

Village Halls Handbook

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1. Introduction

This handbook has been prepared by staff from The Bridge, the Council for Voluntary Service which provides support to village and community halls throughout the Scottish Borders except in Berwickshire. It is available in hard copy from the offices below or on the website: <http://www.onlineborders.org.uk/site/action/page>

Within the geographical area covered by The Bridge there are three Federations of Village and Community Halls which are all serviced by staff from the area office of The Bridge. The Federations exist to provide support to individual halls within their area; to co-ordinate local activities and to liaise with the local authority and other outside bodies on behalf of the halls.

For further information about anything in this handbook or about the running of village and community halls contact:

- **Central Borders Federation of Village and Community Halls**

c/o The Bridge - Central Borders
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Tel: 01896 755370
Fax: 01896 759661
E-mail: rob.nicholson@the-bridge.net.uk

- **Peeblesshire Federation of Village and Community Halls**

c/o The Bridge - Tweeddale
Volunteer Resource Centre, School Brae, High Street, Peebles,
EH45 8AL
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- **Roxburgh Federation of Village and Community Halls**

c/o The Bridge - Roxburgh
1 Veitch's Close, Castlegate, Jedburgh,
TD8 6AY
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Fax: 01835 864456
E-mail: heather.batsch@the-bridge.net.uk

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

2. Legal Structures

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

- **Trusts:** Most of the village halls in the Scottish Borders have been set up under a **Deed of Trust**. 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 village 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 Memorandum and Articles of Association.

There will be a new type of legal entity available to organisations sometime in 2007 when detailed regulations will be produced:

- **Scottish Charitable Incorporated Organisation (SCIO):** This new type of organisation will give a charity the benefits and legal protection of an incorporated body – specifically the limited liability of its members – without the hassle associated with being a company limited by guarantee. It will be regulated by OSCR rather than Charities House and will be particularly relevant for organisations employing staff or owning or leasing property. It can be one tier (similar to an existing trust where the trustees are the only members) or two tier (similar to a co ltd by guarantee where there are members who may or may not be trustees)

Advice on drawing up a constitution or memorandum and articles is available in the area offices of The Bridge.

3. Charitable Status

It is advisable for all village 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
- VAT concessions (see section 12 - Finance)

The **Office of the Scottish Charity Regulator** (OSCR) is the new body in Scotland which is responsible for granting charitable status and regulating charities. It can be contacted at: 2nd Floor, Quadrant House, 9 Riverside Drive, Dundee DD1 4NY
Tel 01382 220446 www.oscr.org.uk.

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 ie 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

Village halls are likely to meet the 9th charitable purpose which is “the provision of recreational facilities” which are “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 9 months of the end of the financial year along with a report of the year’s activities. Fuller information on charity law and accounts is on the enclosed sheet or can be downloaded from www.onlineborders.org.uk/site/action/regulations/page.

Charities and Trustee Investment (Scotland) Act 2005

OSCR is the new body in Scotland for granting charitable status and regulating charities. Its functions are:

- To determine whether bodies are charities
- To keep a public register of charities
- To encourage, facilitate and monitor compliance by charities with the provisions of the Charities Act
- To identify and investigate apparent misconduct in the administration of charities and to take remedial or protective action in relation to such misconduct
- To give information to Scottish Ministers on matters relating to OSCR's functions

The Scottish Charity Register

- This is the first time that there has been an official register of charities in Scotland
- All organisations recognised by the Inland Revenue as charities at 1st April 06 have been transferred on to the register
- OSCR has a duty to review the register and keep it up to date
- **If an organisation does not appear on the register, it cannot be considered to have charitable status in Scotland and it will be breaking the law if it calls itself a charity** unless it can prove it is registered as a charity under a different jurisdiction
- OSCR must make the register available to the public although it may charge a fee for access
- A registered charity must make a copy of its constitution and most recent accounts available to anyone requesting them and it may charge a fee to cover the cost of providing them

The Charity Test

To become a charity there is a five part charity test:

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3. It must be independent from government *and*
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Charitable Purposes

Under the new Act, there are 16 charitable purposes as opposed to the 4 which previously existed.

