

*A review of urban Community
Land Trusts in England
Lessons and practical advice
December 2011*





This paper reviews the experience of urban community land trusts in England. It identifies practical lessons about how to establish a community land trust and investigates common issues and obstacles to success.

This work was produced as part of the Young Foundation's [Future Communities](#) programme to explore the potential for community land trusts to be established in key neighbourhoods in the city as a vehicle for on-going community regeneration.



This paper reviews:

- 1. National policy on asset transfer*
- 2. The benefits of asset based community development and community asset ownership*
- 3. Development Trusts or Community Land Trusts as a vehicle for asset transfer*
- 4. Current examples of urban Community Land Trusts in England*
- 5. Case studies: Shoreditch, Headingley, Moseley*
- 6. Managing the risks of a CLT*
- 7. Practical lessons for communities*



Questions for the review

- 1. What can be learnt from the experience of planned and existing development trusts and community land trusts in the UK and internationally?*
- 2. What role can development trusts and land trusts play in building community social capital?*
- 3. What are the developments costs incurred in setting up a community land trust, and the timescales involved?*



1. Community asset transfer: policy context



National policy context

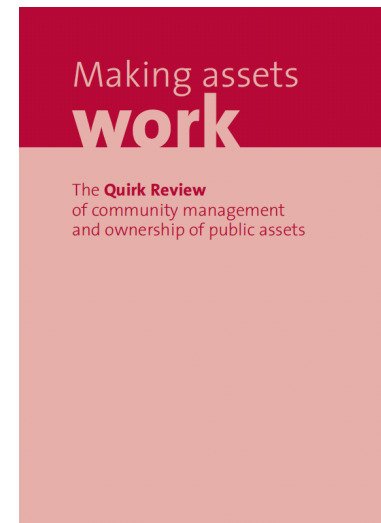
- 1. Decentralisation & Localism Bill - focus on enabling community asset transfer, promoting community 'right to build', 'right to reclaim land', and 'right to challenge' to take over community facilities*
- 2. Local government interest in community development trusts and community land trusts as succession vehicles for public regeneration partnerships*
- 3. Interest in social and community enterprise as route to sustainable regeneration and economic development*
- 4. Evidence to show local third sector and community capacity and influence over local decision-making, and services strengthened through community asset transfer*
- 5. Recognised importance of social capital in building cohesive, empowered communities*



Community Asset Transfer: Quirk Review

Three firm conclusions:

- 1. Transfer must realise social or community benefits without risks to wider public concerns, or community interests becoming overly burdened by operational concerns*
- 2. Benefits of community ownership can outweigh risks and opportunity costs in certain circumstances, and there are no substantive obstacles or impediments to transfer*
- 3. Risks exist, but can be minimised and managed. Requires political will, managerial imagination and a more business-focused approach by public and voluntary sectors*





Advancing assets 2007 - 2011

- *Creation of the Asset Transfer Unit (ATU) - information, advice and resource hub*
- *4th round of national demonstration programme*
- *ATU estimates 1000 community asset transfer (CAT) projects in progress*
- *ATU believes CAT activity already empowering beneficiary communities*
- *CAT takes time: 5 years (when creating new receiving third sector organisation)*





2. Benefits of asset based community development and community asset ownership



What is Asset Based Community Development (ABCD)?

- Strategic approach & method to community-driven development and regeneration*
- Pioneered in North America and internationally in developing countries*
- Builds on community/VCS strengths (physical assets, skills and capabilities) - not negatives as common in traditional regeneration*
- In UK ABCD has focussed on physical assets put to use through community ownership and enterprise via a Community Anchor Organisation (CAO)*



The benefits of asset ownership to the community anchor organisation

Journey towards asset ownership can bring sense of achievement and confidence

Successful transfer gives the organisation status, recognition, power and support within the community and among local stakeholders

Transfer process leads to qualitative transformation of organisation's culture and management capacity

Ownership of capital asset provides basis for social enterprise and trading activity: generating surpluses to finance new activities and further growth; helping lever in additional assets; providing collateral for loan finance



Benefits of community asset ownership to local stakeholders

Local stakeholders have a new partner to work with

Community partner to support local authority and service providers in service design and delivery

Work on a variety of projects on terms that don't involve maximising shareholder profit

Base for providing joint or complementary services that are closer, more responsive and accountable, and tailored to community needs

Third sector development body able to access funds inaccessible to the public sector and achieve greater investment into the locality

Community benefits can lead to reduction in pressures on public services: health, welfare support, criminal justice system



Benefits of community asset ownership to the wider community

Direct and indirect benefits: communities have greater influence

Enable communities to solve their own problems through self-help, community action and social enterprise

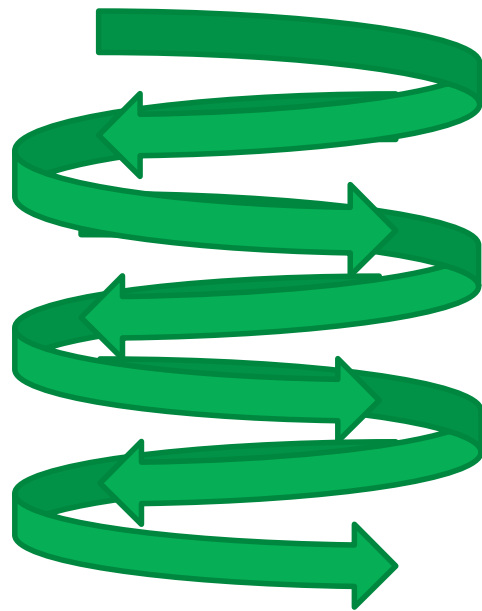
Wealth creation activities brings income into the community (e.g. employment opportunities for young people). Wealth created is retained and recycled within the community: new projects and further benefits

'Multiplier effect' brings wider range of benefits: boosting business viability, restoring land values and attracting new investment

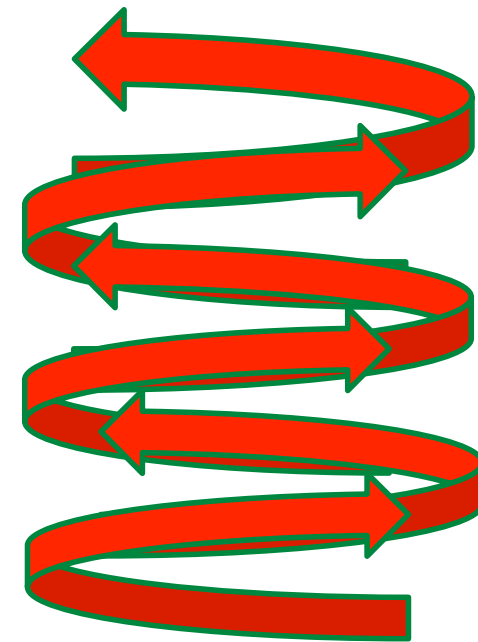
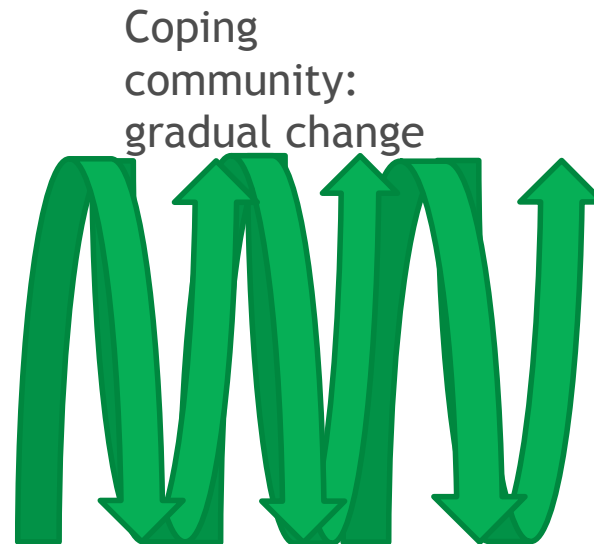
Promoting community cohesion through bringing people from different backgrounds building bridging and bonding social capital: using latent skills and talents

Generate confidence, hope, civic pride: significant psychological boost

Creating a cohesive, confident community in control?



