

Your community group's ownership journey should begin by thinking about the end goal: imagine owning the land or building and being responsible for its ongoing maintenance and management.

It is crucial to consider: what will community ownership look like in practice? What are your community groups overall objectives and vision for the asset? What are you trying to achieve through community ownership?

While much of your community group's early focus and attention will be on acquiring the asset itself, the group should also be thinking in detail about the range of activities that will eventually take place within it. The asset itself is not 'the business' and the community group will need to consider how to generate sufficient funds to maintain the bricks and mortar and provide the services within. Even if the community group's key goal and motivation is to save a building from demolition or closure, its long term sustainable future needs to be at the forefront of your community group vision.

Involving the community in imagining and co-creating this vision is essential to generate ideas and support. Community groups should also bear in mind that this vision may need to change throughout the process. Community views or advice from the Council might cause your organisation to change track, or detailed feasibility work might prove the organisation's original idea unworkable. Therefore, flexibility is key. Don't become so fixed on your original idea that it scuppers the whole project. It is, therefore, important that community groups keep their vision under review and make sure that their board, members and wider community are with you as you shape and reshape your organisation's vision.

4. Discovery:

Considering your options

Developing plans for an asset is a process of discovery, considering all the options and practical steps required to turn your vision into reality.

4.1 Get to know the asset:

It is essential that you find out as much information as possible about the potential asset:

- **Are there planning restrictions or covenants in place?**
Leicester City Council could supply this information however an independent legal review should be sought. What are the building conditions? Your organisation should undertake an initial site visit, preferably with an appointed professional surveyor/professional team who will provide an assessment report of the asset.
- **What are the current management and running costs?**
It is important to think about management and maintenance costs early on.

4.2 How will you make the asset financially sustainable?

To demonstrate that the asset will be financially and environmentally sustainable, your organisation will need to develop a sustainable business model. There are a range of options to consider, including:

- **Community business and trading:** The asset might provide premises for a new or expanded community business.
- Venue hire:** The asset could be hired out for functions and events.

4.3 Funding and investment options:

Asset transfer and ownership will require funding, and your organisation will need to consider how they will access funds for the stages in their journey.

- **Discovery and Planning:** The cost of finding out about the building and then paying for any refurbishment designs and costing the organisation's plans.
- **Refurbishment:** There may be a need to refurbish a building to allow better or new services to be delivered.

4.4 Forming your organisation:

Knowing your organisations' options for a legal structure and governance model is an important part of the discovery phase. Your organisation's legal structure should be considered alongside its business planning.

Therefore, organisations need to think carefully about their governance options and legal structure early on, but they should only decide which model to adopt once they have settled on their business plan. If you are a new at pulling a group or organisation together, start with a simple constitution to enable the group to raise funds for any early-stage development work, and decide on a final structure once your group has agreed its business plan.

5. Relationships:

Growing your supporter base

Developing and maintaining relationships will be a key theme of your community ownership journey.

5.1 Community engagement:

Community engagement is an essential part of building support for your project locally. Therefore, you will need to mobilise support from local residents.

If open conversations and engagement with the community do not occur, then there is a risk that your project could generate mistrust or opposition locally. Hence, it is vital to have a communications and marketing plan in place to drive forward your engagement with the community.

Community engagement can range from providing information and collecting views and opinions, to active participation and collaboration.

5.2 Funding and investment options

Making sure that your trustees are actively involved in creating the vision for your project will be very important. Supporting them to engage with the process, rather than simply informing them, will significantly increase the likelihood of achieving your long-term aims for the project.

6. Negotiation:

Securing the asset transfer

Negotiating the asset transfer can be a long process with several rounds. As the negotiation progresses, you will need to refine and strengthen the plans you developed during your initial discovery phase.

As part of this process, it is crucial to have all the key information about the asset, including potential liabilities. Leicester City Council will provide you with information about the asset, including the current tenancy arrangements and running costs. The Council will not give any warranties as to the state of the asset and therefore all liabilities will pass to the community group. A full condition survey will need to be commissioned to flag important issues, such as structural defects, land contamination, asbestos or listed building status.

6.1 Develop maintenance and management plans:

This is an important step to understand how much your asset might end up costing you to operate and maintain in the long term.

Some items of expenditure occur on a cyclical basis – such as electrical equipment testing and gas checks – whereas others are unplanned (reactive). Therefore, it is good practice to set aside a budget for emergency repairs, say 5-10% of annual income. Using volunteers will keep your costs lower, but do not take short cuts where professionally qualified people are required. You should also assign responsibility for overall maintenance and management and health and safety considerations.

6.2 Refine your business plan and secure your funding options:

A detailed business plan will be an essential part of securing the agreement with the Council. It will also form the key document for your funding applications.

In addition to key information about your organisation and mission, your business plan should include:

- Product/services pricing and projected sales/outputs
- The current market and operating environment
- Risk analysis
- Resource needs and business operations
- Income and cost projections
- Funding and finance needs
- Cashflow forecasts

6.3 Forecasting and cash flow:

You must forecast your income, capital costs (such as structural and building works) and revenue costs (such as ongoing facilities and maintenance costs). Cashflow is key as project failure is often due to poor cashflow, rather than overall lack of profitability.

Once you have forecasted your income against your costs, you should make sure that surplus is forecasted as cashflow. Your forecasting will also show you where your gaps in cashflow are likely to be, and therefore how much working capital you will require for your day-to-day operations to get you up and running.

6.4 Whole life costing:

You will also need a 'whole life costing' for your asset to help you plan. This requires considering all the long-term relevant costs and revenues associated with an asset (over the period of the lease). You will need surveyor estimates for the operational, repair, upkeep, building and landscape elements of the asset.

6.5 Negotiating your leasehold agreement:

Getting to the point of negotiating the terms of transfer is a key achievement. This is an important stage, and the terms of your agreement will have a huge impact on the viability of your plans for the asset in the long term.

As part of this process, the Council will issue a 'heads of terms' document which will provide clarity on what is to be transferred, to whom, and on what terms.

7. Taking ownership: Handover

Once you have been handed the asset, there are number of key risks that you need to consider:

- **Regular board meetings:** During the first few months, it will be important for trustees to meet more regularly so that key risks can be discussed and mitigated against.
- **Tight cost controls and stable cash flow:** Micromanaging your finances during this period is key to having working capital and to eventual success. This will help to make sure you can keep cash-flow positive and ensures you can take action to improve situations as soon as possible, if necessary.
- **Keep talking to the Council:** Ideally, regular communication will be a key part of the Council's post-transfer support. Make sure you secure a named contact for follow-up, keep them updated on your progress, and keep in touch with any Councillors who were champions through your asset transfer journey.

8. Aims of the Community Asset Transfer Policy

1. The Council's assets where no longer required for Council purposes, can be used for a variety of different social, community and public purposes. For surplus to requirement assets, community management or ownership is expected to deliver improved:
 - Benefits to the local community
 - Benefits to the Council and other public sector service providers
 - Benefits for the organisation taking ownership
 - And, when an asset transfer will be assessed at less than best consideration, that it contributes to the promotion or improvement of the social, economic or environmental wellbeing of the area, that this has been established through the Business Case, and that the provisions of the Land Transaction rules are satisfied.
2. To be a tool in the flexible management of the Council's assets to maximise their contribution towards achieving the Council's strategic objectives.
3. It is recognised that changing ownership or management of an asset can offer opportunities to extend the use of a building or piece of land and increase its value in relation to the numbers of citizens that benefit. Community-led ownership also offers additional opportunities to secure resources and/or funding that would otherwise not be available, empowering local citizens and communities to provide enhanced community-led facilities.
4. The Council will seek the transfer of appropriate assets to community groups in order to promote the widest public value that can be achieved in relation to, for example:
 - The Council's Strategic Objectives
 - Facilitate inward investment
 - Community empowerment and greater control over community-led facilities
 - Area-wide benefits
 - Building the capacity of the community and encouraging sustainable community organisations by building partnerships
 - Economic development and social enterprise
 - Improvements to local services
 - Value for money

9. Key Principles for Asset Transfer

1. Engagement and empowerment of community groups and social enterprise support.

Under this strategy the core principle must be for the Council to support the engagement and empowerment of community groups to develop their capacity to deliver local solutions to meet identified needs. These are likely to vary from training opportunities to support services and must support the aims and priorities of the Council.

2. Only potential assets and not liabilities should be transferred.

The transfer of assets that will contribute towards maximising the prospects of developing sustainable community groups and enterprises will be a key consideration. For the Council, assets in their present circumstances may be liabilities but a careful transfer can potentially provide community groups with financially viable assets. This may be the case where for instance community bodies can access grants to improve facilities and provide services that the Council cannot access.