1. The prevention or relief of poverty
2. The advancement of education
3. The advancement of religion
4. The advancement of health (including the relief of sickness, disease or human suffering)
5. The saving of lives
6. The advancement of citizenship or community development (including rural or urban regeneration, the promotion of civic responsibility, volunteering, the voluntary sector or the effectiveness or efficiency of charities)
7. The advancement of the arts, heritage, culture or science

8. The advancement of public participation in sport (which involves physical skill and exertion)
9. The provision of recreational facilities, or the organisation of recreational activities, with the object of improving the conditions of life for the persons for whom the facilities or activities are primarily intended (but these facilities or activities must be (i) primarily intended for persons who have need of them by reason of their age, ill-health, disability, financial hardship or other disadvantage, or (ii) available to members of the public at large or to male or female members of the public at large)
10. The advancement of human rights, conflict resolution or reconciliation
11. The promotion of religious or racial harmony
12. The promotion of equality and diversity
13. The advancement of environmental protection or improvement
14. The relief of those in need by reason of age, ill-health, disability, financial hardship or other disadvantage (includes relief given by the provision of accommodation or care)
15. The advancement of animal welfare
16. Any other purpose that may reasonably be regarded as analogous to any of the preceding purposes.

Public Benefit

- None of the charitable purposes are **presumed** to be for public benefit
- OSCR must apply the **public benefit test** which means weighing up whether the benefit provided to the public at large is greater than
 - a. any benefit gained by the people involved with the organisation *or*
 - b. disbenefit (ie negative consequences) for the public
 and whether there are undue restrictions such as charges or fees on the public accessing the services.
- This does not mean that there cannot be any benefit to members of an organisation, disbenefit to the public, or charges.
- The overall public benefit must be great enough to make these things less significant.

How to become a charity

- Organisations already recognised by the Inland Revenue and with a Scottish Charity Number need do nothing – they will automatically be considered as Scottish charities
- Any organisation wishing to become a charity must contact OSCR www.oscr.org.uk where the following can be downloaded:
 - Application form
 - Guidance notes to help you complete the form
 - Charity trustee declaration form
 - General guidance booklet on the charity test

Application Process

- Applications are allocated to a case officer who will be the point of contact
- Letter of acknowledgement is sent with reference number
- If anything is missing the group will be notified within 10 days; otherwise will not hear anything until case is being assessed
- Remember to send:
 - Application form
 - Charity trustee declaration forms for **all** trustees

- Founding document eg constitution, Memorandum and Articles of Association, Trust Deed
- Latest accounts (if relevant)
- Any documentation which shows activities to be undertaken eg business plan, publicity leaflets. The more information that OSCR has, the easier it can judge public benefit.

Application Form

The two questions which are causing the most problems are 9 and 13.

- **9. Statement of activities:** Do not just extract the powers from your constitution. You need to provide details of what you will actually do so that OSCR can work out the public benefit or conversely any disbenefit. Any leaflets or other publicity materials will help here.
- **13. Conditions of benefit:** There has been a tendency to leave this blank. You must identify any restrictions on benefit eg requiring people to be members to access services, charging fees, restricting access on the basis of gender, religion etc, physical barriers to access. This information will be used to ascertain if there are undue restrictions.

All applicants are strongly advised to read the guidelines produced by OSCR

Changes to a charity

If the changes are allowed by the constitution they will either require the consent of OSCR or to be notified to OSCR.

Changes requiring consent:

- Changes to the name of the charity
- Amending its constitution with respect to its charitable purposes
- Amalgamating with another body
- Winding up or dissolving

Changes requiring to be notified:

- Contact details for the charity
- Any other changes to details recorded in the Charity Register
- Changes which have required consent, once they have been made

If a charity wishes to do something which is not allowed by the constitution, a charity reorganisation scheme will be necessary. Eg if a charity wishes to:

- Make a variation to the constitution (not only with respect to its charitable purposes)
- Amalgamate with another charity
- Transfer property to another charity

However, the regulations are not yet in place to allow this to happen. OSCR has produced detailed guidelines on “consents and notifications” on its website and these should be read by any charity considering making changes.

