REPORT TO THE PORTFOLIO HOLDER FOR ASSETS AND COMMUNITY SAFETY

26 JANUARY 2026

REPORT OF THE CORPORATE DIRECTOR - PLANNING AND COMMUNITY

A. PRE-LOCAL GOVERNMENT REORGANISATION (LGR) COMMUNITY ASSET TRANSFER: PROGRAMME OF WORK

PART 1 – KEY INFORMATION

PURPOSE OF THE REPORT

To seek agreement from the Portfolio Holder for Assets and Community Safety to a proposed programme of work in respect of pre-Local Government Reorganisation (LGR) Community Asset Transfer – specifically the sale and transfer, on a freehold or leasehold basis, of Tendring District Council-owned assets to Harwich Town Council, Frinton & Walton Town Council, Brightlingsea Town Council; and, potentially, the Harwich Society.

EXECUTIVE SUMMARY

Background

The effective and efficient use of assets in the delivery of public services and Council functions is under constant consideration against the backdrop of the financial pressure facing local authorities, ensuring value for money for residents and emerging moves towards Devolution and Local Government Reorganisation.

At an initial discussion with TDALC (Tendring Association of Local Councils) in early 2025, Town and Parish Councils were invited to discuss whether there might be an appetite for the sale and transfer of certain assets to those Councils within the context of a wider devolution local government reorganisation programme, either on a freehold or leasehold basis if it offers the opportunity to ensure sustainability of services within the local area going. Following feedback, senior Officers - often accompanied by the Portfolio Holder for Assets and Community Safety, have been engaging informally with the district's largest Town Councils that have indicated an interest in Community Asset Transfer, and which represent locations where many of TDC's assets are found. There have also been discussions with the Harwich Society who already lease a number of properties from TDC.

The transfer of TDC assets to these bodies might enable them to be managed effectively and efficiently at a more local level in the public interest.

To date, the informal discussions with Harwich Town Council, Frinton & Walton Town Council, Brightlingsea Town Council and the Harwich Society have indicated varying levels of interest –

conscious that along with the positive opportunities associated with Community Asset Transfer, there are also responsibilities and liabilities, the need to resource ongoing management and maintenance, and a legal and policy framework that must be complied with. However, with the programme for LGR pushing ahead and shadow unitary authority expected to come into being in May 2027, the window of opportunity for Community Asset Transfer to the Town Councils and other appropriate bodies, without the express requirement for the shadow or vested unitary authority consent has short timeframes – beyond which any transaction involving assets with a value of £100,000 or more would require shadow or vested unitary approval.

The district council should also take into consideration the explanatory note relating to '**financial decisions before local government reorganisation'** published on 25 July 2025 for all councils who were invited on 5 February 2025 to submit proposals for unitary local government under section 2 of the Local Government and Public Involvement in Health Act 2007 (the 2007 Act). More information is set out within the Section 151 and Monitoring Officers' sections of this report.

It is therefore useful to have a tightly defined programme of work and resources in place to confirm the local interest in Community Asset Transfer and to thereafter progress and manage the formal and legal processes in a timely manner. The programme of work set out in this paper comes with a resource cost in respect of staff capacity and external advice.

Impact of LGR on decision making

If LGR proceeds in line with current anticipated timetables, the district council will be subject to new statutory duties require existing councils to ensure they are preparing for and facilitating the economic, effective, efficient and timely transfer to the unitary council, of such of its functions, property, rights and liabilities as relate to the area and its inhabitants, from late 2026.

A new shadow unitary authority will be established in May 2027 ahead of the formal vesting of the unitary and abolition of Tendring District Council and the current structure of local government, in April 2028. The shadow unitary authority will have certain powers to influence decisions about Community Asset Transfers and other asset disposals in the interest of guiding a smooth transition into the new structure of local government and preventing decisions being taken that might prejudice the effectiveness of the new unitary authority following its formal vesting. As such, any decisions to transfer or dispose of assets with a value greater than £100,000 will require a decision from the shadow unitary authority – which might, or not, be forthcoming.

