

Admin Memo 17

Contents

Administrative Memorandum No 17
(Revised December 2010) – Hiring and Community Use of
Premises

Appendix A	Model Hiring Policy
Appendix B	Equality Act 2010 and SEN and Disability Act 2001
Appendix C	Hire of School Premises – Recommended Scale of Charges
Appendix D	Hiring of Swimming Pool – Recommended Scale of Charges
Appendix E	Health & Safety Information and Exemplar Confirmation Form
Appendix F	Application to Hire Premises Form
Appendix G	Alcohol and Entertainment on School Premises
Appendix H	Hiring of School Catering Premises
Appendix I	Third Party Public Liability Insurance Form

**Leicestershire County Council
Children and Young People's Service
Administrative Memorandum No. 17
(Revised December 2010)
Hiring and Community Use of Premises**

1. Introduction

This document has been revised in December 2010 and updates and replaces the information contained in Administrative Memorandum 17 (revised April 2002). It takes account of changes in national legislation concerning extended schools, and the replacement of the Delegated Community Budget and the Lettings Re-imbusement Scheme (CY23) with a Shire Grants Scheme. It is based on **current legislation as at December 2010**, and covers the use of schools and colleges by other agencies, community groups, voluntary and private organisations. It provides guidance to Governing Bodies on statutory obligations, charging policies, recommended scale of charges, extended schools, the Disability Discrimination Acts 1995 and 2005, and the Special Educational Needs and Disability Act 2001. The appendices to this document cover a range of specific issues and include a model Hiring Policy for Governors' information

2. Statutory use of premises

The free use of County and Voluntary Schools is allowed by statute for certain purposes, which are;

- Parliamentary Elections
- County Council, District Council and Parish Council Elections
- Parish Meetings and Parish Council Meetings
- Meetings held by candidates for Parliamentary or Local Government Elections
- Surgeries organised by County Councillors

When used for these purposes, the "premises" element of the hiring charge cannot be made, but charges for heating and lighting, caretaking and administration should be made.

Establishments on the local chequebook scheme will need to make their own arrangements to collect the fee directly from the Council concerned. *If you have any queries regarding Elections Hirings please contact the Learning Environment Team on 0116 305 5604.*

Please note that the statutory use of premises also applies to Foundation Schools and Academies.

3. Applications from organisations which may have racist objectives

Governors are advised not to allow organisations that may have racist objectives to hire any premises owned by the County Council. The following are the organisations identified by the County Council as having racist objectives. This list is not exhaustive and schools should not hire the building to any organisation which has racist aims objectives or policies.

- The National Front
- The New National Front
- The British Constitution Movement
- The British Movement
- The League of Saint George (not to be confused with the Society of St George)
- The British Democratic Party
- The British National Party
- Column 88
- Any other organisation which has racist aims

Election candidates have certain statutory rights under the Representation of the People Act. *If any of the above organisations apply to hire your premises for the purpose of holding an election meeting, please contact the Learning Environment Team on 0116 305 5604 for further advice.*

4. Charges for the use of educational establishments

Any increased use of school premises is likely to result in additional costs being incurred. These additional costs are not covered by the school's delegated budget. The Governing Body needs to cover the additional costs by charging the users. A scale of charges needs to be developed by the Governing Body. The County Council has produced a recommended scale of charges for guidance.

Attached to this document is a copy of the latest recommendations on the scale of charges for the hiring and community use of school premises, (Appendix C), and a separate guidance document for the hiring of swimming pools, (Appendix D).

The recommended charges for hiring of school premises are made up of the following elements:

- i) **Premises** – This covers wear and tear on the building and equipment, and the cost of any additional clean up or clearing away not undertaken by the Premises Officer.
- ii) **Caretaking** – This element of the recommended scale of charges is calculated using the Local Conditions of Service for Premises Officers.

A letting is defined as any pre-planned activity i.e. educational, community, sports based or social, which is undertaken outside of normal school/college hours.

The letting fee is detailed on the recommended scale of charges for either an attended or an unattended letting. The fee is based on average costings for Premises Officers

The fee payable for an **unattended letting** will be for opening and closing and up to one hours work allied to the letting. The one hours work can only be done before or after the letting and would normally include, for example, setting up the room before an event and clearing and cleaning after. The Premises Officer is not required to remain on the premises or be “on call” during the period of the letting.

