REPORT TO THE PORTFOLIO HOLDER FOR ASSETS AND COMMUNITY SAFETY

MAY 2026

REPORT OF THE CORPORATE DIRECTOR - PLANNING AND COMMUNITY

A. **PRE-LOCAL GOVERNMENT REORGANISATION (LGR) COMMUNITY ASSET TRANSFER: CONFIRMATION OF PARTICIPATION, EXPRESSIONS OF INTEREST AND NEXT STEPS**

PART 1 – KEY INFORMATION

PURPOSE OF THE REPORT
To report back to the Portfolio Holder for Assets and Community Safety the responses so far received from Harwich Town Council, Frinton & Walton Town Council and Brightlingsea Town Council in respect of their interest in potential Community Asset Transfer. This follows the establishment of a provisional programme of work in January 2026 and formally writing to those Councils seeking their confirmation of participation and feedback on the programme. The report then sets out recommendations for progressing relevant discussions, amending the work programme accordingly and putting resources in place to oversee the necessary work.

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.

During 2025, informal discussions with Harwich Town Council, Frinton & Walton Town Council, Brightlingsea Town Council and the Harwich Society had 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. By no means does this mean that the transfer of assets post May 2027 won't be possible; however until the shadow and vested unitary authorities are established, it is not known what that authority's priorities will be, nor its attitude towards, and policies around assets.

In considering matters relating to assets, 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.

In January 2026, the Portfolio Holder for Assets and Community Safety agreed a proposed programme of work setting out timeframes for first establishing local interest in Community Asset Transfer and scope of potential assets to be transferred; and then progressing and administering the formal legal processes in a timely manner – having regard to the additional resources that TDC would need to put in place to appraise business case propositions and to oversee the necessary legal and governance arrangements thereafter.

Confirmation of participation and expressions of interest

Stage 1 of the process was to contact the interested parties and to ask them to confirm, by the end of February 2026, if they remained interested in exploring the potential of Community Asset Transfer and, if known, the potential scope of assets for consideration. They were also invited to give feedback on the proposed timetable of work. It was then intended that formal expressions of interest in the assets to be considered for transfer, with evidence of formal decision making, would be submitted to the Council by the end of March 2026.

Of the three Town Councils, only Brightlingsea has submitted both confirmation of participation and an expression of interest (containing the full scope of potential assets under consideration) within the timescales set out within the original work programme. Brightlingsea Town Council's expression of interest is in the transfer of beach huts, car parks, the paddling pool, saltwater pool, Bateman's Tower and surrounding area, Oyster beds, Promenade Way, several grassed areas and the freehold transfer of Brightlingsea Lido.

Harwich Town Council would like to continue discussing and exploring the potential for the transfer of assets with TDC, but even by the end of April 2026 had not come to a view as to which, if any, assets would be within the scope and did not feel that the suggested timeframes for preparing a detailed business case would be achievable.

Frinton & Walton Town Council has also indicated a wish to continue exploring the opportunity for the transfer of assets, beginning with the Columbine Centre (for which the Property Dealings Procedure has already commenced), and then, without prejudice, a phased approach going forward to taking on additional assets relating to health and wellbeing, such as leisure assets around the swimming pool, the Frinton Greensward, Jubilee playing fields and play facilities at Kirby – although accepting that it might not be possible or feasible to achieve all such transfers ahead of LGR and the transition from district to unitary authority.

Since early discussions took place in 2025, there has been very little further engagement with the Harwich Society about the transfer of assets, with most relevant properties already under secure leasehold arrangements.

Revised Programme of Work

On the basis of the feedback received to date from the interested parties, Officers recommend that the Work Programme for Community Asset Transfer is revised and that efforts and resources are focussed on:

1) progressing work with Brightlingsea Town Council to work up and assess its package of proposals within its expression of interest with a view to completing any transfers in early 2027; and

2) completing any agreed freehold transfer of the Columbine Centre to Frinton & Walton Town Council by the end of September 2026.

In respect of continuing to explore the opportunity for the transfer of any assets to Harwich Town Council and potential future phases of health and wellbeing-related asset transfers to Frinton & Walton Town Council beyond the Columbine Centre, in the absence of any firm expression of interest Officers recommend maintaining an ongoing dialogue and continuing to share information, but that any proposals that emerge are dealt with in line with the normal procedure set out in the Council's Community Asset Transfer Policy – without any firm timetable or commitment to additional resources.

