

Response to the Department for Social Development (DSDNI) Community Asset Transfer in Northern Ireland Consultation

Consultation Response 2013

The Carnegie UK Trust welcomes the opportunity to respond to this consultation on the Community Asset Transfer in Northern Ireland.

The Trust works to improve the lives of people throughout the UK and Ireland, by influencing policy, and by changing lives through innovative practice and partnership work. The Trust was established by Scots-American philanthropist Andrew Carnegie in 1913.

We have chosen only to respond to the parts of the questions for which we have experience and relevant evidence. Further information on our work is available on our website www.carnegieuktrust.org.uk.

The Carnegie UK Trust's Experience

The Carnegie UK Trust has supported and encouraged the development of community ownership of assets for a number of years. Our response to this consultation is informed by our research and experience of community ownership of assets and community led development. In particular:

- Our [Enabling State](#) project with Sir John Elvidge is exploring how the state can best support a more active role for communities and individuals in improving their own wellbeing and has included engagement with stakeholders in Northern Ireland.
- [From the Low Tide of the Sea to the Highest Mountain Top](#), Professor James Hunter's book produced for the Trust on the history of

community ownership in the Highlands and Islands of Scotland.

- [Appreciating Assets](#) which includes a number of case studies of local success stories from communities in Canada, Australia, and Scotland that have achieved social regeneration through the community ownership of land and tangible assets.

10. Do you consider that the proposed ground rules are an effective means of achieving a focus on outcomes?

Our experience is that community asset transfer can be a powerful tool for regenerating communities and evidence from other parts of the UK suggests that it can indeed contribute

to the outcomes identified in Section 6¹. We believe however, that a legislative framework of 'community rights' should underpin community asset transfer and is critical to achieving these outcomes.

While creating a legislative 'right' may not be necessary where authorities are happy to dispose of an asset, the language of rights can help to harness the interest and enthusiasm of community groups. In Scotland, for example, the right to buy in rural areas signalled a change in government policy and was essential in encouraging groups to come forward.

As the consultation document highlights legislative frameworks based on 'community rights' exist in other parts of the UK and we would strongly support the introduction of similar legislation in Northern Ireland.

11. Do you consider that the proposed ground rules are an effective means of ensuring sustainability?

We support the ground rules for sustainability outlined in Section 6 and we have suggested some additional points below that we believe will strengthen these as a means of ensuring sustainability:

- **A duty on public authorities to provide information:** It is important that community organisations take on a true community asset and are not left with a liability. In addition to duties on community organisations, we would welcome clear responsibilities on public authorities to provide information on current operating costs and other pertinent advice and information. A duty on public authorities to provide this information could help facilitate this.

- **Recognition of differences between communities:** We agree that third sector organisations must have a business plan and the capacity to manage the asset. However, not all communities are equal and many communities may initially lack the skills, knowledge and experience to prepare a business plan and take on the running of an asset. Often these are communities that face the greatest economic and social challenges and the very communities that potentially, stand to benefit most, from community ownership. Without appropriate support there is a risk that these communities derive few benefits from this new policy framework. Communities should be provided with access to the necessary learning, development and networking support to allow them to achieve the greatest benefits of more local control. While this is covered later in the document we would welcome it being included in the ground rules.
- **Community engagement:** Engaging the wider community in plans for the asset from an early stage is crucial for long term sustainability. Engagement can help build local momentum and enthusiasm and by building a good understanding of existing local strengths and opportunities at an early stage the community organisation can ensure that the asset is managed and developed in such a way as to provide the greatest long-term community benefit. We believe that it would be beneficial for the importance of early community engagement to be recognised in the ground rules.
- **Proportionate requirements on communities:** We are aware that in some cases public authorities in other parts of the UK have taken a highly risk-averse approach to asset transfer. We would therefore welcome further guidance within the ground rules on what an appropriate level of detail and planning is for community organisations.

¹ See for example: Hunter J, [From the Low Tide of the Sea to the Highest Mountain Top](#), Isle of Lewis: Island Book Trust 2012

- **Flexibility in ownership/management options:** The community may not yet feel ready to take on an asset, even on short-term lease. The option for joint or cooperative management with the opportunity to move closer to full ownership at a future date, if the community so desires, should be available.

