



Premises Use Policy

Asset Management Service

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1.0 INTRODUCTION

The primary function of the County Council's premises is to enable the delivery of the council's services and facilitate public access where appropriate. As part of this we will enable community and third party use where this supports the council's objectives. This policy has been developed to support relationships between the County Council and external bodies to the benefit of local service delivery and community use.

The County Council supports the use of its premises by third party organisations for educational, community and service-delivery purposes. This policy seeks to ensure that where there is third party use of County Council premises that a reasonable contribution is made towards the financial cost of providing the accommodation. The majority of users of County Council premises will be required to pay for their use and such use. Use that adversely impacts on service delivery will not be permitted. The council's service occupational needs will therefore always take precedence over those of third parties.

1.1 Purpose

The purpose of this policy is to ensure consistency is applied in allowing the use of the County Council's premises by setting out the criteria to be considered when deciding whether to allow accommodation to be used by other County Council services or external organisations.

Premise Managers will be provided with guidance on the practicalities associated with property usage. This will include the necessary forms to be completed when documenting sessional use/hire and applying standard rates to be charged for sessional use/hire and procedures to be followed.

Premises Managers for all County Council buildings are identified on the Property Asset Management System (PAMS), maintained by the Asset Management Service. In public facing buildings the Premises Manager is usually the Facilities Management Service and with support from on-site building users under the duty to cooperate function.

Guidance on premise management in the context of this policy is set out at Appendix 4.

1.2 Scope

This policy applies to most premises owned or controlled by the County Council. The only exceptions are Conferencing e.g. at Towneley Park City Learning Centre, The Exchange and County Hall complex, Lancashire Museum Conservation Centre, Outdoor Education Centres and School premises where they have devolved financial management.

If council accommodation is required as part of a service(s) procurement process the proposals must be discussed with the Asset Management Service

prior to making any commitment to ensure that no financial advantage is given to any tendering party.

Premise Managers should note that the County Councils intranet pages on premise management contain the range of documents which require completion when considering an application for third party use according to the terms set out within this policy.

1.3 Implementation, Monitoring and Review

Implementation of the policy will be the responsibility of Premises Managers (or nominated person under the Duty to Co-operate) working closely with Asset Management and Facilities Management Services and will be monitored through the financial monitoring of establishments. The charging framework will be reviewed on an annual basis.

The County Council continues to review the use of its premises to ensure the sustainability of future use. As such a number of premises have become subject to community asset transfer to community organisations whereas others present the opportunity for the colocation of County Council service delivery. Community Associations (CAs) operate from a number of County Council premises. They are normally constituted charitable bodies, whose membership includes elected members, representatives of groups that use the premises and young people and other community members. CAs contribute to the development of work at or from the premises and raise funds to support improvements to the building and programmes run in it. As such they can provide a valuable contribution to a County Council service's offer to the community, promoting social cohesion through community development and engagement. Within this context a review of the County Council's relationship with CAs will be carried out.

2.0 POLICY

The County Council actively encourages the use by external organisations of County Council-owned premises. However, it reserves the right to refuse any application. The County Council's policy for the use of its premises by external bodies is as follows:

1. The use of County Council premises will be prioritised for Lancashire County Council's own service requirements, this includes County Councillor use for surgeries, and use by external organisations must not prejudice such use or impose additional costs on the operation of its property.
2. Premises made available for third party use will have been assessed as being generally suitable for such use. The suitability of accommodation for each specific use requirement will be assessed upon application by the Premises Manager, with appropriate advice from Asset Management and Facilities Management Services.

3. All prospective hirers must meet with the Premises Manager (or nominated person under Duty to Cooperate) and provide details of their intended use, aims and objectives on the standard 'Application Form for the Use of County Council Premises'.
4. Premises Managers (or nominated person under Duty to Cooperate) will have the responsibility for managing Sessional Use/Hire Agreements and for liaising with Senior Managers in the Service and Asset Management and Facilities Management services in respect of all other uses and suitability assessments.
5. Premises Managers will have the responsibility for ensuring that all usage will meet the requirements of the Prevent Duty (Section 26) and all other applicable sections of the Counter Terrorism and Security Act 2015 by ensuring that they do not provide a platform for radicalisers and are aware of how to report concerns.
6. All usage of County Council premises by other than the council's services will be formally documented specifying the respective responsibilities of the parties and the conduct required of the user. For sessional use/hire it will be by completion of the Application Form (and associated documents as required e.g. licences) and the Keyholders Form, if required. For all other uses it will be in the appropriate legal agreement drafted by the Estates Service and/or the Director of Corporate Services.
7. All users of County Council premises will be required to conduct themselves in a proper, safe and responsible manner. Where appropriate and according to the type of use, users will be required to ensure and evidence that they have the necessary skills/training/qualifications to conduct their use.
8. There is a general presumption that hirers external to the County Council will pay both rental and running costs for the accommodation required but with a facility for rental costs to be subsidised for certain user groups the County Council would wish to support as determined by the criteria in Appendix 1. The corporate running costs budget should not subsidise premises usage by external organisations and any costs associated with the use should be recovered in line with this policy.
9. Use of County Council premises will be determined in accordance with the criteria detailed in Appendix 1.
10. Charges for the Sessional Use/Hire of all County Council premises, excluding those exceptions noted in section 1.2 will be set at a standard rate as detailed in Appendix 2 – such rates will be reviewed annually. The charging for uses on other than on a sessional basis will be assessed in each case by Asset Management and Estates Services and prescribed in the agreements drawn up specifically for that instance.