Accounts

A charity must keep proper accounts, produce annual accounts (which include an annual report on activities) have them independently examined or audited and send a copy to OSCR

The detail will be governed by the Charities Accounts (Scotland) Regulations 2006.

Key points are:

- Charities will have 9 months from the end of the financial year to submit their accounts to OSCR
- **a.** An audit will not be required unless the annual income reaches £500,000
- **b.** Charities with an income of less than £100,000 need only produce *receipts and payments* accounts
- **c.** Charities with an income of over £100,000 must produce *accrued* accounts

(these thresholds can be overruled by the constitution, legislation or decisions of the trustees eg under Company Law, companies have to produce accrued accounts even if the income is under £100,000)

- The regulations bring the Statement of Recommended Practice for Charity Accounting 2005 (SORP) into legal effect in Scotland for accrued accounts
- Receipts and payments accounts may be examined by an independent examiner whom the trustees believe to have the ability and experience necessary to carry out a competent examination
- Accrued accounts up to £500,00 must be independently examined by a professionally qualified independent examiner (a list of such professions will be in the regulations)
- Charities with an income of over £500,000 must have their accounts audited by a professional auditor
- If a charity fails to submit accounts on time OSCR may appoint someone to prepare the accounts and make a report of what is going on
- The trustees of the charity will be liable for the costs of doing this

Monitoring

- Each year all charities on the Scottish charity Register will receive an **annual return** from OSCR which must be completed and returned with a copy of the annual accounts
- Charities with an income of between £25,000 and £100,000 will be required to fill in most sections of a **monitoring return**
- Those with an annual income of over £100,000 will have to complete the whole **monitoring return**

Scottish Charitable Incorporated Organisation (SCIO)

- This will be a new type of legal entity available to organisations sometime in 2007 when detailed regulations will be produced
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- It will be regulated by OSCR rather than Charities House
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Charity Trustees

- Charity trustees are those who are responsible for the general control and management of a charity ie committee members or board of directors
- They 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 eg the organisation which they represent or, if this is not possible, take no part in the discussion or decision making
 - d. Comply with the Act and other legislation relevant to the charity
 - e. Take reasonably practicable steps to correct breaches of the duties and remove trustees in serious or persistent breach

Payment of Trustees

- In general, no trustee can be paid for doing the work of a trustee unless certain conditions set out in the Act are met, although they can receive expenses for expenditure incurred. If in doubt, seek advice.
- If they are the best person to do a specific piece of work for an organisation, other than their duty as a trustee, they can be paid for doing this. There must be a clear distinction between what they are being paid for and what they are doing as a trustee
- No more than 49% of the Trustees can receive any remuneration; this includes payment to family and partners of Trustees.
- The issue of Trustee Indemnity Insurance is being looked at by OSCR and the Scottish Executive. Under the current legislation it can be argued that all Trustees would receive this benefit and therefore break the 49% rule. However, the Scottish Executive has agreed that no organisation will be refused charitable status on these grounds and that the legislation will be looked at when a suitable opportunity arises.
- The most common situation where a trustee receives remuneration from an organisation is when a treasurer is paid an honorarium. This should only be paid for any work that is over and above what would normally be expected of a trustee eg if there is an element of book-keeping as well as overseeing the finances of the organisation
- There should be a clear distinction between staff and trustees – staff attend meetings to advise and inform the trustees

Disqualification from being a Charity Trustee

A person is not allowed to be a charity trustee if he/she:

- Has been convicted of an offence involving dishonesty
- Has been convicted of an offence under the Charities and Trustee Investment (Scotland) Act 2005
- Is an undischarged bankrupt
- Has been removed under section 7 of the Law Reform (Miscellaneous Provisions) (Scotland) Act 1990 from being concerned in the management or control of any body
- Has been removed under Section 34 of the Charities and Trustee Investment (Scotland) Act 2005 from being concerned in the management or control of any body
- Has been removed from the office of charity trustee by the Charity Commission of the English High Court
- Is disqualified under company law in Northern Ireland

Charity Trustee declaration forms are available from OSCR which all trustees should sign.

