

MORAY HALLS HANDBOOK



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(Wednesday or Thursday only): 18002 01343563603

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Introduction to Handbook

This handbook has been prepared by staff from The Community Support Unit of The Moray Council working with volunteers from independent hall Committees including Alison Lowes, Centre Development Worker, Lhanbryde Community Centre and Tam McLellan, Secretary, Cullen Town Hall Committee. This handbook has been made available in hard copy to each village / community hall in Moray along with a CD-Rom copy. The handbook is also available to download from:

www.moray.gov.uk

www.yourmoray.org.uk

www.morayvillagehalls.org.uk

For further information about anything in this handbook or about the running / development of a community hall, contact the number below or contact the Community Support Unit listed at the end of this handbook:

The Moray Council: 01343 543451

As well as the sources of information credited within this handbook, information has also been extracted from handbooks published by Angus, Borders, Skye and Lochalsh and Orkney Federations of Village Halls and from the Scottish Council of Voluntary Organisations.

Aims

The aim of this handbook is to assist hall Committees with day to day management of their facility. By having a hard copy of this document on the table at meetings it will potentially provide that Management Committee's with information which will support or clarify discussions at the time and not have to wait until the information can be accessed by other sources.

The handbook is not aimed at being the only answer but an aid to support Committees in their discussions and decisions.

Section 1 Hall Committees

Introduction

The Committee are responsible for taking care of the organisation of your group. They are your governing body and everything that your Committee does is referred to as Governance.

Sometimes you will see your Committee referred to as a Management Committee.

- If you are a limited company (Company Ltd by Guarantee or any other company registered as a Community Interest Company) then your governing body will be made up of Directors.
- If your group is a registered charity, the Committee members are called Trustees (or Charity Trustees).

Charity Trustee Remuneration

On the whole Committee members will be volunteers and as such they will not receive payment for their duties. Travel expenses are usually the exception and occasional one-off payments for a particular job (if they are considered the best person to carry out that job) may be permissible, but in general it is not considered good practice. Office of the Scottish Charity Regulator (OSCR) has published very specific guidelines about remuneration for Charity Trustees, for further information see contact details in Section 13.

General Committee Responsibilities

Your Committee or governing body are responsible for:

- Giving your group direction - planning its development, monitoring and reviewing progress.
- Keeping your group within the law - such as making sure that your group is registered for Disclosures Checks if there are volunteers or staff who work closely and regularly with children.
- Managing people - recruiting and supporting volunteers / staff.

- Being accountable - ensuring your group has the appropriate policies and procedures in place (reviewed annually) and that the required reporting is carried out.
- Managing your group's resources - keeping financial records and abiding by grant conditions and OSCR (if required).
- Managing itself - ensuring regular recorded and effective meetings and making sure that the Committee work together for the good of the group as a whole.

Recruitment / Skills audit

Committees should carry out a Skills Audit of the committee in order to ensure that all sections of the community are involved or represented. This can also mean the inclusion of user groups of the hall. A booklet providing more detail on Recruitment and Retention of members is available from The Moray Council, Community Support Unit and includes information on:

- Introduction to the process of recruiting members.
- Why do you need and / or want new members?
- Who will do it?
- Where are these new members?
- How are you going to do it?
- Have you been successful?
- Support and retaining your new members.

Your Committee's Legal Responsibilities

Your group's legal structure and whether or not you are registered as a charity, will largely dictate the legal responsibilities of your group. All Committee members i.e. your Directors or Charity Trustees, have a legal obligation to make sure these duties are fulfilled.

Legal Structures (including Unincorporated Associations)

All legal structures have legal obligations governed by legislation such as Equality laws, Data Protection and Health and Safety. In addition, if your group has volunteers or staff who have close and regular contact with children, the Protection of Children (Scotland) Act (this now includes Protection of Vulnerable Groups) means that your group will need to register for Disclosure Checks, and if your group employs paid staff there are the implications of Employment Laws.

Role of Committees and office bearers

Under the Charities and Trustees Investment (Scotland) Act 2005 all those who are responsible for the general control and management of a charity i.e.

Committee members or Board of Directors must:

- Act in the interests of the charity and:
 - a. Ensure that the charity does what it was set up to do.
 - b. Act with care and diligence that it is reasonable to expect of someone who is managing the affairs of another person.
 - c. Where there could be a conflict of interest, put the interests of the charity before those of the conflicting party for example the organisation which they represent or, if this is not possible, take no part in the discussion or decision making.

This last clause is particularly relevant for hall Committees where people are nominated by user groups to represent that group. However, while attending hall Committee meetings, they must put the interests of the hall first and the represented group second.

In general, the Committee has responsibility to ensure that:

- The organisation works within the terms of its governing document (Constitution).
- The financial affairs of the hall are in order.
- The fabric of the hall is maintained.
- The hall and users are properly insured.
- All appropriate licences are in place.
- All necessary policies and procedures are in place.
- The organisation acts as a responsible employer (if appropriate).
- New activities and projects are developed in keeping with the wishes of the local community.

Role of Chairman

Prior to meetings, the Chairman should:

- Liaise with the secretary and others to draw up the agenda.
- Be well prepared on the topics to be discussed.
- Be aware of the impact of the governing document on any agenda items.
- Ensure that any actions delegated at the previous meeting have been carried out.

At the meeting the Chairman should:

- Ensure that the meeting starts on time.
- Introduce any new members and make sure that they feel welcome.
- Encourage all members to participate including stopping more forceful members from dominating the meeting.
- Ensure that all those who wish to speak have the opportunity to do so but that all discussion is relevant.
- Ensure that any voting is according to the rules or standing orders.
- End all agenda items by drawing discussion to a conclusion, ensuring that decisions have been made and minuted and that everyone knows what action will be taken and by whom.

Between meetings, the Chairman will often be seen as the public face of the organisation and therefore needs to be clear about the remit of the organisation and the important issues of the moment. The Chairman will sometimes be required to make emergency decisions between meetings but this should be done in consultation with other Committee members and such decisions should be ratified at the next appropriate meeting.

Role of Secretary

The Secretary is responsible for the administration of the organisation such as:

- Keeping an up-to-date register of members.
- Keeping the Minute book and all other relevant papers.
- The organisation of all meetings.
- Dealing with correspondence.

Prior to meetings, the Secretary should:

- Ensure that the venue is booked.
- Notify all those eligible to attend of the date, time and place of the meeting.
- Draw up the agenda in consultation with the Chairman and others and distribute with the calling notice.

At the meeting, the Secretary should take the minutes of the meeting which should include:

- A record of those present and a note of any apologies.
- The approval of the Minutes of the previous meeting.
- A record of the financial information reported.
- An accurate record of any decisions taken and who is responsible for any actions resulting from those decisions.
- The date of the next meeting.

After the meeting the Secretary should:

- Draft the Minutes for approval by the Chairman of the meeting prior to circulation to the members.
- Write letters, obtain information and take any other action as decided by the Committee.

Role of the Treasurer

The Treasurer does not have sole responsibility for the financial affairs of the organisation. The Management Committee has collective responsibility but it is the Treasurer's role to provide information to other Committee members in such a way that they can understand the financial position and make reasoned decisions when necessary. Most of the Treasurer's work will be done out with Committee meetings and will involve:

- Keeping accurate records of all financial transactions.
- Signing cheques (though never as sole signatory).
- Ensuring that bills are paid on time (and salaries, if employing staff).
- Preparing accounts in the format required by charity law and arranging to have them audited or examined as appropriate.
- Assisting with funding applications.
- Monitoring cash flow and reconciling bank statements.
- Preparing and submitting reports to the Committee in an agreed format and advising on the use of resources.

Section 2 Legal structures

There are different ways in which a voluntary organisation can be set up. However, the most common structures for halls are:

Trusts

A Trust is a one-tier organisation, where the only “members” are the Trustees who are not answerable to any wider body of people. After the Trust is created, the Trustees themselves appoint new Trustees (although occasionally the trust deed will provide a reserved place among the Trustees for a representative of a specified outside body or bodies). In the case of halls, the Trustees have normally delegated some powers to a Committee who can manage the facility on their behalf.

Co. Ltd. by Guarantee

New community facilities being set up are now more likely to decide to form a company limited by guarantee. This is a legal entity separate from its membership and can therefore enter into contracts, hold property, employ people in its own name. In addition, the members of the company will not be liable for the company’s debts beyond the nominal amount that they guarantee to pay under the Memorandum of Association. However, this does not mean that there is no liability in the case of negligence. It is a two tier organisation with a membership from whom a Board of Directors is appointed. Members can be individuals, voluntary groups or even statutory agencies or private companies. All members must give written agreement to become members and the general running of the organisation is more formal than for that of an unincorporated association. Rules laid down by Companies House have to be followed. The governing document (similar to a Constitution) is known as the Articles of Association.