Therefore for TDC to transfer assets, where a business case adequately demonstrates value for money and meets the requirements to disposal at less than best value if being considered, above this value under its existing powers without requiring express approval from the shadow unitary, it needs to take those decisions and ideally complete the transfer process in a timely manner before May 2027. That said, even before the introduction of the shadow unitary, the Structural Changes Order expected in 2026 will impose a duty on existing authorities to work constructively and to have regard to the impact on the future unitary authority in decisions relating to assets – which may have a bearing on what decisions are taken by TDC around certain assets.

In preparation for LGR, cooperation between Officers at Essex County Council, the existing unitary councils and District Councils has already begun – with a workstream focussed on sharing data around assets, sharing advice and best practice and working towards a common approach. TDC is not the only Council exploring the potential opportunities of Community Asset Transfer ahead of LGR.

Duties under the Local Government Act 1972

The type of assets that have been discussed with Harwich Town Council, Frinton & Walton Town Council, Brightlingsea Town Council and the Harwich Society to date have included community or leisure facilities, car parks, public toilets, open spaces and even beach huts and promenades. However, under Section 123(2) of the Local Government Act 1972, all transactions involving Council-owned land must seek to achieve best consideration (the be possible price) and therefore for any such assets to transfer to another body for anything less than best value would either require special justification under the General Disposal Consent Order (England) 2003 for offering benefits that enhance the environmental, economic and social wellbeing in other ways; or would need to be demonstrated that the transfer of certain assets with a positive value and/or revenue income will, as a package, offset the cost of running or maintaining other assets that would otherwise be classed as liabilities – taking into account other wider social value and community considerations. The business cases submitted by the Town Councils must evidence this statutory justification.

From informal discussions to date, Brightlingsea Town Council appears to be most advanced in its thinking about the range of assets that could transfer with the potential for income generating assets such as car parks and beach huts transferring alongside assets that come with a maintenance cost such as public toilets, open spaces and promenades. Frinton & Walton Town Council's priority is to secure the freehold transfer of the Columbine Centre and associated land in the short term (for which the formal property dealing process is already under way) but has indicated an interest in exploring the potential transfer of a wider range of assets subject to further discussion. For Harwich Town Council, informal discussions are continuing and initial discussions with the Harwich Society have taken place, but many assets of interest are already leased to it on long timescales.

Proposed Programme of Work

The recommended programme of work proposed in respect of Community Asset Transfer is set out as overleaf:

January/ February 2026
 	
Confirmation of participation.
	• Portfolio Holder decision;
	    o formalising the Council's intention to explore Community Asset Transfer with a focus on Harwich Town Council, Frinton & Walton Town Council, Brightlingsea Town Council and the Harwich Society – including the proposed programme of works; and
	    o instructing a review of the Council's relevant Asset Management strategy, policies and programmes.
	
	• Letters to go to the above bodies setting out (and inviting feedback on) the proposed timetable and asking for them to confirm, before the end of January if they remain interested in exploring the potential of Community Asset Transfer; and 2) the potential scope, if known, of assets for consideration. *
	
	• Continued informal engagement, including meetings to discuss the financial workings of leisure centres and other assets, and exchange of information about potential income potential, costs and liabilities.
	
	• Receipt of confirmation, by end of month, from the bodies in question as to whether they wish to continue exploring the topic.
	
	*****N.B; It should be noted that the Columbine Centre in Walton is already subject of a potential transfer, with the Property Dealing Procedure already initiated and thus any suggestion of a potential scope of assets for consideration by Frinton & Walton Town Council means assets separate to and beyond the Columbine Centre. For Brightlingsea Town Council, the scope of assets for consideration has already been submitted for TDC's consideration and thus Brightlingsea Town Council will simply be asked to confirm that the material submitted to date represents both their proposed scope and their expression of interest (as required below).