For an **attended letting** the difference is that the Premises Officer is required to stay on site for the duration of the letting to ensure the safe keeping of the property and is available to Hirers at all times or in the case of an emergency.

- iii) **Heating and Lighting** – These charges should normally be applied during the heating season i.e. October to April (inclusive) and cover the cost of heating and lighting the rooms used. The charges have been increased by 26% from last year to reflect the large increase in energy prices.
- iv) **Administration charge** – This reflects the administrative staff time and cost involved in booking hirings, collecting income, and dealing with any queries. A flat rate charge of £5.52 per hiring (or block of hirings) is recommended.
- v) **Swimming pool charges** – These figures are a combination of the caretaking, heating and lighting charges. They are averaged out to reflect the wide range of pool sizes across the county.
(Schools may wish to seek further advice from Property Service on 0116 305 6896 to obtain a more accurate figure on the energy costs for operating a pool of their size).

The figures in the recommended scale of charges are set at a level to ensure schools cover the costs incurred in hiring out the premises and do not include any element of profit. For some schools the largest element in the charge may be the caretaking cost based on a lettings fee.

It is intended that this scale of charges be used only as a **guide**. The Governing Body is free to set its own scale of charges. In doing so, however, it is recommended that the Governing Body consider the following;

- Whether to have one scale of charges for block-bookings of regular events (e.g. weekly clubs) and another scale for one-off events
- Whether to offer free or subsidised use to community/vulnerable groups. In this situation, the actual cost of use must be identified from a budget available to the governing body. This may include extended schools funding and/or income generated from Hirings.
- Whether to vary the scale of charges for commercial and not-for-profit organisations. Any profit made through commercial Hirings could be used to subsidise the cost of extended schools activities
- It is recommended that Hiring by private organisations or individuals for social occasions (e.g. dances, parties, concerts etc) should be subject to the full hiring charge, consisting of premises, caretaking, heating and lighting and administration.

The Governing Body will need to apply an open and consistent policy that can be publicly shared.

The charges levied must be consistent (i.e. no two groups to be charged different prices for the same circumstances). The charges must be written down, made publicly available, reviewed and approved by the governing body on an annual basis.

Governors should approve in writing, those groups/individuals granted free or subsidised use .

5. Long term use of school accommodation by private organisations

Educational establishments are being increasingly contacted by private, voluntary and community sector organisations to enquire about arrangements for long term usage; good examples are approaches made by private nurseries or voluntary pre-school groups to use temporary or permanent accommodation on school sites.

If you believe you have surplus accommodation or grounds available for use by private providers or community groups, on a longer term occupancy basis rather than the usual 1 - 3 hours a week or one-off hiring, in the first instance the school must contact the Learning Environment Team (0116 305 6407) to discuss their proposals. If any such usage relates to **mobile accommodation**, the school must contact the Learning Environment Team before a group takes occupation or uses the facility. This is essential to clarify the usable life expectancy of the mobile, its structural condition, and whether the additional usage is permitted under the current Planning Permission. Longer term occupancy **MUST NOT** be treated as a hiring and Governing Bodies must not agree terms or enter into long term agreements with such

organisations without seeking advice, as this could affect the long term LCC property holdings and may create statutory rights of occupation.

Governing Bodies are reminded that such agreements may also amount to transfer of control agreements requiring the consent of LCC. They may also be subject to other legal commitments such as trust deeds as well as the requirement for use of school premises in local and general elections.

For the regular, longer term and/or exclusive use and occupation of school accommodation by private, community or voluntary sector providers (even if they are providing an Extended Schools Service) a Lease or Licence may be required to record and protect occupational rights. In addition, costs for maintenance of the building, electricity, water usage and disposal, insurance, caretaking, cleaning, security etc need to be carefully considered. Occasionally a Change of Use Planning Permission may also be required to permit long term use by others.

(Before occupation is permitted to third party groups, guidance and advice in respect of all aspects referred to above must be sought from the Learning Environment Team (0116 305 6407) or the Property Services Resources Department (0116 305 5359, email Ray.Ashton@leics.gov.uk).