The recommended revised work programme is set out overleaf:

May 2026	• Portfolio Holder for Assets and Community Safety agreement to revised work programme. • Portfolio Holder for Assets and Community Safety agreement to instigate the Property Dealing Procedure in respect of assets identified in Brightlingsea Town Council's expression of interest.
June-July 2026	• Cabinet agreement to resource allocation. • Valuation of relevant assets in Brightlingsea using at least two external valuers, as part of the Property Dealing Procedure. • Appointment of additional staff and external resources for valuation, business case development/analysis and legal support. • Invitation to Brightlingsea Town Council to prepare and submit a formal business case in support of its proposal by the end of September 2026. • Continued informal discussion, engagement and exchange of information with the other Town Councils. • Agree, subject to formal decision, the wording of the clauses and final heads of terms for the Columbine Centre transfer – legal, possibly external, resource will be required.
August – September 2026	• Cabinet/Council agreement to revised Asset Management Framework (to replace existing outdated policies and programmes) including a revised and updated Community Asset Transfer Policy. • Advice (rather than assistance) to be provided by the Council's expanded Property Team and external advisors. • Brightlingsea business cases submitted to TDC by end of September 2026. • Cabinet consideration of Columbine Centre transfer to Frinton & Walton Town Council.
October – November 2026	• Submitted business cases analysed by the Property Team and its external advisors. • Negotiation of any necessary amendments. • Drafting of reports/recommendations to Cabinet on formal decisions whether or not to transfer assets. • Completion of the Columbine Centre transfer to Frinton & Walton Town Council.

December 2026 – February 2027	• Cabinet decision on assets to be transferred. • Preparation and negotiation of legal agreements for the transfer. • Completion of legal agreements.
March – 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 might be a complex process from TDC's perspective, and acknowledging that Town Councils have limited technical expertise and budgets for this purpose, a minor re-structure of the Property and Projects Team is under way to secure an additional surveyor to manage and administer the various processes; and it is suggested that a revised budget of up to **£150,000** is put in place for use in appointing external expertise in respect of valuation, business case development/analysis and legal support.

A higher sum of £400,000 had been suggested in the previous report in anticipation of potentially three or more expressions of interest from Town Councils and others covering a potentially very wide range of assets; however with the focus turning to Brightlingsea Town Council's proposal, the scope of assets and the potential resource implications are now likely to be narrower than previously estimated. The commitment of financial resources is something that will need to be formally agreed through a Cabinet decision.

It is important to emphasise that the recommendations in this report do not constitute any decision to transfer or dispose of any TDC assets. The recommendations are simply to document and establish a timetable and amended focus for the programme of Community Asset Transfer. Any decision for transferring specific 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 revised Programme of Work in respect of pre-LGR Community Asset Transfer set out within this report having

received a formal expression of interest from Brightlingsea Town Council and a less advanced confirmation of participation from Harwich Town Council and Frinton & Walton Town Council;

b) **agrees that the focus of the Programme of Work will be progressing the potential transfer of assets to Brightlingsea Town Council, having received its formal expression of interest and progressing the potential transfer of the Columbine Centre in Walton on the Naze to Frinton & Walton Town Council (see e) below), and instructs the Corporate Director – Planning and Community to proceed with the implementation of this programme;**

c) **agrees that discussions and the sharing of information related to the potential for the transfer of other assets to Harwich Town Council and Frinton & Walton Town Council can continue, but in line with the Council's normal approach under its Community Asset Transfer Policy, not necessarily ahead of LGR and not as part of the defined Programme of Work to be supported by a dedicated resource;**

d) **notes and agrees that resource implications will be revisited once there is a clearer indication of costs any that decisions 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; and**

e) **notes that Officers are still in the process of administering the Property Dealing Procedure in respect of the potential transfer of the Columbine Centre to Frinton & Walton Town Council having issued draft Heads of Terms in March 2026 – with the aim of any transfer being completed by November 2026.**

REASON(S) FOR THE RECOMMENDATION(S)

To revise the previously-agreed Programme of Work in respect of pre-LGR Community Asset Transfer and confirm the focus of work having received a clear expression of interest from Brightlingsea Town Council and feedback from Harwich Town Council and Frinton & Walton Town Council indicating an interest in continued discussion about the potential transfer of assets, but without a firm proposal at this stage as to what assets to include in the scope.

It had originally been intended to seek formal expressions of interest from all three Town Councils by the end of March 2026, but as Brightlingsea Town Council is the only one of the Councils in a position to submit a clear proposition, the recommendation in this report is to focus the revised Programme of Work and resources on progressing the potential transfer of assets to Brightlingsea Town Council, whilst still allowing discussions and sharing of information to continue with the other Councils.

With the exception of the potential transfer of the Columbine Centre in Walton on the Naze to Frinton & Walton Town Council, which is already progressing through the Property Dealings Procedure, only Brightlingsea Town Council looks to be in a realistic position to move towards business case development in the timescales that would reasonably allow assets to transfer within the 2026/27 financial year and before the establishment of the shadow unitary authority in May 2027.