11. All hirers must be covered by appropriate public liability insurance together with any other statutory consents that may be necessary for their use (e.g. public entertainment licences, performing rights licences, planning permission, etc.). All necessary documents must be attached to the Application Form.
12. Smoking is not allowed on Council premises as defined by Lancashire County Councils Smoke-Free Policy.
<http://lccintranet2/corporate/web/?siteid=3726&pageid=39890>.
13. Any requests to serve alcoholic drinks at the premises must first be referred to the Director of Corporate Services.
14. Applications to use Council premises for the following purposes will require the following specific consents:
 - i. Use by political parties, pressure groups and interest groups outside election campaigns must be approved by the Director of Corporate Services.
 - ii. Where it appears that the prospective use/user may be controversial so as to be subversive to public law or order, or calculated or likely to lead to a breach of the peace, or which may injure the reputation of the premises or of the County Council, then the specific approval of the Leader of the County Council will be required. Any requests that appear to be controversial must first be referred to the Director of Corporate Services.

3.0 REQUIREMENTS

Premises use agreements are intended to reflect the rights and responsibilities of the parties involved in property usage. Agreements specifically cover financial arrangements, health and safety, premises management, safeguarding, Prevent Duty etc., and may take various forms according to the longevity of the proposed occupation and/or the relationship existing between the parties. The types of agreement below are commonly referred to in the context of Council owned premises.

3.1 Types of User Agreements

Sessional Use/Hire Agreements are appropriate where premises are used for a short set period, normally a minimum of one hour, but usually several hours per week on a sessional basis. This could mean that sessions are booked either as a one-off event for several hours (but not extending to more than a few days at a time), or for the same time on a weekly or monthly basis. Sessional users/hirers occupy accommodation for only the agreed booking period and otherwise the same space is available for other users at different times.

Charges for sessional use/hire are usually an hourly fee covering rent and service charge (which represents the running costs of the premises) and are detailed in Appendix 2 of this policy.

Licence Agreements are required where a building, or parts of a building, are to be used on a regular but not exclusive basis and a sessional use/hire agreement is inadequate to reflect the scale or complexity of the arrangement.

All Licence agreements must be referred to Asset Management Service and will be negotiated by Estates Service and drafted by the Director of Corporate Services - working closely with the parties concerned.

Lease Agreements are used where it is necessary to give a user exclusive use of a property or a part thereof, over a period of time (i.e. the accommodation is not at any time during the agreement shared with the council's service or any other party). However, dependent on the circumstances, a lease agreement could confer on the user secure occupational rights to the premises, and this could be prejudicial to the County Council's own use and future dealings with the property. As such the granting of lease agreements must be considered, advised upon and drafted by Asset Management Service, Estates Service and the Director of Corporate Services.

As a lease agreement will arise by the simple act of granting exclusive occupational rights, whether a formal lease arrangement is intended or not, then caution must be exercised when considering the use of any property by a third party organisation which extends beyond the limited circumstances where a sessional use/hire agreement is appropriate. In ANY case where the Premises Manager (or nominated person under a Duty to Cooperate) is unsure whether a prospective occupation may extend beyond the scope of a sessional use/hire agreement, then they MUST approach Asset Management Service for advice and guidance.

Charges for lease agreements are commonly levied as two separate fees comprising (i) a rental and (ii) a service charge (the latter representing an apportionment of the building's running cost).

Leased Premises – Any requests for the use of Premises which are occupied by the County Council but leased from External Organisations will need to be considered by the Estates Service and the Director of Corporate Services and they must be referred to Asset Management Service in the first instance.

4.0 CHARGING BASIS FOR USE OF PREMISES

There are three categories of charging for hire/use as follows:

- **Free of Charge Use (Category A)**
- **Normal Rate (Category B) (both rental and running costs but where the rental element is subsidised by the council's service)**
- **Market Rate (Category C) (comprising both rental and running costs)**

Premise cost are managed within a centralised budget and so there is no longer a recharge between services for the use of council premises.

In addition there is some free of charge use by county councillors for surgery purposes, candidates during parliamentary or local government election campaigns, and other relevant elections provided for in law, by returning officers for taking the poll and community associations operating under the Council's model community association constitution (or other constitution as approved by the County Council). This means that the majority of external organisations will be required to pay for usage at the '**Normal Rate**' (Category B).

- **Appendix 1 - User Categories with example user groups and Basis for Charging**
- **Appendix 2 - The Charging Scheme for Sessional Use/Hire.** The charges shown for the sessional use/hire of County Council premises are intended to reflect both running costs (e.g. heating, lighting, cleaning, caretaking, repair/maintenance, etc.) and the asset value of the property in the form of rental. By including a rental element in the charge for "**Normal Rate**" (Category B), both the council's service and users recognise the 'true' value of the property usage offered by the County Council. However, in accordance with the general aims of the County Council to support Third Sector use of its premises, the majority of such groups will be offered a subsidy equivalent to the rental element of the charge.
- **Appendix 3 Application Form for the Use of County Council Premises** which should be completed in all cases, including free of charge use. The category of use and basis for charging must be indicated in Section 6 of the form.