Scottish Charitable Incorporated Organisation (SCIO):

The SCIO is a new type of legal structure, provided for via the recent charities legislation (the Charities and Trustee Investment (Scotland) Act 2005).

The key features of the SCIO are as follows:

It is a legal entity in its own right, and can therefore hold property, employ people, enter into contracts in its own name (in the same way as a limited company). It will have limited liability (the members will have no liability for debts if an SCIO goes into liquidation).

It will be possible to form an SCIO using simple model rules available from OSCR (Office of the Scottish Charity Regulator). Forming an SCIO will involve a registration process with OSCR, rather than Companies House or the FSA – and this will mean that the registration and charity recognition process will effectively be a single-step operation. It is important to note, however, that an SCIO will only be available if the objects of the organisation are charitable and the other features fit within the other requirements for a body seeking registration as a Scottish charity (see – Charitable status).

One possible drawback is that it will take some time for those out with the charity sector to build up recognition of what an SCIO is – and that could potentially cause difficulties with banks, landlords and other bodies with which an SCIO interacts.

Social Enterprise:

Social Enterprises are businesses with primarily social aims that have participatory ownership and management. Any surpluses are reinvested in the business or in the community rather than profiting shareholders and owners.

Social Enterprises tackle a wide range of social and environmental issues and operate in all parts of the economy. Examples include agriculture, clothing manufacture, music and dance, care services, housing and recycling.

There is no single legal model for a Social Enterprise. They may be unincorporated associations, companies limited by guarantee, industrial and provident societies, occasionally companies limited by shares and some are registered charities. A company structure specifically for social enterprises was introduced in 2005, the Community Interest Company.

Enterprise types

There are many forms of Social Enterprise including:

- Community Enterprises.
- Social firms (employing people with a disability or disadvantage in the labour market) (www.socialfirms.co.uk).
- Mutual organisations including co-operatives (www.co-operatives-uk.coop)
- Development trusts (www.dta.org.uk).
- Intermediate Labour Market organisations (employing the previously long term unemployed).
- Trading arms of charities.

For more information see the Social Enterprise Network in Scotland, www.senscot.net or Tel: 0131 220 4140

Community Interest Company

A Community Interest Company (CIC) is a type of company introduced by the United Kingdom government in 2005 under the Companies (Audit, Investigations and Community Enterprise) Act 2004, designed for social enterprises that want to use their profits and assets for the public good. CICs are intended to be easy to set up, with all the flexibility and certainty of the company form, but with some special features to ensure they are working for the benefit of the community.

Statutory submission to Companies House:

- Names and details of all Directors.
- Notification of any changes to Directors details.
- Notification of changes to registered address of the company.

- Annual Community Interest Company Report.
- Annual Accounts in the required format.

For guidance on SCIOs please visit:

<http://www.oscr.org.uk/NewsItem.aspx?ID=0016acb5-7ca4-424c-994a-06eda51b0adc>

Charities Registered in Scotland

All Charity Trustees have a responsibility to take such care of the charity's affairs 'as is reasonable to expect of someone who is managing the affairs of another person'. The care and diligence this requires includes acting as guardians of the charity's assets and safeguarding the charity's reputation.

Charity Trustees (i.e. your Committee) have four general duties:

- To act in the interest of the charity.
- To ensure that the charity is operating in a manner consistent with its objectives or purpose.
- To act with due care and diligence.
- To ensure that the charity is complying with the Charities and Trustees Investment Scotland Act 2005 (See Charitable Status).

Further information about Charity Trustees' duties and their legal responsibilities can be found in OSCR's' publication Guidance for Charity Trustees 'acting with care and diligence'.

Obtain prior consent from OSCR for:

- Changing your charity's name
- Amending your charity's purposes
- Amalgamating your charity with another body
- Winding up or dissolving your charity

- Applying to court to amend your charity's charitable purposes, or to amalgamate, or to wind up
- Changing your charity's legal form.

If you take the following actions you must tell OSCR about them within three months of their having taken place:

- Any change to your charity's principal office (or the name, or address of the charity trustee specified in the Scottish Charity Register if there is no office)
- Any change in other details set out in your charity's Register entry
- Any change to your charity's Constitution (other than those relating to your charity's purposes)
- Any action taken to amalgamate, or wind up, or dissolve your charity, or if there is an application to court to do so.

Charities must advise OSCR of the following changes within one month of the change taking place:

- Any administration order or an order for winding up made by the court in respect of a charity
- The appointment of a receiver.

Other statutory reporting obligations:

- Ensure your details on the Scottish Charity Register are up to date
- annual report
- Annual return (if your charity income exceeds £100,000 then you must submit an additional Monitoring form)
- Annual accounts in required format.

If you wish to seek OSCR's consent you must apply in writing, using the appropriate form. They need 42 days notice before the date on which the proposed change is to take place. Once they have agreed to the proposed change you must tell them when, if at all, the change is made. This must be done in writing using their Notifications of changes made form.

OSCR (Scottish Charity Regulator)

The Office of the Scottish Charity Regulator (OSCR) formally took up its powers under the Charities and Trustees Investment (Scotland) Act 2005.

The vision

Our vision is for a flourishing charity sector in which the public has confidence, underpinned by OSCR's effective delivery of its regulatory role.

The objectives

To increase public confidence in charities through effective regulation increase transparency and public accountability of charities, increase charity trustees' compliance with the 2005 Act, minimise the burden of regulation on charities wherever possible, with particular emphasis on reducing multiple reporting.

General functions

The Charities and Trustee Investment (Scotland) Act 2005 states that our general functions are to determine whether bodies are charities, keep a public register of charities, encourage, facilitate and monitor compliance by charities with the provisions of the Act, identify and investigate apparent misconduct in the administration of charities and to take remedial or protective action in relation to such misconduct.

Charitable Status

It is advisable for all halls to apply for charitable status. The main advantages are:

- Relief on tax from interest on sums held in bank accounts or building societies.
- Far greater range of potential sources of funding as most grant making trusts will only fund registered charities.
- Ability to receive donations under Gift Aid.

- Rates relief on any property owned or leased. (Source: The Moray Council – Non domestic rates – relief for community facilities including halls (who must be registered charities) is 80% mandatory with the remaining 20% discretionary.
- VAT concessions.

The Office of the Scottish Charity Regulator (OSCR) is the body in Scotland which is responsible for granting charitable status and regulating charities (see above). OSCR can be contacted at: 2nd Floor, Quadrant House, 9 Riverside Drive, Dundee DD1 4NY.

Tel: 01382 220446 www.oscr.org.uk.

Take the 5 step charities test

To become a charity there is a five part charity test for any organisation:

1. Its purpose must match one or more of the charitable purposes laid down by the Charities Act *and*
2. It must provide public benefit *and*
3. It must be independent from government *and*
4. Its Constitution must not permit it to distribute any of its property for a non-charitable purpose i.e. do something not in accordance with its charitable aims *and*
5. It must not be a political party or set up to advance a political party

Community halls are likely to meet the ninth charitable purpose which is “the provision of recreational facilities” which is “available to the public at large” but they must also be able to prove that they are providing public benefit.

Charities with an annual income of less than £100,000 can produce receipts and payments accounts which must be examined by an independent examiner and sent to OSCR within nine months of the end of the financial year along with a report of the year’s activities.

Section 3 Booking Procedures / Letting Agreements

A sample of what a Committee should consider when drawing up a letting agreement and what should be included / setting prices / deposits / damages / cleaning. We have included examples of good practice:

- Sample of a booking form / conditions of let
- Floor plan for fire extinguishers / exits
- Sample Emergency Evacuation Procedure
- How to work out your capacity figures.

Hire of rooms – what is included / setting prices

Many considerations should be discussed before setting charges for lets. We have listed below an example of what should be taken into account or at least have discussed when drawing up a letting agreement or setting hire fees:

- Lower rates for long term bookings, rehearsal and preparation time and off-peak use.
- Higher rates for those not living in the area and for certain types of activity such as party political meetings, private functions and commercial use.
- Reduced charges should be limited strictly to those organisations that are unable to afford the full rates and not because a club has a strong voice on the Committee.
- An all-inclusive charge is simpler, but some halls prefer to make a basic charge for specific accommodation such as the main hall with extra payments for heating and lighting, use of the kitchen, microphone, piano etc.
- Winter charges may be higher than summer due to associated costs.
- Storage – is a group utilising storage for pieces of equipment on the premises, this may be a factor when setting rates, can the Committee other user groups access the equipment.
- Keep in mind about what actual costs are when setting rates and these should be reflected in your rates.