6. Use of premises by a school to support the extended services in schools agenda

The use of school premises between 08.00 and 18.00 can significantly contribute to the extended services in schools agenda. This agenda has five elements that fall under its umbrella. Namely “early learning and childcare”, “a varied menu of out of school activities”, “mainstream child/family/parenting support”, “targeted child/family/parenting support”, and “community access to school buildings and facilities.” Any use of school premises to deliver this agenda should have developed from the school identifying and demonstrating demand. It is important to highlight that a school’s responsibility is to **facilitate access** to activity that falls under this umbrella and not duplicate other local services or activities. Activities do not have to be delivered on the school premises, (for example there may be an out of school club with spare capacity currently operating in the local community. In this instance the school could work in partnership with this provider to organise a walking bus at the end of the school day to take children to this activity.)

Full Extended Schools’ guidance is available at:
EIS/extended_schools_guidance_2.doc.

Where the school/Governing Body actually provides or directly supervises or manages before or after school activities, then the school’s arrangements for child protection will apply and you should ensure that any persons in contact with children have been subject to enhanced CRB checks.

Where a hiring involves activities aimed predominantly at children, and/or the activity is positively supported by the school for the attendance of children then the school’s arrangements for child protection will apply as above

(Where you have any concerns or doubts as to what checks should be undertaken or required in connection with a particular hiring, then you are recommended to seek further guidance from the Child Protection Service Manager (0116 305 7409).

7. SHIRE (Community Plus) Grants

Previously, schools were allowed to seek reimbursement from a Central Local Authority Fund for the use of their premises by community groups entitled to free or subsidised use under County Council policies. These reimbursement arrangements were known as the 'Lettings Reimbursement Scheme' or the 'CY23 Scheme'. This scheme ended in August 2006.

Since September 2006 the County Council has operated a grant aid scheme under the Shire Grant banner, which allows community groups to apply directly for a grant, which can be used to help finance their use of school premises for their meetings/activities. Grants are awarded directly to the community group. Schools need to issue community groups with invoices for the use of school premises. *Details of the grant aid scheme can be obtained from the County Council (tel: 0116 305 7092).* **It is uncertain at the time of writing whether this grant will continue.**

8. Responsibility for the opening and closing of school premises outside school hours and Hirings/activities requiring attendance of a premises officer

Governors are responsible (subject to LCC direction as mentioned within section 5 above) for determining the use of school premises both during and outside of school hours and, amongst other things, for ensuring that adequate arrangements are in place for securing and locking the school. Where private Hirings or community use is involved, the school must be opened and closed by a Premises Officer or an authorised and identified responsible adult such as a member of school staff. Because of the complicated nature of security systems and for reasons of responsibility, locking up should not be delegated to a member of a hiring group as it is not acceptable to entrust security to persons who are not accountable to the County Council and/or the Governors.

It is the responsibility of the Governing Body to decide whether or not a Hiring requires the attendance of a Premises Officer, taking account of issues such as health and safety, security, and the nature of the activity. The responsibility can be delegated to the Head Teacher with the same considerations.

A good practice hiring pro-forma* is set out at Appendix E

*by kind permission of Castle Rock High School

9. Procedure for dealing with applications to hire premises

a) Completion of the Hiring Form

A copy of the Application to Hire Premises form is attached at the back of this document, (Appendix F). This can be customised to create an individual school version, but you must ensure that the indemnities and standard conditions in clauses 1 to 9 are always included. The additional special conditions in clause 10 can be used to suit particular Hirings, and additional conditions can be added as appropriate. *Further guidance can be obtained from the Learning Environment Team (0116 305 6407).*

The application form must be completed and the indemnity signed in respect of all Hirings whether a charge is made or not. Completion of the form is essential and enables the County Solicitor to take proceedings in the event of wilful damage or failure to pay the hiring fee etc. A copy of the completed form should be given to the Hirer when the booking is accepted or confirmation of the booking is sent.

For regular block Hirings, (e.g. sporting activities over a season) only one application form needs to be completed during a term. The application should be renewed termly.

In respect of Hirings of a commercial nature (i.e. where a charge is made for attendance) and in particular, where there is a risk of injury to persons attending (e.g. martial arts and other contact sports) and if the activity is under the direction, guidance or supervision of the Hirer, then schools are recommended to require the Hirer to produce evidence that they have adequate insurance in respect of their intended use of the premises and in particular in respect of public liability.