Facilitating Premises Use and Administration Costs Applicable for Categories B and C

For all Category B and C uses there will be the following additional charges where appropriate:

- A fee to cover the cost of administering the application which will be added to the cost of the first hour as detailed in Appendix 2
- A charge for the additional cost of facilitating the premises use outside of operating hours (if required) must be passed on to the user and added to the cost of the first hour as detailed in Appendix 2. The Council reserves the right to refuse a use where staffing levels cannot accommodate it.

5.0 PRIORITISING THE USE OF COUNTY COUNCIL PREMISES

A service's use of County Council owned or leased premises takes precedence over that of third parties. However, in order to meet the council's services objectives, its commitment to partnership working, to facilitate community

engagement and ensure the best use is made of County Council resources, appropriate use by other groups will be considered where there is capacity to do so, on the following priority basis:

Priority 1 Use by the County Council service(s) occupying the premise, and use by other County Council services and functions where spare capacity is identified by Asset Management Service, including the provision of touchdown facilities and;

Use by county councillors for surgery purposes

The statutory rights of candidates involved in a parliamentary or local government election campaign and any other relevant elections provided for in law, to use County Council premises, would generally be considered to be a Priority 1 use

Use by returning officers as polling stations

Priority 2 Use by other County Council services and partners where their presence contributes to the operational objectives (i.e. core business) of the council's service;

Use by sitting MPs and district councillors outside election campaigns.

Priority 3 Use by other Third Sector organisations that contribute to the council's service's offer to the Community;

Priority 4 Use by Friends of Libraries (FoL's) groups operating under the County Council's Friends of Libraries Constitution, Community Associations (CAs), operating under the County Council's Community Association constitution (or other constitution as approved by the County Council), associated with the council's service's operation;

Priority 5 Private use and use by commercial organisations, as considered appropriate.

Use by political parties, pressure groups and interests groups should be referred to the Director of Corporate Services.

6.0 STEP BY STEP GUIDE TO THE HIRING PROCESS FOR SESSIONAL USE

1. Request is received for the use of County Council premises.
2. Issue 'Application Form for the Use of County Council Premises' for the applicants to complete; thus providing their identity and requirements.
3. The Premises Manager (or nominated person under Duty to Cooperate) should then assess whether the requirement can be readily

accommodated in terms of the suitability of the premises for the proposed use.

4. The Premises Manager (or nominated person under Duty to Cooperate) will need to decide whether the use can be accommodated as a 'standard Sessional Use/Hire arrangement. If not the request should be referred to Asset Management Service.
5. If the proposed use can be accommodated under the standard sessional use/hire arrangement, the fee can be agreed with the users in accordance with the charging scheme in Appendices 1 and 2 and the appropriate assessments can be undertaken e.g. evidence of the applicant's ability to safely and appropriately manage children, young people and/or vulnerable adults, sports uses, events (e.g. safeguarding implications, qualifications of supervisors, etc.), evidence that the applicants have a copyright licence for the use of any music, film/video, performances etc. involved in their use
6. Where a proposed occupiers use is likely to be deemed a licensable use, all appropriate enquiries and applications ought to be made by the proposed occupier, as set out at Appendix 4 section 3.4, prior to commencement of use. The Premises Manager (or nominated person under Duty to Cooperate) is advised to liaise with Asset Management Service and /or the Director of Corporate Services if there are any doubts as to whether a proposed use requires any form of licence.
7. All hirers must be covered by appropriate public liability insurance together with any other statutory consents that may be necessary for their use (i.e. public entertainment licences, performing rights licences for music, film, video as appropriate, planning permission, etc.). All necessary documents must be attached to the application form. If evidence of appropriate public liability insurance is not provided by the hirer, it may be possible for such cover to be provided by the Hirer's Liability insurance arranged by the County Council, details of which are available on the Premise Management intranet pages.
8. Each hirer will be required to nominate a contact person. Such a person is deemed to be the responsible person for the conduct of the users and where appropriate will be responsible for the premises in accordance with the Key Holder procedure (see Appendix 4 section 7). There is a general presumption, in the case of sessional use/hire or use of parts of a premise, that County Council staff should be responsible for locking the premises after use. Only where this is not practicable, and the risks have been carefully assessed (i.e. allowing for the size/value of the property, the contents/use of the premises and the capacity of the user group), would third parties be provided with keys in order to assume responsibility for security following their use.
9. The Premises Manager (or nominated person under Duty to Cooperate) will determine whether a nominated person from the service is required on

site when the premises are being used (i.e. perhaps where large numbers of people/the general public were to be present, and/or the premises were to be used for a licensed use). If not, a responsible person from the council's service must be on call.

10. Arrangements and payment for each sessional use/hire will be made in advance of the event(s) with the hirer concerned.
11. When all the necessary documentation has been checked, and payment received, then both parties should sign the Sessional Use/Hire Form and retain a copy for their records.
12. All sessional use/hire agreements should be reviewed for their continuing suitability. The Asset Management Service will review the County Council's charging scheme for sessional use/hire annually, and other agreement types as appropriate.