It is important that the basis that charges are made should be aired at the Annual General Meeting since this is a subject that affects all organisations and groups using the hall. Once you are clear what's included in your letting charge you should also have a clear pricing structure either one rate for all or set rates for:

- Community Rates
- Community Service Rates
- Business Rate
- Polling Station Rates.

Polling station rates can take into account heating and any costs in opening / closing the building and delivery / pick up of Polling Booths if a paid hall keeper is used. This should be clearly itemised on your invoice which should be submitted to the Elections Officer within six weeks of the election taking place. No matter what time of year, if you are one of the halls used for Polling, you must let the Elections Officer know well in advance of any planned renovations / upgrading or of any unforeseen circumstances which may impact on the availability of / access to the facility, as a election or by-election can be called at very short notice.

In order to ensure the smooth running of day to day operations it is suggested that you agree and put in place a booking procedure. The main advantages for this are that one person is ultimately responsible for bookings and has an overview of the hall usage on a daily basis. Committee's should create a clear system of communicating over bookings / keys / payment etc.

The process could be:

- Named responsible person takes booking and ensures all sections of booking form are completed and arrangements for keys etc have been agreed and signed for.
- Period of hire / equipment used as per agreed booking form.
- Named person issues an invoice as per booking form taking into account hours of use / deposit etc.
- Named person receives payment from hirer.

We have included an example of a good practice booking forms/conditions of let, feel free to adapt and amend to suit your requirements if required. We would also suggest a floor plan which includes fire exits and fire extinguishers be given to each hirer, particularly those who are not familiar with the layout of the building. In addition to a floor plan an Emergency Evacuation Procedure should be displayed.

APPLICATION FOR HIRE OF ??? (Source: Lhanbryde Community Challenge)

Please use block capitals

Name of Hirer: _____

Address: _____

Post Code: _____

Email: _____

Telephone No: _____

Mobile Phone No: _____

Hire Date/Day: _____

Time: From: _____ To: _____

Community Groups: - (specific start and finish dates of each session)

Invoice Address if different from above:

Details of Accommodation Required: (Please tick)

**Community
Groups**

**Other
Groups**

Business Use

<input type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>

<input type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>

<input type="checkbox"/>

Deposit for Functions is £

The above charges include access to the kitchen to make tea/coffee only. (DELETE AS APPROPRIATE)

Purpose of Hire: _____

No of Persons Attending: _____

Invoicing for the event will be within one calendar month (except parties). Payment is expected within 28 days. Interest of 5% per month will be applied to bills not paid within this time scale.

I the undersigned hereby certify that I have read and understood the Contract of Hire & Conditions of Use for the

Signed _____

Date _____

CONTRACT OF HIRE & CONDITIONS OF USE

(Source: Lhanbryde Community Challenge)

??????

Administration

1. Should any dispute regarding a let occur, this shall be settled by the Committee whose decision is final and binding.
2. The Committee reserve the right to amend the Contract of Hire & Conditions of Use and schedule of charges at any time.

Health & Safety

3. It is the responsibility of the hirer to provide the necessary first aid equipment and trained personnel for the duration of the let.
4. Nothing shall be done, nor shall anything be brought on to the premises, which may create a risk to the building or its occupants.

Legal Requirements

5. This is a smoke free building. All hirers must observe this policy.

Hirer's Responsibilities

6. All meetings and functions shall be held only during the hours specified on the Application Form. Any unauthorised extension of that time will be charged at the appropriate rate.
7. The hirer is responsible for the collection, safekeeping and return of the keys. Where the let is scheduled to end after 9.00pm, the keys shall be held overnight and returned by not later than 10.00am the following day. Any delay in the return of the keys will incur an additional hire charge.
8. The hirer must ensure that the premises are not left unattended at any time during the period of the let. At the end of the let the building must be left secured (including fire exits) and all lights and wall hall heaters switched off.

9. The hirer shall take all precautions for the protection of the building and shall be liable for any expense incurred in making good any damage arising through acts of vandalism and/or disfigurement of the surfaces, in particular, suitable footwear must be worn to avoid damage to the floor surfaces.
10. The hirer is responsible for ensuring that the building is left in a clean and tidy condition. If extra cleaning is necessary, a supplementary charge will be made.
11. All extra furnishings or packaging materials including catering equipment, etc. shall be removed immediately after the conclusion of the function and the premises left free of litter to the satisfaction of the Committee.
12. It is the hirer's responsibility to ensure that only the room(s) booked are used, otherwise extra charges will be incurred.
13. The capacities of the various hall/room(s) shall be regulated by the Committee and it is the responsibility of the hirer to ensure these numbers are not exceeded.
14. It is the responsibility of the hirer to ensure that any occasional permission and/or licence required by law in respect of alcohol, music and/or gaming are obtained from the licensing authority.
15. It is the hirer's responsibility to ensure compliance with all statutory regulations involved with or applicable to, the use of the kitchen facilities. At the end of the let the kitchen and associated equipment must be left clean and in good order.
16. The hirer is required to ensure that there is adequate supervision to ensure safety and preserve public order. The hirer shall also provide sufficient doorkeepers, ticket collectors, and licensed stewards etc. to ensure proper control of admission and exit of patrons.

17. The hirer shall be responsible for ensuring that all policies and procedures, particularly those with regard to emergency evacuation (see attached), are both understood and followed.

18. Hirers of the hall for children's entertainments shall take all necessary precautions for the safety of the children and in particular, those required by statute.

For entry to hall on day of booking you may pick up keys from one of the key holders listed below. You will be asked to sign the keys out as well as leaving a contact phone number.

List of Key Holders

EMERGENCY EVACUATION PROCEDURE

(Source: Lhanbryde Community Challenge)

ASSEMBLY POINT is in the ??? adjacent to the ????

FIRE

ON DISCOVERING A FIRE

Raise the alarm by pressing the centre of the nearest red alarm box. These are located by all fire exit doors. Report immediately afterwards to the Assembly Point.

ON HEARING THE FIRE ALARM (A CONTINUOUS SIREN)

Leave the building immediately by the nearest fire exit and go to the Assembly Point. Leave calmly and quietly and DO NOT collect personal belongings or return to the building.

You must go immediately to the Assembly Point (???????) so that attendance can be taken.

It is up to individual groups using the building to ensure all persons in their group are accounted for and report any significant information to fire officers.

You should remain at the Assembly Point until given instructions by the Fire Brigade Senior Officer.

You are not expected to attempt to extinguish the fire or put yourself at risk

There are ???? Fire exits within the building.

1. Exit
2. Exit
3. Exit

In the event of a power failure emergency lighting will come on. Fire exits will be illuminated.

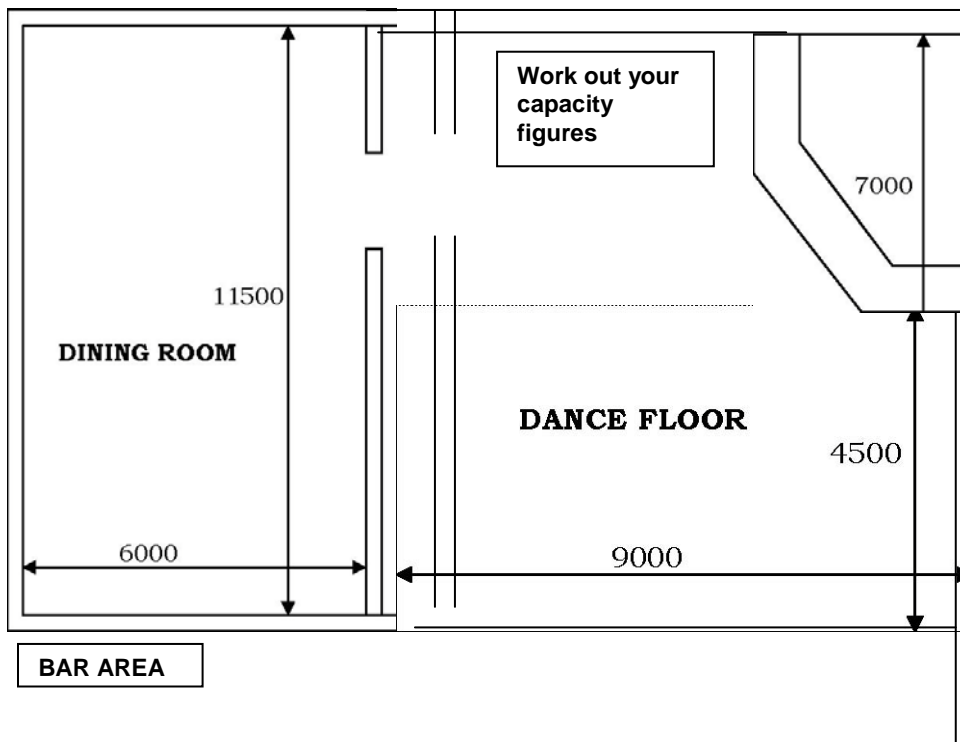
RESPONSIBILITIES:

Person In Charge of Group. In the event of an emergency evacuation, the relevant person shall be responsible for:

- 1 Ensuring the safe evacuation of all People within Centre including the toilets
- 2 Contacting emergency services (dial 999).
- 3 Ensuring no one re-enters the building until advised to do so.
- 4 Liasing with the emergency services

FLOOR PLAN

(Source: The Moray Council Legal Department)



To calculate the occupancy of a room or area:

Dance Floor

$$\text{Area} = 9.0 \times 4.5 = 40.5 \text{ } ^{2\text{m}}$$

Occupancy Load Factor (OLF) = 0.7

$$\text{Number of people (occupancy)} = \frac{\text{Area}}{\text{OLF}} = \frac{40.5}{0.7} = 57.8$$

rounded up = 58. OLF = 0.7

To calculate the occupancy of the building:

Room/Area	Area (m ²)	OLF	Capacity
Dining	69.0	1.0	69*
Bar Area	42	0.5	84
Dance Floor	40.5	0.7	58
Total Capacity			211

NB* If there are set tables in a dining room, and the number of seats is less than this figure, then the lower number must be taken.

Section 4 Insurance

A hall Committee should hold an Insurance Policy which provides financial protection. In the event of difficulty each hall will have a particular policy which reflects its needs and may include some of the following elements.

Property

It is normal to insure the building itself against loss. The sum insured will normally be the cost of demolition and site-clearance plus complete re-instatement. It is useful to clarify which causes of damage are included. These may include fire / lightning / explosion / flood / malicious damage / accidental damage and theft. It is also useful to clarify what levels of excess apply, as these can reduce the usefulness of a policy if set too high.

Liabilities

As the body responsible for the running of the hall, the Committee will wish to protect itself for any loss or damage to others, for which the Committee may be held liable. This may happen if it is proven that the hall Committee was negligent or failed to take “reasonable care”.

Liabilities which may be covered include:

- **Employer’s Liability**
It is a legal requirement to hold such insurance if staff is employed, for example, a caretaker or cleaner. It is useful to clarify if your policy includes volunteers as being members of staff.
- **Public Liability**
This covers members of the public attending activities organised by the hall Committee itself and for liabilities arising from the condition of the hall.
- **Hirer’s Public Liability**
This allows the hall Committee to hold public liability cover, which extends to cover the public liability of those who hire the hall. This is intended to cover occasional activities and is useful as it avoids the need for hirers to

arrange separate insurance for occasional activities. Hall Committees will wish to clarify how often an “occasional” activity has to happen for it to be regarded as “regular”. Where activities are not run by the hall Committee, but are run regularly in the hall, the hirers would be expected to hold their own public liability cover.

Hall Committees may wish to discuss the extent to which separate policies should be held for separate organisations that use the hall. It may be that, for example the parent and toddler group, the youth club and the drama group all hold their own insurances, or it may be that these are all regarded as being run by the hall Committee and therefore as being covered by the hall Committee’s insurance.

Product Liability

Product Liability provides cover in the event that products made or sold by the hall Committee are faulty and give rise to a claim, for example mouldy jam.

Personal Accident

This provides cover in the event of personal injury arising from an accident or assault, where the hall Committee is not held legally responsible.

Fidelity Guarantee

This provides insurance to cover loss arising from dishonesty by an employee.

Trustee Indemnity

Some hall Committees may wish to take out insurance to protect the Trustees of their organisation in situations where the Trustees are held personally liable.

Contents

This is based on the value of items held; depreciation should be taken into account.

Events

If a Committee plan an indoor / outdoor event where large amounts of funds have been used to secure hire of equipment / premises, it may be relevant to take out Events Insurance in order to minimise loss in the case of postponement / cancellation. See policy to ensure insurance covers what the Committee have identified as potential risks.

Insurance companies which offer hall insurance or one off event insurance for gala's etc:

Highland Council

The Highland Council
Insurance Services
Glenurquhart Road
Inverness
IV3 5NX
Tel: 01463 702417

Keegan and Pennykid

50 Queen Street,
Edinburgh
EH2 3NS
www.keegan-pennykid.com
Tel: 0131 225 6005 (ask for Liz Drysdale)

Zurich Municipal

www.zurich.co.uk/home/forpublicsector/Charities/Charities.htm
Tel: 0845 600 3184

Events Insurance

www.events-insurance.co.uk
Tel: 0800 515 980

Norwich Union

24 Whitefriars Street,
Perth,
PH1 1PP
Tel: 01738 639777

Section 5 Licences (Source: The Moray Council Legal Department)

The information was provided by The Moray Council. Applications for these licences should be made at the local area offices.

There are three types of alcohol licence:

- Occasional licence
- Premises Licence
- Personal

Occasional Licences

What is an Occasional Licence?

An occasional licence allows the sale of alcohol on any premises **except** premises that are already licensed or that are excluded. The definition of premises is very wide and includes *any* place, or part thereof, and includes a vehicle, vessel or moveable structure (like a marquee). Note also that the place need not be indoors or enclosed for example a field, a corner of a field or a street.

The sale of alcohol can be for consumption on or off the premises and different hours can be stated for on and off sales. Off sale hours must be between 10am and 10pm.

If a potential applicant has a premises licence and wishes to extend the hours then application should be made for an occasional extension of hours for which see below. Note also that clubs can still apply for an occasional licence for premises where their premises licence is in effect and the occasional licence will allow admission in general to member of the public.

There may be other regulatory considerations that are separate to licensing like planning, highways etc before such a place can be used.

Who Can Apply?

Section 56 of the Licensing (Scotland) Act 2005 allows the following persons to apply for an occasional licence:

- the holder of a premises licence
- the holder of a personal licence
- a representative of any voluntary organisation.

How to Apply?

The application form is prescribed by The Occasional Licence (Scotland) Regulations 2007 (SI No 96 of 2007). An application form can be found on the Moray Licensing Board's website or can be requested from the Clerk to the Board at the Council Headquarters, High Street, Elgin, IV30 1BX.

The prescribed form must be accompanied by the prescribed fee. It should be noted that time periods are strict (see below) and applicants must ensure that their applications are submitted at least 28 days before the event. *The fee is subject to change by further Regulation.*

- **Occasional permission:**

This authorises a person representing a voluntary organisation or a branch of a voluntary organisation (for example a Hall Committee) authorising the sale of alcoholic liquor during such hours and for such period of not more than 14 days as the Licensing Board may determine, in the course of catering for an event, arising from or related to the activities of the organisation taking place out with licensed premises (for example in a Village Hall). No more than four occasional permissions may be granted in any one year to the Hall Committee.

- **Permanent licence:**

A Hall Committee can apply for this if running regular events at which alcohol is sold. It lasts for three years and, in this case, no public entertainment licence is required.

When tickets for an event include the price of a glass of alcohol, this is treated in the same way as an event at which alcohol is being sold and the

appropriate licence should be applied for. No licence is required if those attending an event bring their own alcohol or if it is provided free of charge.

- **Personal Licences:**

Individuals over the age of 18 years who hold a relevant qualification can apply for a personal licence. A personal licence holder can be nominated as a premises manager and may also apply for occasional licences.

A personal licence holder can provide the minimum level of training to staff selling or serving alcohol on licensed premises.

What are the choices for halls?

1. Ensure a licence is not required for a particular event; or;
2. The hall can be licensed by a premises licence. Premises can be defined as almost anything, anywhere for example vehicles can now be licensed premises under the new Act. This would involve an application fee as well as an annual fee. A premises manager (DPM) would be required who would need a personal licence and other staff would need to be trained (by the DPM). This would cover the hall all year round; or;
3. Depending upon the frequency of events (as well as taking account of possible frequent changes to personnel) it may be more cost effective to apply for occasional licences. These are £10 each and the leaflet explains the application procedure and the overall numbers of licences allowed.

Public Entertainment Licence:

A licence is required for the use of premises as a place of public entertainment where, on payment of money or money's worth, members of the public are admitted or may use any facilities for the purposes of entertainment or recreation. In Moray a place of public entertainment is limited to the following:

- video machine parlours / amusement arcades
- billiard, snooker or pool halls
- circuses
- exhibitions of performing animals
- funfairs / fairgrounds
- public firework or bonfire displays

- raves - (being a gathering on land whether in the open air or in a place partly open to the air or in premises of 100 or more persons at which amplified music is played during the day or night (with or without intermissions). "Music" will include sounds wholly or predominantly characterised by the emission of a succession of repetitive beats)
- events held in marquees (commercial)
 - agricultural shows
 - discos (commercial).

