
Agenda Item: Community Asset Acquisition and Management Policy

Meeting Date: Monday, 12 October 2026

Contact Officer: Town Clerk/CEO

The purpose of this report is to seek Full Council's approval of the Community Asset Acquisition and Management Policy and supporting Decision Framework, including the amendment requested by the Policy, Governance & Finance Committee to address existing Council assets returned from third party occupation or management.

Background

The draft Policy and supporting Decision Framework were considered by the Policy, Governance & Finance Committee on 28 September 2026, following referral from the Personnel Sub-Committee on 29 July 2026. They establish a proportionate approach to assessing asset opportunities, taking account of community benefit, strategic fit, legal responsibilities, affordability, operational capacity and the most appropriate governance and delivery model.

The Committee asked for clarity on the process for managing assets returning to the Council. The Town Clerk explained that the ending of a lease is governed by its terms and the applicable legal framework, including any statutory rights of the tenant. The expiry of a stated lease term does not necessarily entitle the Council to vacant possession, as some business tenancies may continue beyond that date. Appropriate legal advice would therefore be required before taking steps to terminate a lease, oppose renewal or recover possession. The Policy can, however, provide a separate process for handover, interim management and consideration of the asset's future use once possession or management lawfully returns to the Council.

Current Situation

Members welcomed the framework and recommended the Policy and Decision Framework to Full Council for approval, subject to a minor amendment broadening the scope to include existing Council assets leased to third parties and subsequently returned to the Council during or at the end of the lease term. The Committee delegated authority to the Town Clerk to implement the agreed amendment before presentation to Council on 12 October 2026.

The proposed addition is Section 10, "Council assets returned from third party management", with the existing Monitoring and Review sections renumbered accordingly. The wording is set out below. It addresses the legal position, handover obligations, asset condition, interim costs and responsibilities, and the subsequent review of long-term use and management.

The Policy does not itself authorise termination of a lease or assume that expiry of a stated term automatically gives the Council vacant possession. Appropriate legal advice will be obtained on the relevant agreement and any statutory rights before action is taken.

Consequential amendments will extend Sections 3 and 5 of the Policy to cover significant changes to the use or management of existing Council assets. An introductory note to the Decision Framework will explain how its stages apply proportionately to returned assets, without requiring acquisition stages where ownership is unchanged.

PROPOSED POLICY ADDITION

10. COUNCIL ASSETS RETURNED FROM THIRD PARTY MANAGEMENT

10.1 This section applies where an existing Council-owned asset returns to the Council's possession or operational management following the lawful expiry, termination, surrender or non-renewal of a lease or other management agreement. In these circumstances, ownership remains with the Council, but it will need to review the asset's future use and management arrangements.

10.2 The ending of any lease or management agreement will be governed by its terms and the applicable legal framework, including any statutory rights of the tenant or occupier. Appropriate legal advice will be obtained before the Council takes steps to terminate an arrangement, oppose renewal or recover possession. Nothing in this Policy overrides those requirements or authorises termination.

10.3 Where a return is anticipated, the Town Clerk/CEO will coordinate proportionate planning for the handover and interim management of the asset. This will include, as appropriate:

- establishing the legal position, relevant deadlines and responsibilities of each party;
- inspecting and recording the asset's condition and identifying outstanding repairs, reinstatement obligations or potential dilapidations claims;
- addressing outstanding rent, charges and other contractual liabilities;
- confirming ownership of fixtures, equipment and any items remaining on site;
- arranging the handover of keys, records and relevant compliance information; and
- ensuring appropriate security, insurance, maintenance, utilities and health and safety arrangements are in place when the Council resumes possession or management.

10.4 Officers will assess the financial and operational implications of the asset's return, including any immediate works, ongoing holding costs, loss of rental income and implications for existing users. Necessary interim measures will be taken within approved budgets and delegated authority, with further approval sought where required.

10.5 The Council will review the asset's future use and management through a proportionate application of the supporting Decision Framework. Options may include direct Council management, a new lease or management agreement with a suitable organisation, partnership arrangements, an alternative community use or, where appropriate,

consideration of disposal through the relevant statutory and Council procedures. Direct Council management will not automatically be presumed to be the preferred long-term option.