Downwards spiral of a marginalised community: crisis event, lacking hope and confidence



Upwards spiral: assets, action and solutions leads to continual improvement and significant change



*3. Vehicles for
asset
transfer:
development
trusts or
community
land trusts*



Choices and options for a community anchor organisation

- *What type of Community Anchor Organisation (CAO)?*
- *Community development trust or community land trust?*
- *What level of community and stakeholder involvement?*
- *What legal form to constitute as: CLG, ISP, CIC?*



Legal vehicles for a CAO

- *Incorporation is essential if CAO is to own assets*
- *No correct legal vehicle, and more than one possibility*
- *Legal form provides operating framework for the organisation: how it is set up, managed and governed*
- *Form follows function: legal arrangements dependent on objectives of the organisation, and mechanisms to further community and other stakeholder involvement in its governance and decision making processes*
- *Organisational form: reflects ownership and power structures, ultimately determining who has final control over direction of its resources and use of its assets*
- *Legal form needs to protect not just the social mission but the assets of the CAO*



Legal options

Legal Form	Suitable	Reason
Association	No	Unincorporated
Trust	No	Unincorporated
Limited Liability Partnership	No	Profit-distributing vehicle
Company Limited by Shares	No	Uncommon in third sector
Company Limited by Guarantee	Yes	Common usage
Industrial and Provident Society (Community Benefit Society)	Yes	Common usage
Industrial and Provident Society (co-operative)	No	Profit/dividend distributing
Community Interest Company	Yes	Specific third sector vehicle
Charitable Incorporated Organisation	?	New legal vehicle



Key features

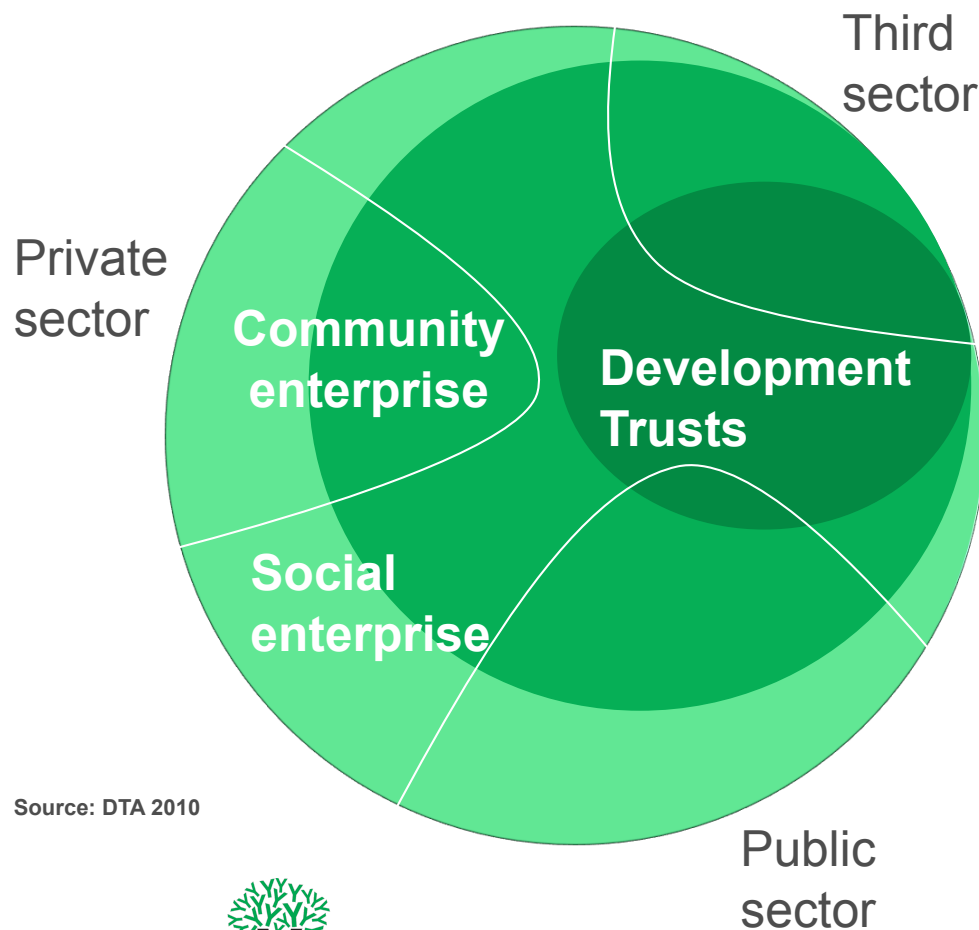
	Company Limited by Guarantee	Industrial and Provident Society (Ben Com)	Community Interest Company
Limited Liability	Yes	Yes	Yes
Constitution	Mem and Arts	Registered Rules	Mem and Arts
Regulator	Companies House	FSA	Companies House
Organisational structure	Two-tier or one-tier	Two-tier or one-tier	Two-tier or one-tier
Governing body	Board of Directors	Management Committee	Board of Directors
Membership	Open or discretionary	Open or discretionary	Open or discretionary
Stakeholder i	Possible	Possible	Possible
Voting	Usually OMOV	Usually OMOV	Usually OMOV
Charitable	Can be	Can be	No
Asset Lock	Via charitable status	Yes	Yes
Special Features	Flexible structure for third sector; Community Bond Issue	Membership via Shares (1-20k) Community Share Issue	Community Interest Statement



What are Development Trusts?

- *No legal definition for development trusts (DTs)*
- *No single organisational / constitutional form:*
 - *Company Limited by Guarantee (CLG)*
 - *Industrial and Provident Society (IPS)*
 - *Community Interest Companies (CIC)*
- *Can have charitable status, and trading subsidiaries*
- *Members can be drawn from local community, local stakeholders and partners, such as the Local Authority*
- *Can arise from grass-roots community campaigns or state-funded partnerships and agencies*
- *Membership open to all - or closed and selective*

Third sector, market-orientated vehicles providing services to local people



Source: DTA 2010

Four underlying principles:

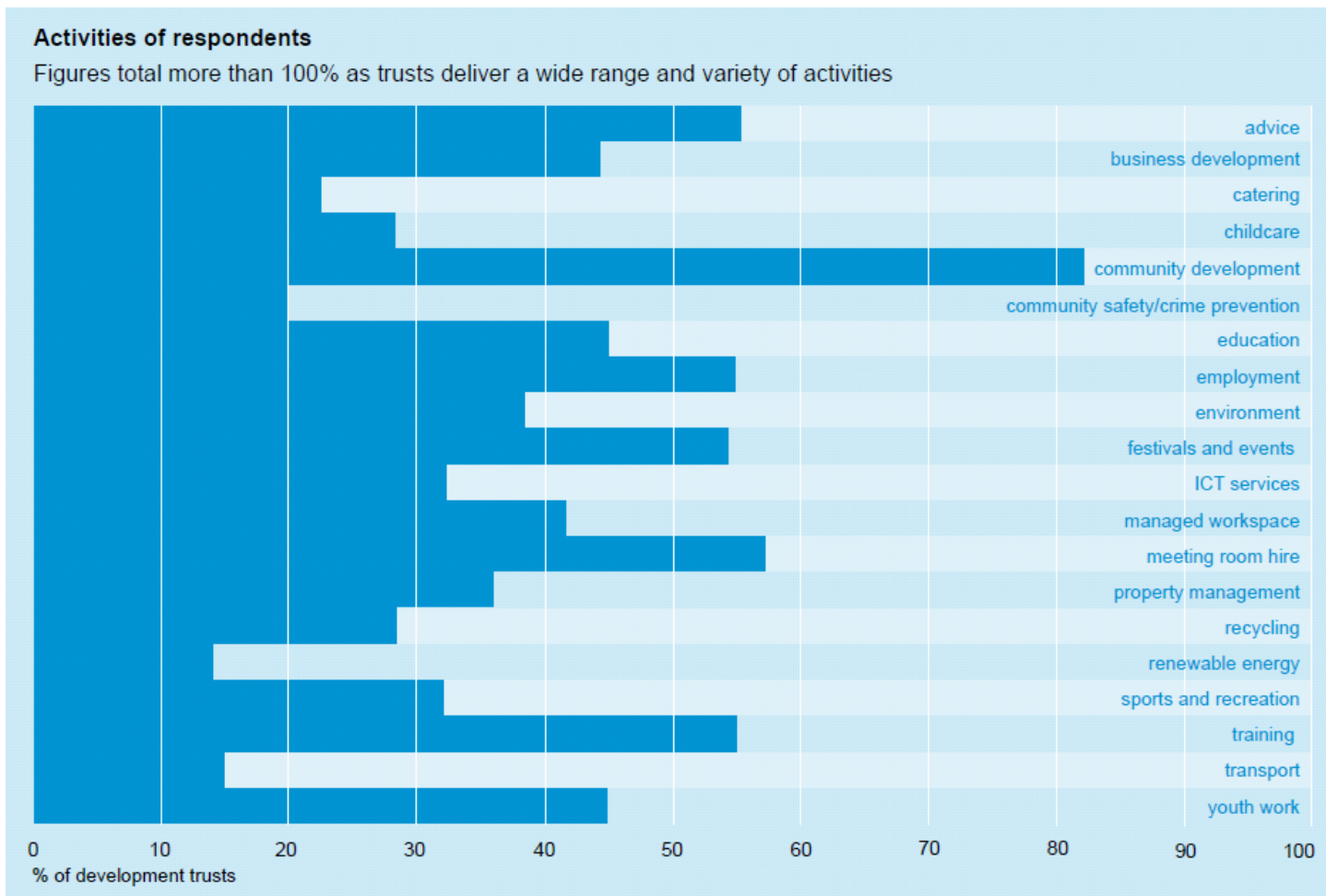
- *Engaged in the economic, environmental and social regeneration of a defined area*
- *Independent, aiming for self-sufficiency and not for private profit*
- *Community-based, owned and managed*
- *Actively involved in partnerships between the community, voluntary, private and public sector*



Development Trusts in 2010

- *492 DTs in the UK*
- *Generating £272m combined income; £157m earned*
- *£565m assets in community ownership*
- *43% urban and suburban; 38% rural; 19% mixed*
- *90% CLGs, 4% CICs, 6% IPS or unincorporated*
- *Over 70% registered charities*
- *55% have 5 or fewer staff*
- *Over 50% have more than 10 volunteers*
- *One third of DTs in areas with 10% BME population*
- *One in ten DTs in areas with 50%+ BME population
(Boards reflect this demographic)*

Finding solutions to local problems





DTs: top down or bottom up?