March 2026 Expressions of interest.	• Invitation to the participating bodies to submit, by the end of the month, a formal expression of interest in the assets to be considered as part of a Community Asset Transfer – with evidence of the formal decision taken by that body to submit the expression of interest. • Continued informal discussion engagement and exchange of information. • Initiation of the formal Property Dealing Procedure for the assets in question with the agreement of the Portfolio Holder for Assets and Community Safety.
April – June 2026 Valuation and business case development.	• Cabinet/Council agreement to revised Asset Management Framework (to replace existing outdated policies and programmes) including a revised and updated Community Asset Transfer Policy. • Cabinet agreement to resource allocation. • Appointment of additional staff and external resources for valuation, business case development/analysis and legal support. • Valuation of relevant assets using at least two external valuers, as part of the Property Dealing Procedure. • Invitation to interested parties to prepare and submit formal business cases for

	their proposed transfer request(s) by the end of May 2026. • Advice (rather than assistance) to be provided by the Council's expanded Property Team and external advisors. • Business cases submitted to TDC by end of May 2026.
July – September 2026 Business case analysis and recommendation.	• Submitted business cases analysed by the Property Team and its external advisors. • Consideration of any staffing implications (if any) and necessary processes going forward. • Negotiation of any necessary amendments. • Drafting of reports/recommendations to Cabinet on formal decisions whether or not to transfer assets.
October – December 2026 Cabinet decision and legal agreements.	• Cabinet decision on assets to be transferred. • Preparation and negotiation of legal agreements for the transfer. • Completion of legal agreements.
January 2027 – April 2027	• Contingency time for overrun on completion legal agreements. • Legal and physical transfer of assets.
May 2027	• Establishment of the shadow unitary authority and the potential requirement for outstanding decisions on asset transfers to be referred to that body.

Potential resource requirement

To resource what could be a complex process from TDC's perspective, and acknowledging that the Town Councils might have limited technical expertise and budgets for this purpose, it is suggested that a minor re-structure of the Property and Projects Team could undertaken to include one additional surveyor to manage and administer the various processes; and that a budget of up to **£400,000** is put in place for use in appointing external expertise in respect of valuation, business case development/analysis and legal support. This sum has already been indicated as a cost pressure and something that could form part of the one-off expenditure associated with LGR.

It is proposed that the resource requirements are revised and confirmed, with the necessary Cabinet decision once there is a clearer understanding, from the bodies in question, of the extent of assets to be considered for potential transfer. It is important to emphasise that the recommendations in this report <u>do not</u> constitute any decision to transfer or dispose of any TDC assets. The recommendations are simply to document and establish a timetable and process for inviting and considering proposals for Community Asset Transfer and reviewing relevant strategies and policies. Any decision for transferring assets will be for the Cabinet, as necessary, in due course.

RECOMMENDATION(S)

It is recommended that the Portfolio Holder for Assets and Community Safety (having consulted the Leader of the Council & Portfolio Holder for Finance and Governance):

a) **notes the content of this report and agrees the principle of moving from informal to formal engagement with Harwich Town Council, Frinton & Walton Town Council, Brightlingsea Town Council and the Harwich Society on the subject of Community Asset Transfer – the bodies that have to date expressed an explicit interest in exploring the potential of transfer in the context of LGR;**

b) **agrees the Proposed Programme of Work in respect of pre-LGR Community Asset Transfer set out within this report and instructs the Corporate Director – Planning and Community to proceed with the implementation of this programme;**

c) **instructs the Corporate Director – Planning and Community to carry out a review of the Council's existing framework of strategy, policies, programmes and procedures in respect of Council-owned assets and for an updated framework to be brought before Cabinet for consideration and approval in line with the proposed programme of work between April and June 2026; and**

d) **notes and agrees that resource implications will be revisited once there is a clearer indication from the participating bodies as to which TDC assets are being considered for transfer and that any decision on the budget for appointing external expertise in respect of valuation, business case development/analysis and legal support will be taken by the Cabinet in due course, as would any subsequent decision about the transfer of specific assets.**

REASON(S) FOR THE RECOMMENDATION(S)

To progress from what has previously been informal discussion with Harwich Town Council, Frinton & Walton Town Council, Brightlingsea Town Council and the Harwich Society about the potential for the transfer of TDC assets to a formal process with clearly defined stages and governance arrangements and an understanding of potential resource implications – if those transfers are going to be considered ahead of Local Government Reorganisation.

This follows from an initial discussion with TDALC (Tendring Association of Local Councils) in early 2025 where Town and Parish Councils were invited to discuss whether there might be an appetite for the transfer of certain assets ahead of LGR either on a freehold or leasehold basis in the interest of ongoing effective, efficient and sustainable operation and given that the prospect of Local Government Reorganisation has raised concerns in some quarters about the risk of localism being diluted and the possibility of less attention, priority, funding and support being given to projects, services and facilities operating at a local level.