The step by step guide is summarised in a flowchart at Appendix 3. Associated forms for completion when arranging third party use can be found on the Premise Management intranet page.

7.0 COUNTY COUNCIL CONTACTS

Please direct any queries regarding this Premises Use Policy in the first instance to Asset Management Service mailbox at:

ampropertyreview@lancashire.gov.uk

Appendix 1: User Categories and Basis for Charging

The user groups identified below are not intended to be an exhaustive list but are provided by way of examples. Any application which does not readily fit with any of the categories below should be referred to the Asset Management Service. If there is doubt as to the appropriateness of any particular use/user then refer application to the Director of Corporate Services. In all cases, the use of premises by external organisations must not impose significant additional running costs on the County Council.

Category A: Free of Charge Use (no charges levied).

User groups

1. The council's service.
2. A recognised partnership arrangement which directly assists the County Council service to achieve its objectives.
3. Friends of Library groups operating under the County Council's Friends of Lancashire Libraries constitution.
4. Community associations operating under the County Council's community association constitution (or other constitution as approved by the County Council) are permitted free of charge use for meetings required by their constitutions and up to four whole days annually for fund-raising or other appropriate events.
5. Use by County Councillors for surgeries subject to the use being accommodated at a reasonable cost to the County Council.
6. Use by candidates in a parliamentary election campaign, or in a local government election campaign (either by County or District Councillors), or in a campaign associated with any other elections provided for in law. This is subject to the use being accommodated at a reasonable cost to the County Council.
7. Use as a polling station in connection with parliamentary and local government elections and any other elections provided for in law, as required by the returning officer.

Category B: Normal Rate (rental & running costs with the rental element covered by an equivalent rent subsidy provided by the County Council).

User groups (Non-profit making and Non-contractual arrangements)

1. Recognised associations of parent teachers and parents and friends of Schools, Colleges, and Centres for business meetings and fund raising efforts to provide School, College and Centre funds.
2. Old students associations for business meetings.

3. School, College and Youth Clubs athletic or sports associations.
4. School, College and Youth Club musical and arts festivals.
5. Careers conventions for schools and colleges.
6. Workers Educational Associations for classes and meetings.
7. University extra mural departments for classes.
8. Educational classes provided by organisations such as the St. John's Ambulance, Women's Institute and Townswoman's Guilds.
9. Classes and conferences arranged by faith groups.
10. Courses for teachers organised by bodies other than the local education authority.
11. Recognised youth organisations including Scouts, Guides, Cubs, Brownies, Beavers, A.T.C, Boys Brigade, etc.
12. Voluntary (non-profit making) activities which have a direct relationship with the services provided by the County Council (e.g. registered pre- and after-school playgroups and older people's clubs operated by charitable and voluntary organisations).
13. Playgroup leaders associations for meetings.
14. North West Sports Council and local sports Councils for meetings.
15. Organisations of teachers (Trades Unions, other recognised groups), and organisations of other local government employees connected with the County Council for meetings.
16. Road Safety organisations.
17. Charitable and recognised voluntary organisations for business meetings.
18. Faith organisations.
19. Parish and District Councils.
20. Use by sitting MPs and District Councillors for surgeries.
20. Use by political parties, pressure groups and interest groups (this use requires the specific consent of the Director Corporate Services).

Category C: Market Rate (rental & running costs).

1. Private functions (e.g. weddings, parties, etc.)
2. Commercial purposes (sports & fitness classes, weight watchers, early years providers etc.). N.B. the sale of goods from County Council premises, by commercial organisations, is not permitted without the consent of the County Council.

Appendix 2

The Indicative Charging Scheme for Sessional Use/Hire (2018/19)

Type of Charge	Category A Free Of Charge Use	Category B Normal Rate			Category C Market Rate	Additional Charge for Facilitating Premises Use outside of Operating Hours on First hour only (See Note 1 below)	Additional Charge for Admin on First hour only (See Note 2 below)
	No Charge	Rental & Running Costs (Gross Charge)	Rent Subsidy (To be Deducted from Gross Charge)	Normal Rate Less Rent Subsidy (Net Charge) Hourly Charge	Rental & Running Costs Hourly Charge	Applicable for Category B and C Use (if incurred)	Applicable for all Category B and C Use
Meeting Room up to 20m ²	No Charge	£5	£2.50	£2.50	£5	£14	£3.50
Meeting Room 20-30m ²	No Charge	£7	£3.50	£3.50	£7	£14	£3.50
Meeting Room 30-50m ²	No Charge	£11	£5.50	£5.50	£11	£14	£3.50
Small Hall up to 100m ²	No Charge	£14	£7	£7	£14	£14	£3.50
Hall 101m ² or more	No Charge	£18	£9	£9	£18	£14	£3.50
Kitchen and Coffee Bar	No Charge	£6	£2.50	£3.50	£6	£14	£3.50