Bottom up community-led campaigns:

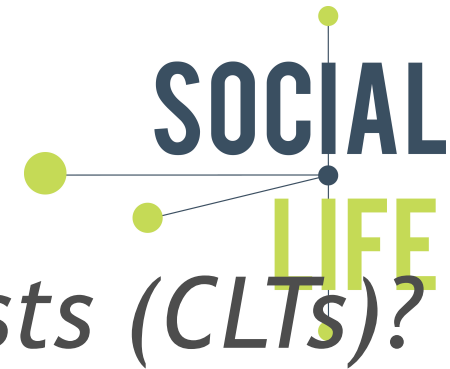
- *against something: loss of local facilities*
- *in favour of something: saving local iconic building, improving local economy and environment.*

Top down:

- *Succession vehicles for publicly-funded interventions: Housing Action Trusts, New Deal for Communities*
- *Formalisation of partnership and stakeholder arrangements: Local Strategic Partnership*

Social entrepreneurial activity:

- *Driven by small core of entrepreneurs*



What are community land trusts (CLTs)?

Statutory definition:

Housing and Regeneration Act 2008, Part 2, Chapter 1, Clause 79:

A Community Land Trust is a corporate body which:

- 1) is established for the express purpose of furthering the social, economic and environmental interests of a local community by acquiring and managing land and other assets in order - to provide a benefit to the local community, to ensure that the assets are not sold or developed except in a manner which the trust's members think benefits the local community*
- 2) is established under arrangements which are expressly designed to ensure that:*
 - any profits from its activities will be used to benefit the local community (otherwise than by being paid directly to members)*
 - individuals who live or work in the specified area have the opportunity to become members of the trust (whether or not others can also become members)*
 - the members of a trust control it.*



What does this mean?

- *Mechanism for landowners to give land to meet local housing and other needs*
- *Legal definition assures landowner that no-one is going to get a windfall (particularly relevant if land is at unrestricted market use value) and land values are retained for the community*
- *Mechanism for positively engaging communities in ‘place-shaping’: the development of their locality, and maximising the development of land and assets*
- *Unlike RSLs and some DTs, membership should be open and not restricted*

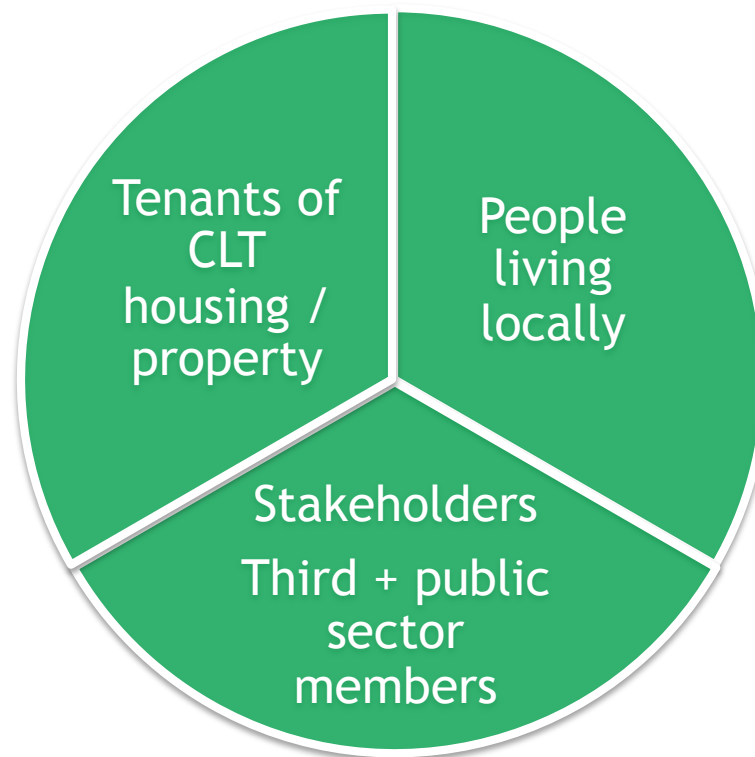


CLTs = genuine local democracy

- *Individuals who live or work in the area must be able to become members*
- *Members must control the organisation*
- *But: no regulator of CLT brand - reliant on legal interpretation of membership requirement*
- *Membership-based place-shaping tool and way of bringing community together to drive area-based change*
- *Genuine model of community empowerment: neighbourhood governance, service delivery and provision of facilities*
- *Through ownership of land and assets captures benefits of rising land values for the whole community and recycles wealth*
- *Puts community in the driving seat over development opportunities*