ALTERNATIVE OPTIONS CONSIDERED

An alternative approach could be to simply continue discussions with all the interested bodies, including Brightlingsea Town Council, 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.

Another alternative might be to abandon the idea of a managed process of exploring the transfer of groups of assets to Brightlingsea Town Council or others, 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 to Brightlingsea Town Council would be achievable within the timeframes remaining in the run-up to LGR and the formation of the shadow unitary authority.

Another approach could have been to build more time into the programme for Harwich Town Council and Frinton & Walton Town Council to develop a clear expression of interest, and for the programme to be adjusted accordingly for all three Councils' propositions to be assessed and considered at the same time, as originally envisaged. However, this could bring about undue delay to Brightlingsea Town Council given how much further advanced it is in its thinking about the scope of assets to be transferred and would likely delay the programme to such an extent that no assets would be transferred ahead of 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 Summer 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. 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 and of those it is only Brightlingsea Town Council that has worked up a clear expression of interest.

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	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

		days at the latest prior to the meeting date)	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.

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 Town Councils must evidence this statutory justification.

From informal discussions to date, Brightlingsea Town Council is by far the 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 in a phased manner following on from the Columbine subject to further discussion, acknowledging that some transfers may more likely happen after LGR. For Harwich Town Council, informal discussions are continuing but now clear view has been expressed to date as to what asset could be the subject of transfer. Initial discussions with the Harwich Society have taken place, but many assets of interest are already leased to it on long timescales.

X	**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 duty 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 Brightlingsea or any other 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 £150,000 would be required for external advice in respect of valuation, business case development/analysis and legal support. 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.

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. However, if the focus of this managed transfer of assets will be on Brightlingsea Town Council’s proposals, the potential transfer of leisure facilities in the Harwich area and Frinton & Walton area may be a longer-term consideration, potentially post-LGR.

X	**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 Brightlingsea Town Council or others 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 on the basis that the focus of work in 2026/27 will be Brightlingsea Town Council's expression of interest.
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 this year. 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 revised timeframes.

ASSOCIATED RISKS AND MITIGATION

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

Just because the Council would be considering expressions of interest and formal business case proposals from Brightlingsea Town Council or other bodies, it does not commit the Council to agreeing to the transfer of assets. This means there is a risk that the Town Council 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 of the Town Council and the potential for relationships to become strained.

To reduce the likelihood of this potential problem, Officers will continue to engage informally with the Town Councils, 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 directly to Brightlingsea Town Councils or others 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 Town Council(s) and whilst the TDC Team can provide proportionate and helpful advice, it will not be writing their business cases for them.

Escalation of cost and time, particularly around the legal process

As the proposals in this report have potential resource and financial implications for both TDC and Brightlingsea Town Council or others, there is always a risk that costs and time could escalate if certain things do not 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.

Maintaining sufficient in-house resource to manage the process

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 £150,000 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 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	Brightlingsea Ward in respect of proposals for asset transfer to Brightlingsea Town Council; Walton Ward in respect of the Columbine Centre; but other wards could be affected if other proposals for Community Asset Transfer come forward.

PART 3 – SUPPORTING INFORMATION

CONFIRMATION OF PARTICIPATION AND EXPRESSIONS OF INTEREST

Brightlingsea Town Council

Following a number of discussions with TDC Officers, Brightlingsea Town Council agreed an options paper on 13 December 2025 that was subsequently confirmed, on 2 February 2026, to be treated as the Town Council's formal expression of interest for Community Asset Transfer. The following assets have been identified for consideration:

- Beach huts: Total number 291 on TDC registered land and 42 on BTC registered land
- Car parks: Tower Street, Promenade Way and Victoria Place
- WCs: Promenade Way, Waterside and Station Road
- Paddling pool
- Saltwater pool
- Bateman's tower and surrounding area
- Oyster beds – including Sailing Club launching ramp
- Promenade Way: Open spaces and utility infrastructure

- Grassed areas: Small various
- Brightlingsea Lido: Long term lease in place

The Town Council has already given consideration to the potential value, revenue income and revenue costs associated with the assets based on initial sharing of information and wider research and has indicated that, subject to formal valuation, there could be a reasonable balance of income generation and cost to support a best value case for transfer that would be worked up in more detail through a business case.

The Town Council proposes to commission a business plan which will include selected condition surveys, detailed costings and management structures and which will add considerable confidence and understanding to the overall project.

The key objective from the Town Council's perspective is to ensure that all areas are sustainable and maintained in the long term and in the best interests of Brightlingsea and its visitors. It suggests it has the experience and appropriate direct work force with which to base the management of all assets under consideration. It is suggested that inclusion of the public spaces and facilities at the Western Promenade in the package of assets to transfer would provide an overall level of control to the whole area and would create an unfettered opportunity to improve and develop in the future.