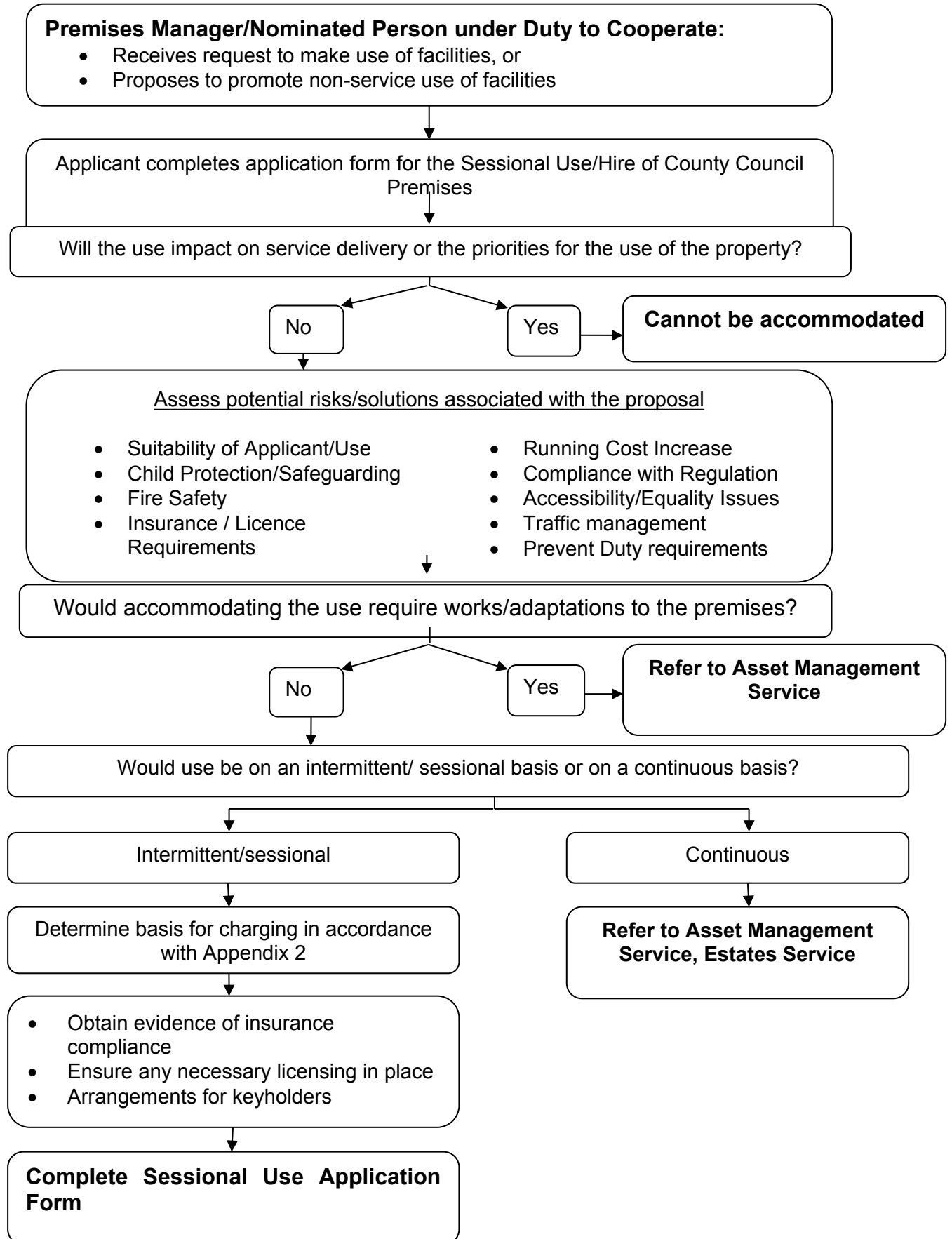
Premises Use Policy and Procedure

Type of Charge	Category A Free Of Charge Use	Category B Normal Rate			Category C Market Rate	Additional Charge for Facilitating Premises Use outside of Operating Hours on First hour only (See Note 1 below)	Additional Charge for Admin on First hour only (See Note 2 below)
	No Charge	Rental & Running Costs (Gross Charge)	Rent Subsidy (To be Deducted from Gross Charge)	Normal Rate Less Rent Subsidy (Net Charge) Hourly Charge	Rental & Running Costs Hourly Charge	Applicable for Category B and C Use (if incurred)	Applicable for all Category B and C Use
Multi Use Games Area	No Charge	£6	£3.50	£2.50	£6	£14	£3.50
Multi Use Games Area / Playing Field with Floodlights	No Charge	£18	£12	£6	£18	£14	£3.50
Playing Field	No Charge	£6.50	£5	£1.50	£6.50	£14	£3.50

Notes:

1. It is only chargeable for Category B and C and the term "Facilitating Premises Use Outside of Operating Hours" refers where the County Council has to provide an employee to open and close the premises outside of normal operating hours.
2. The charge of £3.50 for Admin is for each individual sessional use/hire and is for arranging the letting. It is only applicable for Category B and C.

Appendix 3 – Process Flowchart



Appendix 4: MANAGING THE USE OF COUNTY COUNCIL PREMISES

Designated Premises Managers (or nominated person under a Duty to Cooperate) have day-to-day control over what happens in County Council owned/controlled premises. Premises Managers for all County Council buildings are identified on the Property Asset Management System (PAMS), maintained by Asset Management Service. Within public facing premises the Premises Manager is usually Facilities Management Service and with support from on-site building users under the duty to cooperate function they are responsible for ensuring the premise is safe and fit for its intended purpose.