Control of a CLT

“Classic” CLT model (USA) - tripartite Board structure

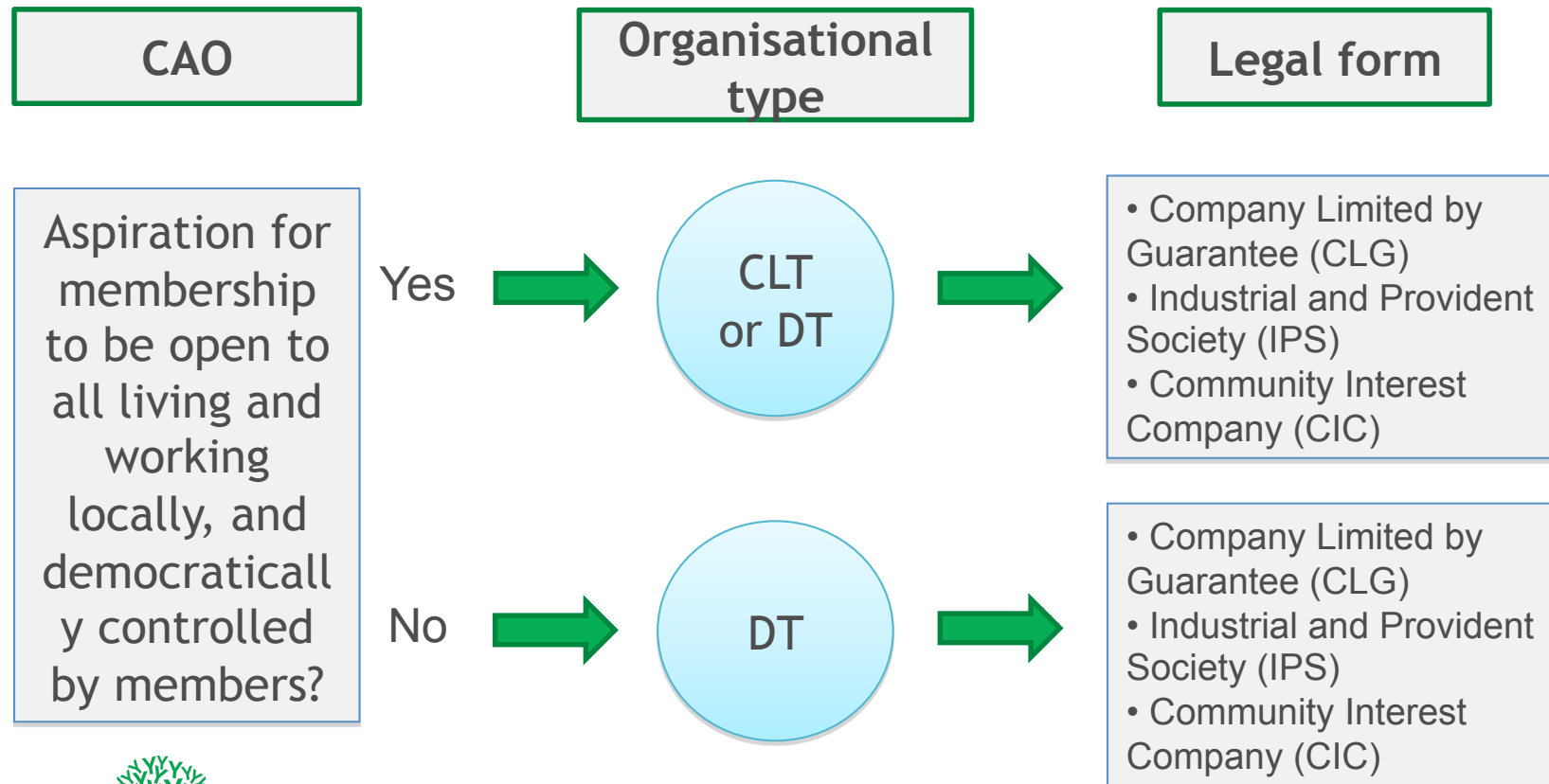




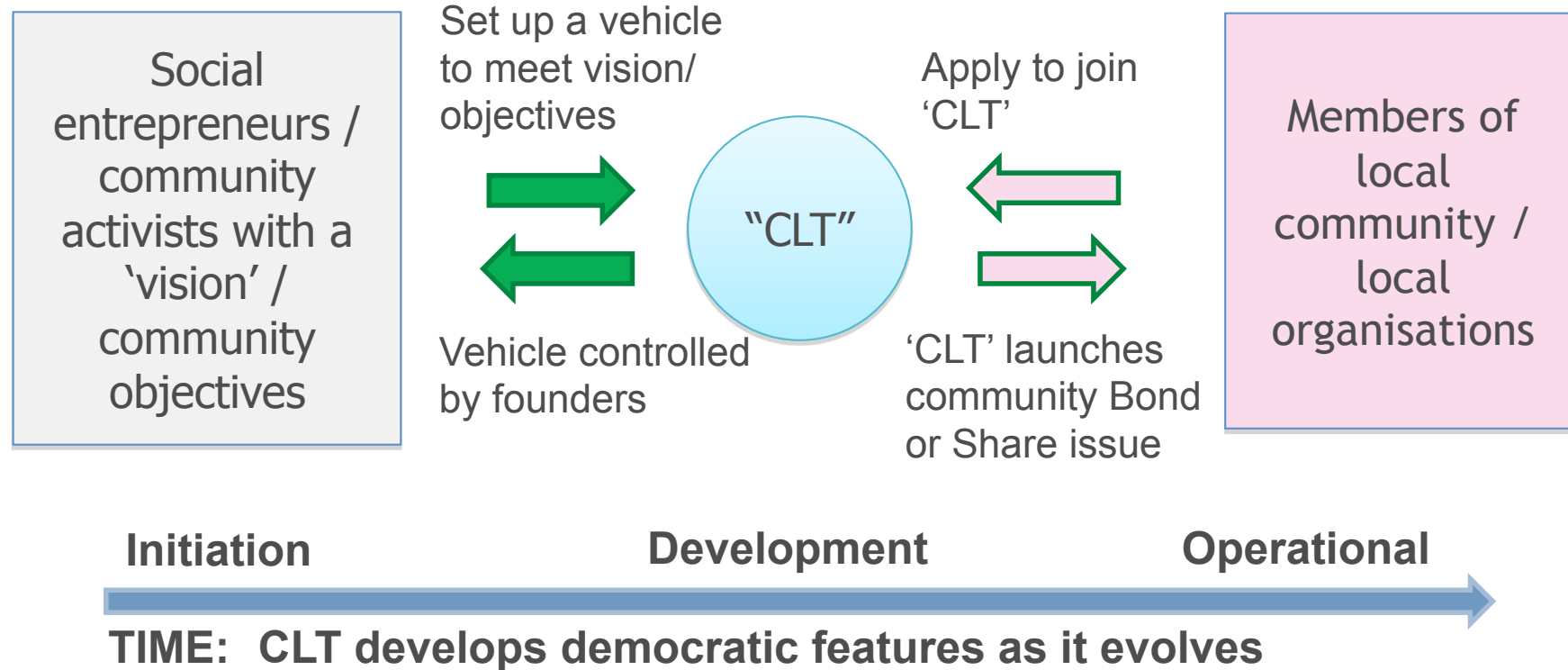
CLTs - primarily rural model

- *CLTs largely a rural phenomenon: now a 'social movement'*
- *Not only rural 'exception' sites*
- *CLT National Demonstration project and CLT Fund*
- *Lindesfarne CLT first to access HCA grant funding: although achieved at huge cost*
- *Still immense bureaucratic and financial obstacles but not insurmountable*
- *Intermediate housing provision is key driver but variety of uses: farms, workplaces, community facilities*
- *Builds on track record of community ownership: community halls, pubs, shops, etc*
- *Most successful CLTs in remoter, more peripheral areas*

The theory: To CLT or not to CLT?



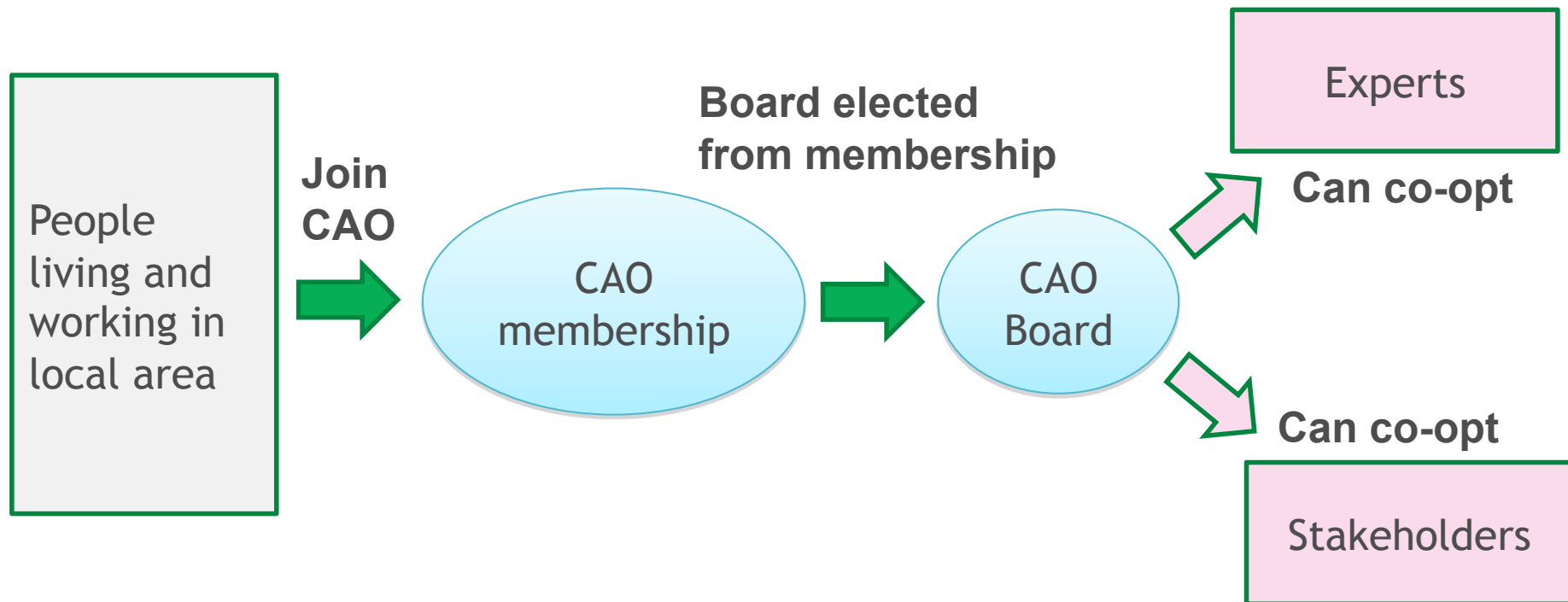
The practice: a democratic deficit?