13. Do you consider that the proposed ground rules are an effective means of governing decision making?

The consultation paper sets out a process for decision-making on asset transfer. We would welcome strengthening this section to include a presumption in favour of transferring greater control to the community. We are concerned that public authorities will take a risk-averse approach to community asset transfer which will not achieve the outcomes that the Executive seeks.

While it attempts to set out a clear process, the consultation paper does not identify who would make the final decision about individual asset transfers, the timeframe for decisions and how decisions should be communicated. Further it does not provide any mechanism for hearing an appeal should a community group be unhappy with the decision made by the public authority. We would suggest this could be an appropriate Ministerial role.

14. Do you consider that these proposals will be effective in raising the profile and understanding of Community Asset Transfer as a tool for investment and regeneration?

We welcome the attention paid to providing information and awareness raising on community asset transfer. As the consultation paper notes, community ownership of assets in Northern Ireland is not as developed as elsewhere in the UK and as such stakeholders may be unaware of the benefits of this model. We welcome the approach of working in partnership with

Development Trusts Northern Ireland to raise awareness.

We would also stress that much information and awareness raising material exists in Scotland and England and would hope that Northern Ireland can make use of generic resources, and engage with stakeholders in the rest of the UK to share learning and good practice.

15. Do you consider that these proposals will be effective in 'Mainstreaming' Community Asset Transfer as an option for public sector asset management and addressing current operational barriers?

We believe that an underpinning legislative framework of community rights is critical to mainstreaming community asset transfer and sends an important signal about the Executive's commitment to empowering communities.

We would also recommend that the Executive explores mechanisms for public authorities to be required to consult with community groups on their current use of all assets. It is likely that it is not just 'surplus' or 'under-utilised' assets that would benefit from greater community involvement and we believe that it is through this dialogue that sustainable solutions for community assets will be found.

Alongside this we welcome the creation of a single point of contact for information on public sector assets. The consultation paper notes that the Executive will explore the possibility of creating a comprehensive public sector asset database to include local authority assets. Information on what assets are in a community is an essential pre-requisite to empowering communities to take on a greater role in using, managing or owning those assets.

16. Do you consider these proposals will be effective in creating and maintaining

the necessary skills within public sector and third sector organisations to support implementation of Community Asset Transfer and the long term sustainable management and development of assets?

We support the development of good practice guidance and toolkits and the establishment of an independent centre of expertise on community asset transfer. It is important that community organisations interested in asset transfer know where to go for information and advice and are supported to access peer support from other communities who have been through similar processes.

17. Do you consider that these proposals will be effective in providing investment to support the implementation of Community Asset Transfer?

Access to appropriate financial resource is vital for communities taking on an asset. Experience from other parts of the UK is that on-going financial support is required for training, networking and other development activities, as well as initial start-up costs. We therefore welcome proposals to explore a range of financing options.

Experience from England and Scotland may help the Executive identify the likely level of funding required.

18. The Community Right to Buy or Right to Bid exists elsewhere in the UK as part of the enabling environment for Community Asset Transfer. We are interested in exploring opinion on whether an equivalent community right could support asset transfer in Northern Ireland.

As outlined in Q10 the Trust strongly supports the introduction of a similar community right in Northern Ireland. We believe that this legislative underpinning to community asset transfer

in Northern Ireland is crucial. It would signal the Executive's commitment to supporting community ownership and is critical, we believe, to the creation of an enabling environment for community asset transfer.

It is important however that community rights can be readily activated by communities. As mentioned above, we believe that the prevailing culture of public authorities in the UK is to be risk-averse and to limit the opportunities for community ownership of assets. It is therefore important that the right balance is struck between the demands placed on community organisations and the duties placed on public authorities to ensure that community organisations are provided with the wide range of help, support and guidance that they are likely to need to activate their rights and benefit from community ownership.

The Carnegie UK Trust works to improve the lives of people throughout the UK and Ireland, by changing minds through influencing policy, and by changing lives through innovative practice and partnership work. The Carnegie UK Trust was established by Scots-American philanthropist Andrew Carnegie in 1913 and we are delighted to be celebrating our centenary in 2013. Please see our website for further information on our centenary plans.

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