10.6 Proposals for significant changes to use or management will be reported to the appropriate Committee and/or Full Council in accordance with the Council's governance arrangements. Reports will address community benefit, stakeholder engagement, legal restrictions, asset condition, affordability, staffing, risks and the recommended delivery model. Any interim arrangements will be monitored pending a decision on the asset's long-term future.

10.7 Any proposed disposal of Council land or buildings, including the grant of a lease, will be subject to the applicable statutory requirements, including section 127 of the Local Government Act 1972. Where a disposal at less than the best consideration reasonably obtainable is proposed, the Council will obtain appropriate valuation and legal advice to establish whether the General Disposal Consent (England) 2003 applies or specific Secretary of State consent is required. Any applicable public notice requirements, charitable trusts, title restrictions and other statutory consents will also be addressed at the appropriate stage. Where required, public notices will be published and any objections considered before a final decision to dispose is made.

CONSEQUENTIAL AMENDMENTS

Section 3 Scope: Add

"reviewing the future use or management of an existing Council asset following its return from a third party lease or management arrangement" to the list of circumstances covered by the Policy.

Section 5 Decision Making: Extend the Framework's application to

"significant community asset acquisitions and significant changes to the use or management of existing Council assets".

Decision Framework: Add the following introductory note:

"For existing Council assets returning from third party occupation or management, the legal position and handover requirements must first be established. The relevant appraisal, engagement, business case and decision stages will then be applied proportionately; acquisition and transfer stages will be adapted or omitted where they do not apply."

Decision Framework: Add under Stage 7:

"Where disposal or the grant of a lease is proposed, confirm the applicable statutory disposal requirements, obtain appropriate valuation and legal advice, establish whether general or specific Secretary of State consent is required, and complete any necessary public notice procedures before the transaction is completed. Where public notice and consideration of objections are required before the final disposal decision, those steps will be undertaken ahead of Stage 6."

Corporate Strategy

The Policy supports delivery of the Council's Strategic Plan 2025–29 and its mission to “make Witney a great place to live, work and visit”. It provides a consistent basis for decisions about assets and facilities that support the Council's priorities, while ensuring that future commitments are sustainable and supported by appropriate resources.

This report contributes to the delivery of the following strategic pillar of the plan:

1. A Forward Looking Town Council
2. An Engaged & Supported Community
3. An Empowered Community
6. A Vibrant Local Economy

Impact Assessments

The Town Council has a duty to consider the effects of its decisions, functions and activities on equality, biodiversity, and crime & disorder. Consideration should also be given to effects on the environment, given the Council's Climate Emergency declaration in 2019.

- a) Equality – Assessment of future uses and management arrangements will consider accessibility, inclusion and the effects on existing users. Engagement will be proportionate to the significance of the proposed change.
- b) Biodiversity – Relevant biodiversity and environmental obligations will be considered when reviewing an asset's condition and future use.
- c) Crime & Disorder – Handover and interim management planning will address site security, public safety and the risks associated with vacant premises.
- d) Environment & Climate Emergency – Maintenance, investment and future use will be assessed with regard to environmental sustainability, climate resilience and whole-life implications.

Risk

In decision making Councillors should give consideration to any risks to the Council and any action it can take to limit or negate its liability.

The additional section reduces the risk of an asset returning without suitable security, insurance, compliance arrangements or provision for ongoing costs. It also requires consideration of outstanding contractual liabilities and a documented appraisal before significant long-term changes are agreed. Decisions remain subject to the Council's existing governance arrangements, budgets and delegated authority.

Social Value

Social value is the positive change the Council creates in the local community within which it operates.

The Policy will help safeguard valued facilities and identify sustainable arrangements for their future use. The additional section supports continuity and appropriate engagement where a change of occupier or management arrangement affects existing users.

Financial implications

There are no direct financial commitments arising from adoption of the Policy.

Individual proposals will be assessed separately, including legal and survey fees, repairs, security, insurance, utilities, business rates where applicable, lost rental income, staffing and ongoing maintenance.

Interim measures must remain within approved budgets and delegated authority, with further approval sought where required.

Recommendations

Members are invited to note the report and

1. The recommendation of the Policy, Governance & Finance Committee of 28 September 2026;
2. Approve and adopt the Community Asset Acquisition and Management Policy and supporting Decision Framework, incorporating the additional section and consequential amendments set out in this report.