The transfer of TDC assets to these bodies might enable them to be managed effectively and efficiently a more local level in the public interest and reduce the likelihood or risk of them being repurposed or disposed of by a future unitary authority in response to competing financial pressures (such as education, transport and adult social care).

ALTERNATIVE OPTIONS CONSIDERED

To continue discussions with interested bodies about Community Asset Transfer on an informal basis without putting in place a defined programme of work and governance arrangements and considering the resource implications would make it unlikely for any transfer of assets to be achieved in the timescales envisaged, and before the new shadow unitary authority with decision making powers over asset transfers would come into being.

An alternative to moving towards formal discussions about Community Asset Transfer with Harwich Town Council. Frinton & Walton Town Council, Brightlingsea Town Council and the Harwich Society could be to abandon the idea of a managed process of exploring the transfer of groups of assets, and simply leave those bodies to come forward with proposals to obtain individual assets or groups of assets, which can be considered against the Council's current Community Asset Transfer policy and property dealing procedures in the normal, as opposed to a collaborative, way. The advantage of this could be financial in that the TDC would not necessarily need to make any special resource provision; but the disadvantage would be that it would be less likely the transfer of assets would be achievable within the timeframes remaining in the run-up to LGR and the formation of the shadow unitary authority.

PART 2 – IMPLICATIONS OF THE DECISION

DELIVERING PRIORITIES

This programme of work would support the Council's priorities around:
- Pride in our area and services to residents;
- Working with partners to improve quality of life;
- Raising aspirations and creating opportunities; and
- Financial sustainability and openness.

Furthermore it aligns with the general principle that has emerged from the Council's discussions and decisions about forthcoming Devolution and LGR and the need to put the Tendring area and its residents in the best possible position. Amongst the Cabinet's highlight priorities around financial sustainability and openness is working with Parish and Town Councils to support community based approaches to services and, as part of that, exploring the potential of Community Asset Transfer.

The Council's current strategies, plans and policies for how property assets are to be utilised and managed mostly date back to 2017 or earlier. Although dated, these have until now provided an appropriate basis and direction for decisions in respect of assets without any urgent need for an update or review. These include the Council's Community Asset Transfer Policy. As part of the programme of works proposed, it is intended to review and update all of the documents and bring forward a single 'Asset Management Framework' for Cabinet and Council approval in the early part of 2026 – having regard to what other Councils in the North Essex area have done, or are in the process of doing.

OUTCOME OF CONSULTATION AND ENGAGEMENT (including with the relevant Overview and Scrutiny Committee and other stakeholders where the item concerns proposals relating to the Budget and Policy Framework)

The general approach outlined in this paper has been discussed with the Portfolio Holder for Assets and Community Safety although the timeframes have been reviewed to take into account the need for formal decision making at the beginning of the process. As stated above, the main discussions have involved Harwich Town Council, Frinton & Walton Town Council, Brightlingsea Town Council and the Harwich Society. However, through a discussion with TDALC, all Town and Parish Councils were invited to consider whether there would be an interest in Community Asset Transfer. It is only Harwich, Frinton & Walton, Brightlingsea and the Harwich Society that have, since those TDALC discussions, requested further engagement and exploration on the subject.

LEGAL REQUIREMENTS (including legislation & constitutional powers)

Is the recommendation a Key Decision (see the criteria stated here)	**NO**	**If Yes, indicate which by which criteria it is a Key Decision**	◻ **Significant effect on two or more wards** ◻ **Involves £100,000 expenditure/income** ◻ **Is otherwise significant for the service budget**
		And when was the proposed decision published in the Notice of forthcoming decisions for the Council (must be 28 days at the latest prior to the meeting date)	N/a. The proposals within this report relate to initiating a programme of managed implementation of policies and processes that already exist in relation to Community Asset Transfer – however future decisions of the Cabinet relating to resources and the actual transfer of assets themselves could be key decisions as they may well relate to significant expenditure or income.