3. A community wide perspective should be adopted involving close working with other public and voluntary sector partners. The policy on community asset disposal is part of a long-term programme of support to, and partnership with, community organisations.

The Council will involve all relevant partners in developing asset transfer proposals to ensure there is no conflict with other initiatives involving public and voluntary sector partners. The opportunity to identify potential benefits of wider partnership working will also be taken into account particularly where this assists with the sustainability of a transfer. This can bring additional resources by way of staff support and funding opportunities.

4. Community groups/enterprises should have robust and sustainable business plans for asset transfer seen as part of their wider development plans.

For a successful asset transfer a robust and sustainable business plan will be required. It should form the basis for clear development plans which set out what the community group or enterprise intends to deliver through management of the asset over the short, medium and long term.

Financial considerations should be included within the business plan in order to demonstrate a sound approach to managing and running the facility. The need for any on-going financial support will be carefully considered by the Council to establish a sustainable operation.

5. The tenure offered will be dependent upon the governance capabilities of the community organisation.

The disposal may be based upon a management agreement, meanwhile use agreement, licence, lease or freehold sale and this will be dependent upon the circumstances of the property and the governance capability of the organisation. It is anticipated that the security of tenure to the applicant would be subject to improvement over time in accordance with the success of the project and the growing strength of the applicant in terms of community governance capability. The general principle will be against freehold sale unless the particular circumstances of a case require.

Where there is a transfer of service provision, a community asset transfer may be accompanied by a Service Level Agreement identifying the benefits and how these will be monitored and measured, together with the remedies available to both parties if the Service Level Agreement is not met. This SLA will be in effect a contract for provision of services and will need to be compliant with procurement and state aid requirements.

6. Support for the community group or enterprise from the Council should be on-going at an appropriate level which is required to support the group's development plan over a realistic time period.

Whilst the Council will aim to provide support during (and for a reasonable period beyond any transfer) the Council has limited resources. Discussions need to take place to agree how, and over what period the support will be provided by the Council. It is likely that on-going support may in some cases be better provided via other organisations and the Council can help to suggest such support.

7. The Council will include terms and conditions in disposal documents to safeguard the position should the community asset transfer fail to deliver the anticipated benefits.

The Council will reserve the right to include conditions on any transfer to protect the future community use of the property. It is recognised that the imposition of such conditions could impact on asset value or the ability of groups to raise funds and each case will therefore be considered on its merits and conditions will be considered during the assessment process.

To safeguard the Council's long-term position long lease will generally be preferred to freehold sale as it better protects the Council's position in the case of failure.

10. Benefits of Community Asset Transfer

Benefits can be measured in terms of the economic, social or environmental wellbeing of the community. Not all benefits have to be financial – they can be about better community outcomes. The business case will need to articulate these benefits and how they will be measured. The potential benefits of asset transfer can include:

For Community Organisations:

- Physical assets can provide sustainable wealth;
- Can strengthen the Organisation's community ties;
- Can strengthen the Organisation's ability to raise money. There may be access to funding to refurbish the building or to support staff training and development;
- Greater financial sustainability can help the organisation to escape short term grant-dependency;
- Community organisations can alter or modify a building to better suit their needs with landlord's consent.

For the Council:

- Transfer can help to solve building management issues;
- The Community Organisation has "reach" into the community a transferred building can therefore provide a more accessible and responsive base from which to deliver services;
- Can strengthen 'community anchors';
- Can restore 'iconic' buildings;
- Can deliver social, economic, and environmental benefits;
- Can provide a catalyst for inward investment and local multipliers through local purchasing and employment;
- Provide a source of rental income;
- Can lower ongoing costs;
- Can help to progress neighbourhood regeneration plans;
- Can provide opportunities for long-term working between sectors.

11. Risks of Community Asset Transfer

The transfer of assets does have risks attached and each assessment will need to consider risks such as the following:

- Potential to disadvantage particular individuals or impact negatively on the local community;
- Potential for a negative impact on community cohesion;
- Potential loss of existing community services;
- Uncertainty around capacity of recipient to manage asset;
- Potential for the asset to become a financial liability for recipient;
- Capacity of recipient to deliver promised services/outcomes;
- Capture of asset by unrepresentative minority;
- Transfer contravenes State Aid and procurement rules;
- Conflict with other legal, regulatory constraints;
- Potential for ongoing Council liability;
- Lack of value for money;
- Conflict with other funders;
- Potential unfair advantage for one group over another;
- The risks associated with property ownership will pass in whole or in part from the Council to the Community Organisation;
- Perception of a loss of the use of a Community facility by certain sectors of the Community.

Before any transfer takes place, a risk assessment and management plan will be undertaken so that all parties are aware of the potential issues a transfer may create.

12. Expectations

Because every transfer project will be unique in its own way, it is vital to outline clear expectations and responsibilities of stakeholders involved. This is to ensure that a common platform is established that satisfies the overall outcome:

Leicester City Council's expectations of the interested Community Organisation are:

- A project team is set up to overlook the entire project with a distinct point of contact.
- To provide relevant documentation requested within the CAT Application Form in order to comply with requirements of the transfer.
- A Business Plan demonstrating the viability of acquiring and improving the asset and also focusing on its viability and sustainability. A Risk Assessment within the Business Plan identifying potential risks and impact and how these will be dealt with.

The Community Organisation can expect the following from the Leicester City Council:

- Be assured LCC has adopted a CAT policy, to support communities in Leicester.
- The LCC has in place robust processes and procedures to ensure that all cases for CAT are considered in an equal, transparent and unbiased manner.
- Clear guidance and information on the process for CAT.
- Support and clarification on CAT process and procedures.
- Support and guidance on assessment criteria and application form.
- Communication in a timely manner throughout the process with an agreed timetable to be followed suitable for the specific characteristics of the particular disposal. Referral to Executive Lead should the group consider the application is not being progressed as agreed.
- Continued communication and dialogue to maintain and further develop the relationship between the Community organisation and LCC.
- Support and guidance on asset related matters.
- Support and guidance to ensure asset transfer remains stable and sustainable.

13. Application Procedure

Any Community Organisation interested in applying for an asset transfer will be provided with the following documentation:

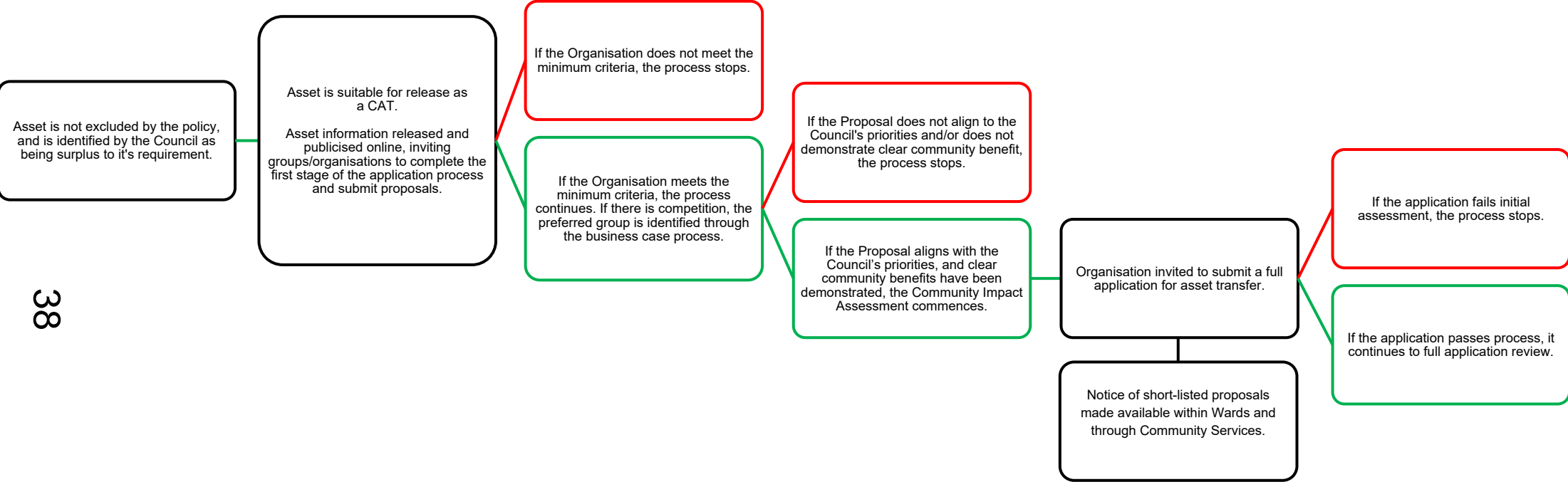
- A copy of Guide to Community Asset Transfer.
- A copy of CAT Application Form and CAT Guidance Notes-Application Form.
- Any relevant information on the property that the Council hold.