Fundraising

- It is illegal for a professional fundraiser or commercial participator to raise money for a benevolent body without an agreement between it and the benevolent body
- An organisation can object to anyone raising funds on its behalf because:
 - a. It objects to the method of fundraising
 - b. It considers that the person is not a fit and proper person to raise funds for the body
 - c. It does not wish to be associated with the particular promotional or other fundraising venture
- Local authority consent must still be sought to hold a public benevolent collection.

4. 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 ie 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 eg 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 village hall committees where people are nominated by user groups to represent that group. However, while attending village hall committee meetings, they must put the interests of the village hall first.

In general, the committee has responsibility to ensure that:

- the organisation works within the terms of its governing document eg the 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 outwith 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.

5 Employment of Staff

Most village halls will only employ a part-time cleaner or caretaker, if that. However, part-time staff have the right to be treated no less favourably than full-time staff and hall committees need to be aware of their obligations. There is a wealth of information on the Inland Revenue website: www.inlandrevenue.gov.uk and the ACAS website: www.acas.org.uk or they can be contacted by phone.

Inland Revenue helpline: 0845 6070143

ACAS helpline: 0845 7474747

General points:

- The members of the management committee are the employers and are personally liable for ensuring that employment law is adhered to. This includes payment of the minimum wage, equal pay for men and women, the right not to be discriminated against.
- If the employment with the hall is the employee's main or only source of income, it is up to the management committee to deal with national insurance and tax.
- When taking on an employee for the first time, the management committee has to register with the Inland Revenue and it will then be sent an Employer's Pack which will give all the information necessary to deal with tax, national insurance etc.
- If someone is self employed, the organisation must ensure that they are going to make their own arrangements for income tax and national insurance.
- All employees must have a contract which forms the basis of the employment relationship. This should include a written job description to avoid any misunderstandings.
- A committee member can be employed by the hall committee eg as caretaker but this role must be seen as separate from their role as committee member and they must only be paid for the time spent on caretaking duties. (No more than 49% of the committee can be receiving payment for other duties – see section 3, Charity Law). Care must be taken to avoid conflict of interest.

6. Booking Procedures

A clear policy on bookings is required which has been agreed by the management committee. If the hall has charitable status, it is important to ensure that the “public benefit test” (see section 3 on Charity Law) can be met. Occasional use for commercial activity or private parties should not infringe a hall’s charitable status but priority should be given to groups/activities for the local community.

It is very important that a simple, efficient booking procedure is in place to avoid the possibility of double booking. One person should be responsible for bookings and this may be a committee member or, if appropriate, the caretaker. A practical system has to be in place for opening and closing the hall.

Anyone booking the hall should be made aware of the conditions of hire which could include:

- supervision during lets – “responsible person” should be present throughout the let and where there is a Public Entertainment Licence that person should be over 21 years of age
- who is responsible for licences (see section 9)
- information on any policies in place (see sections 13 and 14)
- responsibility for insurance
- responsibility for health and safety including food hygiene (see below) and electrical testing (see section 11)
- arrangements for cleaning and tidying
- arrangements for dealing with any damage caused
- how payment is to be made including return of any deposit
- what happens in the event of cancellation
- the maximum number of people who can be in the hall at any time
- the hall committee’s right to refuse a booking.

It is recommended that the following statement, provided by a food safety officer with Scottish Borders Council, is included to ensure that food safety regulations are met:

1. Hirers are required to ensure compliance with the Food Safety Act 1990, the Food Hygiene (Scotland) Regulations 2006 and any subsequent related regulations
2. Hirers are expected to familiarise themselves with the facilities available and to ensure that they are adequate for the purpose intended
3. Hirers will be required to remove all reasonable waste from the environs of the facility and where necessary make special arrangements for its removal with a licensed contractor before final vacation of the premises.

7. Hire Charges

It is impossible to suggest any standard scale of hiring charges as circumstances vary greatly from hall to hall. Halls are asked to notify their local Federation when changes are made to charges so that this information can be shared locally to try to ensure some uniformity.