In coming to decisions in relation to management of assets, the Council must act in accordance with its statutory duties and responsibilities. The law governing the management of assets is the **Local Government Act 1972**. Under this Act, section 120 gives power to Councils to acquire land for the benefit of their area and subsequent case law has determined that Councils are obliged to ensure the management of their assets is also for the benefit of their area.

Section 123(1) of the Act provides a Council may dispose of its land in any way it wishes so long as:

- the land is disposed for a consideration (a price) not less than the best that can reasonably be obtained (Section 123 (2)); and
- in respect of land held as open space, the intention to dispose of the land must first be advertised in the local press (Section 123(2A)).

The **General Disposal Consent Order (England) 2003** allows a Council to dispose of an asset below the reasonably obtainable best consideration best consideration provided that the undervalue is less than £2million and the proposal enhances the environmental, economic and social wellbeing of the area. Regulations made under this Order set out a detailed and specific process for considering this which includes:

- obtaining a qualified valuer's advice on the maximum price that could be obtained;
- the need for a formal decision to accept the proposed terms instead of that maximum; and
- specifying the proposed enhancements to the environmental economic and social wellbeing of the area in justifying the decision.

Legal advice obtained by the Council indicates that:

- best consideration should normally be demonstrated by an open marketing and bidding process unless the valuer's advice firmly concludes otherwise, perhaps because of a special purchaser situation;
- best consideration reasonably obtainable means the highest price; and
- if a lower price is accepted because of a community benefit, then the terms of transfer should legally secure those benefits over time.

Any decision not to maximise financial returns must be proportionate to other gains and based on compelling improvements to public services and facilities.

Fiduciary duty

In addition to these above legal powers and duties, the Council has a general fiduciary duty to the public purse; which means the Council has a general and moral duty to manage its affairs properly and efficiently. Generally speaking, the expectation is for Councils to maximise financial returns, in the best interest of their area, but where a Council accepts non-financial benefits in lieu of financial ones, those benefits should be:

- in proportion to the financial return that is being foregone;

- compelling, real and tangible;
- in addition to what already exists or is planning; and
- sustainable and ongoing.

YES	**The Monitoring Officer confirms they have been made aware of the above and any additional comments from them are below:**

Firstly, in support of the comments made by the Section 151 Officer in their section of the report, highlighting the expectations of MHCLG through their published note on decision made by councils prior to LGR.

The impact of LGR on the Council's decision-making timetable will not just be affected by the timing of the shadow authority.

The standard format of a Structural Changes Order (SCO) deals with functions of the existing councils, which are exercisable only in the transitional period beginning on the coming into force of the SCO and ending on the fourteenth day after the (shadow authority) election day. These new statutory duties will, on the government's current timetable, come into effect in late 2026, and require existing council to ensure they are preparing for and facilitating the economic, effective, efficient and timely transfer to the unitary council, of such of its functions, property, rights and liabilities as relate to the area and its inhabitants.

In summary from late 2026, the District Council will be under a new statutory duties to 'play nicely' and effectively not to make any decisions or take any actions which would impact *the economic, effective, efficient and timely transfer to the unitary council.*

Any business cases submitted by the Town Councils for consideration by the Council, prior to formal decisions being made, must be robust to demonstrate any special justification under the General Disposal Consent Order (England) 2003 for offering benefits that enhance the environmental, economic and social wellbeing. All future decisions will record how this is evidenced to ensure the Council is fulfilling its Best Value statutory duties.

FINANCE AND OTHER RESOURCE IMPLICATIONS

The delivery of this project cannot be achieved within existing resources and agreed budgets – as it will require capacity beyond that currently available for the Property and Projects Team's business as usual activities.

It is suggested at this stage that an additions surveyor post is included in the Team to give capacity to manage the project and associated processes. It is also suggested that a budget in the order of £400,000 would be required for external advice in respect of valuation, business case development/analysis and legal support. However, the requirement could be lower depending on the actual level of interest confirmed in the early part of 2026. The inclusion of an associated cost pressure is being considered at the current point within the Council's 2026/27 budget 'cycle' and the necessary work will therefore need to be considered alongside this complementary decision.