It is essential that every applicant has completed the Application Form and provided all the relevant documentation particularly a viable Business Plan demonstrating the capability of sustaining the asset.

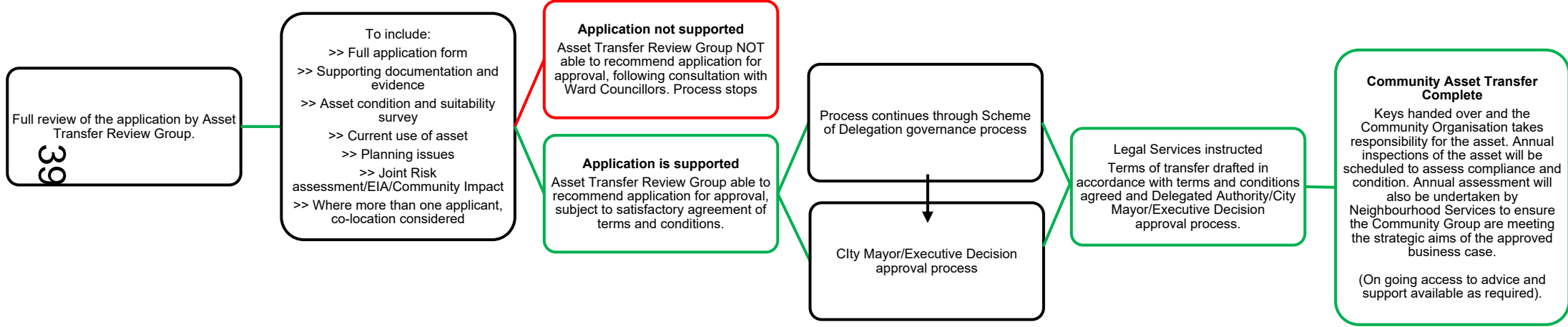
Once the above documentation has been submitted, the steps outlined below will then be followed:

- Every application will be dealt with fairly and equally and guidance will be provided as outlined above.
- Applicants are likely to benefit from carrying out research on asset transfers and demonstrating this. Some useful sources include:
www.communitymatters.org.uk

Process for determining if Community Organisations are suitable for the Community Asset Transfer Process:



Process for full application review by Asset Transfer Review Group:



PART 4H – LAND & PROPERTY TRANSACTION RULES

FINAL DRAFT 16.06.2025

This section was approved by Council 3rd July 2025

Section 4 Land Transactions

1 Application

- 1.1 This Procedure Rule applies where there is a land transaction.
- 1.2 The handling of Formal Tenders and Informal Tenders for Land Transactions is governed by the principles contained in the document entitled “Formal Tenders and Informal Tenders in Land Transactions”, attached as Schedule 1 to these Rules.
- 1.3 The disposal of land is governed by the principles contained in a document entitled “The Framework for the Disposal of Property” originally approved at Cabinet on 13 October 2003. It is not proposed to repeat the principles as individual Rules within these Land Transaction Rules and Officers should refer to the document attached as Schedule 2 directly for Guidance.
- 1.4 The handling of late and/or unsolicited offers in connection with Property disposals is governed by the principles contained in the document “A Protocol for responding to Late and/or unsolicited offers in connection with Property Disposals” attached at Schedule 3 to these Rules.
- 1.5 With the exception of Contracts Procedure Rule 1, none of the Council’s other Contracts Procedure Rules apply to Land Transactions, unless otherwise stated in this Procedure Rule.

2 Maintenance of Land and Property Records etc.

- 2.1 The Director of Housing is responsible for:
 - (a) Maintaining records of all dwellings and buildings erected or acquired under the Housing Acts;
 - (b) Maintaining records of tenancies in respect of premises managed by the Housing Service.
- 2.2 The Director of Estates and Building Services is responsible for maintaining records of all other land and properties owned by the Council (on whatever tenure), and all interests in land granted.
- 2.3 The City Barrister is responsible for the secure custody of all title deeds, land certificates, contracts and agreements associated with the ownership and letting of properties; except that the Director of Housing shall have custody of agreements relating to the tenancy of HRA dwellings.
- 2.4 Other than the sale of HRA dwellings, no land or property shall be disposed of except by the Director of Estates and Building Services. No land or property shall be disposed of without prior valuation by a suitably qualified person.

- 2.5 The City Barrister and Head of Standards shall be responsible for executing legal documents for the acquisition of land and property, and in liaison with instructing departments arrange for the completion of acquisitions on behalf of the Council in accordance with the requirements of the constitution.



Schedule 1: Dealing with Formal Tenders and Informal Offers in Land Transactions

Contents

<u>1</u>	<u>Dealing with Formal Tenders and Informal Offers in Land Transactions</u>
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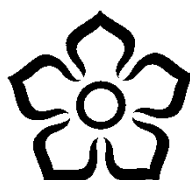
SCHEDULE 1

1. **Dealing with Formal Tenders and Informal Offers in Land Transactions**

- 1.1 When the deadline is set for receipt of Tenders (including a time limit for electronic submission as specified in the Tender), the Estates & Building Services Officer should arrange a date and time for the tenders to be opened in the presence of the appropriate Finance Officer and such other officer as may be required, either by accessing the virtual Tenders (if submitted via a digital vault) or by way of a meeting. The Council's Asset Strategy Manager must be given notice of the receipt of Tenders.
- 1.2 Interested parties must be informed of the address for delivery of Tenders, which should usually be the Council's principal place of business, for the attention of the Director of Estates and Building Services, stating the contact name of the officer issuing the Tender, or to be submitted via a specific email address or digital vault as stated in the Tender documents.
- 1.3 Documentation supplied to the Tenderer must state the following Tender requirements:
 - 1.3.1 The closing date and time for the receipt of Tenders.
 - 1.3.2 That the Tender envelope/package or virtual submission to be submitted is only to be labelled using the official address label supplied with the Tender documents, the relevant email address or digital vault access.
 - 1.3.3 That the Tender submission must bear no indication of the identification of the Tenderer. Consequently, the Tenderer must ensure that, for example, if the Tender submission is returned by recorded delivery or courier, that the name and address of the sender is not stated on the recorded delivery/courier's label, usually attached to the envelope/package or in respect of any electronic submission.
 - 1.3.4 If the Tender envelope/package is delivered by hand, the person delivering it must obtain an official receipt from the Council.
 - 1.3.5 Any late Tenders and Tenders delivered by post, courier or personally to the wrong location, even if it is another City Council office, may be deemed void and may be opened (to identify the sender) and returned to the sender with an explanation in writing of the reason for its rejection. Notwithstanding this Rule, when dealing with a Late and/or Unsolicited Offers in connection with Property Disposals Officers should have regard to the Protocol entitled "A Protocol for Responding to Late and/or Unsolicited Offers in Connection with Property Disposals", attached at Schedule 3 to these Rules.
 - 1.3.6 That it is the Tenderer's responsibility to deliver the Tender to the location on the official address label of electronically before the closing

date and time and the City Council does not accept any liability for non-delivery, late delivery or delivery to the wrong location or incorrect email address or other method of electronic submission, by any company or other organisation or person charged by the Tenderer for its delivery.

- 1.3.7 That the tendered bid must not be calculable by reference to another bid, document or formula and must be exclusive of VAT.
- 1.3.8 That the Council does not bind itself to accept the highest or any Tender.
- 1.3.9 That Tenderers must accept full responsibility for ensuring compliance with the above requirements and that failure to do so may render the Tender liable for disqualification.
- 1.4 All Tenders must be delivered in accordance with the foregoing paragraphs of this procedure. On receipt of each Tender, details are to be recorded and each submission referenced by EBS. No Tenders should be accepted other than via the specified procedure.
- 1.5 Before opening the Tenders, reference numbers for each Tender is cross-referenced accepted as correct on the date specified for opening and each Tender recorded and signed or recorded electronically by the officers attending the opening.
- 1.6 After opening, all documentation is to be retained by the officer in Estates and kept secure. in order to provide a complete audit trail.