The role and responsibilities of Premises Managers are detailed in Guidance Notes provided on the Corporate Health, Safety and Wellbeing website and is accessed via the following link:

<http://lccintranet2/corporate/web/view.asp?siteid=3492&pageid=9819&e=e>

1. Assessing Suitability of Premises for the Proposed Use

When an interest in using County Council premises is received, the proposed user must complete the 'Application Form for the use of County Council Premises'. The information will enable an assessment to be made as to the suitability in terms of the impact on service delivery and the physical constraints of the property itself. If a property is not suitable the proposed use should be referred to Asset Management Service.

1.1 Equality Act (EA) 2010: Requirements for Disability Access

The EA makes it unlawful to discriminate against a person because of 'protected characteristics' (which includes disability). The legislation places a general requirement on businesses and other organisations to take reasonable steps to address physical features that act as a barrier to disabled people accessing their services. This may mean removing, altering or providing a reasonable means of avoiding physical features of a building which might place disabled people at a substantial disadvantage. Examples include:

- putting in a ramp to replace steps;
- providing larger, well defined signs for people with a visual impairment;
- improving access to toilet or washing facilities etc.;
- providing ground-level meeting rooms in premises without lifts.

The use of County Council premises other than by the council's service may affect the property's disability access arrangements and compliance with EA (i.e. allowing public access to buildings, or parts of buildings, which has hitherto not been permitted may impose an obligation to make physical alterations to accommodate such access by disabled users). An access audit for the subject premises/space will enable any such accessibility issues to be identified and Asset Management Service/Facilities Management Services will advise.

1.2 Gender Segregation

Segregation by gender will constitute unlawful discrimination except for in few specifically defined purposes falling within one of the exceptions under the EA. It is important that the relevant staff are aware of:

- legal obligations under equality law
- what is permissible and not permissible on a segregated basis
- exceptions from equality law for religious practice and observance.

Forced gender segregation is not consistent with British values and should also be considered in the context of implementing the Prevent Duty.

In line with the Equality Act all requests to use/hire County Council premises will be treated fairly and considered objectively and discrimination will not take place because of any protected characteristics of a group or individual.

Information on the requirements not to discriminate unlawfully are provided on the Premises Manager Guidance Notes on the corporate web site via the following link:

<http://lccintranet2/corporate/web/view.asp?siteid=3492&pageid=9847&e=e>

Once County Council premises have been assessed to be suitable for the use by the Premises Manager (or nominated person under a Duty to Cooperate) working in conjunction with Facilities Management Service and if appropriate, Asset Management and Estates Services, then Premises Managers (or nominated person under a Duty to Cooperate) are authorised to agree sessional use/hire arrangements at their premises.

Regular and more formal use of all or specified parts of premises over extended periods of time, on either a sole or shared use basis, **cannot be agreed locally**. Examples of such arrangements would be; a District Council's application to hire premises on behalf of a local community or sports group, use of space by another County Council service, use by another public sector organisation or any use involving the exclusive use of space by the user (i.e. the space is not used at any time during the agreement period by either the council's service or other groups).

Arrangements for use on other than a sessional basis will need to be referred to the Asset Management Service.

1.3 Safeguarding of Children, Young People and Vulnerable Adults

Premises Managers (or nominated person under a Duty to Cooperate) and Facilities Management will need to consider how any proposed use coming onto the site might compromise safeguarding requirements or child protection arrangements for both the existing County Council operation, other users of the premises and the proposed use itself. In addition to requiring prospective hirers to have appropriate vetting and control measures for their purpose, it may also be necessary to introduce new measures to protect existing users of the premises.

2. Health and Safety (Risk Management)

Health and Safety legislation imposes a duty on the County Council to maintain and operate its premises in a way that ensures they provide a safe environment for all users, employees and members of the public alike. Responsibility for the safety of County Council premises rests with the Chief Executive and Executive Directors, but day to day responsibility is vested in the Premises Manager (or nominated person under a Duty to Cooperate). Although the Premises Manager may delegate specific premises related duties to others, he/she will retain overall responsibility.

The Corporate Health, Safety & Wellbeing website provides a comprehensive guide to the following:

<http://lccintranet2/corporate/web/view.asp?siteid=3726&pageid=18222&e=e>

Information with respect to Emergency Preparedness and response (planning for emergencies in premises usage and undertaking fire risk assessments), is available via the following link:

<http://lccintranet2/corporate/web/view.asp?siteid=3726&pageid=18034&e=e>

The use of County Council premises by third parties may give rise to risks not identified on the generic risk assessments undertaken for normal service use or uses otherwise commonly accommodated at the premises. In this case the proposed use/user would have to be subject to a specific suitability assessment to establish whether adaptations to the premises, or its operation, was necessary and the desirability of undertaking any necessary changes.