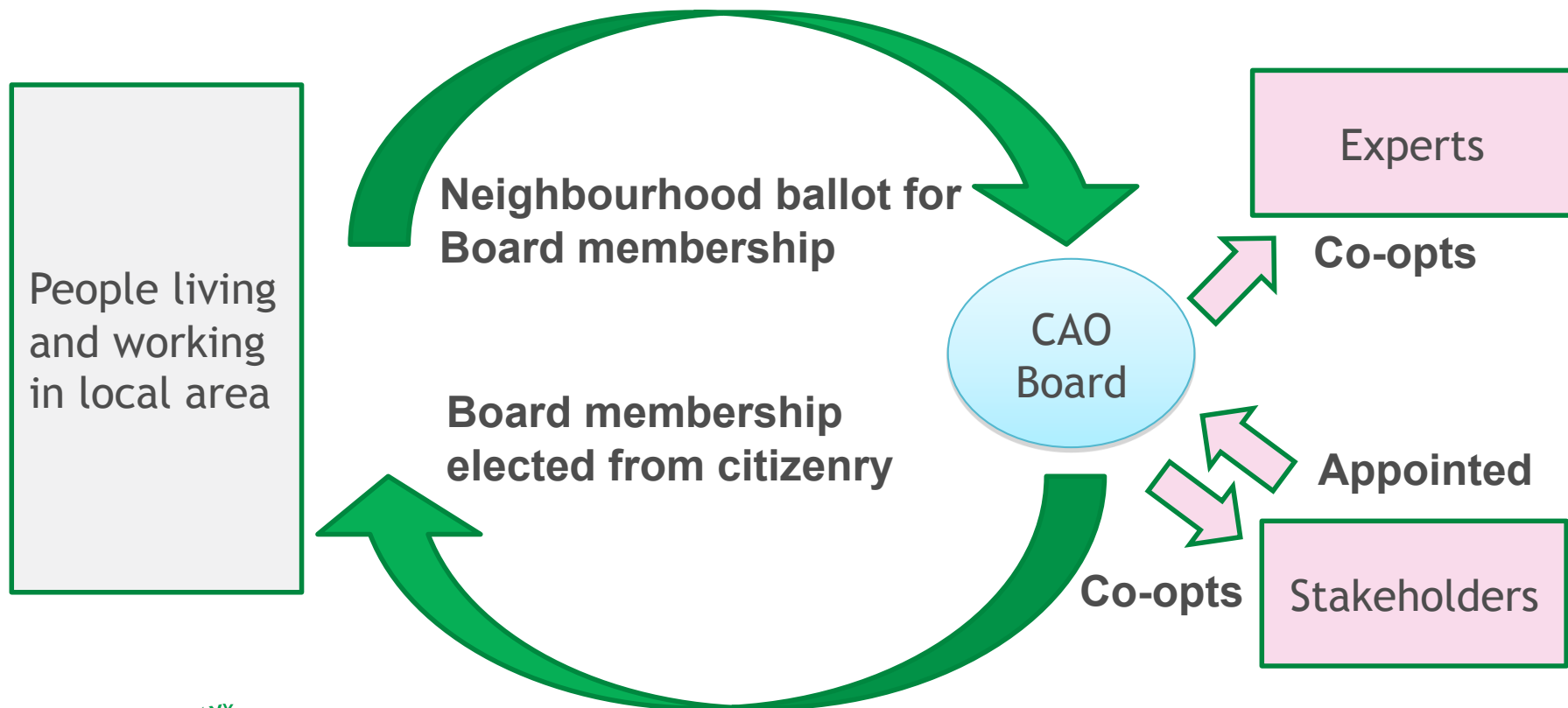


*Options for deciding on levels of
community and stakeholder
involvement*

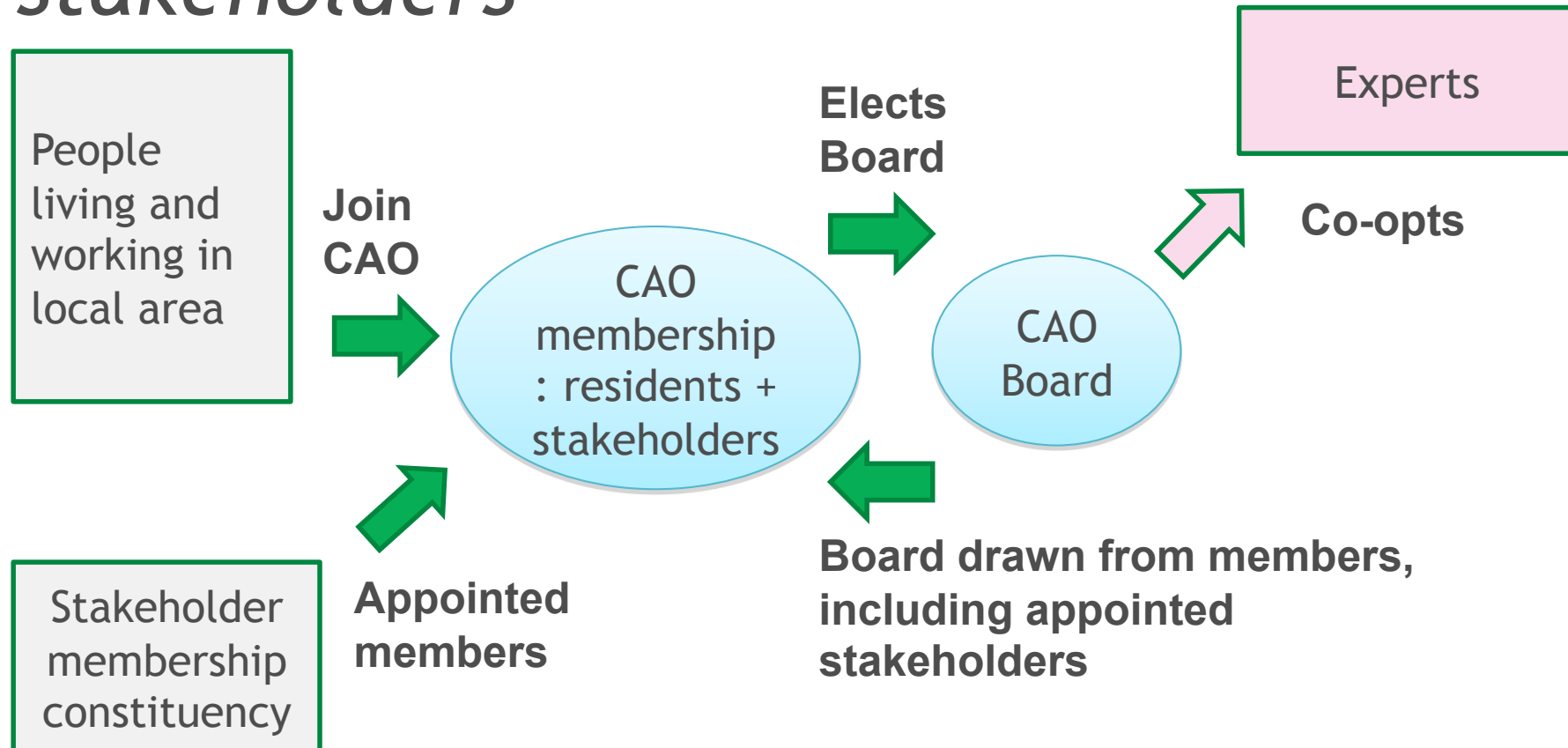
*Membership-based democracy:
Board elected by and from members*



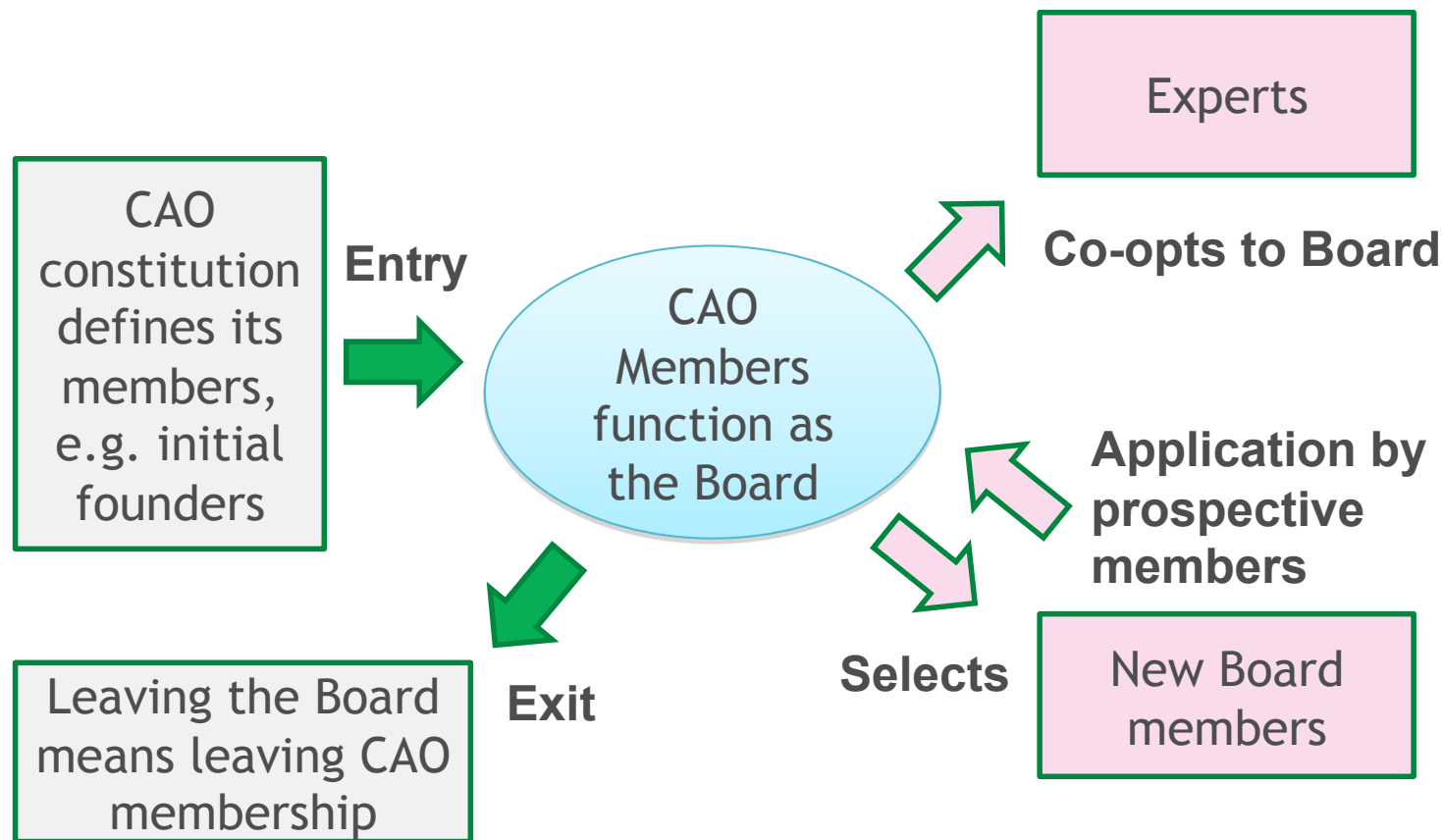
Neighbourhood democracy: Board elected by and from local residents