There are wider financial and resource implications depending on what form Community Asset Transfer takes and what assets are involved. Loss of income-generating assets will need to be offset as far as possible through the transfer of assets with a liability cost; and in respect of leisure centres in particular (if pursued), there will be wider costs potentially around administering TUPE arrangements in respect of staff, or any commuted payments that are intended to be made to assist in the early years of running. These have not been costed at the current time and are subject to further consideration.

YES	**The Section 151 Officer confirms they have been made aware of the above and any additional comments from them are below:**

Although there are no significant comments over and above those set out within the report, it is worth highlighting the obligations that Statutory Officers / Councils are under in terms of the current devolution and LGR programme.

As highlighted within recent budget reports, the Government is providing guidance to Councils on the programme setting out its expectations on a number of governance related issues and they have recently published **"Financial decisions before local government reorganisation"** in July 2025, which states:

"it is essential that all involved are cognisant that decisions taken now by existing councils could fetter the future decisions of new councils and act accordingly.

Examples of those decisions include but are not limited to the sale and purchase of significant assets, transfer of local assets, entering into new contracts for service delivery including IT procurement, major organisational restructures and changes to staff terms and conditions, establishing companies, undertaking job evaluation, permanent appointments to senior positions, changes to unplanned borrowing and the spending of reserves, and major changes to arrangements such as the local council tax support scheme and council tax exemption scheme."

"the government expects councillors and statutory officers to be mindful of their responsibilities. Councils should maintain strong accounting and governance disciplines, prepare their accounts on a timely basis, and work closely with their auditors to rebuild assurance where accounts have been disclaimed and to ensure that all assets, liabilities and key risks are correctly identified and reported. We expect all councils in an area to work together in sharing information and making decisions that are in the best interests of the whole area".

With the above in mind, the development of business cases by the associated Town Councils along with their assessment / evaluation will form a key element of the Council being able to demonstrate it can meet such obligations, alongside fulfilling existing best value / value for money responsibilities.

USE OF RESOURCES AND VALUE FOR MONEY

The following are submitted in respect of the indicated use of resources and value for money

indicators:	
A) Financial sustainability: how the body plans and manages its resources to ensure it can continue to deliver its services;	Projected cost depends on the number of assets being transferred, to be determined through subsequent expressions of interest from third parties. Indicative maximum resource cost given at present. Business case propositions will determine whether specific asset transfers achieve appropriate value for money in line with legal and policy requirements.
B) Governance: how the body ensures that it makes informed decisions and properly manages its risks, including; and	Decisions around Community Asset Transfer to be taken in accordance with the Council's Property Dealing Procedure and Community Asset Transfer policy – which is to be reviewed under the recommendations in this report. Covenants and other restrictions can be used to ensure asset transfers are achieved in a way that protects the Council's interests in line with the relevant legislation.
C) Improving economy, efficiency and effectiveness: how the body uses information about its costs and performance to improve the way it manages and delivers its services.	Interested parties will need to consider carefully their ability to take on assets to ensure they can sustain services to the public on receipt of those assets. The Council will be sharing information about costs and performance to inform decisions taken going forward.

MILESTONES AND DELIVERY

See above for proposed timeframes.

ASSOCIATED RISKS AND MITIGATION

<u>Not being able to agree an acceptable price/package of asset transfer to the interested parties within the timescale</u>

Just because the Council would be inviting expressions of interest and potentially formal business case proposals from the interested bodies, it does not commit the Council to agreeing to the transfer of assets. This means there is a risk that Harwich Town Council, Frinton & Walton Town Council, Brightlingsea Town Council or the Harwich Society might submit proposals that, for whatever reason, Officers will not recommend to Cabinet for approval. Thus there is a risk of abortive expenditure on both the Council's side and that or the interested parties and the potential for relationships to become strained.

To reduce the likelihood of this potential problem, Officers will continue to engage informally with the interested parties, openly sharing information about risks and liabilities so that informed choices are made. There is a possibility that some of the parties in question may decide not to progress a formal request for the transfer of assets or may limit the request to assets with the least complication or risk.

It is important to point out that whilst this report provides an initial indication of potential resource costs and a budget for securing external support, it is not proposed that any moneys are transferred to the interested parties to help resource their business case development – nor is it proposed that the Council's resources will be used to assist those parties in preparing such business cases. The cost of business case development will remain with the relevant interested parties and whilst the TDC Team can provide proportionate and helpful advice, it will not be writing their business cases for them.

