

# North Yorkshire Council

## Corporate and Partnerships Overview and Scrutiny Committee

15 June 2026

### Draft Community Transfer Policy

#### Report of the Corporate Director Resources

#### 1.0 PURPOSE OF REPORT

- 1.1 The purpose of this report is to present the draft Community Transfer and Community Grow Policies for pre-decision scrutiny by the Corporate & Partnerships Overview and Scrutiny Committee. Members are invited to review the proposed approach to community asset and service transfer, including the staged process, governance arrangements and transitional provisions, and to provide comments and recommendations to inform the Executive's decision.

#### 2.0 SUMMARY

- 2.1 The report is presented to Corporate and Partnerships Overview and Scrutiny Committee for pre-decision consideration, prior to determination by the Executive.
- 2.2 The Community Transfer Policy (Appendix A) provides a single, transparent framework for the transfer of Council-owned assets and services to Parish Sector Organisations (PSOs) and voluntary and community sector organisations, including charities and social enterprises (VCSEs). It supports the Council's devolution ambitions and aligns with the North Yorkshire Council Plan and Corporate Property Strategy. It replaces other routes such as the Double Devolution Pilot. The Policy applies to transfers (including freehold and leasehold) and other arrangements such as licences, at less than market value, and service transfers, where community benefit justifies that approach. Community Grow (Appendix C) is a complementary, streamlined licence-based approach enabling community food growing on Council land through a streamlined process where a long-term transfer is not suitable.
- 2.2 The Policy establishes a framework for both Community Asset Transfer and Community Service Transfer, recognising that service transfers will be supported through a more flexible and developing operational approach.

#### 3.0 BACKGROUND

- 3.1 Following the formation of the unitary authority in 2023, the Council identified four locality pillars as enablers to its ambition to be "England's most local large council":
- Local services and access: *Locally based and integrated council, partner and community services, reflecting the needs of the communities and accessible to all who need them.*
  - Local accountability: *Local area committees to oversee and champion local areas, strengthen local relationships, make important decisions locally and hold the council to account.*
  - Local action: *Community Partnerships, bringing together local Councillors, public sector agencies, communities, and businesses to get things done in their local area.*

- Local empowerment: *Devolution of services and assets to town and parish councils and community groups where they want to take these on and have the capacity to do so.*

This Policy has been developed as a key enabler for the delivery of the 'Local Empowerment' pillar and will put in place a new procedure for the devolution of services and assets.

3.2 Approval of this policy will replace all legacy and interim arrangements, including Double Devolution, by providing a single, consistent county-wide framework.

#### 4.0 COMMUNITY TRANSFERS – CURRENT POSITION AND POLICY OVERVIEW

##### Current Position

4.1 The Council currently progresses applications for Community Transfers using an interim/legacy policy & process. The exception to this is applications made through the Double Devolution Pilot. The new Community Transfer Policy, and associated process, is intended to formalise arrangements and cover all types of local devolution, replacing Double Devolution.

4.2 The table below is a summary of current asset transfers progressing via the interim/legacy policy & process for Community Transfers (April 2026):

Stage	Status	Number on 24/04/26
Pre-EOI	EOI forms shared with applicant	8
EOI	EOI assessment is yet to undergo a Property Test	2
EOI	EOI assessment is yet to undergo an Organisation Test	0
EOI	Applications awaiting sign off	0
EOI	Applications signed off	5
Business case	Assessment is ongoing	0
Business case	Awaiting sign off	0
Business case	Signed off/successful & progressing in line with Property Procedure Rules	2
<b>Community Transfers completed since April 2025</b>		<b>0</b>

4.3 Of the five EOI applications that are signed off:

- Three applicants have been invited to submit a business case for a long-term lease
- One applicant has been invited to submitted a business case for a freehold transfer
- One applicant has been invited to enter into discussions about a temporary licence arrangement outside of the Community Asset Transfer process

4.4 Summary of Double Devolution Proposals (April 2026):

- Double Devolution opportunities still in progress: Filey, Whitby, Skipton, Northallerton, Selby, Ripon
- Double Devolution opportunities agreed by the Executive: Ripon Town Hall & Knaresborough Market (Malton was agreed but not implemented)