Consideration should also be given to the need for insurance where Hirings involve the Hirer or their invitees bringing electrical equipment onto school premises (e.g. a dance group or disco or for any activity involving heat or water). If you are unsure whether to require insurance, completion of a risk assessment in respect of the intended booking may assist you in making your decision. *Further insurance advice may be obtained on 0116 305 6422.*

b) Third Party Liability Insurance

By confirming on the Hire Form that public liability insurance is held, the Hirer acknowledges that they hold this insurance through a reputable provider, premiums have been paid to date and a **copy of the current insurance schedule is provided to the Governors.**

If Hirers do not provide a copy of their insurance schedule to the Governors then an additional charge of 10% of the Hiring Fee plus 6% Insurance Premium Tax or a charge of £5 plus 6% Insurance Premium Tax, whichever is the greater, will be added to all hiring charges where necessary to cover the Hirer for Public Liability Insurance if the Hirer is not covered by another policy. The Hirer is required to declare

whether or not they have Public Liability Insurance with a limit of indemnity of not less than £5m for each and every occurrence.

Once a copy has been received ONLY then will the additional fee be waived.

It is good practice to keep a record of all incidents which may give rise to a claim. The record should include full details of any injury or damage including the names and addresses of witnesses.

Further insurance advice may be obtained on 0116 305 6422.

c) **Collection of Hiring and Third Party Public Liability Insurance Fees**

It is good practice for hire income to be collected in advance. This is essential when the hiring is a one-off. In the case of regular Hirings (e.g. weekly:) it may be possible to invoice groups in arrears. If Public Liability Insurance is required by the Hirer this needs to be recorded separately (Appendix I) and submitted with a cheque for the insurance premiums to the Corporate Resources Insurance Team at Leicestershire County Council on a termly basis.

NB. It is imperative that accurate records of hirings are maintained and **insurance premiums paid over to the Insurance Team**. Failure to do so may give the insurer the right to avoid a claim. This is particularly important as claimants have three years to make a personal injury

d) **Arrangements for Paying in Income**

All income derived from the use of premises must be paid into the delegated school budget.

Detail Codes:

- 8351 – Hirings – Caretaking Reimbursements
- 8352 – Hirings – Room & Site Facilities
- 8353 – Hirings – Energy

e) **Issuing Of Receipts**

Receipts should be issued from the official receipt book and the receipt number should be entered on the application form and its tear-off slip.

The slip containing details of any special conditions and the amount received should be returned to the applicant.

f) **Retention of Hiring Forms**

The completed application form should be retained for reference and audit purposes. As financial records, these should be retained for a minimum period of seven financial years.

Where a hire fee is complex, for example a block booking, it would be prudent to retain workings of how the total hiring fee has been calculated. This is to create a clear audit trail back to the approved scale of charges.

Any correspondence concerning additional charges arising from the hiring e.g. overtime payments or damage to property, should be attached to the original application form.

Further advice was issued by Jenny Lawrence, Business Partner - Finance (CYPS) on extended schools and how income can be used. This document can be accessed by the following weblink :

https://portal.leics.embc.uk.com/eis/laservices/Pages/admin_memos.aspx

10. VAT on hirings

It is important that schools and colleges ensure that the correct VAT liability is applied to lettings income, and that this income is correctly coded. The VAT treatment of lettings income is routinely checked by Internal Audit and HMRC.

As a general guide, room hire is exempt from VAT but the hiring of sports facilities is standard-rated.

In certain circumstances, when regular use can be demonstrated, the hiring of sports facilities can be exempted if all of the relevant criteria are met.

These criteria and further information on lettings can be found in the VAT User Manual and will shortly be available on EIS.

If you have any VAT queries in relation to lettings please contact the Tax Co-ordinator in the Resources Department on 0116 305 7670.

11. Alcohol and entertainment on school premises

The Licensing Act 2003 now controls the sale and supply of alcohol, the provision of regulated entertainment and the provision of late night refreshment (Please see Appendix G for further details).

12. Implications of Crime & Disorder Act 1998

Section 17 of the Act places a duty on the County Council "to exercise its various functions with due regard to the likely effect of the exercises of those

functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area including anti-social behaviour adversely affecting the local environment and the misuse of drugs, alcohol and other substances”.

When determining the Hirings Policy for their particular school, Governors should have regard to this duty by ensuring as far as possible, that particular hirings or types of hirings do not cause a nuisance to neighbours or lead to anti-social or disorderly behaviour in the locality and also by promoting and encouraging community use of school facilities, particularly by those most at risk in the community and by vulnerable groups.