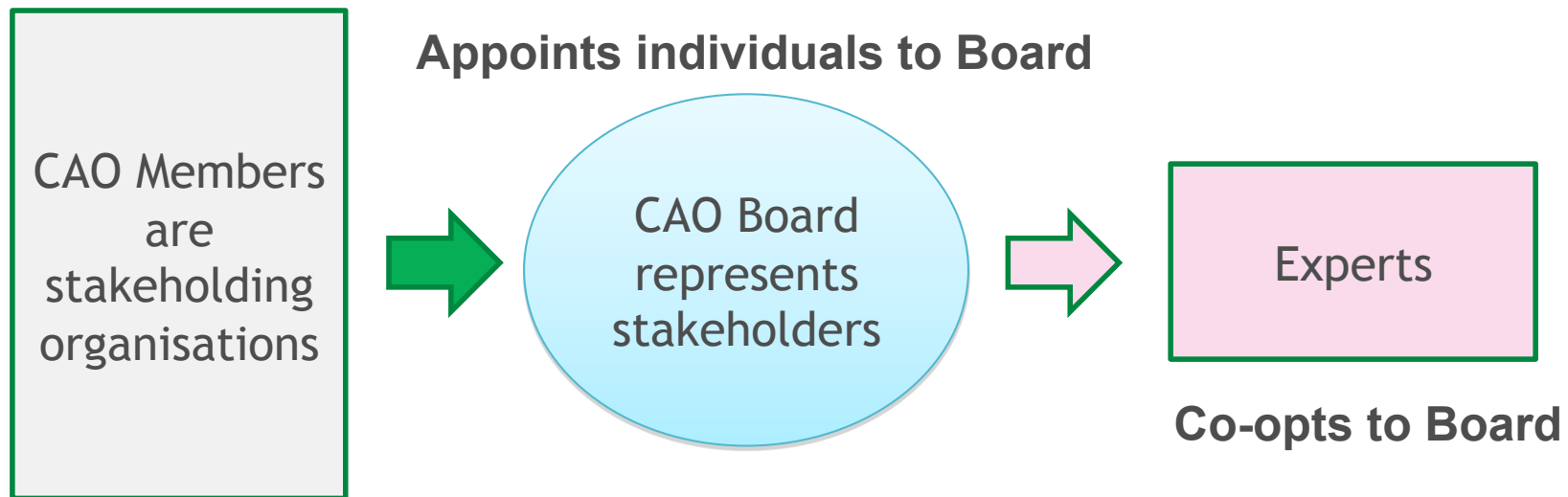
Hybrid two-tier structure: Board elected by membership, including stakeholders



Oligarchy: Members of the CAO and Board are the same



Representative oligarchy: Board represents stakeholding members





4. Review of urban community land trusts in England



Sources for the review

Interviews with CLT experts

*David Rodgers, CDS Co-operatives;
Bob Patterson, Community Finance
Solutions;
Stephen Hill, Futurebuilders;
Kate Braithwaite, Carnegie UK Trust
Tony Rich, Rich Regeneration
Martin Large, Gloucester Land for People*

Interviews with CLT practitioners

*Micheal Pyner, Shoreditch Trust;
Peter Bojar, Bolton
Richard Tyler, Headingley Development
Trust
Karen Leach, Digbeth CLT
Geoff Philpotts, Portsmouth
Alison Parfit, Cashes Green CLT
Dave Smith, London Citizens CLT*

Desk-based research into CLT theory and practice



Review - summary findings

Status of English urban CLT projects

Cashes Green	Final planning permission submitted.
Bolton	Model 'on the shelf'. Unlikely to be used.
London Citizens CLT	CLT formed. Tender process underway.
Digbeth Ecohub	Site now unavailable. Project on hold until new site is found.
Headingley Homes CLT	DT operating as CLT and letting small portfolio of homes. Looking to acquire further properties and establish autonomous CLT.
Shoreditch Property Equity Trust	Model developed and abandoned due to political decision not to adopt.
Portsmouth	HCA model akin to management company.
Brixton Green	Working proposals outlined. Selling shares to local stakeholders to support development.



English urban CLTs - state of play

- *CLT projects scattered across urban England at various stages of development*
- *No significant breakthrough made as yet, although some projects at key stages of development*
- *Tension between democratic, membership based models open to the community and social entrepreneurial-driven and paternalistic projects controlling activity*
- *Tension between representative and participative democracy*
- *Changing investment structures: need for range of investment partners and CLT hosting site-wide management function*



Rationale and objectives

- *Provision of affordable housing: social rented, sub-market rented, shared-equity, MHOT*
- *Provision of mixed use facilities*
- *Regeneration of areas of significant deprivation and poor housing*
- *Community empowerment*
- *Agent to deliver Local Strategic Partnership/Local Area Agreement priorities*
- *Extended functions: social and community enterprise; space for commercial enterprise to maximise revenue streams; employment objectives: links with schools and CYP into work*



Community Land Trust Fund

- *£2m fund to support fledging CLT projects*
- *Provides funding alongside expert professional and technical advice*
- *From initial scoping - identifying need and developing solution - through to the construction of affordable homes*
- *Four stages of support:*
 1. *Feasibility study - one day of expert consultancy*
 2. *Technical assistance - small grant to cover initial costs*
 3. *Pre-development - funding prior to planning permission*
 4. *Development finance - funding the costs of construction*



CLTs building social capital?

- *Local people see CLT as means for engagement and getting involved: self-help and mutuality, not charity*
- *Works well with areas of high social capital among residents*
- *Not by giving people the opportunity to acquire new skills but by recognising skills people already have: formalisation of experience*
- *Community capacity building is vital*
- *Sensitivity needed in areas with community tensions*



Problems encountered

- *Limited funding for CLT projects*
- *Lack of political support*
- *Numerous community stakeholders*
- *Inability to ground in LSP priorities*
- *Authorities reluctant to actually transfer assets*
- *CLT seen as competitor to traditional social housing*
- *CLT seen as means to prevent local development*
- *Community Asset Transfer seen as problematic due to uncertainty over political affiliation of local community groups*
- *Market crash*
- *Time consuming for volunteers*



Leaseholder Enfranchisement

- *Leaseholder Enfranchisement under the 1967 Leasehold Reform Act stalled development of CLTs where not a rural 'exception' site*
- *Leaseholders who own a share of their home on land owned and provided by a CLT have the right to buy the freehold of the land*
- *In theory prevents creation of permanently affordable leasehold*
- *Further legislation needed to prevent enfranchisement*
- *In meantime:*
 - *Mutual Home Ownership Trust model of co-operative housing*
 - *Equity mortgage split between individual and CLT with statutory right of redemption*
 - *Deed of Trust*



Factors for success

- *Anchored in the local community*
- *Right governance and strong leadership*
- *Solid Business Plan from day 1*
- *Commitment of time, enthusiasm*
- *Basic skills of members*
- *Access to excellent financial advice/ pro-bono work by local professionals*
- *Sympathetic local authority*
- *Geared to meet LSP priorities and LAA outcomes*
- *Supportive partners, e.g. RSLs*