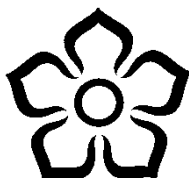


Leicester
City Council

Schedule 2: The Framework for the Disposal of Property (as approved by Cabinet)

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Leicester
City Council

SCHEDULE 2

THE FRAMEWORK FOR THE DISPOSAL OF PROPERTY

1 INTRODUCTION

- 1.1 The City Council is a major property owner in the City with land and buildings held for operational and non-operational purposes. The operational property includes administrative buildings, schools, libraries, museums, leisure centres, residential centres of various types, council housing stock, theatres and parks. The non-operational property is principally freehold and let by way of ground leases, leases, tenancies and licences. It includes a wide range of retail, commercial and industrial property held for economic development, regeneration and other strategic purposes.
- 1.2 With this large property holding, inevitably the City Council receives requests from a wide variety of individuals and organisations seeking to acquire particular properties. This disposals framework is intended to guide Members in relation to the legal position, the Council's current policy and to ensure that, as far as possible, consistent and equitable responses are given to these requests. Prospective purchasers reading this framework must not assume that they will secure a particular site or property if they consider they fall within one of the exceptions to open marketing of property.

2 METHODOLOGY TO DETERMINE WHETHER DISPOSAL IS APPROPRIATE

- 2.1 When considering the disposal of any property asset it is first necessary to determine:
- 2.1.1 Whether the Council still requires the property in order to deliver the function for which it is currently held and, if so, whether by:
- (a) Direct service provision by the Council.
- OR
- (b) Indirectly through third parties (by way of, for example, lease, partnership, management agreement).

2.1.2 Whether it is still required in order to fulfil another service/function of the authority.

2.1.3 Whether it should be disposed of to facilitate the exercise of any function of the authority (e.g. housing land for the provision of housing accommodation or the sale contributes to necessary council finances etc).

2.1.4 If it is identified as surplus, to dispose of the property to obtain a capital receipt or revenue equivalent in line with Council's own priorities or other directive i.e. a capital directive.

A 'gateway' assessment for each asset/property with potential for transfer should be conducted including consideration of the condition of the facility, alternative development/disposal scenarios, assessment of potentially competing provision from other centres and assessment of potential alternative transfer beneficiaries.

As part of its asset management planning the Council will review each asset it owns for alternative development and disposal. Where practical and feasible the Council will consider opportunities for the transfer of assets to appropriate community bodies under the CAT Policy, however, the Council will need to balance the competing interests of community groups with the Council's needs.

3 THE COUNCIL'S LEGAL REQUIREMENTS

1.1. The umbrella under which all local authorities operate in relation to the transfer/disposal of their assets is the Local Government Act 1972, in particular sections 120 -123. In addition, there is a general fiduciary duty placed on local authorities to act reasonably and in the interest of the taxpayers, and consistent with the effective, economic and efficient discharge of the authority's functions. In other words, the Council should not divest itself of a valuable asset at an undervalue unless it is satisfied that circumstances justify such action.

1.2. It is Section 123 of the Local Government Act 1972 that requires local authorities to dispose of land for the best price reasonably obtainable, unless either consent is obtained from the Secretary of State to the disposal or the disposal is a short-term one, (less than 7 years). Price can either be a sum of money or something that has a commercial or monetary value that is capable of being assessed. Further, local authorities must be able to evidence that best consideration has been obtained. In some cases, particularly development land, this requires a marketing exercise to be undertaken and can include business case evidence. Current good practice (for example the Local Authority Asset Management Programme issued by RICS), and guidance on disposal of Local Authority Assets issued by the Ministry of Housing, Communities and Local Government issued in March 2016, and earlier guidance indicates that third party valuations are not always sufficient evidence of best consideration. The Council therefore needs to ensure an open competitive marketing of property takes place in all but a few circumstances and thorough assessments are made.

- 1.3. Reference was made above to the consent of the Secretary of State. A specific application to the Secretary of State for consent may not be necessary in every case where the disposal is at less than best consideration, however there are stringent value parameters that have to be adhered to. The Local Government Act 1972: General Disposal Consent (England) 2003 gives local authorities consent to the disposal of land within specified circumstances i.e. where the Authority considers that the purpose for which the land is to be disposed of is likely to contribute to the achievement of any one or more of the following objectives in respect of the whole or in any part of its area, or of all or any persons resident or present in its area:

3.3.1 The promotion or improvement of economic well-being.

3.3.2 The promotion or improvement of social well-being.

3.3.3 The promotion or improvement of environmental well-being.

In each case it is a condition that the undervalue must not exceed £2 million. Further, the authority must remain aware of the need to fulfil its fiduciary duty in a way which is accountable to local people (this consent does not apply to land held under powers derived from certain Planning and Housing Acts nor does it enable the disposal of public open space without undertaking the advertising procedure set out in, for example, the Local Government Act 1972). An assessment will need to be made as to the option that will deliver most sustainable benefit to the local community. Where possible, potential beneficiaries can be brought together in a partnership, and this can result into a collective benefit to meet wider public purpose.

- 3.4 In addition, it should be noted that prior to the disposal of land constituting or forming public open space (whether or not it is designated as such), the land will need to be advertised in a local newspaper for two successive weeks in accordance with s.123(2)(A) of the Local Government Act 1972, and any objections to be considered by an appropriate decision maker.

4 EXISTING POLICY – THE GENERAL ASSUMPTION RE PROPERTY DISPOSALS

- 4.1 The general assumption is that the City Council's property is marketed on the open market in accordance with the established good practice procedures to obtain best consideration and therefore not requiring the Secretary of State's consent (or use of the General Consents).
- 4.2 In addition, however, a few specific exemptions have been agreed to address particular circumstances in order to seek to address the changing priorities and pressures, as explained in detail below.

5 THE FRAMEWORK

5.1 The General Assumption re Property Disposals

The general assumption is that the City Council's property is marketed on the open market in accordance with the established good practice procedures to obtain best consideration and therefore not requiring the Secretary of State's consent (or use of the General Consents).

5.2 Exceptions to Open Marketing

A number of exceptions have been identified where requests or proposals to purchase property from the City Council, negotiated on a 'one-to-one' basis and to the exclusion of other potential purchasers, would be appropriate. Disposals on this basis are likely to require the consent of the Secretary of State (unless either covered by the General Disposal Consent or where there is adequate comparable evidence to support the valuation of the property).

These exceptions are as follows:

5.2.1 Regeneration.

5.2.2 Service Delivery.

5.2.3 Major Projects of Regional or National Significance.

5.2.4 Special Purchasers.

5.2.5 De minimus.

5.2.6 Delivery of Council priorities.

Considering each in turn:

5.2.1 Regeneration

The disposal to any person or body where the terms of the disposal are to facilitate regeneration that, for reasons of either site assembly, preferred developer status, or preferred scheme, it is necessary to treat with that person or body to the exclusion of others, but nonetheless on reasonably commercial terms. Such a disposal may involve a disposal of property to enable the relocation of displaced occupiers from other strategic development sites.

An agreement for the disposal of land for the purposes of development or redevelopment where any consideration is, in whole or in part, deferred and is calculable in whole or in part by reference to the profit or value of the development or redevelopment to be undertaken subject to a full assessment of the anticipated outputs and policies for such

arrangements (including financial policies), which shall be on an open basis and to ensure an appropriate rate of return for the Council.

5.2.2 Service Delivery

A disposal to a person or body where the terms of the disposal are to facilitate the exercise of the Council's functions, subject to the Council's budget, policy framework, and objectives and where there are:

- (a) Significant returns or benefits to the Council commensurate with the level of service or function that would otherwise have been provided by the Council, or
- (b) Where the services are of a high priority, but the Council is not delivering the service direct.

However, in both cases, where there is a market for similar service provision this category shall not apply.

5.2.3 Major Projects of Regional or National Significance

Disposals where the terms of the disposal require the use of the land for a major project of regional or national importance or where major social, economic or environmental benefits are anticipated to the local community or Leicester as a whole. Also, disposals to other organisations that have broad based community support and which generate significant economic benefits to the City.

In such cases in order to maintain transparency, appropriate criteria are required to provide an "audit trail" of the decision as to why one interested party was selected without undertaking a marketing exercise. It is suggested that the following are considered:

- (a) Other Potential Purchasers
 - (i) Likelihood of alternative uses.
 - (ii) Likelihood of alternative bodies who may have the potential to deliver the project outputs.
- (b) Location
 - (i) The proposal complements existing regeneration priorities.
 - (ii) The site is situated within a ward ranking in the 10% of the most deprived wards nationally.
 - (iii) The geographic location of the property is effectively limited by the nature of the constitution of the purchasing organisation.

(c) Strategy

- (i) The proposed use and outputs relate to a key action(s) in accordance with the Council's wider strategic policies and objectives.
- (ii) Is community-based and "not for profit".
- (iii) The disposal is on a leasehold basis only.

(d) Funding

- (i) The prospective lessee has secured sufficient external funding (and has demonstrated the existence that such funding is available without any further conditions) to enable acquisition of the property at open the market value. A prospective lessee may be given a reasonable period of time to secure necessary funding (for example by way of an Agreement to Lease) and also to evidence to funders the availability of the property to the applicants.
- (ii) An appropriately approved Business Plan and Project Appraisal are in place.