<u>Escalation of cost and time, particularly around the legal process</u>

As the proposals in this report have potential resource and financial implications for both TDC and the relevant interested parties (depending on how interested they are in proceeding with Community Asset Transfer), there is always a risk that costs and time could escalate if certain things do not got go entirely to plan. One of the main risks highlighted is the cost and time involved in completing the legal processes i.e. putting in place the formal agreements that will underpin the transfer of the relevant assets.

The cost of external legal support, for both the District Council and the participating bodies should not be underestimated and the potential for delay and cost escalation on matters of detail and complexity have the potential to be significant. It is therefore important that the participating parties are mindful of this in determining what, if any, assets they might look to put forward in their expressions of interest and business cases.

<u>Maintaining sufficient in-house resource to manage the process</u>

The Council's Property and Projects Team does not have resources available within its current structures and current budgets to manage and deliver a comprehensive programme of Community Asset Transfer – hence the suggestion in this report that additional staff and a potential budget of up to £400,000 for external support may be required.

However the risk around maintaining sufficient resource is as applicable to the participating parties as it is to the District Council – and so those parties will need to consider carefully their resource implications and governance requirements if they are minded to submit expressions of interest and business cases.

EQUALITY IMPLICATIONS

Not applicable at this stage as the proposals in this report are conceptual rather than specific. However, once there is a clearer indication of which, if any, assets might be the subject of Community Asset Transfer, there will be a need to incorporate Equality Impact Assessment

(EqIA) into any decisions to be taken by the Cabinet in agreeing to any transfers.

SOCIAL VALUE CONSIDERATIONS

The consideration of social value is very important in any discussion around Community Asset Transfer alongside best achievable consideration in line with the Local Government Act 1972. Any decisions to be taken by the Cabinet agreeing to any transfers will need to consider social value.

IMPLICATIONS FOR THE COUNCIL'S AIM TO BE NET ZERO BY 2030

No specific implications to this report, however energy efficiency and carbon reduction measures relating to any specific assets subject of transfer may be a consideration in any decision on such transfers.

OTHER RELEVANT CONSIDERATIONS OR IMPLICATIONS

Consideration has been given to the implications of the proposed decision in respect of the following and any significant issues are set out below.

Crime and Disorder	No specific identified implications at this stage. However these will need to be revisited as and when discussions about the transfer of specific assets progress.
Health Inequalities	No specific identified implications at this stage. However these will need to be revisited as and when discussions about the transfer of specific assets progress.
Subsidy Control (the requirements of the Subsidy Control Act 2022 and the related Statutory Guidance)	Under normal Community Asset Transfer process, the cost to the Council of valuation, business case analysis and legal agreements is usually recharged to the body receiving the asset(s). However, because this report deals with the potential transfer of assets between public bodies, it is proposed that much of the process on TDC's side will be funded through increased resources and budget, but the receiving bodies will need to cover their own direct costs.
Area or Ward affected	All wards – in that this decision relates to the future of the Tendring's Careline service and the decision already taken by the Cabinet in February 2025.

PART 3 – SUPPORTING INFORMATION

PREVIOUS RELEVANT DECISIONS

2 July 2021: Decision of the Deputy Leader of the Council and Economic Growth, Regeneration & Tourism Portfolio Holder (previous administration): Report of the Assistant Director (Building & Public Realm). To initiate the Property Dealing Procedure in relation to the potential disposal of 25 various pieces of land and property across Tendring.

Agreed the following: the Portfolio Holder agrees to initiate the Property Dealing Procedure in respect of the 25 pieces of land/property identified in this report, whereby Officers can consider the potential transactions in accordance with the Council's Constitution.

15 August 2025: Decision of the Portfolio Holder for Assets and Community Safety: Report of the Corporate Director – Planning and Community. Initiation of the Property Dealing Procedure in respect of the Columbine Centre, Bathouse, Walton.

Agreed the following: The Portfolio Holder initiates the property dealing procedure in respect of the Columbine Centre, Walton.

BACKGROUND PAPERS AND PUBLISHED REFERENCE MATERIAL

None

APPENDICES

None.

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