## **Policy Overview**

- 4.5 The proposed Community Transfer Policy & Operational Procedures (Appendix A) have been designed to be clear, proportionate and supportive, responding directly to feedback sought from internal subject matter experts during development. It confirms a structured, staged process with strong governance including defined decision points and transparent communication reducing reputational risk and managing capacity effectively. It provides a framework that will help to manage expectations on outcomes and timescale. The Policy ensures risks are identified early through formal tests covering property suitability, organisational capability, financial viability and value for money, with appropriate safeguards built into leases and agreements. It is intended that a simple process map and applicant guidance will be available to support understanding and accessibility. The process is designed to manage expectations through staged decision points, regular feedback and clear communication with applicants.
- 4.6 Member oversight is embedded including proportionate Member involvement in decision-making for larger or higher-value proposals, with performance monitoring through regular reporting.
- 4.7 The Policy explicitly seeks to enable a wide range of community organisations, including smaller or less-established groups, by offering officer support, guidance and flexible arrangements such as licences or short-term agreements to build confidence and organisational capabilities without long-term commitments for either party. The process is not intended to favour larger organisations or create unnecessary bureaucracy, but to support locally appropriate, sustainable solutions. Officers will provide a consistent, supported and relational approach, including early advice, templates and guidance. Proposals may also be progressed through lower-commitment arrangements (e.g. licences or short-term leases) to enable organisations to test viability before entering into long-term agreements.
- 4.8 The Policy also provides clarity on the circumstances that may trigger community asset or service transfer. Community Asset Transfers may be initiated proactively by the Council, for example where assets are identified through service and property reviews or transformation activity; or reactively where a PSO or VCSE organisation expresses interest in a specific asset.
- 4.9 Community Grow provides a streamlined, licence-based route for community use of Council-owned land for food growing, where a long-term transfer is not appropriate. It is coordinated by the same teams, alongside the Public Health Team and operates as a complementary but separate policy to the Community Transfer Policy, with a proportionate assessment process based on an Expression of Interest only. A copy of the draft Community Grow Policy is available at Appendix C to this report.
- 4.10 Community Service Transfers may similarly be initiated through Council-led service reviews or transformation programmes, or reactively where a community organisation identifies a local service need, including through an initial enquiry via Community Right to Challenge. This flexible approach enables both Council-led and community-led opportunities to be considered in a structured and transparent way.

- 4.11 The Policy recognises PSOs as key local partners with an important enabling role in community asset and service transfer. Their democratic mandate, local knowledge and ability to raise funding through precepting place them in a strong position to act as conveners, coordinators or long-term custodians of assets, working collaboratively with local community and voluntary groups. This approach could create opportunities to support locally-led solutions, de-risk delivery for smaller organisations, and help bring together partners to develop sustainable proposals that reflect local priorities and strengthen community resilience.
- 4.12 The Council will provide relevant asset information and may fund certain professional costs associated with transfer. Applicants will also be provided with indicative information on condition, liabilities and ongoing costs at the appropriate stage to inform decision-making.
- 4.13 The Policy ensures data governance, equality, environmental and climate considerations are embedded throughout.

### **Double Devolution Transitional Arrangements**

- 4.14 It is proposed that the Council will work with any PSO that has a project currently within the Double Devolution Pilot programme (listed at paragraph 4.4) to clarify the position and finalise their proposal by 31 March 2027. Where it not possible to achieve this before that date, the Council would welcome the submission of a new Expression of Interest under the Community Transfer Policy.