13. Use of playing fields out of school hours by unsupervised groups

The following advice replaces the information given in Administrative Memorandum No. 38, which has now been withdrawn.

It is unlikely there will be many establishments where it is appropriate, or the wish of the Governing Body to encourage unsupervised use outside of school hours. In the majority of locations only supervised use will be permitted and where this is the case the usage should be treated as a hiring. However, where there is an absence of any alternative play facilities, some establishments have agreed to make their playing fields available outside of school hours for unsupervised use by local children. If the Governing Body is considering such a move then the following points should be considered: -

- a) Where access to the fields is only through an entrance close to the school buildings, the route to play facilities should be clearly signposted. The creation of a separate access away from the building could be considered.
- b) Notices should be placed making it clear that no access to any of the school buildings is permitted.
- c) If play facilities include items such as climbing frames etc. disclaimer notices should be displayed. These notices should state that such equipment should not be used out of hours and no liability can be accepted by Governors and the Local Authority for accidents during such hours.
- d) The Premises Officer or Groundsperson should inspect the grounds on a regular basis. If considered unfit for use at any time then prominent notices should be displayed to this effect.
- e) Times when the playing field is available should be clearly stated.
- f) The additional cost of making facilities available should be considered. The Premises Officer may need to return to site to secure gates etc. and there may be additional maintenance costs.

It may be possible to seek a financial contribution from either the Parish, Borough or District Council – whoever would normally fund and maintain parks or recreation land.

14. Hiring of school/college kitchen/catering facilities

This issue is addressed in Appendix H and the guideline conditions in that document can be inserted in Clause 10 Special Conditions in the Hiring Form (Appendix F). *Any queries should be addressed to Wendy Philp, Service Manager, School Food Support Service – Tel 0116 305 5770*

15. Fire safety

The Regulatory Reform (Fire Safety) Order 2005 came into force on 1st October 2006 and places a responsibility for carrying out a Fire Risk Assessment on the “responsible person” for every property.

The definition of “responsible person” covers the employer if the workplace is to any extent under his control, or the person who has control of the premises (For further explanation, please refer to Code of Practice 12)

Where parts of a school are hired to outside organizations for regular programmed activities/meetings, e.g. youth clubs, scout groups, pre-school groups, there will be a need for a fire risk assessment to be carried out by an appropriate person for that group and a copy presented to the school. Following this there will need to be appropriate cooperation and coordination between the Hirer and the school to ensure all issues have been covered. This will also give opportunity for the school to inform the hirer of their responsibilities, e.g. checking fire exit doors are unlocked and fire extinguishers are available. If Governing Bodies allow the premises to be hired they retain overall responsibility. However, some of the checking responsibilities should be passed to the hirer under their hiring agreement to carry out these checks on the day they use the premises.

There may also be occasional one off hires, e.g. birthday parties. In this case there is the need for the school to ensure that appropriate management of the hiring takes place. If necessary an appropriate risk assessment will be carried out by the school on the Hirer’s behalf and control measures will be implemented. For example the one off Hiring may be accompanied and monitored by a member of the site staff who has through knowledge of the school’s emergency planning.

There is risk assessment advice in Code of Practice 12 and guidance on fire and lettings within the Education Sector Guidance
<http://www.communities.gov.uk/documents/fire/pdf/150865.pdf>

For further information please contact the CYPS Health, Safety & Wellbeing Team: 0116 305 6447

16. Use of schools for non-educational purposes requiring the submission of a planning application

With the move towards extended schools and an increase in the number of non-educational activities on school sites which are privately run or funded, schools should be mindful that such activities might require separate planning permission.

Schools should check the terms of previous planning consents as a condition often restricts certain buildings and land to education use only (or uses ancillary thereto). Alternatively some consents may restrict the number/type and times of private Hirings. There may also be a requirement to submit a schedule of private Hirings to the Head of Planning, Historic & Natural Environment on a regular basis.

If in doubt please contact the Head of Planning, Historic & Natural Environment by email at planningcontrol@leics.gov.uk or telephone 0116 305 7053.

17. Further advice

If you have any queries or require further information regarding hirings, please contact the Learning Environment Team on 0116 305 6407, 0116 305 6551 or 0116 305 6399.