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| Expression of interest (EoI) | * Applicants are required to complete and submit an EoI form via the Council’s website : -   [Community Asset Transfer - Chichester District Council](https://www.chichester.gov.uk/community-asset-transfer)   * At present, there is no closing date for the submission of an EoI; this will be regularly reviewed by the Council and any closing date introduced will be published in advance on the Council’s website. |
| Advertising | * For each EoI received, the Council will advertise the opportunity for CAT on its website for a period of 14 calendar days to allow any other interested parties to be submit an EoI. |
| Review of EoI  Multiple applications for the same asset(s) | * The review will include consideration of the following: -   1. Ownership and title check   2. Eligibility of asset(s) for CAT   3. Whether the applicant is eligible for CAT   4. Whether the proposed use and benefits meet the CAT policy criteria   5. Whether the proposed transfer will meet the stated community benefits * Where 2 or more organisations submit an EoI for the same asset(s), we will encourage collaborative working between those organisations with the aim of working together to submit a single request. To enable this cooperation, each organisation will be asked to provide consent for their details to be shared. * If that is not possible, or consent is not provided by all parties, the Divisional Manager for Property & Growth will make an initial assessment and recommendation based on the criteria set out above to inform that recommendation. * The assessment will include weighted scoring of each application plus consider the current management arrangements for the asset(s). * A final decision will then be made by the Director of Growth & Place in consultation with the Cabinet Member for Regeneration & Property and the Cabinet Member relevant for the asset(s) in question. |
| EoI Decision | * For those EoI that meet the initial assessment criteria, the applicant will be advised and invited to prepare and submit a business case, together with any additional information requested by the Council. * For those EoI that are unsuccessful, the applicant will be provided with reasons for this decision. |
| Business case submission  Business case  Evaluation | * The applicant will be required to submit a detailed, evidence-based business case with supporting viability information. * The business case will be assessed in accordance with the Council’s assessment criteria and a recommendation report will be produced. * In some cases, the Council may hold relevant information on the asset(s) being requested for CAT, such as maintenance costs or condition information. Where appropriate, it may be possible to share that information with the applicant to assist with the preparation of the business case. |
| Legal requirements assessment | * Appropriate legal advice will be sought as part of the evaluation of each business case, including consideration of the following legislation: - * The Localism Act 2011 which built on the concept of local communities taking more control of assets in their area. * The Local Government Act 1972 s123 which requires Local Authorities to obtain best consideration for all disposals. * The General Disposal Consent 2003 gives permission for Council’s to dispose at less than best consideration provided the value foregone is less than £2m (in capital terms) and the transaction benefits the economic, social, or environmental well-being of the area. If the value foregone is greater than £2m approval from the Secretary of State is required. * Other legislation or guidance documents that the Council will need to be mindful of when assessing any application includes but is not limited to: - * Subsidy Control Act 2022 * Local Government Finance Act (1988) * RICS Valuation – “Red Book” valuation defines market value when considering a disposal. |
| Governance | * Following consideration of the business case and a recommendation report for each application, a decision could be made either by officers under the scheme of delegation contained in the Council’s constitution or reported to Cabinet for a decision. |
| Transfer Decision | * The Council’s decision on whether to proceed with the transfer will be final. * Applicants will be advised of the outcome as soon as reasonably practicable. * Only if an applicant believes there has been a breach of the CAT Policy, are they entitled to appeal against a decision not to proceed with a CAT. * Appeals must be made online via [Complaint or compliment form - Chichester District Council](https://www.chichester.gov.uk/complaintorcomplimentform) within 28 calendar days of the decision date. Appeals will be managed in line with the [Council's Corporate compliments and complaints process](https://www.chichester.gov.uk/complimentsandcomplaints) |
| Completion | * Once formal approval is given, heads of terms will be prepared and offered by the Council detailing all the main aspects of the transaction (including lease terms if appropriate). * Subject to successful negotiation between the parties, the Council will arrange the drafting of legal documentation. This final stage will require the applicant and their legal advisers to work collaboratively with the Council to avoid delays to the completion of the transfer. |
| Costs | * Costs associated with the preparation and submission of an EoI and subsequent business case are to be met by the applicant. * Costs associated with the consideration and processing of an EoI are to be met by the Council. * In processing a full application, business case and transfer the Council’s surveyor’s and legal fees will be charged to the applicant unless there are exceptional circumstances in which case the Council may, at its absolute discretion, waive such fees (or part of such fees). The estimated level of these costs will be advised to the applicant in advance. * Applicable stamp duty land tax and any other taxes and Land Registry fees are to be met by the applicant. |
| Indicative Timescales | Stage 1 (EoI)   * The Council aims to respond to a standard EoI within 6 weeks of receipt, which includes any advertising time. * If the request is expected to be complex, or there is more than 1 EoI for the same asset, the applicant will be advised of the estimated timescale for that particular request.   Stage 2 (Business Case to Decision)   * The Council aims to reach a decision within 16 weeks of the information requested being received. There may be some circumstances where this stage requires additional time, for example for higher value assets or complex legal matters, or a proposed undervalue requires additional governance. * If a business case is not received within 6 weeks of an organisation being advised their EoI application is successful, the application may be closed at the Council’s discretion.   Stage 3 (Transfer)   * This will vary dependent on the type of transfer and complexity of legal work required; however, for those transfers not requiring a Cabinet decision, the target timescale is 3 months from the decision to completion of transfer.   These timescales are indicative only and subject to periodic review. Any changes will be published on the [Council's website](https://www.chichester.gov.uk/community-asset-transfer) . |

The CAT Process Guide is a framework which Chichester District Council will aim to follow when dealing with a CAT application; it is not intended to be a binding policy and there may be exceptional cases where it is not possible or desirable to follow all the steps or, to follow them exactly as set out, in the framework.  The Council reserve the right to vary timescales and other matters or not to follow parts of the CAT Process Guide, where it considers it appropriate to do so.