## **5.0 CONSULTATION UNDERTAKEN AND RESPONSES**

- 5.1 An initial draft policy, based on a review and learning from other, similar Local Authority policies, significant learning from the operation of the interim process (including the Double Devolution Pilot), and input from a cross-council working group of Officers (Legal Property, Legal Contracts, Property Services and Localities) was prepared. This was then also reviewed by colleagues in Finance and Strategy & Performance as well as Climate Change, Equalities and Data Governance experts who contributed to the impact assessment screenings, and elements from these screenings were embedded into the Policy/process where appropriate.
- 5.4 The draft Policy has been subject to iterative review and refinement through a series of internal officer groups across the Council, including the Localities Service, Property Management Group (PMG), Corporate Property Board, and Property Leadership Team.
- 5.5 Feedback from these groups covered governance, processes, accessibility, financial considerations, and clarity of scope and terminology. All comments have been carefully considered and incorporated into the current version of the Policy. As a result, the updated draft reflects a strengthened and more practical framework, with enhanced clarity, consistency, and transparency, while maintaining the original intent, principles, and overall approach.
- 5.6 This report is presented to the Corporate and Partnerships Overview and Scrutiny Committee on 15 June 2026 to enable pre-decision scrutiny. Committee Members are invited to review the draft policies and provide comments to inform the Executive's consideration.
- 5.7 Some potential key areas for Overview and Scrutiny input are outlined below:
- Accessibility and proportionality of the process – it is intended that the staged process and commitment to applying tests in a way that is proportional to the scale,

complexity and risk of each proposal strikes the right balance between governance and accessibility, particularly for smaller community groups.

- Experience of applicants - whether the Policy provides sufficient clarity on engagement, ongoing support and collaborative working with community organisations, and whether this can be delivered consistently in practice to ensure fairness and parity of access. Noting that it is intended that a simple process map and applicant guidance will be available to support understanding and accessibility.
- Financial transparency and viability - whether there is sufficient information on costs, liabilities and financial expectations.
- Risk management and safeguards - the adequacy of safeguards, including through integrating with the Council's Property Procedure Rules, to protect both the Council and community organisations.
- Decision-making and governance – whether the proposed decision-making which is in-line with North Yorkshire Council's corporate governance framework, is clear, and proportionate, allowing for appropriate Member oversight for larger or more complex proposals.
- Delivery models, equality of access and strategic alignment – whether the balance between leases, licences and freehold transfers provides sufficient flexibility, while ensuring fair access for a range of organisations, delivering clear community benefit, and enabling the Council to support its wider strategic objectives.

## **6.0 CONTRIBUTION TO COUNCIL PRIORITIES**

- 6.1 Adoption of this Policy reflects the Council's commitment, originally set out in the Unitary Bid, and confirmed in subsequent iterations of the Council Plan to be "England's most local large council". The Policy enables delivery of a specific priority action within the council plan:

*Creating opportunities for the devolution of services and assets to communities and provide support to town and parish councils and other local community groups who want to run local services and assets and where it would deliver improvements and better value for money.*

## **7.0 ALTERNATIVE OPTIONS CONSIDERED**

- 7.1 An alternative option considered was to continue without a formal policy and manage community asset and service transfers through legacy, interim, varied or ad hoc arrangements. This is not recommended as it would result in inconsistent, unclear and less transparent decision-making, create uncertainty for communities, and increase governance, legal and financial risks. A formal policy provides a clear, consistent and accountable framework, supports a strategic approach to devolution, and gives communities, internal services and Councillors greater confidence in how opportunities will be considered and delivered.

## **8.0 FINANCIAL IMPLICATIONS**

- 8.1 All asset and service transfer decisions are supported by valuations to establish market value and inform any proposed undervalue, assessment of applications includes review by Finance.

8.2 The Policy ensures that any below-market-value transfer is properly justified by community benefit and approved in line with statutory and governance requirements.

## **9.0 LEGAL IMPLICATIONS**

9.1 The Community Transfer Policy is underpinned by relevant statutory requirements, including the Local Government Act 1972 (best consideration), the General Disposal Consent (England) 2003, the Localism Act 2011, the Subsidy Control Act 2022, and legislation relating to charities, public open space and school land.

9.2 Disposals at below market value are permitted only where there is robust evidence of community wellbeing benefit and full compliance with subsidy control requirements.

9.3 The Community Transfer Policy sets out the Council's approach to community asset and service transfers and does not, in itself, authorise individual disposals. All transfers will continue to be progressed and approved in accordance with the Council's existing Property Procedures Rules, encompassing legal requirements and Scheme of Delegation for decision-making authority applied on a case-by-case basis.