Some of the more common issues include:

- Traffic Management – control of vehicular and pedestrian access to and around the property site having regard to the different activity periods associated with the various uses accommodated.
- Site Security and Safeguarding / Child Protection – risk assessments taking into account the nature of the proposed use and the background of the people (including any “customers” or visitors) associated with the use will need to be undertaken. More detailed checks may be required where the operational hours will overlap with the service's operational day and where the use or service use includes children, young people or vulnerable adults. Vetting, barring and/or control measures may need to be put in place and it could be considered necessary to physically segregate users to safeguard staff and user safety.
- Fire Safety – the premises fire risk assessment should be reviewed in the light of the impact of proposed new uses, and fire-safety procedures should be followed by organisers when setting up new activities. In cases where usage involves the presence of large numbers of people (e.g.) shows, meetings, community events), then the Licensing Officer of the local District Council should be consulted.
- Asbestos Management – where works are needed in connection with a proposed use then this should be referred to Asset Management any resulting works must follow the County Council's Asbestos Management Procedures as set out on Health and Safety intranet pages.

- Regular Premises Checks, at every handover from service to community use and vice versa, are crucial. These can be done by the Premises Manager (or nominated person under a Duty to Cooperate) or other approved keyholder, but should be written down and held on file chronologically. This ensures that should any liability claim be brought, the relevant insurers have access to detailed and correctly dated information that helps to defend or pursue any such claim as appropriate.

3 Insurance

When requests to use County Council premises are received it is important to consider the insurance implications of specific uses/or users. Different users and uses are likely to result in different insurance requirements. In most cases the responsibility for the insurance necessary to cover third party use of County Council premises, for other than that associated with the County Council's own service use, must be met by the hirer.

3.1 The general principle

It is important that all users of County Council premises are suitably insured in order to ensure that the County Council and its officers are indemnified against claims for injury to users, and for damage to the property caused by such use.

As a general principle it is the hirer's, not the County Council's, responsibility to decide whether or not the County Council's premises are suitable for their proposed use or users. However as Premises Managers (or nominated person under a Duty to Cooperate) have ongoing responsibility for risk assessments on their premises to ensure they are safe for their existing use, they should also have a view about the appropriateness of the uses proposed by third parties.

Where there is any concern over the suitability of a use, then the fact that insurance can be obtained to provide the necessary indemnity cover should not be taken as a justification for accepting the use. The service is fully entitled to choose not to agree to a use request and should do so where the risks of acceptance are considered significant (i.e. where many adaptations are required to the premises and its operation, specific safeguards/controls are needed that impose an unacceptable cost on the County Council in terms of staff time, etc.).

Insurance cover provided by hirers in respect of their usage of County Council premises does not absolve the County Council from its own obligations in respect of health and safety and the proper management of the property.

3.1.1 Use by County Council services

Usage by County Council services (including those activities under the control of County Council staff) is covered under the County Council's own buildings and public liability insurance arrangements.

Where County Council staff members are using premises not in the ownership of the County Council, the liability to insure (County Council or owner) should be specified in

the formal usage agreement (licence or lease) to ensure that appropriate insurance arrangements are in place.

3.1.2 Use by Third Parties

Third party users must produce a copy of their own public liability insurance policy providing cover with a limit of indemnity of not less than £5m (five million pounds).

A possible exception to this requirement might be where use is made of County Council premises by other public sector organisations, such as National Health Service and District Councils, which normally self-insure. In these circumstances, written confirmation formally accepting the liability (usually included as an indemnity), will generally suffice. Asset Management and Estates Services will ensure appropriate arrangements are put in place in the property agreement.

Local community groups using County Council premises must also be covered by insurance. Most of these groups will occupy premises under sessional use/hire agreements. From the implementation of this Premises Use Policy, local community groups will be required to complete a sessional use/hire agreement and meet the insurance requirements included therein. Individuals or non-incorporated groups might find this requirement difficult to comply with; however it may be possible for them to become members of an umbrella organisation such as a community association or residents association and obtain public liability insurance through this group.

Whilst it is recognised that arranging necessary cover may prove a barrier to some groups or individuals, the requirement for all hirers to have appropriate insurance in place cannot be overlooked. For existing users of service premises, where no formal agreement exists, their use of premises will need to be renegotiated and an appropriate formal agreement put in place.

In recognition of the fact that some groups or individuals may face difficulty in arranging Public Liability insurance cover with an indemnity limit of not less than £5m (five million pounds), the County Council has arranged Hirers' Liability cover under the terms of the County Council's Public Liability insurance policy. The Hirer's Liability cover may be available to certain groups or individuals who do not have the required amount of Public Liability insurance cover. Full details of this Hirers' Liability cover can be found in a summary document that can be accessed via the link in Appendix 5 to the County Council's Intranet.

3.3 Keyholders

The County Council's buildings and public liability insurance provisions, cover the use of County Council premises by non-County Council users provided the Council's key holder arrangements are adhered to, as detailed in Appendix 4. Should an event occur where a claim is made, the County Council's insurers will expect to see evidence that the County Council's key holder arrangements have been fully complied with.

Further guidance for Premise Managers/Duty to Co-operate on insurance matters is provided on the Premise Management intranet pages.

3.4 Licensing

Uses which involve entertainment, the playing of music and/or the presence of groups of people may require licensing. The proposed occupier must make all reasonable enquiries as to whether an appropriate licence is held by the County Council upon which they may rely, or alternatively, make all appropriate applications under the Licensing Act 2003, or such other relevant legislation, to secure such a licence and provide evidence of such a licence to the Premises Manager prior to the commencement of use.

