

## **Mynachdy Building Radyr Place, Mynachdy, Cardiff**

# **EXPRESSION OF INTEREST GUIDANCE**



## INTRODUCTION

Community Asset Transfer (CAT) is about giving local people and community groups greater control in the future of their area and their community. CAT can be applied to either buildings or land in public ownership.

Where local groups own or manage their own buildings, it may help promote a sense of belonging in the community. It also brings people from different backgrounds together to work towards a shared goal, allowing them the opportunity to use the asset to secure its viability/ sustainability and that of the community.

Community ownership can also play a part in raising people's aspirations, in enhancing the local environment and in helping alleviate poverty. It can often bring 'added value' by leveraging in external investment e.g. grant funding that is not available to the statutory sector.

The Council is committed to working with community groups and local people to ensure that community asset transfer in Cardiff is successful and sustainable in the long-term.

## AIMS OF ASSET TRANSFER

The Council has buildings and land that are used for a variety of social, community and public purposes. For some Council buildings and land, community management and ownership by a non-profit making/community-based group, could bring benefits to the local community, as well as to the Council and other public service providers.

Asset transfer may mean that public assets get used more frequently and more effectively. It may mean that the use of those buildings or land extends the life of that facility. Community-led ownership may also allow additional opportunities for groups to secure extra funding or resources to maintain the life of the asset and create employment/ enterprise opportunities that may not otherwise be possible.



Where the Council transfers assets to non-profit making groups it will continue to promote public value, including:

- Community empowerment;
- Area-wide benefits;
- Equality of access;
- Building the capacity of, and encouraging a sustainable third sector;
- Economic development and economic well-being;
- Social enterprise and social well-being;
- Environmental improvements and environmental well-being;
- Improvements to public services; and
- Value for money.

#### **WHO CAN EXPRESS INTEREST?**

Expressions of interest will be welcomed from community and voluntary sector groups. Appropriate groups may be area-based, based around particular social groups or have some other shared interest. Ideally, applicants should meet the following criteria:

They must be community-led, with strong links to the local community. Local people must be able to control the organisation's decision making processes

- Their primary purpose must be non-profit making and they must have an understanding of the activities they wish to deliver with a strong business plan that shows that they will be able to manage the asset on a viable basis;
- They must have the potential to demonstrate good governance and will need to be incorporated and constituted for social benefit within their legal structure. The organisation must be prepared to keep the asset for community benefit;
- They must be open to, and demonstrate an inclusive approach to members of the community and be willing to operate an 'equality of access' policy.

Applicants should also:

- Have the skills and capacity to effectively deliver services and manage the asset to be transferred and/or have access to the necessary skills and capacity through external means or
- Have the potential to develop the necessary skills and capacity within their organisation and demonstrate how they intend to do this, perhaps by working with the Council or other partners.



## **ASSESSMENT OF EXPRESSION OF INTEREST**

The assessment process will require applicants to provide information to enable the Council to assess how they satisfy the criteria. Groups applying will need to provide information about the following as part of their application:

- Proposals for the use and maintenance of the asset;
- Benefits - to the Council, the community and to the group applying;
- Capacity of the group to manage the asset;
- A robust business plan with financial information;
- Type of key terms of transfer sought;
- Capacity-building plan, where appropriate, and how this will be delivered;
- Liabilities and how these will be addressed.

Any applications received will be evaluated on the basis of the responses given in the expression of interest form and will include a public benefits test and equality impact assessment undertaken by Cardiff Council.

## **CONCLUSION**

The Council is determined that the concept of community asset transfer will be successful in Cardiff and is committed to providing guidance and support to help applicants through the transfer process.



## **SOME THINGS TO THINK ABOUT**

This document is intended to be a guide for any voluntary and community organisations who are thinking of applying for any Community Asset Transfer. It is intended to help organisations to think through the implications and responsibilities before making a decision about managing a building.

### **What is the purpose of your organisation?**

It is important that you are clear about your terms and objectives and the activities you want to deliver, to assess whether your proposal meets the objectives of Community Asset Transfer and that it makes the best use of the space available.

### **Do you know what other activities are going on in your area?**

It is important to ensure that there is both a need and demand for the activities you are planning and whether this is currently being addressed by another organisation. If another organisation is delivering similar activities in the area, it doesn't mean that there is not still demand or unmet need, but it is still important to establish this. By finding out about another organisation in your area, you may find useful links and sources of support. You should fully explore opportunities for co-location/shared facilities with other similar minded organisations in considering requests for asset transfer.