Licensed premises as defined in the Licensing (Scotland) Act 1976 in which public entertainment is being provided out with the permitted hours.

You should note that the licensing authority may also make, at their discretion, additional conditions relating to an individual public entertainment licence.

Public Entertainment Licence - The Application Form

(Source: The Moray Council Legal Department – All quoted charges are subject to change)

The application form is split into five different parts:

- A. Personal/Business Details
- B. Licence Details
- C. Entertainment Details
- D. Insurance Details
- E. Criminal convictions

You must answer all of the questions and supply details where relevant otherwise your application will be returned to you. Your application cannot be processed until all the information is included on the form. Current fees are indicated (March 2011), however these may change.

A. Personal / Business Details

It is essential that your full personal / business details are supplied on the application form so that necessary Police checks can be undertaken swiftly and so your application can be processed as quickly as possible.

B. Licence Details

You may apply for a three year or one year licence. Once it expires you can apply to renew it for three years or one year. Different fees apply. You can alternatively apply for a temporary licence which lasts six weeks (maximum).

Please note that if the application is being made by a charitable or fundraising organisation a further application, by means of a letter may be made, to the Moray Council for rebate of the application fee paid. The Licensing Committee will consider such applications in terms of their discretion.

Full Licence - A full licence will generally be granted for a period of three years for permanent structures and premises and one year for semi-permanent structures / premises although the Licensing Authority have the discretion to grant it for a shorter period.

Grant of a Licence (Three years) - If you have never held a public entertainment licence before or you do not currently have such a licence you need to apply for the grant of a licence. The fee for a grant is **£350**.

Renewal of Licence (Three years) - If you currently hold a public entertainment licence which has not expired but is due to expire then you need to apply for a renewal of the licence. The fee for a renewal is **£350**.

Grant of a Licence (One year) - If you have never held a public entertainment licence before or you do not currently have such a licence you need to apply for the grant of a licence. The fee for a grant is **£250**.

Renewal of Licence (One year) - If you currently hold a public entertainment licence which has not expired but is due to expire then you need to apply for a renewal of the licence. The fee for a renewal is **£250**.

Temporary Licence - This only lasts for a maximum period of six weeks and cannot be renewed. However further applications may be made provided the previous temporary licence has expired. The fee for a temporary is **£100** (Funfairs, Fairgrounds, Firework and Bonfire Displays), **£250** (Other).

If you are applying for the grant of a licence you are asked questions on the form as to whether you have previously held a licence in the United Kingdom or whether you have been refused such a licence previously. Please note it is very important that you complete these questions fully.

C. Entertainment Details

It is also essential that full details are supplied as to the premises / or site where the entertainment is to be held, in order that it can be assessed as to its suitability.

You are also required to give full details as to the days and hours of operation of the entertainment.

The application form also requires you to specify the type of entertainment to be operated at the site / premises. For example Disco, Funfair Rides, Firework Display.

D. Insurance Details

Under this section applicants are asked to provide details of their Public Liability Insurance policy.

You are also asked to produce a certificate or other proof of insurance cover when you lodge the application.

The Moray Council requires applicants for the grant or renewal of public entertainment licences to have in force during the period of their licence a policy of Public Liability Insurance with a reputable insurance company for not less than £2 million in respect of the premises / location to be licensed.

E. Criminal Convictions

This section asks whether you have been convicted of any crime or offence. Please note however that you do not require to disclose any convictions which are "spent" in terms of the Rehabilitation of Offenders Act 1974. Although, you should note that the Police may raise an objection on the basis of "spent" convictions and the licensing authority may decide to consider these if they are thought relevant to your application.

The Rehabilitation of Offenders Act 1974 states what is to be considered as a "spent" conviction. It depends not only how long ago the conviction took place but also the seriousness of the crime and the severity of the sentence received. If you think a conviction is "spent" you should seek independent legal advice. Failure to disclose convictions is a serious matter. The Police when checking your application have access to both current and "spent" convictions. They will only bring "spent" convictions to the attention of the licensing authority if they believe them to be relevant to your application.

General Information

Application Procedure

You require to **sign** and **date** the declaration at the bottom of the application form. This is a very important part of the form and you should note that it is a criminal offence to make a false declaration for which you can be prosecuted and fined up to £2,500.

Once you have completed the application form, you should submit it to:

The Chief Legal Officer
Legal and Committee Services
The Moray Council
High Street
Elgin
IV30 1BX

Along with the appropriate fee and certificate or other proof of Public Liability Insurance cover.

Your application will be copied to Grampian Police, Grampian Fire Brigade, the Chief Environmental Protection Officer, the Chief Building Control Officer and the Planning Enforcement Officer, the Moray Council for their observations. If no objection or observation is made on your application by them within 21 days, the Council will proceed to issue your licence. If an observation or objection is received, your application will be referred to the Licensing Committee of the Council where Elected Members will consider the matter. You will be given an opportunity to attend this meeting and put your case in support of your application.

Certificate of Display

If you are applying for a grant or renewal you should also send the completed Certificate of Display, once you have displayed the notice at the premises or site of the entertainment for 21 days, to the above address. It is very important

that the Display procedure is carried out correctly. You should note that failure to carry out the requirements will result in delay in your application if the Display procedures have to be repeated.

On the day you lodge your application for the licence you must:

- 1) Complete the form headed "DISPLAY NOTICE"
- 2) Display it at or near the premises so that it can be conveniently read by the public

It must remain there for **21** days

You should check throughout the 21 days that it has not been removed, obscured or defaced. If it has been, you should ensure that it is protected or a replacement is displayed immediately.

At the end of the **21** days you must:-

- 1) remove the notice
- 2) complete and return the form headed "CERTIFICATE OF DISPLAY"

Changes / Variations

If granted, your licence will state the premises or site at which you are entitled to hold the specific type of entertainment and on which days, and at what time. If you later want to change the venue or date and time, you will require to obtain permission. A change of venue will require a new application for the grant of a licence or temporary licence as it is the place of entertainment which is being licensed. However a change of dates / times can be done by way of a variation. An application for variation of your licence is made on a separate form. The fee for such an application is £100.

If you wish to operate a different type of entertainment from that specified on your licence you will require to make a new application for a grant of a licence. Such an application will once again cost £350 for three year licence or £250 for one year licence for example a Pool or Snooker Hall rather than a Disco.

Planning Permission Etc

Please note that the site / premises where the entertainment is to be held may require to have planning consent and/or building warrant granted before the entertainment can take place. If you are unsure whether you require permission please contact Development Services, Environmental Services Department, The Moray Council, High Street, Elgin Tel. 543451.

Circuses / Funfairs / Fairgrounds

The Licensing Committee of the Moray Council has the option of designating from time to time certain Council owned sites used by circuses, funfairs or fairgrounds for which public entertainment licences will not be required. Please telephone 01343 563027 for information on what sites, if any, have been so designated.

Schedule of Conditions

Your attention is drawn to the standard schedule of conditions which will be attached to a public entertainment licence if your application is successful. A copy is enclosed with these Guidance Notes. In particular you should note that if your licence is granted you will require to:

- Submit prior to the entertainment commencing, a plan showing the layout of the premises / location licensed for approval
- Carry out a risk assessment relating to health and safety responsibilities and fire safety.

Queries

If you have any queries please telephone 01343 563027.

- **Lottery Licence:**

If tickets for a raffle are sold only at the event where the raffle is drawn, no licence is required. The value of prizes purchased should not exceed £250 but there is no limit to the value of donated prizes. Where tickets are sold in advance of the event, it is the responsibility of the organisation running the raffle to obtain a lottery licence.

- **TV Licence:**

Use of a TV in a hall requires a normal TV licence, see www.tvlicensing.co.uk

- **Performing Right Society Licence:**

Halls require this licence if musical performances take place in the hall i.e. “live music by performers in person at concerts, recitals and other events; background music by radio; television; tape, record, disc players; jukeboxes; music at discotheque or karaoke session; film and video shows; aerobatics; keep fit and dance classes” (from PRS leaflet). To apply for a licence tel. 0800 068 4828 and for all other enquiries Tel 0845 309 3090 or write to: 3 Rothesay Place, Edinburgh EH3 7SL.

- **Phonographic Performance Licence:**

As well as a Performing Rights Society Licence, this licence is also required if a hall is playing sound recordings using CDs, tapes or records at music events or as background music. In some cases the fee can be waived if all the proceeds are going to charity. Contact 0207 534 1000 or www.ppluk.com.