A management committee should, ideally, set its charges to cover the annual running costs and rely on special fund raising events only for building-up a fund for larger maintenance items and improvements. Some committees may prefer a policy of keeping letting charges low but ask for local organisations and others to give full support to big annual activities such as, fetes, barbeques and galas to raise funds for running expenses. In some areas all the organisations are asked to hold a special event once a year to raise funds for the hall.

Whatever method is chosen it is essential that a management committee makes out a budget to cover its own annual expenses. Things like caretaking, rates, insurance, heating and lighting and minor repairs need to be taken into account. The total expenditure could then be divided by the number of hours used to arrive at an hourly rate.

You could consider:

- 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.

8. Insurance

It is the responsibility of the management committee to ensure that there is appropriate insurance cover. This could include amongst others:

- Buildings insurance – the sum insured should cover the cost of demolition and site clearance plus rebuilding
- Contents insurance – this should be regularly updated
- Public liability insurance – this covers injury, loss or damage caused to any person as a result of the organisation's negligence
- Hirer's public liability insurance – this allows the hall committee to hold public liability cover which extends to cover the public liability of all those who hire the hall. It is intended for occasional use. If a group is hiring the hall regularly they would be expected to have their own public liability insurance
- Employer's liability insurance – it is a legal requirement to have this insurance if you have paid staff. It can also be extended to cover volunteers
- Personal accident insurance – this is optional and provides cover in the event of personal injury arising from an accident or assault where the hall committee is not legally held liable
- Trustee indemnity insurance – when trustees are personally liable (as is the case unless a hall is set up as a company limited by guarantee) this type of insurance gives some protection although not if the trustees have been negligent.

There are a number of insurance companies which have specific insurance policies for voluntary organisations including village halls. Included amongst them are:

Aon Limited

www.commercialservices.aon.co.uk/commercialservices/microsites/charities/

☎08457 402003

Keegan and Pennykid

www.keegan-pennykid.com

☎0131 225 6005

Zurich Municipal

www.zurich.co.uk/home/forpublicsector/Charities/Charities.htm

☎0845 600 3184

This is by no means a definitive list and does not indicate an endorsement of any of the above companies.

9. Licences

The information for a. and b. was provided by Scottish Borders Council. Applications for these licences should be made at the local area offices.

a. **Liquor Licence:** There are three types of alcohol licence:

- **Occasional licence:** This is granted to the holder of a licence other than a refreshment licence, or an entertainment licence authorising them to sell alcoholic liquor during such period of not more than 14 days as the Board may determine, in the course of catering for an event taking place outwith the licensed premises (for example in a Village Hall) in respect of which he is the holder of a licence.
- **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 outwith licensed premises (for example in a Village Hall). No more than 4 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.

- b. **Public Entertainment Licence:** If an entry fee is charged for entertainment in a village hall, the hall committee must apply for a public entertainment licence. The local authority is entitled to restrict the use of the premises to a specific kind of entertainment or recreation, to limit the number of persons to be admitted and to fix the days and times when the premises may be used for entertainment or recreation.
- c. **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. Members of The Bridge can make use of the umbrella lottery licence held by that organisation. Contact your local office.
- d. **TV Licence:** Use of a TV in a village hall requires a normal TV licence.
- e. **Performing Right Society Licence:** Village Halls require this licence if musical performances take place in the hall ie “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.
- f. **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.

10. Food Safety Management:

The following information was supplied by a food safety officer with Scottish Borders Council at a seminar in 2006.

Under the current regulations, **anywhere that food is prepared and served** is regarded as a business. This means that village halls and church halls have to comply with the regulations in the same way as any other food premises.