5.2.4 Special Purchaser

It is recognised that consent may not be required in the case of special purchasers where the valuation advice is that the method of disposal, even if that is to deal with a particular party without seeking to ascertain what others may be willing to pay (i.e. on a one to one basis), will secure, and does secure, the best consideration reasonably obtainable. These circumstances will be limited; examples are ransom strips and 'the tenant's bid'. Appropriate valuation advice should be obtained in all circumstances to ensure the Council is obtaining the best consideration and necessary value in these disposals.

5.2.5 De minimus

Disposals to a person or body for the purposes of, and on the terms that, they become responsible for keeping the land and buildings erected, or to be erected, e.g. garages or garden sheds, in good condition and repair where any marketing exercise would merely involve abortive expense and where the land has a capital value of less than £2,500, or where it would be to the mutual advantage of the Council and an adjoining owner to make minor adjustments in boundaries by undertaking an exchange of lands.

5.2.6 Delivery of Council Priorities

Disposal to a partner for a purpose which helps the Council deliver its priorities.

Disposal to support the Council's own financial priorities and needs, including any central government capital directive.

6 THE TERMS OF THESE "EXCEPTIONAL DISPOSALS"

Freehold or Leasehold

- 6.1 Whether the disposal is on a freehold or leasehold basis will depend on the particular circumstances in each case. Freehold disposals maximise the capital receipt but result in a loss of future control of the property though restrictive covenants could be imposed though it is noted that at times enforcement can be problematic, particularly when the use or changes in the locality may have rendered the covenant obsolete or of no further practical effect.
- 6.2 Leasehold disposals allow greater control and are appropriate where disposals are seeking particular outputs (e.g. service delivery) on an annual basis.

Best Consideration

- 6.3 The general assumption with regard to these 'Exceptional Disposals' is that the property will be disposed of at 'the best consideration reasonably obtainable'. The exceptions to this assumption will be either:
- 6.3.1 The Council has considered the benefits, advantages and disadvantages of a disposal at less than best consideration,
- OR
- 6.3.2 The consideration payable under the disposal cannot be evidenced as best consideration (see 3.2 above).
- 6.4 In both these exceptions the disposal will be subject to the consent of the Secretary of State (unless covered by the General Disposal Consent (England) 2003) and also having regard to the City Council's general fiduciary duty (see 3.1 above).
- 6.5 In those cases where 'best consideration' is not required then, before arriving at this decision, it is suggested that the following factors are considered:
- 6.5.1 The ability of the purchaser/lessee to pay the full value.

- 6.5.2 The value of non-monetary benefits.
- 6.5.3 The value of any other conditions imposed by the City Council.
- 6.5.4 The planning position.
- 6.5.5 The Council's general fiduciary duty.
- 6.5.6 The possibility of the disposal setting a precedent.
- 6.5.7 Additional wider community benefit that would not otherwise be realised.
- 6.5.8 Whether the disposal will lever in external funding.
- 6.5.9 Whether the disposal contributes to the achievement of the promotion or improvement of economic, social or environmental well-being.
- 6.5.10 To balance the requirements of the Council to maximise the monetary value of disposal of assets against the added value of asset transfer to a charity or community organisation.

- 6.6 In those cases where the consideration cannot be evidenced then, in order to seek the Secretary of States consent, it will be necessary to identify at least a modest undervalue in order to obtain the consent and protect the City Council from challenge. The circumstances must nonetheless justify such action and the factors mentioned in 6.7 are again relevant. An independent valuation will be obtained in these instances to support the application to the Secretary of State or the use of the General Disposal Consent.

7 REVOCATION OF PREVIOUS POLICIES

- 7.1 This 'Framework for Disposals' revokes all previous policies relating to disposal of property directly to individuals, companies, organisations and any other bodies without undertaking a full marketing exercise. Those decisions taken prior to the introduction of this policy will not be affected (unless the need to review any decision arises from a change in circumstances e.g. default by the previously identified prospective purchaser).

APPENDIX 1 – Financial Policy to be Adopted for joint development projects

- 1 The following principles shall always apply:
 - (a) Obtaining value for money in all transactions.
 - (b) That all functions are discharged economically, effectively and efficiently. All valuations shall be fair and current and to relevant and appropriate professional standards.
- 2 Processes shall be transparent and consistent, and all financial dealings and commitments shall be subject to proper bookkeeping and capable of disclosing an adequate audit trail.
- 3 Land disposals shall be compliant with Section 123 of the Local Government Act 1972 (or any equivalent provision) and also provide a reasonable return to the Council. There shall be sufficient evidence to ensure and demonstrate compliance with this principle.
- 4 Due consideration shall be given to the VAT position and the efficiency of opting to tax to ensure the best return from the project, subject always to the protection of the Council's VAT shelter.
- 5 Arrangements and transactions shall be above board and provision shall be set out in particular to deal with situations of actual or apparent conflict of interest and the prevention of the making of improper inducements.
- 6 Any special purpose vehicle shall avoid being subject to regulation, regulated, controlled or influenced under Part V of the Local Government & Housing Act 1989 (or any equivalent provisions succeeding this Act).
- 7 Proper provision shall be made to cover insurance and risk management.
- 8 Provision shall be made for the proper treatment of income and expenditure in relation to project property during the project.
- 9 Any financial plan shall be of a robust standard, in particular having regard to proper practices of audit and account and prudent forecasting.
- 10 There should be no commitment to the resources of the Council above that which has been specifically agreed by the Council.

APPENDIX 2 – Community Asset Transfer Policy

Community Asset Transfer Policy

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1. Introduction

- 1.1 This section outlines the history of Leicester City Council's Community Asset Transfer Policy.
- 1.2 The Local Government White paper "Strong & Prosperous Communities" set out a new relationship between local government and its communities based on a devolution of power by giving residents greater say over local services. The City Council therefore adopted its "Policy for transfer of assets for community governance" as an addition to the "Framework for Disposal of Property" in 2008.
- 1.3 In 2011 it was agreed to offer community groups who had been stable, long-term tenants in council properties the opportunity to buy their premises at market value less a 20% discount. This provision is now superseded by the below.
- 1.4 The Localism Act 2011 sought to further empower communities to self-manage and reducing funding required Councils to consider different ways of delivering community services. With these factors in mind, the policy was reviewed to reflect these changing circumstances.

The Community Asset Transfer (CAT) Policy is a voluntary process entered into proactively by public bodies.

The Community Asset Transfer Policy is only one way in which groups and organisations can acquire assets. Other ways include the Community Right to Bid, more information on which can be found at Understanding the Community Right to Bid - MyCommunity here: [LOCALITY BID_UNDERSTANDING](#)

- 1.5 As an outcome of the Council's service transformation plans and part of its commitment to localism and community initiatives the Council produced a Policy for Council Assets of Community Governance in 2014 (revised in 2022) which detailed how surplus assets can be made available for use by community/ voluntary organisations, either through a grant of a lease or possibly a freehold transfer.

Changes in the Local Authority landscape have meant this policy needs updating and therefore this document sets out the current policy (as amended in 2025).

- 1.6 An asset is defined as buildings and/or land owned by the Council.
- 1.7 This policy is only applicable to assets that are not subject to an existing lease from the Council (other than existing Community Asset Transfer leases). All existing leasehold interests will remain in place until the contractual end date or are ended by other appropriate legal means.

At this time (if the lease does not allow for automatic renewal) then procedures under the Land Transaction Rules will be reviewed prior to the application of the Community Asset Transfer Policy which will be referred to and act as a guide when the future use of the asset is being considered, i.e. if the property is still surplus to the Council's requirements then a new business case shall be required to be submitted in accordance with the policy.

That any pre-CAT Policy equivalent transfers, whether that be a lease/license lease on renewal or earlier if a trigger event applies is brought forward under the latest CAT Policy or are simply transferred to regularised leases (if relevant).

- 1.8 This Community Asset Transfer (CAT) policy will enable use of assets by community/voluntary organisations that are not-for-profit and are registered e.g. a registered charity, community interest company, etc. The Council will advise if an organisation has any doubt in relation to eligibility. Please see 'A Guide to Community Asset Transfer' on our website: www.leicester.gov.uk.

2. Eligibility for a Community Asset Transfer

- 2.1 When considering the disposal of any property asset the Council must first determine whether it still requires the asset (land or property) in order to deliver the function for which it is currently held and, if so, whether by:
- (a) Direct service provision by the Council.
- OR
- (b) Indirectly through third parties (by way of, for example, lease, partnership, management agreement).
- 2.2 Whether it is still required in order to fulfil another service/function of the Authority.
- 2.3 Whether it should be disposed of to facilitate the exercise of any function of the Authority (e.g. housing land for the provision of housing accommodation or the sale contributes to necessary council finances etc.).
- 2.4 If the asset is identified as surplus, to dispose of the property to obtain a capital receipt or revenue equivalent in line with Council's own priorities or other directive i.e. a capital directive.