4. VAT

Internal uses and related services between one part of the County Council and another are outside the scope of VAT. The use of property by third party organisations for non-sporting activities is generally exempt from VAT, whereas use for sports activities are subject to VAT (although there are exemptions under certain circumstances detailed on the Application Form at Appendix 3 in the section "The Use of Sports Facilities – VAT Regulations)." Service charges which comprise additional costs relating to the provision of the accommodation (such as contributions to insurance, electricity, and management costs) are seen as further payment of rent and also exempt from VAT.

However, where additional services beyond the accommodation itself are provided and charged for separately, these additional charges are liable to VAT at the standard rate, e.g. shared receptionist services, use of telephones, photocopiers, computers etc. In cases where the services are the principal element of the supply, the overall charge may become standard rated. Venues which are let for theatre productions and weddings are now normally regarded as the provision of facilities and other services rather than space, and should therefore be standard rated. The VAT treatment of stalls at specialist markets or events is also currently under review.

The Council has also opted to tax certain buildings which mean that VAT must be charged on rents including The Globe, Accrington, and the Preston Bus Station, as well as several other strategic properties. Further buildings may be opted if material expenditure is to be incurred. The VAT Team can advise of the up to date position.

If the use of the property does not give the exclusive right to an area it is subject to VAT. Where the County Council rents premises from a third party, and has been charged VAT on such payments by the landlord, any subsequent charge made by the County Council to third party users of the accommodation is still exempt from VAT (except where it is used for sports purposes). For further advice on VAT relating to use of premises, please contact the County Council's VAT Team (Tel. 01772 534811 or 01772 534778).

5. Treatment of Income Received from Lettings

Payment for sessional use/hire should be managed and transacted in accordance with corporate guidelines/procedures relating to charging for services. Payments in respect of more formal agreement types should be invoiced or journal transferred (from the users) in line with corporate guidelines/procedures relating to charging for services.

All income received from the use of the council's premises should be credited to the corporate running costs budget, to offset property costs.

6. Provision of Furniture and Equipment.

County Council accommodation will generally be made available for use with furniture appropriate for the permitted use i.e., meeting rooms will contain sufficient chairs/tables for the room's stated capacity. An inventory of furniture/equipment provided should be completed on the Application Form at section 7 of the Terms and Conditions and should be checked for damage/serviceability at the end of the use period.

Specialist equipment (e.g. audio-visual, IT, entertainment, catering etc.) or furniture should be provided by the user, subject to a check by the Premises Manager (or nominated person under Duty to Cooperate) on its appropriateness for the premises; i.e. in health and safety terms and its potential to damage the fabric of the building. Any concerns by the Premises Manager (or nominated person under Duty to Cooperate) should be raised with Facilities Management Service.

7. Key Holder Arrangements

County Council service staffing levels do not always allow for the employment of staff to open and close premises and be present at all times when they are open. Consequently certain County Council staff members and other premises users' representatives may be allocated keys (or access codes in the case of key-less locks) for some or all parts of specified premises. Keys are allocated on the clear proviso that the recipients are held responsible for the said premises at agreed times.

The County Council's buildings insurance provisions cover the use of County Council premises by non-County Council users, provided the key holder arrangements are adhered to. Should an event occur and a claim be made, the County Council's insurers will expect to see evidence that the County Council's key holder arrangements have been complied with in full.

Staff members and other premises users' representatives, are required to sign the County Council's Key Holder Agreement Form to confirm their understanding of, and agreement to accept the responsibilities placed upon key holders for premises security and compliance with the County Council's insurance policy. This form should be scanned and emailed to the Asset Management Service mailbox ampropertyreview@lancashire.gov.uk and it will be saved in the appropriate property record on Property Asset Management System (PAMS).

Premises Managers (or nominated person under Duty to Cooperate) will maintain a register of keys to record and manage the allocation of keys and access codes; whether this be to staff members or representatives of other organisations using service premises. The register will be kept on the premises, with a regularly updated copy retained at the service's head office. Signatures for receipt and return of keys will be recorded on the Key Holder agreement form.

Approved categories of key holders for County Council premises are as follows:

County Council staff will often be keyholders to the buildings that they work from or require access to on a regular basis. Line managers and/or Facilities Management Service will agree to named keyholders for specific premises on an individual basis.

Partners, Community Associations, Friends of Libraries groups, representatives of community groups and other County Council staff may be recognised as key holders for the premises they require access to or operate from on a regular basis, provided:

- There is an appropriate agreement in place, clarifying their use of the premises (statement of occupancy, lease, license or in exceptional cases, a sessional use/hire agreement) which formalises their presence in the building;
- These persons need to access the building at times when County Council staff would not normally be there;
- Individuals holding keys for County Council premises sign and adhere to the County Council's Key Holder agreement
- Individuals who are not County Council staff, must have approval from their own line management/organisation that it is appropriate for them to accept the responsibilities that sit with the key holder role. This must be confirmed in writing to the Premises Manager (or nominated person under Duty to Cooperate) before a key is provided.

Premises Managers (or nominated person under Duty to Cooperate) should assess the suitability of individuals to act as key holders for Service premises; any concerns should be referred to Facilities Management Service for consideration. Assessment should be conducted on the basis that only the minimum number of keys/codes necessary for the use, shall be issued.