Section 6 Copyright

The UK copyright law fact sheet outlines the Copyright, Designs and Patents Act 1988, the principal legislation covering intellectual property rights in the United Kingdom and the work to which it applies.

Introduction

Copyright law originated in the United Kingdom from a concept of common law; the Statute of Anne 1709. It became statutory with the passing of the Copyright Act 1911. The current act is the Copyright, Designs and Patents Act 1988.

Rights covered

The law gives the creators of literary, dramatic, musical, artistic works, sound recordings, broadcasts, films and typographical arrangement of published editions, rights to control the ways in which their material may be used.

The rights cover; broadcast and public performance, copying, adapting, issuing, renting and lending copies to the public.

In many cases, the creator will also have the right to be identified as the author and to object to distortions of his work.

International conventions give protection in most countries, subject to national laws.

Types of work protected

- Literary: song lyrics, manuscripts, manuals, computer programs, commercial documents, leaflets, newsletters and articles etc
- Dramatic: plays, dance, etc
- Musical: recordings and score
- Artistic: photography, painting, sculptures, architecture, technical drawings / diagrams, maps, logos
- Typographical arrangement of published editions: magazines, periodicals, etc

- Sound recording: may be recordings of other copyright works, for example musical and literary
- Films: broadcasts and cable programmes.

The Copyright (Computer Programs) Regulations 1992 extended the rules covering literary works to include computer programs.

When rights occur

Copyright is an automatic right and arises whenever an individual or company creates a work. To qualify, a work should be regarded as original, and exhibit a degree of labour, skill or judgment.

Interpretation is related to the independent creation rather than the idea behind the creation. For example, your idea for a book would not itself be protected, but the actual content of a book you write would be. In other words, someone else is still entitled to write their own book around the same idea, provided they do not directly copy or adapt yours to do so. Names, titles, short phrases and colours are not generally considered unique or substantial enough to be covered, but a creation, such as a logo, that combines these elements may be. In short, work that expresses an idea may be protected, but not the idea behind it.

Who owns a piece of work

Normally the individual or collective who authored the work will exclusively own the work. However, if a work is produced as part of employment then it will normally belong to the person / company who hired the individual.

Freelance or commissioned work will usually belong to the author of the work, unless there is an agreement to the contrary, (i.e. in a contract for service).

Rights cannot be claimed for any part of a work which is a copy taken from a previous work. For example, in a piece of music featuring samples from a previous work, the copyright of the samples would still remain with the original author.

Only the owner or his exclusive licensee can bring proceedings in the courts.

Duration of copyright

The 1988 Copyright, Designs and Patents Act states the duration of copyright as; for literary, dramatic, musical or artistic works 70 years from the end of the calendar year in which the last remaining author of the work dies.

If the author is unknown, copyright will last for 70 years from end of the calendar year in which the work was created, although if it is made available to the public during that time, (by publication, authorised performance, broadcast, exhibition, etc.), then the duration will be 70 years from the end of the year that the work was first made available.

Sound Recordings and broadcasts

Fifty years from the end of the calendar year in which the work was created, or, if the work is released within that time: 50 years from the end of the calendar year in which the work was first released.

Films

Seventy years from the end of the calendar year in which the last principal director, author or composer dies. If the work is of unknown authorship: 70 years from end of the calendar year of creation, or if made available to the public in that time, 70 years from the end of the year the film was first made available.

Typographical arrangement of published editions

Twenty five years from the end of the calendar year in which the work was first published.

Broadcasts and cable programmes

Fifty years from the end of the calendar year in which the broadcast was made.

Crown Copyright

Crown copyright will exist in works made by an officer of the Crown, this includes items such as legislation and documents and reports produced by government bodies. Crown Copyright will last for a period of 125 years from the end of the calendar year in which the work was made.

If the work was commercially published within 75 years of the end of the calendar year in which it was made, Crown copyright will last for 50 years from the end of the calendar year in which it was published.

Parliamentary Copyright

Parliamentary Copyright will apply to work that is made by or under the direction or control of the House of Commons or the House of Lords and will last until 50 years from the end of the calendar year in which the work was made.

Restricted Acts

It is an offence to perform any of the following acts without the consent of the owner:

- Copy the work.
- Rent, lend or issue copies of the work to the public.
- Perform, broadcast or show the work in public.
- Adapt the work.

The author of a work or a director of a film may also have certain moral rights:

- The right to be identified as the author
- Right to object to derogatory treatment.

Acts that are allowed

Fair dealing is a term used to describe acts which are permitted to a certain degree without infringing the work, these acts are:

- Private and research study purposes.
- Performance, copies or lending for educational purposes.
- Criticism and news reporting.
- Incidental inclusion.
- Copies and lending by librarians.
- Acts for the purposes of royal commissions, statutory enquiries, judicial proceedings and parliamentary purposes.
- Recording of broadcasts for the purposes of listening to or viewing at a more convenient time, this is known as time shifting.
- Producing a back up copy for personal use of a computer program.
- Playing sound recording for a non profit making organisation, club or society. (Profit making organisations and individuals should obtain a license from PRS for Music).

Useful addresses:

The Patent Office

Concept House
Cardiff Road
Newport
South Wales
NP10 8QQ
Tel: 08459 500 505
www.ipo.gov.uk

PRS for Music

29-33 Berners Street
London
W1P 4AA
Tel. (0207) 580 5544
www.prsformusic.com

Copyright Licensing Agency

Saffron House
6-10 Kirby Street
London
EC1N 8TS
Tel. 020 7400 3100
www.cla.co.uk

Further reading

The original text for the 1988 Copyright Designs and Patent Act can be found at the OSPI (HMSO) website, but should be read in conjunction with all the relevant updates and statutory instruments.

To avoid confusion, we recommend a copy that includes the amendments since 1988, such as can be found at www.jenkins-ip.com or download as a Pdf file directly from the UK Patent Office.

Section 7 Policies

Why have a policy and what should be in it:

Data Protection Act:

Why have a policy?

If your organisation handles personal information about individuals, such as personnel records, details about service users, databases of donors, you will have a number of legal obligations to protect that information.

There are a number of different statutes which covers Data Protection and privacy. The main law governing data protection is the Data Protection Act 1998 which came into force in March 2000.

All organisations in the UK must comply with the Data Protection Act. The Act refers to the processing of personal data by Data Controllers and outlines the data protection principles which must be followed. Individuals are entitled to compensation for damage and distress caused by the failure of a data controller to comply with the Act.

What should be in it?

- Decide who will take specific roles for example who will be designated as Data Controller?
- Make clear to volunteers who they should contact about any particular aspect of the policy.
- Make clear how volunteers can make a request to access their personal data.
- Consider what best practice procedures should be put in place.
- Specify the consequences of breaching the policy, including disciplinary action and summary dismissal.

The Chartered Institute of Personnel and Development (CIPD) have a factsheet on Internet and Email Policies that contains a helpful checklist of contents for internet policies. <http://www.cipd.co.uk/subjects/hrpract/general/webepolicy.htm>

Child Protection Policy

Why have a policy?

By law children have the right to be protected from abuse and harm at all times and in all situations. This guidance has been designed to help your organisation protect these rights. Child Protection is the responsibility of every adult who has involvement with children.

What should be in it?

- A statement on the law on Child Protection.
- A statement on the organisation's responsibilities for developing and maintaining a child-safe environment.
- Information on bullying and other forms of child abuse.
- Information making it clear to staff who they should contact about any particular aspect of the policy.
- Consideration of the best-practice procedures to be put in place.
- A statement on Disclosure Scotland vetting procedures and related policies such as Protection of Vulnerable People.
- A list of the contact people in your area for advice, guidance and referral to statutory agencies.

Child Protection Training and development

Anyone within your organisation who is working with, or is likely to work with children, should receive training on the policy and how to implement it. It is also relevant that existing volunteers should have their training needs assessed.

Volunteers should also be trained to recognise the possible indicators of abuse in children.

Information on Disclosures for Voluntary Group volunteers

Where to get forms?

Directly from Central Registered Body in Scotland (CRBS).

Contact details:

Central Registered Body in Scotland

Jubilee House

Forthside Way

Stirling

FK8 1QZ

info@crbs.org.uk

www.crbs.org.

Tel: 01786 849777

How much will it cost? For voluntary groups, Disclosures are free.

Who should manage the disclosure process?

Generally this is the secretary but does not have to be. The person managing this process is known as the Registered Person.

What are the responsibilities of the Registered Person?

The Registered Person must first complete their own disclosure with additions to allow them to become the Registered Person. You will receive advice on this from CRBS.