3. Exclusions to the Policy

- 3.1 Once the decision at 2.1 above has been made, and the property asset is suitable for disposal, the asset will be made available for Community Asset Transfer unless one of the following exclusions applies where:
- a) The asset is leased by the Council as a tenant but the property is now surplus to requirements and consideration has been given as to whether the Council should surrender or end the lease.
 - b) The property has already been identified for utilisation under One Public Estate.
 - c) Grant conditions for capital expenditure on the property prevent the property being transferred or prevent a change of use within a specified timescale.
 - d) The proposed use and terms of the transfer would result in a liability upon the Council to repay grant monies.

e) The condition of the asset is not deemed fit for purpose or does not meet the current Minimum Energy Efficiency Standards (MEES) legislation.

f) The proposed use is not compatible with the existing or intended use of the subject asset or adjacent LCC retained land/buildings.

g) A CAT and all its community functions must demonstrate inclusivity to a wide range of citizens and users. Therefore, an intended use that envisages a narrow activity (such as primarily/principally as a place of worship) is unlikely to be consistent with this aim.

4. The Policy

- 4.1 The Council's preference is to grant a short-term lease of an asset but will consider proposals for purchasing the freehold or grant a long lease of an asset if there is a strong and justified business case to do so with the assurance that the community use will be a long-term provision.

The Council will consider each proposal on a case-by-case basis and the terms and conditions agreed will reflect the individual proposal and include such covenants/restrictions upon use as may be appropriate to protect the Council's long-term interests. This will not set a precedent for other asset transfer arrangements.

- 4.2 If an asset receives interest from several parties, then the Council will encourage collaboration to put forward a joint bid, but if this isn't achievable then each proposal will be evaluated against the same set of criteria to determine the successful bid.

4.3 General Terms for an Asset Transfer Lease

- 4.3.1 The Council will charge a market rent/value for the property, which takes account of any restriction for community use and is comparable to rental/value for alternative premises. In some cases, transfer will be assessed at less than best consideration, provided that the asset to be transferred is likely to contribute to the promotion or improvement of the social, economic or environmental wellbeing of the area, that this has been established through the business case, and that the provisions of the Land Transaction rules are satisfied.
- 4.3.2 A length of term over 7 years is classified as a disposal in law, which requires compliance with the provisions of the Local Government Act (1972) General Disposal Consent 2003¹ and State Aid rules (Subsidy rules)².
- 4.3.3 Leases over 5 years will be subject to a rent review clause.
- 4.3.4 The Council will grant leases which are contracted out of the Landlord & Tenant Act 1954 Part II which will not provide the tenant with automatic rights to renew the lease at the end of the term. However, the Council may consider granting a new lease on expiry if the property is still surplus to the Council's requirements, but a new business case may be required to be submitted in accordance with the Council's Asset Transfer Policy applicable at that time.

- 4.3.5 The permitted use within any lease will be limited to a use which is for the benefit of the wider local community.
- 4.3.6 The Council will define the responsibility of the repairs and maintenance liability within the lease by evaluating each premises on an individual basis.
- 4.3.7 The Council will expect to retain its building insurance cover over the building to ensure it is adequately covered. The lease will contain a provision for the tenant to reimburse the Council for the cost of the building insurance cover. The tenant will be responsible for insuring the contents of the building.
- 4.3.8 The tenant will be responsible for all statutory compliance and good practice (e.g. in relation to health and safety).
- 4.3.9 The Asset is to be returned at lease expiry in good tenantable repair in accordance with the lease terms and all tenants alterations removed (unless the landlord states otherwise) and any damage made good.
- 4.3.10 Assignment (transfer of the lease to another legal entity via a Deed of Assignment) may be permitted subject to Landlord's consent and compliance with the Community Asset Transfer Policy.
- 4.3.11 Sub-letting is permitted subject to Landlord's prior written consent and the rent must not exceed the passing rent based on a proportionate £/sq m basis. However, where the proposal is to charge the sub tenant a rental which is higher than the passing rent under the Head Lease on part or all of the premises, LCC will consider Landlord's consent to this subject to reserving the right to review the rent and outgoings under the Head Lease or require a share of any profit rent received, dependent on circumstances.
- 4.3.12 The tenant will be permitted to hire out space on an ad hoc basis within the asset to other community groups as long as the use reflects the permitted user clause, and use is regulated under an ad hoc hiring agreement and does not result in the creation of a landlord and tenant relationship. The tenant will be required to provide a summary of income relating to hiring charges each year, if so requested.
- 4.3.13 The Council would expect the tenant to ensure that any hiring process and agreement has regard to general safeguarding responsibilities including ensuring that the asset is not being used to disseminate extremist views as per the Counter Terrorism and Security Act 2015. The tenant will be provided with the Council's standard hiring agreement as a basis for their own use if requested.
- 4.3.14 See Appendix 1 for an example of typical lease Heads of Terms.

4.4 General Terms for an Asset Transfer Purchase

- 4.4.1 In general the Council is required to achieve the 'best consideration reasonably obtainable' when it is disposing of land or buildings. If it seeks to dispose of land or buildings below the market value, it will need to comply with

the provisions of the Local Government Act (1972) General Disposal Consent 2003¹ and State Aid rules (Subsidy rules)².

- 4.4.2 The Council will determine the market value on the basis of the potential use of the asset. This will consider both the “existing use value”, and “alternative use value” if there is clearly potential for future uplift in value having regard to planning and development potential of the asset.
- 4.4.3 Where the transfer is on the basis of providing specific community services, this commitment may be secured by a restrictive covenant as to use (supplemented by a restriction on title).
- 4.4.4 Provision will be included within the transfer for the Council to recoup an appropriate proportion of any uplift in value secured through each subsequent change of use and/or enhancement in value arising from the grant of planning permission.

1 The Local Government Act 1972 imposes a legal obligation not to dispose of assets at less than best consideration (excludes tenancies of less than 7 years) unless approved by the Secretary of State. The General Disposal Consent 2003 allows Local Authorities to transfer at less than market value provided the undervalue is no more than £2million established according to the technical annex attached to the consent **and** the purpose for which the asset is to be transferred is likely to contribute to the 'promotion or improvement' of the economic, social or environmental well-being of the area. A disposal of a surplus asset at less than best consideration also requires an Executive Decision.

2 Subsidy rules refers to the forms of assistance from a public authority, which has the potential to distort competition and trade in the Subsidy rules and can apply to disposals to charities and other public bodies as it is the relevant activity undertaken by the recipient not the latter's identity.

5 Additional Conditions

- 5.1 Any transfer will **include** fixtures and fittings unless there is a Council requirement for the items at an alternative location.
- 5.2 Any transfer will **exclude** IT infrastructure.
- 5.3 Where there is a need for planning permission to be secured in order to enable a proposal to be taken forward this will be the responsibility of the prospective tenant. A decision on the part of the Council to transfer an asset does not guarantee that planning permission will be granted.
- 5.4 Each party to bear their own legal and agents fees.
- 5.5 Any exception to this Policy must be approved by the relevant Director of Estates and Building Services in conjunction with the Council's City Barrister and in consultation with the City Mayor.

6 The Process for Applications

- 6.1 Once it has been decided that a property asset can be made available, The Council will consider the transfer of the asset on terms to be agreed. This will be by leasehold, or, exceptionally, by freehold disposal.

Interested parties must firstly apply to the Council setting out their Expression of Interest (EoI). A decision will be made once all EoIs are received to accept or reject an EoI and not take it forward to the next full application stage.

All Eols received will need to demonstrate the following:

- a) The proposal makes good use of the property asset in terms of opening hours, accessibility to all residents, service delivery, wider community aims etc.
- b) The proposal represents good community value, taking into account the expected social, economic, and environmental wellbeing benefits.
- c) The proposal supports the Council's Strategic Objectives.
- d) There is evidenced need and demand for the proposal and it has local support.
- e) The proposal is financially viable and sustainable. Financial viability pressures will not be addressed through reducing property maintenance costs that are required to be borne by the transferee.

Transfer of property assets for community governance is the legal transfer of property (via a management agreement, a meanwhile use agreement, licensing, letting or sale) by the Council to community-led organisations for them to manage and operate to provide community benefits in accordance with the Council's priorities and strategies.