Structure:

- Twin sinks are necessary or you may have a dishwasher plus a sink. Dishes are washed in a hand hot solution of detergent containing a bactericidal agent in one sink and the chemicals washed off in hand hot water in the other sink. Dishes should be air dried – don't use dishtowels. Sinks must be capable of washing the largest piece of equipment in the kitchen.
- Separate sink required for washing hands. This must be in the kitchen – handwashing sinks in the toilets do not count. Paper towels are recommended and soap must be provided.
- Walls, ceilings and floors must be easily cleaned and covered in an appropriate finish eg tiled splashbacks behind cookers, worksurfaces and sinks, a washable finish on walls above the splashbacks and emulsion paint on ceilings. There should be no carpeting on the floors. Woodwork should be painted with gloss paint (three coats of gloss paint) or varnish (yacht varnish recommended as most hard wearing).
- Worksurfaces, particularly food contact surfaces, should be smooth and impervious and able to be washed and disinfected. Avoid wooden edges to the worksurfaces.
- Opening Windows should be screened to prevent flies getting in (and doors if likely to be left open).
- Sinks and washhand basins must have hot and cold water of drinkable quality with private supplies tested annually.
- Ventilation and lighting have to be adequate with fluorescent lights recommended. Diffusers should be fitted to prevent any glass breakage falling into food.
- No plants should be in the kitchen.
- No pets should be allowed in the kitchen.
- Toilets must not open directly off the kitchen.
- It would be a good idea to provide somewhere for outdoor clothes so that people do not leave them on working surfaces or tables.
- A first aid kit must be provided equipped with waterproof, germproof detectable dressings.
- A lidded, preferably lined waste bin must be supplied. It would be advised that in order to minimise cross contamination, the bin be foot operated.
- Laundry work must not be carried out in the kitchen during food handling operations.

Practices:

- The Hall management are responsible for the formulation and operation of a documented Food Safety Management System in respect of any food prepared and served by the hall committee and people working for the committee.
- People in the kitchen should wear some form of protective clothing eg apron, overall.
- Common sense personal hygiene rules should be followed eg wash hands frequently and particularly when handling food.

- Food can be kept at room temperature safely for up to 4 hours. A fridge is not essential (in fact it can cause problems in that it has to be regularly cleaned). High risk foods can be kept in a cool box with ice packs.
- It is best to prepare food in the hall kitchen rather than at home as it then being done under control. However, as long as food is only being prepared on an occasional, irregular basis in home kitchens, the regulations do not apply. It is best to stick to low risk foods eg home baking, if preparing at home. Dairy products are high risk and buttering of scones etc should be done in the hall.
- If a hall organises a social event with various people providing food, it is better for the food to be prepared in the hall. Otherwise the committee is responsible for the preparation of food over which they have had no control. Alternatively, all those providing food should be asked to sign to confirm that the food has been prepared properly.
- At coffee mornings etc. food should not be on open display – it should be protected from contamination by being covered. Tongs should always be used to move scones etc
- The following is a list of food handling equipment that should be available in any hall:
 - Colour coded chopping boards with a key to indicate which board is to be used for which activity
 - Separate knives and utensils for use with raw and ready to eat food (these may also be colour coded in the same coding as the boards)
 - Supply of paper towels and/or a roll of paper towelling
 - Tongs and cake slices for handling and service of foods
 - Paper napkins which may be used for the preparation and service of filled rolls, buttered scones etc
 - As an alternative to holding rolls or scones in a paper napkin, protective gloves may be worn. (Be aware that money is very dirty and should not be handled in a gloved hand which is then going to be used for food preparation without changing the glove)
 - A probe thermometer which should be kept in a lidded box when not in use
 - Supply of lidded containers into which opened bags/packets of dry goods (eg tea, sugar, biscuits etc) may be placed.

Management:

- **If a hall is being hired by another organisation or individual, the food safety management system is the responsibility of those hiring the hall.** The hall committee is advised that it would be wise for them to have the following as conditions of lease: “The hirer must :-
 - Have a documented food safety management system
 - Have trained staff on duty ie they have undergone a food safety course equivalent to the Royal Environmental Health Institute of Scotland (REHIS) Elementary Certificate in Food Hygiene, courses for which are run by SBC
 - Ensure that food has been prepared in such a way that it will not result in any civil action being raised.”
- If food is being prepared in a hall, there must be a trained person on duty – either provided by the hall committee if they are responsible for the catering or provided by the organisation to which the hall has been let. Ideally halls/organisations should have a pool of people trained.
- If cookery demonstrations are being carried out in the hall, the person doing the demonstrating should have a food handling qualification.