### **Can you afford to run a building?**

Have you thought through the costs of running a building? Please refer to the financial issues, see (i) below, for the likely sources of outgoings.

### **What are the other options?**

Having considered the points overleaf, it is also worth looking at other options e.g. would it be more practical to share a building with another organisation or rent a room for specific periods.



## PRACTICALITIES CHECKLIST

Once you have decided in principle to pursue Community Asset Transfer you then need to consider some of the practicalities. It is important that you write a business plan outlining your aims and objectives, and demonstrating that your organisation is prepared to take on the responsibilities of buying or renting premises. A written plan should include:

### i. **Financial Issues:**

The application should include a financial plan, outlining the funding for your organisation and how you will meet the outgoing costs for the premises. These may include:

- a. Rates;
- b. Potential rent;
- c. Utilities - electricity, gas, water, internet/telephone, etc;
- d. Insurance - building, contents and public liability;
- e. Repairs - potentially both major and minor. The condition of the property will be established prior to transfer, the maintenance thereafter will be the responsibility of your organisation;
- f. Statutory Obligations tests, Fixed Electrical, PAT, Fire Risk Assessment, Legionella, etc
- g. Staff e.g. cleaning and caretaking;
- h. Security;
- i. Administration;
- j. Potential alterations and/or adaptations.

This list is not exhaustive and other issues may need to be addressed. You will need to ensure that you have considered all the various costs and have funding in place to meet them. You will also need to think about costs/charges for advising on the lease documents and the heads of terms.

Further financial considerations include sustainability and forward planning i.e. whether you have the funding to enable you to sustain the project and premises in the future. For example, if you are relying on a source of funding that will come to an end in the next six months, what are your plans/provisions for securing funding after this period.





## (ii) Management Structure

Acquiring a property is a major commitment for any organisation, which involves considerable responsibilities and should not be underestimated. One of the key considerations should be whether occupying a building will enhance your ability to achieve the aims and objectives of your organisation or in reality mean that you have less time to focus on your core activities. You need to ensure that you have a clear management structure, one that is already incorporated and constituted or seeks to be so in the near future. Your organisation will need to have thought out how premises will be managed on a day to day basis, in addition to how the premises will be financed, usage and so on. This will include key questions such as:

- Do you have a clear constitution and established management committee?
- Have you got a clear process for making decisions in relation to the building e.g. who will be responsible for room bookings, site problems, compliance with legal issues such as Health and Safety, etc.
- Have you considered who will be responsible for caretaking and cleaning responsibilities?
- Who will take responsibility for managing payments for utility bills, rates and telephones?

## (iii) Legal Issues

You need to ensure that your organisation has the capacity to meet the legal requirements in respect of property management. Examples of some of the legislation that impacts on buildings and premises can be found in Table 1 overleaf:



**Table 1- Legislation that impacts on buildings and premises Statute or regulation**

**IMPACT**

Health & Safety at Work Act 1974 and subsequent regulations The Regulatory Reform (Fire Safety) Order 2005 (FSO) - <a href="http://www.communities.gov.uk/fire/firesafety/firesafetylaw/">www.communities.gov.uk/fire/firesafety/firesafetylaw/</a>	Public Liability Insurance; Health and Safety policy and procedures; Fire safety; Risk Assessment for fire and other risks.
Occupiers Liability Act 1984 <a href="http://www.legislation.gov.uk">www.legislation.gov.uk</a>	Public liability insurance; Risk Assessment for fire and other risks; Security of premises
Landlord and Tenant Act 1954 <a href="http://www.legislation.gov.uk">www.legislation.gov.uk</a>	Need for clarity about type of tenure and what rights and duties you have
Charities Act 1993 <a href="http://www.legislation.gov.uk">www.legislation.gov.uk</a>	If buying premises on a mortgage, you will need appropriate financial advice and survey in writing from suitably qualified person
Town and County Planning Act 1990 and regulations <a href="http://www.legislation.gov.uk">www.legislation.gov.uk</a>	Need for appropriate planning permission
Disability Discrimination Act 2005 & code of practice on goods, services and premises	Disability Audit; making reasonable adjustments to ensure goods, services and premises are accessible
Statute or regulation IMPACT Equalities Act 2010 <a href="http://www.equalities.gov.uk">www.equalities.gov.uk</a>	in respect of wide range of disabilities
Building Act 1994 and subsequent regulations <a href="http://www.communities.gov.uk/">www.communities.gov.uk/</a>	Building Regulations which cover new buildings, extensions and renovations.





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