- 6.2 The Council will use this Eol information provided to initially assess the proposal against the Policy. If it meets the criteria, the Council will then require the full submission of a detailed Business Case (BC) to support the proposal. (See 7.1) A Business Case template form will be sent to all successful Eol applicants.
- 6.3 The Council will provide suitable third party support to help all those organisations who will be preparing a Business Case.

The Council will test the final Business Case submitted against the key principles of this policy but also expect the Business Case to provide in detail:

- a) A statement of clear purpose and outcomes that would be delivered by the community use of the asset, including consideration of the extent to which the proposal meets identified local needs as well as broader policy priorities.
- b) The proposed arrangements for the management body, including accountable governance arrangements.
- c) How the organisation will achieve full sustainability, e.g. income generation/ funding sources.
- d) Experience/capability to deliver the services in accordance with any associated legislation.
- e) The capabilities to manage the regular ongoing maintenance of the asset including compliance with all statutory requirements.
- f) Details of financial viability of the bidder and any proposed lump-sum capital investment and how this is envisaged to be expended.

The Business Case is used to demonstrate any Social, Economic or Environmental wellbeing and benefits.

7 The Decision Process

- 7.1 All proposals for Community Asset Transfer will be carefully considered and evaluated by a panel made up of members of the Council's Estates & Building Services – Strategic Property Team and Neighbourhoods and Environmental Services – Neighbourhood's Team. Additionally, all decision-making will be reported via the Council's Scheme of Delegation governance process and within the context as provided by this Policy.
- 7.2 The Council will advise the community organisation of its decision, outlining the reasons for any refusal. If the proposal has been successful, notification will follow, with instructions for the legal formalities to be completed.

8 School Sites

- 8.1 If the asset is not required for educational/curriculum purposes and it can be separated to enable a transfer (via leasehold or freehold) the asset will be subject to this Policy once the site has been deemed surplus to educational requirements and SOS consent has been obtained for an internal appropriation to an alternative portfolio. Where the site cannot be separated, there may be the need for additional safeguarding requirements. The costs of this would need to be reviewed on a case by case basis.
- 8.2 If the school is interested in taking over the running of the service then their bid will be assessed alongside any other community interest. In such circumstances where the school is funded by the Council, equivalent charges will be applied, generally through a Memorandum of Understanding as opposed to a formal lease.

9 Help and Advice

- 9.1 Community/voluntary organisations are encouraged to seek advice from the Council at the earliest possible opportunity before making a formal application. There is guidance and help available through a number of sources including:
- a. The Community Asset Transfer page on the Council's web site.
 - b. The Government portal website for community information and grant programmes mycommunityrights.org.uk
- 9.2 The Council will provide specific information to communities to develop their proposal, including:
- Site Plan.
 - Measured notional building floor plan where available.
 - Guidance on the rental value and/or on the valuation of the asset.

- Guidance on current running costs (estimated where actuals are not available).
- Other available relevant information.

10 Leased Property Inspection

- 10.1 Once a CAT has taken place, a property inspection will take place every 12 months in order to ensure that the organisation is continuing to meet its stated business case aims and objectives; and, to ensure the asset is being maintained to the agreed level of compliance and condition. An annual fee is chargeable for this inspection.

The inspection will be arranged at a mutually agreed date and time, conducted by a member of the Directorate responsible for the achievement of service objectives and the Senior Estates Valuation Surveyor responsible for asset compliance and landlord's inspection. Where necessary, the Senior Estates Valuation Surveyor will be supported by a qualified Building Surveyor.

- 10.2 A post-inspection report will be provided to the tenant with any necessary rectification notices and re-inspection dates.
- 10.3 Any breach of terms of the lease (incorporating the approved business case) will result in legal action.

11 Scope

- 11.1 The policy will cover all built property assets, land and buildings in the freehold ownership of the Council (subject to the exclusions referred above).
- 11.2 The Council will consider the disposal of groups of properties on the same basis as individual properties.

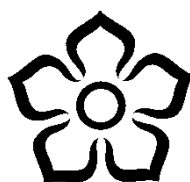
Appendix 1

Example of Standard Heads of Terms for Community Asset Transfer via a Lease of 5 Years Duration or Less

Landlord	Leicester City Council
Tenant	Likely to be a management committee/Board of Trustees/charity <i>(to be encouraged to be a Charitable Incorporated Organisation – see Charity commission website).</i>
Property	Asset name 'x'
Demise	Area to be leased.
Term – no	'X' years; contracted out of Landlord and Tenant Act 1954 Part II automatic right to renew.
Break	Mutual break option on 6 months prior written notice.
User	The premises shall not be used other than for the provision of 'xxxx' services and associated activities.
Forfeiture	Landlord can end the lease for material breach of lease covenant, including breach of the user clause.
Rent	£x per annum; (rent reviews every 5 years if negotiated term is longer than 5 years).
Premises Costs	Tenant to pay all rates, utility costs and other running costs.
Inspection Costs	Tenant to pay all annual inspection costs fixed at £X,XXX pa.
Building Insurance	Tenant to insure contents. Landlord to insure building (costs recharged).
Insurance	Tenant must hold third party liability to a total of £5M in any one claim.
Repair	Full Repairing and Insuring
Alterations	Tenant permitted to make non-structural alterations with Landlord's consent in writing, not to be unreasonably withheld.
Alienation	Tenant is not permitted to assign or sublet part of the premises without prior agreement from the Landlord. Tenant permitted to assign or sublet whole of the premises provided no premium is payable and otherwise with Landlord's consent, not to be unreasonably withheld. Any sub-lease must not be at a rate higher than the passing rent based on the £ per sq ft/sq m.
Ad Hoc Hiring	Sharing occupation with other parties under the existing permitted user without Landlord's consent is permitted if the

occupation is through reference to a hiring agreement and does not create a landlord and tenant relationship.

Yielding Up	At the end of the term the Tenant will yield up the premises in the repair and condition prescribed in the lease and in accordance with the photographic schedule of condition.
Compliance	Tenant must adhere to all current statutory obligations and Health and Safety requirements in relation to the premises and its use.
Costs	Each party to bear their own costs.



Leicester
City Council

Schedule 3: A Protocol for Responding to Late and/or Unsolicited Offers in Connection with Property Disposals

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SCHEDULE 3

A PROTOCOL FOR RESPONDING TO LATE AND/OR UNSOLICITED OFFERS IN CONNECTION WITH PROPERTY DISPOSALS

1 INTRODUCTION

The receipt of late and/or unsolicited offers cannot be avoided when property disposals are being undertaken. Further, local authorities' property dealings are conducted within a fairly inflexible legal framework and must have regard to the Council's general fiduciary duty to act reasonably and in the interests of the tax payers and consistent with the effective, economic and efficient discharge of the authorities' functions. It is therefore necessary to have in place a protocol to guide the response to the unsolicited offer together with precautionary measures to reduce the likelihood of late offers arising. This guidance covers the most likely scenarios but exceptional circumstances may arise which may require separate consideration. The Council's Constitution refers to tendering procedure, but this relates to Tenders for the supply of works, services and goods rather than land. Nevertheless, the relevant principles are followed within this Protocol.

2 APPLICATION OF THE PROTOCOL

This protocol applies to unsolicited offers received during a property disposal exercise and the response to the offer will be dependent upon:

- 1 At which stage in the disposal process the offer is received.
- 2 The basis upon which the property has been marketed.

3 THE PROTOCOL

- 3.1 In relation to disposals by way of formal or informal Tender i.e. when offers are required before a fixed date and time (the Closing Date).
- 3.2 Late Tenders i.e. received after the Closing Date, or Tenders delivered or submitted prior to the Closing Date but to the wrong location or electronically following the closing date for the receipt of Tenders and subsequently received late.
- 3.3 Offers received outside the Tender process (i.e. without the official Tender label) after the Closing Date but before consideration by The City Mayor, an Assistant City Mayor (as may be appropriate) or the Chief Operating Officer and Head of Paid Service exercising delegated authority).
 - 3.3.1 All offers must be considered.
 - 3.3.2 If the late offer is higher and obviously not spurious or otherwise considered unsustainable, the parties that have already submitted offers

be invited to make “full and final” offers by a specified date. In considering the sustainability of the late offer regard will be had as to whether the offer is compliant with the requirements of the Tender process (other than meeting the time limit).

- 3.3.3 In the event that the unsolicited/late offer remains the highest offer then this offer, together with the highest compliant offer from the second round of bids from the Tenderers (i.e. received from one of the parties who submitted Tenders before the Closing Date) effectively the second highest bid, should be reported to City Mayor or where appropriate an Assistant City Mayor (disposals at less than best consideration are reserved to the City Mayor). In the event that the City Mayor wishes to accept the second highest bid then the Secretary of State’s consent for a disposal at less than best consideration will be required (see below).