11. Health and Safety

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 hall, and if so, its amount, where it is and what condition it is in;
- Presume materials contain asbestos unless there is strong evidence that they do not;
- Make, and keep up-to-date, a record of the location and condition of the asbestos containing materials – or materials which are presumed to contain asbestos;
- Assess the risk of anyone being exposed to fibres from the materials identified;
- Prepare a plan that sets out in detail how the risks from these materials will be managed;
- Take the necessary steps to put the plan into action;
- Periodically review and monitor the plan and the arrangements to act on it so that the plan remains relevant and up-to-date; and
- Provide information on the location and condition of the materials to anyone who is liable to work on or disturb them.

If any material containing asbestos is found and it is in good condition, it is usually safer to leave it in place and monitor it. If any work is to be carried out which is likely to disturb the material, the contractor must be informed. If the material is in a poor condition, it must be repaired, sealed, enclosed or removed. This should only be done by specialists.

The Health and Safety Executive publishes a short guide to Managing Asbestos in Premises which can be downloaded from www.hse.gov.uk/asbestos and a copy is enclosed.

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 is included with this pack or 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.

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

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. Home Basics, a local charity, can arrange to do this on site or equipment can be taken to the warehouse in Walkerburn. Contact: 01896 870355. 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.

12. Finance

Water charges: At the moment village halls which are charities gain exemption if they satisfy **all** six criteria laid down in the exemption scheme established by Scottish Executive Ministers in 2002.

- The premises concerned must have been occupied by the charity at both 31 March 1996 and 31 March 1999;
- They must be being used for the same purposes now as they were on 31 March 1999;
- They must have been in receipt of water rates relief on 31 March 1999;
- They are not retail outlets;
- They do not have a permanent liquor licence;
- They are neither owned nor occupied by a council (local authority) and
- The 'net annual income' related to the organisation in any one set of premises or its sole premises if it has but one is less than £50,000 in the year of application.

Until recently Scottish Water planned to end all relief during 2004/5 but in August 2004 the Executive agreed to continue relief for all those currently in receipt of it until 2010. Any organisation not currently in receipt of relief but which meets all the criteria can continue to apply, if it has not already done so, up to the current expected cut off date of 31st March 2010.

General Enquiries: Scottish Water, PO Box 8855, Edinburgh EH10 6YQ
Customer Service Helpline – 0845 601 8855

Private water supplies: no relief is available for any charges made by a private supplier. There are small grants available from SBC for improvements to private water supplies, contact Environmental Health on 01450 364706 or follow the link from the Council's website www.scotborders.gov.uk.

Rates: Village halls which are registered charities are entitled to 80% mandatory rates relief. Halls within Scottish Borders 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 eg 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**.

Funding: Up to date information on possible sources of funding for village halls is available from any office of The Bridge.

13. Equal Opportunities 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. A policy should include:

1. Statement of intent: this is a public statement that the organisation is opposed to discrimination in any form.
2. Objectives: this sets out what you want to achieve eg to ensure that meetings, events and hall activities are open to all members of the community.
3. Implementation: how will you do this? Eg 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.
4. Monitoring and review: Provision should be made for the policy to be reviewed at least annually to see whether you are meeting your objectives.

Disability Discrimination Act

The Act makes it unlawful for a service provider such as a village 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. A checklist provided by Scottish Borders Council is attached which, although more detailed than required by a village hall, is a useful indication of how accessible your hall is.

14. Environmental Policy

Funders are increasingly asking for organisations to show that they are considering the effect on the environment in the running of their organisations. Scottish Borders Council requires halls to show that they have given consideration to this in the reporting back on the spending of the local authority grant.

Points to consider when drawing up a policy are:

- energy consumption
- waste minimisation
- water usage
- recycling
- purchasing.

As with the equal opportunities policy, this could be divided into the same four sections.

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, examples can be provided in each of the area offices of The Bridge.