9.4 Attempts have been made to future-proof the Community Transfer Policy in anticipation of changes to Assets of Community Value (ACV) legislation, including the proposed introduction of the Community Right to Buy and the concept of a preferred community buyer. The Policy clarifies how Council-owned ACVs will be considered alongside community transfer activity, recognising that ACV status does not prevent transfer and may, in some cases, strengthen the case for a community-led approach. However, due to the statutory nature of ACV processes, this may affect the timing, eligibility or progression of applications, and the Policy is structured to allow operational arrangements to adapt as legislation is implemented without changing its core principles.

## **10.0 EQUALITIES IMPLICATIONS**

10.1 The Equalities Impact Assessment (EIA) Screening is available at Appendix D. There are no identified implications brought about by the Policy itself. Each application requires an individual EIA screening to identify implications on a case-by-case basis.

## **11.0 CLIMATE CHANGE IMPLICATIONS**

11.1 The Climate Change Impact Assessment (CCIA) Screening is available at Appendix E. There are no identified implications brought about by the Policy itself. Each application requires an individual CCIA screening to identify implications on a case-by-case basis.

## **12.0 DATA PROTECTION IMPLICATIONS**

12.1 The Data Protection Impact Assessment (DPIA) Screening is available at Appendix F. There are no identified implications brought about by the Policy itself. The Council will publish high-level information about applications on its website, this will be limited to the site, applicant and progress/status of application. Each application requires an individual DPIA screening to identify implications on a case-by-case basis.

## **13.0 POLICY IMPLICATIONS**

13.1 The Community Transfer Policy and associated Community Grow Policy do not form part of the Council's Policy Framework and do not require approval by Full Council.

13.2 The Community Transfer Policy and associated Community Grow Policy provide a clear, single framework for transferring Council assets and services to PSOs and VCSEs, at

below market value where there is justification to do so. It supports the Council's devolution priorities, aligns with the Council Plan and Corporate Property Strategy, and replaces the Double Devolution Pilot.

- 13.3 The Policy is designed to remain operable alongside forthcoming national reforms to Assets of Community Value and the new Community Right to Buy.

#### **14.0 RISK MANAGEMENT IMPLICATIONS**

- 14.1 The Policy does not create a right to transfer assets or services; all transfers remain voluntary, discretionary and subject to staged assessment and formal approval.
- 14.2 The Policy seeks to ensure that risk mitigation is proportionate, legally robust, and consistently applied, especially for higher value or higher risk assets.
- 14.3 The Policy also ensures that community organisations are supported to fully understand and manage risks prior to transfer through staged assessment and provision of relevant information.

#### **15.0 REASONS FOR RECOMMENDATIONS**

- 15.1 This report is presented to enable pre-decision scrutiny and to provide advisory input to inform the Executive's decision.
- 15.2 It is proposed that the Executive will be asked to:
- i) Adopt the Community Transfer and Community Grow Policies and approve the Community Asset Transfer Operational Procedures
  - ii) Approve the delegation of minor, non-material updates to supporting guidance and operational documents
  - iii) Agree that the Community Transfer Policy replaces the Double Devolution Pilot
  - iv) Approve transitional arrangements for existing Double Devolution projects
- 15.3 The reasons for these recommendations are to adopt a formal policy to provide a clear, consistent and transparent framework for community asset and service transfers, enabling fair decision-making, reducing risk, and supporting a strategic and proactive approach to devolution that gives communities, internal services and Councillors greater confidence in the process.

#### **16.0 RECOMMENDATIONS**

The Corporate and Partnerships Overview and Scrutiny Committee is asked to:

- i) Consider and comment on the draft Community Transfer Policy, the Community Asset Transfer Operational Procedures and the Community Grow Policy (Appendices A, B and C)
- ii) Identify any areas for refinement prior to consideration by the Executive
- iii) Note the proposed recommendations to Executive (set out at paragraph 15.2)

Anton Hodge, Corporate Director – Resources  
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15 June 2026

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**APPENDICES:**

- Appendix A – Draft Community Transfer Policy
- Appendix B – Community Asset Transfer Operational Procedures
- Appendix C – Draft Community Grow Policy
- Appendix D – Equalities Impact Assessment Screening
- Appendix E – Climate Impact Assessment Screening
- Appendix F – Data Protection Impact Assessment Screening

Note: Members are invited to contact the author in advance of the meeting with any detailed queries or questions.