In deciding whether or not to accept the second highest bid, the Council must act reasonably and have due regard to:

- (a) Its general fiduciary duty (as referred to above).
- (b) Usual and prudent commercial practices.
- (c) Best practice.
- (d) Case law.

In the event that the second highest bid is accepted, reasons to support the decision must be recorded.

- 3.4 Offers received after the City Mayor’s or Assistant Mayor’s decision (or exercise of the Chief Operating Officer’s delegated authority) but before the exchange of contracts or before entering into conditional contract or lock out agreement

- (a) As 1.2 above.

- 3.5 Offers received after the exchange of contracts or entering into conditional contract or lock out agreement

- (a) Write to advise the party making the offer that the property has been sold or that conditional contract or lock out agreement entered into, thanking them for their interest (and offering similar property if currently available for disposal). Record this interest in the event that the contract is not completed and the property is remarketed.

- 4 Disposals by private treaty (i.e. following a marketing exercise without a Closing Date or a “one-to-one” disposal when no marketing has taken place).

- 4.1 Offers received during the period of the negotiation with the prospective purchaser/lessee.

- 4.1.1 If the negotiation arises from a marketing exercise without a Closing Date then each party should be invited to submit their full and final offers within a specified time period.
- 4.1.2 If the offer arises during an off-market “one-to-one” disposal (e.g. where the City Mayor’s agreement has been obtained to dispose of the property to secure a particular use or facility from one particular party) then the offer is rejected (but can be used as useful evidence in the negotiations). In these instances the City Barrister and Head of Standards must advise on the need to obtain the Secretary of State’s consent to a disposal at less than best consideration (see below).
- 4.2 Offers received before provisionally agreed terms are considered by the City Mayor/Assistant City Mayor (or the Chief Operating Officer exercising delegated authority).
 - (a) As 1.2 above.
- 4.3 Offers received after the City Mayor’s/Assistant City Mayor’s decision (or the Chief Operating Officer exercising delegated authority) but before the exchange of contracts or entering into conditional contract or lock out agreement.
 - (a) As 1.2 above.
- 4.4 Offers received after the exchange of contracts, entering into conditional contract or lock out agreement.
 - (a) As 1.4 above.
- 5 Disposals by Auction
 - 5.1 Offers received prior to the auction.
 - (a) Refer the offer to the appointed auctioneers and agree whether or not to accept the offer. If the offer is recommended for acceptance then the acceptance must be subject to the purchaser exchanging contracts quickly (in accordance with the auction conditions of sale) before the date of the auction, ideally giving sufficient time to notify other parties who may have expressed an interest in the property of its withdrawal from the auction.
 - (b) Offers received after the auction.

If the property was sold under the hammer:

 - (i) As 1.4 above.

If the property failed to sell:

- (ii) As 3.1(a) above but within an appropriate short time period (ensuring the appropriate authority is in place for the auctioneer to accept such offers on behalf of the City Council).

PRECAUTIONARY MEASURES TO BE ADOPTED TO SUPPORT THIS PROTOCOL

In order to minimise the likelihood of unsolicited offers being received then the following good practice should be adopted when undertaking the marketing exercise:

- 1 Late offers must never be encouraged or in any way solicited.
- 2 Where the offer arises from a bidder who has already submitted a compliant bid within a tendering exercise, then consideration of the revised higher bid would only be undertaken provided there was clear justification for the second offer being made.
- 3 The market must be fully explored at an early stage in the marketing process so that every effort is made to identify all potentially interested parties.
- 4 Ensure that time periods between receipt of offers and an executive decision to accept and between acceptance and exchange of contracts (or entering into conditional contracts or lock out agreements) are kept to a minimum. The use of conditional contracts should be considered, with a strict time period by which it must be entered into by successful party, and when each element of conditionality has to be met.
- 5 Offers reported to the relevant decision maker are considered on the private agenda.
- 6 The public Minute contains no reference to the disposal price or the purchaser.
- 7 In those cases where reports refer to values of property, for example anticipated capital receipts, only totals are referred to, unless the transaction has been completed.
- 8 Ensuring that prospective purchasers are aware that their costs incurred prior to the exchange of contracts are at their own risk. (However, in the event that the City Council decides not to proceed, there may be a case for reimbursing the purchasers abortive costs. Each case would be considered on its merits).

CONSENT OF THE SECRETARY OF STATE TO DISPOSE AT “LESS THAN BEST CONSIDERATION”

Where a disposal at less than best consideration is proposed then this will require the consent of the Secretary of State. A specific application to the Secretary of State for consent may not be necessary in every case. The Local Government Act 1972: General Disposal Consent (England) 2003 gives local authorities consent to the disposal of land within specified circumstances i.e. where the authority considers that

the purpose for which the land is to be disposed of is likely to contribute to the achievement of any one or more of the following objectives in respect of the whole or in any part of its area, or of all or any persons resident or present in its area:

- 1 The promotion or improvement of economic well-being.
- 2 The promotion or improvement of social well-being.
- 3 The promotion or improvement of environmental well-being.

In each case it is a condition that the undervalue must not exceed £2 million. Further, the authority must remain aware of the need to fulfil its fiduciary duty in a way that is accountable to local people (this consent does not apply to land held under powers derived from certain Planning and Housing Acts (which is subject to its own consent regime, most recently revised in 2013) nor does it enable the disposal of public open space without undertaking the advertising procedure set out in s.123 (2A) the Local Government Act 1972).

Culture and Neighbourhoods Scrutiny Commission
Work Programme 2025 – 2026

Meeting Date	Item	Recommendations / Actions	Progress
19 June 2025	Overview of Culture and Neighbourhoods	Site visit to Biffa to be arranged	To be arranged later in the year.
		To avoid a backlog of casework arising, officers to respond to members queries withing 5 days.	Ongoing.
	Business case for the KRIII café.	Report to come back to the Commission in 12 Months following the opening of the new café to see if expectations have been met in terms of customer numbers and cost/benefit.	Added to workplan TBA
	Public Space protection Orders	Report to come back to the Commission on the plan going forward.	Added to workplan TBA
	Waste Engagement Findings	Informal session to be convened around early August for Commission to discuss options with the Commission so they can inform the way forward.	Arranged for 7 th August.
11 September 2025	Heritage Places Funding, National Lottery Heritage Fund – Verbal Update		
	Re-drafted Community Asset Transfer Policy		

Meeting Date	Item	Recommendations / Actions	Progress
3 November 2024	<p>Library IT and Study Zones Update</p> <p>Sports Strategy Place-based working – Including Active Leicester and Women in Sport – Annual Update</p> <p>Burial Strategy (6-monthly update)</p> <p>De Montfort Hall/ Haymarket</p> <p>Proposals for Leicester City Libraries and Community Centres</p>	<p>Following discussion at the meeting of 5 December 2023, it was requested that the report come back to the commission around 6-months later when it was fuller and the findings of the seminar were known. It was later decided to combine this with the report on Women in Sport, To include indicators of success, information on bodies that can help promote Women's engagement in sport, other groups with protected characteristics such as disability sport and data broken down into, for example, age and ethnicity, as suggested at the meeting on 24 October 2023, with a possibility of a Board looking at this.</p> <p>To include information on the search for places, the work plan for Gilroes Cemetery and the findings of the Law Commission</p>	

Meeting Date	Item	Recommendations / Actions	Progress
22 January 2025	NLHF Museum and Art Gallery Project Festivals and Events Review update		
5 March 2025	Museum Update Museum Engagement Schemes – Outcome on findings and conclusions.	To include visitor figures over the school holiday period. To include considerations for an open weekend.	
16 April 2025			

Forward Plan Items (suggested)

Topic	Detail	Proposed Date
Trees and Woodlands – Involvement with Schools and Education and Grassland Strategy	To include seed and produce exchange and to include areas for recreation and sports.	

Sports Engagement Findings		
PSPO – Plan going forward.		
Engagement of Community Organisations	Report on how community organisations could be engaged to help the Council run services as requested at the meeting of 29 January. – To go to first meeting of new municipal year.	
Growing spaces strategy		
Heritage Places Funding - National Lottery Heritage Fund – Update on next stage.	To include findings of Audience Agency. If Stage 1 is successful.	
KRIII Visitor Centre – Performance since new Café.	Analysing the cost/benefit of moving the Café. To include changes in visitor numbers since café moved and comparisons between old and new café. To come in February 2027..	
Update on HASBO and CRASBU	To be brought back in 12 months from 2024 report.	
Heritage panels, inviting members suggestions for new panels		
CCTV Overview	Moved from November	
Fly Tipping	To include Ward-by-Ward correlations – Moved from September	