It is then the Registered Person's responsibility to ensure the following:

- Required documentary evidence is checked
- That information and disclosures are held securely and protect confidentiality
- They countersign each applicants disclosure application
- Disclosures should only be held within a secured locked cabinet for a period of 6 weeks after this it will be shredded and only a paper document of named successful disclosed candidates will be held.

www.nspcc.org.uk

Policy guidelines

www.disclosurescotland.co.uk

Disclosure Scotland

The Protecting Vulnerable Groups Scheme (PVG Scheme), which delivers on the provisions outlined in the Protection of Vulnerable Groups (PVG) (Scotland) Act 2007 will:

- Help to ensure that those who have regular contact with children and protected adults through paid and unpaid work do not have a known history of harmful behaviour.
- Be quick and easy to use, reducing the need for PVG Scheme members to complete a detailed application form every time a disclosure check is required.
- Strike a balance between proportionate protection and robust regulation and make it easier for employers to determine who they should check to protect their client group.

(Scottish Government, 2010)

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For further information or to register please use the links below:

<http://www.pvgschemescotland.org/>

<http://www.opsi.gov.uk/legislation/scotland/acts2007/20070014.htm>

<http://www.disclosurescotland.co.uk/about/vulnerable-groups/>

Where you can get help

Voluntary Action Moray (VAM) hold information on policies and procedure if your organisation would like help with this. For contact details see section 13.

Equal Opportunities Policy

Why have a policy?

The purpose of an Equal Opportunities Policy is to ensure that all members of the community, who wish to do so, are able to participate in the activities that take place within the hall and to be involved in the management of the hall. As well as being good practice, many major funders will have the requirement for such a policy to be in place as a condition of funding.

An Equal Opportunities Policy should include:

- Statement of intent: this is a public statement that the organisation is opposed to discrimination in any form.
- Objectives: this sets out what you want to achieve for example to ensure that meetings, events and hall activities are open to all members of the community.
- Implementation: how will you do this? For example by making the building accessible to those with disabilities, by giving everyone the opportunity to be involved in the management of the hall, by ensuring that hall events are well publicised and in a format accessible to all.
- Monitoring and review: Provision should be made for the policy to be reviewed at least annually to see whether you are meeting your objective.

The Equality and Human Rights Commission site

<http://www.equalityhumanrights.com/en/scotland/Pages/EHRCSotland.aspx>
provides information and advice for organisations.

Disability Discrimination Policy

Why have a policy?

The Disability Discrimination Act makes it unlawful for a service provider such as a hall to refuse to provide a service to a person with a disability that is provided to non-disabled people or to provide a sub-standard service. It is up to the hall to make reasonable adjustments to enable it to provide that service. This does not mean providing access just for people using wheelchairs. Provision must also be made for people with hearing difficulties or sight problems.

Environmental Policy

Why have a policy?

Funders are increasingly asking for organisations to show that they are considering the effect on the environment in the running of their organisations.

Points to consider when drawing up a policy are:

- Energy Consumption
- Waste Minimisation
- Water Usage
- Recycling
- Purchasing

Draft policies have not been included in this pack as they will vary from hall to hall depending on the situation and the use made of the hall. However, please contact your local Community Support Unit (contact details in Section 14) who may be able to offer support in developing these policies with you.

Health and Safety

Why Have a Policy?

All organisations have a legal duty to ensure good standards of health and safety for their employees, volunteers, management Committee members and the service users. This will include carrying out risk assessments, providing Employers' Liability Insurance and meeting fire regulations.

A Health and Safety policy will help you to prioritise areas for future improvement and clearly show that you value your volunteers and want to look after their health and safety.

What should be in it?

- **Setting out a policy:**

The policy should be set out in such a way that it makes it clear to everyone what is expected of them to comply with the requirements of the policy.

- In a small organisation it is likely that a simple statement will be suitable. It is also likely that the organisation section of the policy will contain only one or two names, as most of the responsibilities will be allocated to those people.

- **Aims of a policy**

There are no hard and fast rules about the length of the policy. The important thing to remember is to link the aims of the policy to the level of risk. A Risk Assessment will determine how explicit you need to be in your arrangements section.

- **Links with other Policies**

Ensure that other related policies and procedures are cross-referenced with the Health and Safety Policy as appropriate. For example, if you have policies on Lone Working, Smoking, Alcohol and Substance Misuse or Stress Management, you should make reference to these in the Health and Safety policy and procedures.

Risk Assessment

A Risk Assessment helps you protect your volunteers and everyone using your hall. It helps the Committee focus on the risks that really matter, the ones with potential to cause harm. A Risk Assessment is, as the Health and Safety Executive (HSE) describe: "*a careful examination of what, in your work, could cause harm to people.... the aim is to make sure that no one gets hurt or becomes ill*".

Carrying out a Risk Assessment is a relatively straightforward process, simply a careful examination of what could cause harm to people, and what precautions need to be taken.

The HSE prescribes a 'Five Step' process:

- **Step One – Identify the hazards**

First walk around the hall identifying anything that could be potentially hazardous - write everything down - make a list. Include everything you can think of: not just things that are currently obviously dangerous, but anything with a potential risk. It is a good idea to get two people to do this separately then compare their lists afterwards, in case either of you have missed anything out.

Then think about invisible hazards - for example, in the voluntary sector one of the biggest risks people endure is stress (often related to working long hours, under pressure, to tight deadlines) or physical assault.

Invisible hazards often include fumes - for example, photocopiers and laser printers emit ozone when in use.

- **Step Two – identify who is at risk**

Once you have identified and listed all the hazards, you need to (i) identify what the specific risk is, and (ii) who is particularly at risk.

Some people will be more at risk from particular hazards than others - for example a cleaner might have specific risks related to the chemical cleaning agents being used etc. And there will be those particularly at risk in some circumstances for example because they may be working alone, or they may have a disability. List those potentially at risk.

- **Step Three – Evaluate the risks and decide on precautions**

Think about what you can do to remove the risk. Compare what you currently do with what is accepted as good practice (you may need to seek advice on this from experts). The main purpose of doing a Risk Assessment is to be aware of the risks, so that you can take action to eliminate or at least reduce the risks.

On a simple level if an electrical wire is exposed, you could replace it, or cover it with insulating tape. On a more proactive level, for example, if your cleaner is using potentially dangerous chemical agents - change the cleaning product - use something water-based. Write down the actions currently taken and those actions you propose to be taken, and write down who will take the action, by when.

- **Step Four – Record your findings**

If you employ five people or more, the law requires you to record your findings. Ensure the written record of your findings is made available to staff, and that they co-operate with the carrying out of the recommendations made as a result of the assessment. This might involve a change in working practices, a change in machinery or equipment, and appropriate training being undertaken.

- **Step Five - Review your assessment.**

Few halls remain the same. You must review your assessment when there are major changes in the workplace, such as the introduction of new equipment, or new ways of working - but you must carry out regular reviews anyway - possibly annually.

If your original assessment was properly recorded the review should be a relatively simple job but be aware of changing working practices.

A sample Risk Assessment Form can be found on this website: Health and Safety Executive <http://www.hse.gov.uk/index.htm>

HSE is the UK government body responsible for enforcing health and safety at work legislation. The HSE website contains a wealth of information and guidance on maintaining health and safety at work, and detailed advice on complying with health and safety regulations. There is a section specifically aimed at small organisations <http://www.hse.gov.uk.htm>

Asbestos

Asbestos containing materials may be found in buildings built or refurbished before 1985 or, in the case of asbestos cement, it was used until 1999. The Control of Asbestos Regulations 2006 requires village hall Committees to:

- Take reasonable steps to find out if there are materials containing asbestos in the village. The Health and Safety Executive publishes a short guide to Managing Asbestos in Premises which can be downloaded from www.hse.gov.uk/asbestos

Fire Safety

The Fire (Scotland) Act 2005 requires the members of the Management Committee of a village hall to take steps to prevent fire and to mitigate the detrimental effects of any fire which occurs. The Scottish Executive has produced a Fire Safety Guidance Booklet which can be downloaded from: www.infoscotland.com/firelaw/files/Summary_Guide_Full_doc.pdf

Hall Committees need to carry out a Risk Assessment which identifies the people at risk and the fire hazards in the building. They then need to look at the fire safety measures necessary to:

- Reduce the likelihood of fire
- Detect fire and give warning of it
- Provide a means of escape
- Fight any fire if appropriate – the local fire officer recommends the provision of fire extinguishers but the onus is then on the hall Committee to ensure that users of the hall know how to use them.

There must be a written record of the Risk Assessment and all users should be made aware of what to do in the event of a fire.