As Brightlingsea Town Council is well placed to move forward to the next stage of the process, including the initiation by TDC of the Property Dealing Procedure and having valuations carried out, and for Brightlingsea to begin work on a more detailed business case, Officers recommend focussing the Programme of Work and associated resources on progressing its proposition.

Harwich Town Council

Following two meetings with TDC Officers and the sharing of information, Harwich Town Council has indicated, by email of 28 April 2026, that it wishes to continue discussing and exploring the opportunity for the transfer of assets and would request a further meeting with Officers where further detail can be sought and Members can ask for some points to be clarified. However, at this time Harwich Town Council has not specified exactly the assets it would favour in terms of discussion and does not believe it could be in a position to develop a business case over three-month period, as suggested in the original proposed Work Programme.

Officers are happy to continue this discussion, attend further meetings and share further information, but are concerned that the Town Council is not sufficiently advanced in its thinking at the present time for a formal expression of interest and a business case to be prepared in the timescales necessary for decisions to be made and assets transferred ahead of the formation of the shadow unitary authority in May 2027. It is therefore recommended that the discussion and exploration continues but not tied to the timescales set out in the revised Work Programme or with additional TDC resources allocated at this time.

Under the Council's Community Asset Transfer Policy, requests for transfer can be considered at any time and LGR in itself does not prevent transfer requests being considered by the future unitary council in due course – and therefore the potential transfer of assets to Harwich Town Council can still be discussed, albeit it is more likely to transpire over a longer-term timescale than under consideration for Brightlingsea.

Frinton & Walton Town Council

Following meetings with TDC Officers and the sharing of information, Frinton & Walton Town Council confirmed by email on 26 February 2026 its wish to continue exploring the opportunity for wider Community Asset Transfer beginning with the Columbine Community Centre, for which valuations have already been carried out and draft Heads of Terms put forward for the Town Council's consideration. The Town Council's reason for taking on additional assets would based around health and wellbeing in particular sports and activity and seeks to build on the work done by TDC and its partners.

Without prejudice to future ideas and decisions, the Town Council has given an indication of the scope of additional assets it would like to see considered for potential transfer – suggesting that once the Columbine Centre is transferred, it would be sensible to follow a phased approach with leisure assets around the swimming pool following as the next phase. The Greensward at Frinton, the Jubilee playing fields and play facilities in Kirby have all been raised as other possible assets to be considered. Concern has also been raised about the protection of the Naze once TDC ceases to exist, and the Town Council would like to see clarity around its future management. The Town Council wishes to rule nothing in or out at this stage and once its LGR working party has met this will become clearer; but suggests a next a scoping exercise regarding leisure facilities at Walton may be the next phase of work.

In commenting on the original proposed Work Programme and timetable, the Town Council has highlighted the pressures all partners are under and emphasises the importance of partners working more closely together to deliver for residents; and suggests the feasibility of delivering transfer on all assets appearing on wish lists is perhaps unrealistic and the Town Council's working party will need to set priorities. In the uncertainty of the present climate (in respect of LGR), the Town Council sees no reason why asset transfer should not continue during future transitional periods of the different Council bodies.

Draft Heads of Terms for the transfer of the Columbine Centre were sent to the Town Council on 23 March 2026 and on 8 May 2026 it responded to advise that it will be obtaining independent legal advice before any further decisions are taken. Officers consider that it might therefore take until November 2026 to complete the Columbine transfer if, following legal advice, the Town Council remains interested in the purchase and developing its case around community benefits.

With that in mind, Officers are happy to continue discussing the potential wider transfer of assets with the Town Council noting the phased approach indicated and the acknowledgement that asset transfers could continue through and beyond LGR; but it is recommended that the revised Work Programme focuses work and resources on progressing Brightlingsea Town Council's expression of interest and concluding potential transfer of the Columbine Centre to Frinton & Walton Town Council. This is with an expectation that the transfer of wider assets might transpire over a longer-term timescale.

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.

27 January 2026: Decision of the Portfolio Holder for Assets and Community Safety: Report of the Corporate Director – Planning and Community. Pre-Local Government Reorganisation (LGR) Community Asset Transfer: Programme of Work.

Agreed the following:

a) to note the content of the report and agree 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) to agree the Proposed Programme of Work in respect of pre-LGR Community Asset Transfer set out within the report and instruct the Corporate Director – Planning and Community to proceed with the implementation of that programme;

c) to instruct 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) to note and agree 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.

BACKGROUND PAPERS AND PUBLISHED REFERENCE MATERIAL

None

APPENDICES

None.

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