5. Urban CLTs: case studies



A tale of three Trusts

Shoreditch DT, London

New Deal for Communities succession vehicle

Exemplar approach to asset-based development

Headingley Development Trust, Leeds

Membership-based DT also functioning as a CLT

800 members makes it one of the largest DTs

Moseley Community Development Trust, Birmingham

Steering group drawn from neighbourhood associations

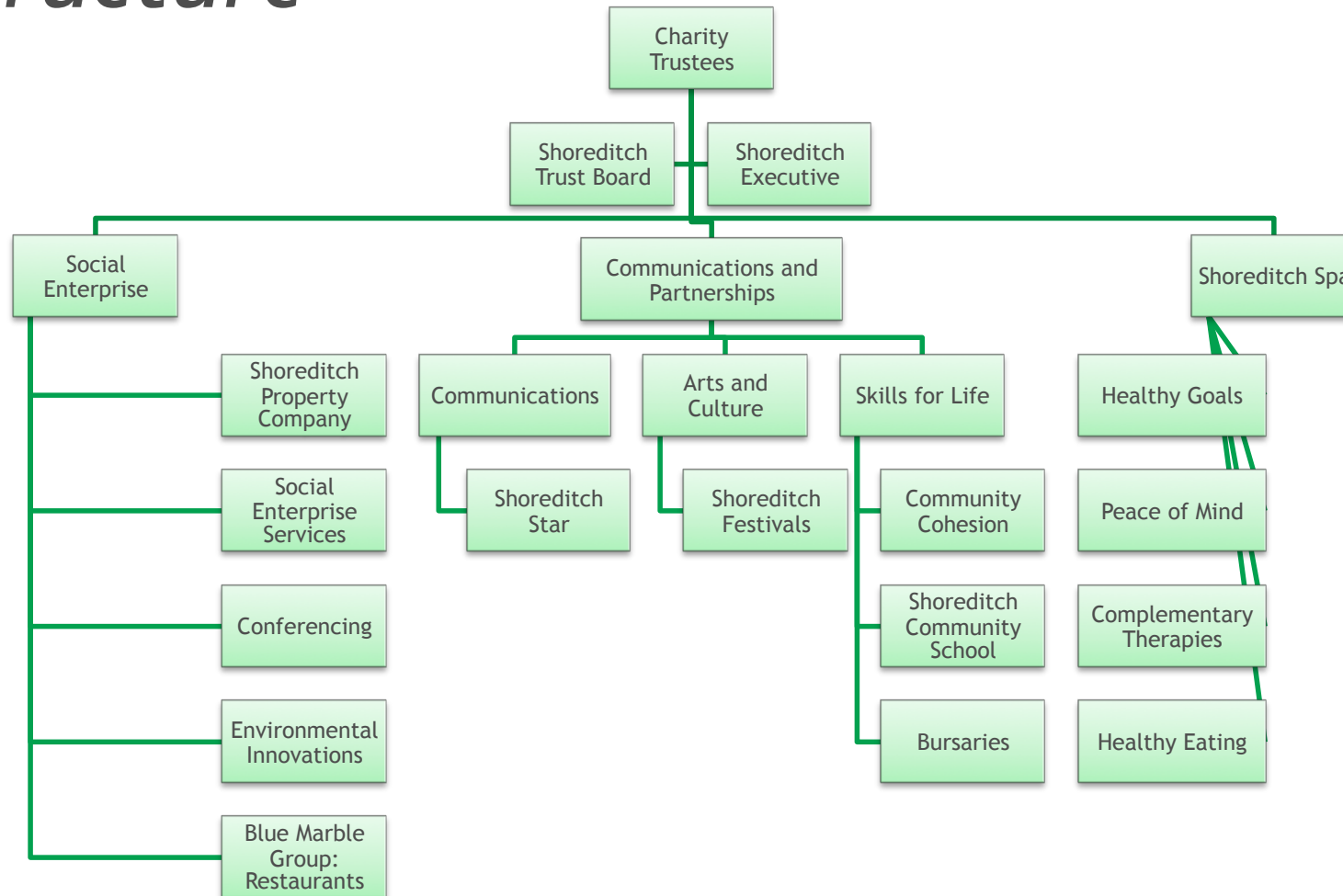


Shoreditch Trust

- *Not just another regeneration vehicle or municipal service provision: need other ways to alleviate poverty and regenerate people*
- *Asset ownership as means for community to have power: £22m*
- *Use social enterprise to generate income and address local issues*
- *Partnership-led: community is an equal partner with a range of others in service delivery and shaping strategic direction*
- *12 members of board originally elected from community: 38% turnout (as well as Borough Commander and PCT)*
- *Now Board of 7 local people and youth rep voted by schools and 5 co-optees to address skills gaps (including LBH). Police and PCT involvement through projects*



Shoreditch Trust Organisational Structure





Headingley Development Trust and Headingley Homes CLT

- *Resident-led and member controlled vehicle set up to respond to local social stress, rebalance local economy and housing market*
- *Social enterprise as means to provide local services and facilities*
- *Asset-ownership as means for community to shape development*
- *CLT as means to provide family homes*
- *Community share issue raised £100,000 to purchase Natural Food Store; now run as a co-operative*
- *Raised another £100,000 by share issue towards HEART (Headingley Enterprise and Arts Centre) project; former primary school acquired, refurbished, and recently opened for operation*



Headingley Development Trust and Headingley Homes CLT (cont.)

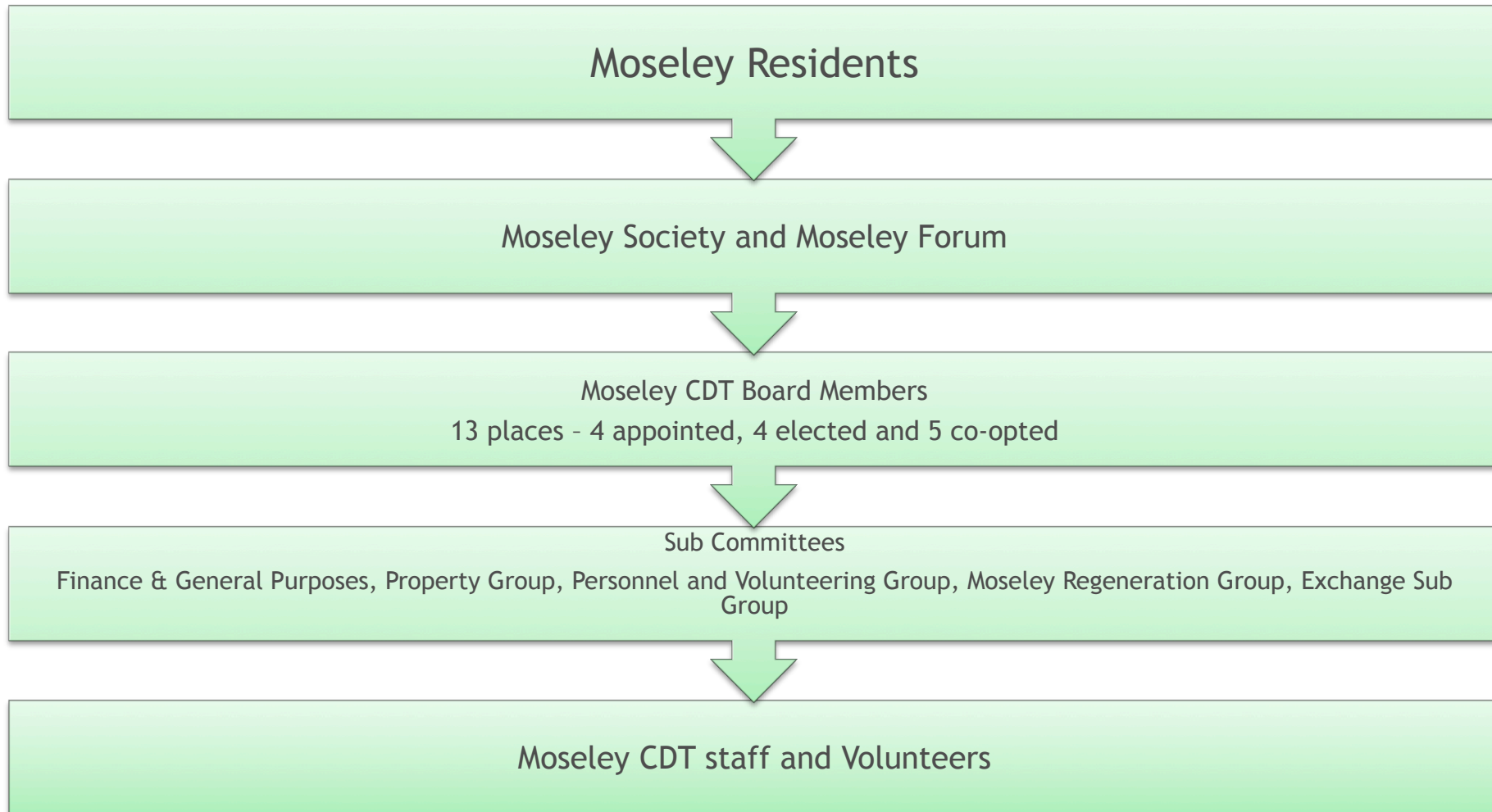
- *Industrial and Provident Society for Community Benefit*
- *Community-owned, membership open to organisations and individuals aged 16 and over (no resident qualification)*
- *Board elected by membership at AGM by one member, one vote*
- *Completed a Neighbourhood Design Statement for the area, commissioned by the Council*
- *Other projects include a Farmers' Market, a community orchard and Café Scientific*