Electrical safety

Members of the hall Committee are responsible for ensuring that all electrical equipment and fittings in the hall are safe. There is no legal requirement to have portable appliance testing carried out (PAT testing) if there are no employees but halls may consider this to be good practice. Moray Federation of Village Halls and Community Associations have the equipment and volunteers trained to carry out PAT testing. For contact details see section 13.

The Health and Safety Executive produces a booklet on maintaining portable electrical equipment in offices and other low-risk environments which gives common sense advice and this is included in this pack or can be downloaded from www.hse.gov.uk/pubns/indg236.pdf

Halls may also wish to make it a condition of hire that any electrical equipment brought into the hall can be shown to have been inspected or tested as appropriate.

Introducing and using a policy

If implementing a new or revised policy, notify all volunteers, identify the date of implementation and give volunteers an opportunity to review the policy.

Any policy can only be effective if it has been brought to the attention of volunteers and they follow it. The best approach is not to rely only on a policy but also to educate your volunteers on the policy and any procedural aspects.

Finally, bear in mind that a policy will not be effective unless it is enforced. A Committee cannot turn a blind eye to abuse of an existing policy then expect to suddenly enforce it against one or a number of volunteers. Such an unfair approach could easily backfire on the Committee.

Policy Review

Set a date to evaluate the effectiveness of the policy, perhaps annually, and nominate a person to take responsibility for this. Changes to the policy may also be required by changes in legislation and new case law.

Further information from the local offices of Grampian Fire and Rescue whose staff are willing to discuss any concerns or to visit the hall if required.

Section 8 Fundraising

Community Support Unit Funding Guide

This guide provides simple and clear information for community groups and organisations that have identified a need to secure additional funds.

There are many funding opportunities available and this guide cannot hope to cover every aspect. What the guide attempts to do is to give a flavour of the many ways to access information as well as listing a number of funding opportunities that are currently around.

Remember, there is no need to go to the lengths of finding funders and filling in application forms for funding if your group is looking for small amounts money. If that is the case then one or more activities such as coffee mornings, sponsored walks, raffles, fetes, dances etc, could generate enough funds for your group.

But what if your organisation has identified the need for a larger amount of money? Where do you start?

This guide contains information on:

- Funding from Trusts and Foundations
- Getting Started
- Planning Ahead
- Timescales
- How was the need identified?
- Describe the project
- Costs
- Beneficiaries
- Outputs Outcomes and Soft Outcomes
- Monitoring and Evaluation
- Don't waste your time - or theirs

- Types of Grant, Capital or Revenue
- Things to Avoid
- Exit Strategy
- Completing an application form
- Rejection
- The Funder
- Applying by Letter
- A sample letter
- The Moray Council's Funding Support Website
- Further Useful Web links
- Web links to identify potential funder
- Local Contacts
- An A – Z selection of Funders

To access this booklet, contact your local Community Support Unit staff or by accessing www.yourmoray.org.uk or www.themoraycouncil.gov.uk

Section 9 Marketing your hall

Community Support Unit Marketing Guide

This handbook is an introduction to the purpose and need for marketing – it is not meant to be a definitive guide, but a resource which can be used by community groups and organisations to assist them in making the best they can with the resources they have. It should help you to construct a marketing plan which is suitable to the needs of the community you serve and utilises the resources at your disposal. The handbook contains information on the following:

- What is marketing?
- Mapping
- Planning your marketing
- Marketing tools
- Templates / examples
- References.

Section 10 Reviews / Keeping in touch with your community

Hall Committees should ask themselves:

Do we meet the needs of our community?

- Is the hall fit for purpose?
- Can we improve what we offer?

Do we need to review our services /opportunities?

- When did the community last indicate which services / opportunities they wanted to see

Do we know the population make up of our area?

- Has it changed?
- Have new houses been built?
- Are we offering something for everyone?

Who can provide new services / opportunities?

- Do we need to develop new opportunities?
- Can private business provide new opportunities?
- Can local agencies provide new opportunities?

How can we find out what the local community want us to provide?

Are we bringing in enough through hires to cover our costs?

Do we have a healthy contingency in case of emergency? (i.e. heating breakdown or replacement).

Does the hall need upgrading or the Committee making do with what you have?

Halls should carry out a review of the services /opportunities / hall they provide to their community at least every three-five years.

Local Community Support Unit staff can help you carry out a review and put a forward plan together, see section 14 for contact details.

Keeping in touch with your community

Why?

What's on?

What are the Committee / agencies / commercial businesses offering to the community from your hall? The community need to know, a poster on the hall wall is not enough these days.

What's coming up?

Do you have a function coming up that needs to be publicised to make the most of the evening, a dance, an event which needs more volunteers than you've got.

What's on offer?

What can the hall offer the community apart from the obvious, hire of equipment to the community, resources such as tables / chairs at Christmas for a small hire charge or donation? Can your hall be hired on Christmas Day for a large family – think outside the box about how the Committee can work with the community to gain mutual benefits?

Information on the hall and any specific activities which are coming up perhaps a community consultation or the Committee are looking for feedback.

How?

Again the Committee should ask basic questions:

Does your community have a local newsletter?

- Are there notice boards which the Committee could perhaps use?
- If you are a small community with a school, can you put information on the school newsletter? Do the Committee make the most of the What's On / Events section of the local paper?
- Are the hall notice boards kept up to date?

Perhaps this is a task which could be assigned to an individual Committee member. Do the Committee need to carry a fact finding exercise or plan a marketing strategy. See previous section.

Section 11 Rates / VAT

Rates: Community halls which are registered charities are entitled to 80% mandatory rates relief. Halls within The Moray Council area receive a further 20% discretionary relief.

VAT: The following concessions can apply to village halls which are registered charities:

Zero rated:

- The construction of new buildings subject to certain conditions being met
- Renovation of existing buildings to provide facilities for people with disabilities
- Advertising and publicity.

Reduced rate:

- Installation of energy saving material e.g. central heating or insulation
- Provision of fuel and power which also excludes organisations from paying the climate change levy.

Anything to do with VAT is complicated and it is worth checking before making any assumptions by contacting the national advice service on 0845 010 9000.

It is crucial any hall undertaking an extension or refurbishment ascertain their VAT status prior to applying for funding.

Section 12 Emergency Numbers

This page is intended to be completed by the Management Committee,

In case of Fire – dial 999 immediately

The following qualified persons have been approved by the Committee and have access to carry out emergency repairs, however, all repairs must be authorised by the Committee or a Committee member.

	Contact Name	Telephone Number
Management Committee Emergency Contact		
In case of no response from above contact		

Electrician		
Plumber		
Glazier/Joiner		
Alarm Company		
Gas Supplier		
Electric Supplier		
North East Scotland Water Authority (NOSWA)		

Local Community Beat Officer		
Local Community Warden		

Section 13 Useful contacts

The Moray Council's Community Support Unit

John Ferguson

Community Planning and
Development Manager

Tel: 01343 563404

Email:

john.ferguson@moray.gov.uk

Ian Todd

Community Support Manager

Tel: 07800 670 669

Email: ian.todd@moray.gov.uk

Moray Federation of Community Halls and Associations

Website: www.morayvillagehalls.org.uk

Convenor: Anita Milne

Glenlossie

Urquhart

Elgin

IV30 8LP

Tel: 01343 842289

Email: anita.milne@tinyworld.co.uk

Secretary: Eileen Fitzpatrick

4 Mackintosh Court

Tytler Street

Forres

IV36 1GG

Tel: 01309 673944

Email:

fitzpatrick.eileen1@googlemail.com

Licensing Queries

The Moray Council

Tel No: 01343 563077

Email: enquiries@moray.gov.uk

The Moray Council – general queries

Tel No: 01343 543451

Email: enquiries@moray.gov.uk

Voluntary Action Moray

30-32 High St

Elgin

IV30 1BU

Tel: 01343 541713

Email:

vam@voluntaryactionmoraymoray.org.uk

Volunteer Centre Moray

15 High Street

IV30 1EQ

Tel: 01343 544104

info@volunteermoray.org.uk

www.volunteermoray.org.uk

Moray LEADER Programme

17 High St

Elgin

IV30 1EQ

Tel: 01343 563570

Email david.watson@moray.gov.uk

OSCR

2nd Floor

Quadrant House

9 Riverside Drive

Dundee

DD1 4NY

Tel: 01382 220446 Email:

info@oscr.org.uk

Section 14 Hall information:

Hall Information:

SCO Number _____

Full Postal Address of premises:

Postcode: _____

Main contact: _____

Phone number: _____ Mobile No: _____

Named Health & Safety Contact Person: _____

Named Child Protection Contact Person _____