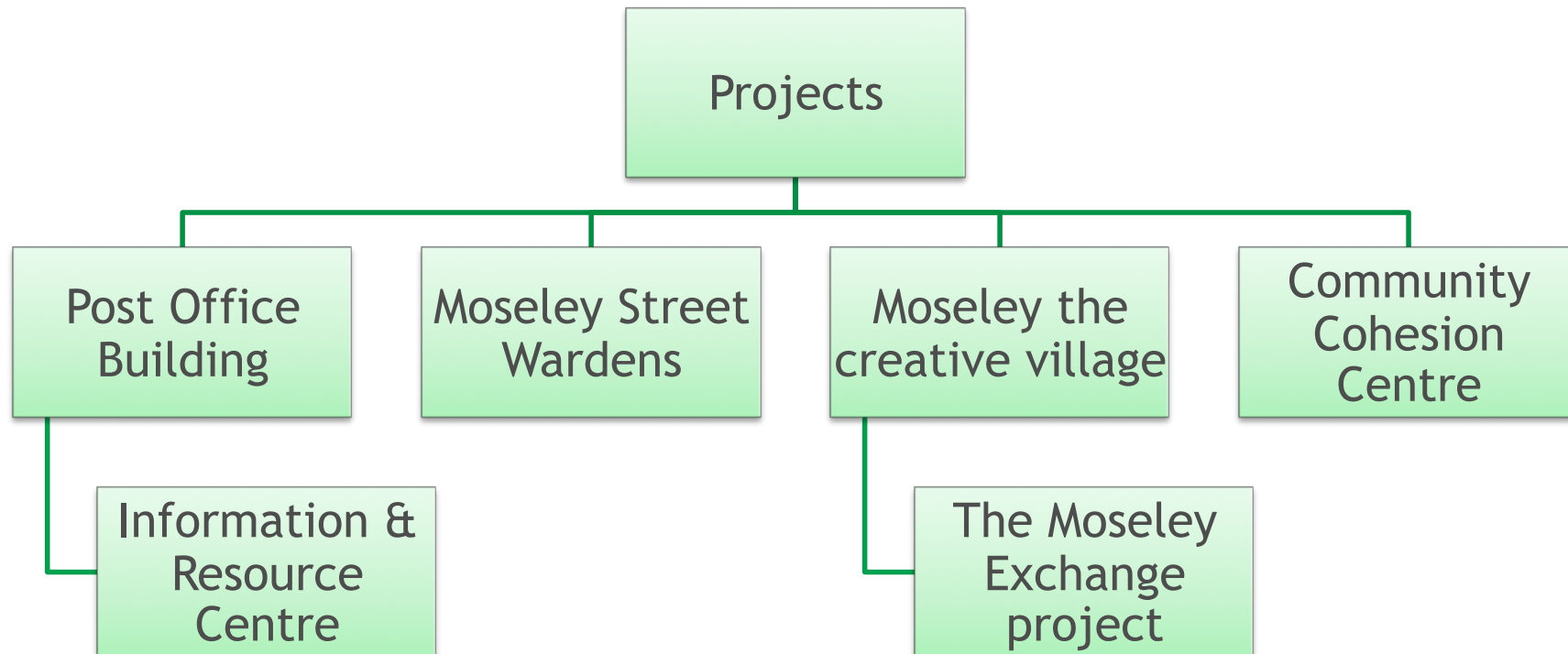
Moseley CDT

- *CLG and Registered Charity*
- *Origins in Moseley Society (est. 1979) and Moseley Forum (est. 1998)*
- *CDT seen as suitable vehicle to tackle problems faced in the neighbourhood: inflated property prices; expensive housing; employment problems for young people*
- *Steering Group to establish CDT drawn from MS and MNF, involving local experts*
- *Three years funding for a Development Officer (2000)*
- *Steering Group constituted as Board of Directors and Trustees for CDT in 2001*

Organisational Structure



Operational Structure





6. Managing risk: lessons and practical approaches



Risks

- *This section summarises the various risks associated with establishing a community anchor organisation as a vehicle for asset transfer, and practical approaches to mitigate these risks.*
- *This list is not exhaustive but identifies key issues emerging from the review*
- *Community asset transfer is high risk but can be managed with good governance and business planning and systematic risk management*
- *Key question for local authority is ‘appetite for risk’?*



RISK	WHY	WHAT TO DO
<p>Community empowerment objectives are vague and weak</p>	<ul style="list-style-type: none"> • Organisation and proposals may not have buy in from local community 	<ul style="list-style-type: none"> • Further consideration of objectives for asset(s) • Undertake community needs survey • Partnership working with other organisations
<p>Lack of skills and capacity to manage the asset</p>	<ul style="list-style-type: none"> • Unrealistic expectations • Time, effort and money wasted • Asset(s) potential wasted 	<ul style="list-style-type: none"> • Organisational development plan • Ongoing access to expertise and advice • Viable long-term business plan



RISK	WHY	WHAT TO DO
<p>Insufficient funds to develop assets</p>	<ul style="list-style-type: none"> • Failure of organisation • Waste of time, effort and money • Wider community let down 	<ul style="list-style-type: none"> • Long-term income/ expenditure consideration for asset (s)
<p>Community organisation can't afford to maintain asset on an ongoing basis</p>	<ul style="list-style-type: none"> • Risk of organisational collapse • Incurs financial liabilities that can't be met • Value of asset declines 	<ul style="list-style-type: none"> • Robust, long-term business plan at outset • Produce, fund and implement organisational development plan • Use of anchor-tenancies



RISK	WHY	WHAT TO DO
Lack of knowledge of the asset(s)	<ul style="list-style-type: none"> • Costs are underestimated • Asset use is undecided • Projects can be jeopardised 	<ul style="list-style-type: none"> • Surveys on condition of assets • Employing full-time project manager
State aid rules prevent public financial support	<ul style="list-style-type: none"> • Inability to process CAT • Time delays 	<ul style="list-style-type: none"> • Falls within areas of 'permitted support' • Does not affect trade between member states

RISK	WHY	WHAT TO DO
<p>Asset not used in the public interest / access not inclusive / taken over by unrepresentative minority</p>	<ul style="list-style-type: none"> • Misappropriation of funds • Asset under-used • Local resentment and risk to community cohesion • Restricted access causing other groups to want own asset • Competition for control of asset among groups 	<ul style="list-style-type: none"> • 'Expectations document' developed between transferring and community organisation • Different interests and communities on Board • Local authority presence on Board • Community organisation is genuinely open and multi-purpose

RISK	WHY	WHAT TO DO
<p>Confusion in roles between LA/public sector agency and community organisation</p>	<ul style="list-style-type: none"> • Unexpected or unfunded liabilities emerge • Breakdown in relationships or partnerships • LA /public sector expectations regarding membership of Board 	<ul style="list-style-type: none"> • 'Expectations document' includes legal, financial and other statutory liabilities • Formal Service Level Agreement • Clarity on role of charity trustees and Board members

RISK	WHY	WHAT TO DO
<p>Limited potential for enterprise development based on asset / in the area</p>	<ul style="list-style-type: none"> • Asset may not generate enough revenue to be financially viable • Grant funding may not be available • Service contracts may not be agreed 	<ul style="list-style-type: none"> • Access to specialist business support • Assistance on business planning and marketing • Staged transfer of asset(s) • Consideration of which LSP partners are integral to viability and ensure procurement of services

RISK	WHY	WHAT TO DO
<p>Reliance by receiving organisation on small number of volunteers</p>	<ul style="list-style-type: none"> • individuals overburdened and unable to maintain effort and interest • lack of volunteers may threaten project when current volunteers move on • may not be possible to keep building fully open, limiting its use 	<ul style="list-style-type: none"> • Management committee given overall control and work through collective responsibility • Rotation of committee members • Advice on succession planning • LA-wide network of trustees • Work with other CAOs

RISK	WHY	WHAT TO DO
<p>Use does not fit with wider strategic aims of LA and LSP and public sector stakeholders</p>	<ul style="list-style-type: none"> • Ability of LA/LSP to implement SCS and meet LAA targets • Community organisation unable to form stable partnership with LA 	<ul style="list-style-type: none"> • Expectations Document agreed between LA/public sector and community organisation • Ensuring through service level agreements that changing LA priorities do not adversely impact delivery of service by community organisation • Monitor use of building



7. Ten practical lessons for communities



Questions for the review

- 1. What can be learnt from the experience of planned and existing development trusts and land trusts in the UK and internationally?*
- 2. What role can development trusts and land trusts play in building community social capital?*
- 3. What are the developments costs incurred in setting up a community land trust, and the timescales involved?*



Findings: what English CLTs would do differently

- *Spend more time fundraising*
- *12-24 months capacity building prior to setting up organisation in the community*
- *Address negatives and objections at the very beginning*
- *Begin with long-term social enterprise model and use of the site*



Findings: timing

- *Quirk Demonstration programme indicates 5 year timeframe for establishing a community anchor organisation for asset transfer*
- *London Citizens CLT: 7 years total campaigning*
- *Headingly Homes: created DT in 2005, functioning as CLT and leasing homes in 2008*
- *Cashes Green: original Feasibility Study in 2004, final planning permission submitted in 2011*



Findings: development costs

- Paid organiser / officer time is crucial, circa £40,000 per annum*
- From £2,500 for initial business planning, to £100-250k needed for development of proposal*
- Considerable volunteer time also required*
- Plus funding for site development*



Ten practical lessons

- 1. Bureaucratic and financial obstacles to successfully establishing a CLT are significant but not insurmountable*
- 2. Quirk Demonstration programme indicates 5-year timeframe for establishing a community anchor organisation for asset transfer*
- 3. Public sector support, political will and community interest, strong business planning and social enterprise element to model are crucial conditions for success*



Ten practical lessons

4. These factors need to be in place early on

5. Both public-sector driven (e.g. Shoreditch) and community driven (e.g. Headingley) approaches can work effectively

6. To date, rural CLTs have been most successful

7. Issues about defining community and stakeholders can be more complex in densely populated / less cohesive urban areas

8. Tension between open membership principle and core group of social entrepreneurs



Ten practical lessons

9. Sensitivity to community tensions is important, especially in areas with a history of social, ethnic, racial tension between residents

10. Tension also exists between principle of open membership for CLTs and core group of social entrepreneurs often needed to get CLT started



This work was carried out between 2010-2011 by Daniel Crowe, Saffron Woodcraft and Douglas Cochrane.

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