

Devolution Checklist – 05

Managing community buildings



Context/ Overview

Communities across Cornwall are continuing to become more resilient and take greater control of their own destiny by making more local decisions, by owning and managing local assets and by delivering the services people need. Communities across Cornwall already own and manage many community buildings but this number will increase in the future.

This checklist is aimed at providing guidance to local groups who already manage a community building, but particularly at groups that are looking to manage a community building for the first time.

Topic/ Issue	Consideration	Useful links/further information
<p>Ownership and sub-letting</p>	<p>The terms of ownership need to be clear to all involved. Firstly it is important to establish if the building is freehold or leasehold, and if so what is the length of the lease and its terms.</p> <p>If you lease a building and look to external grant funders for funding to enhance the building, the funders will often insist that the lease is at least 30 years so that they have guarantee of outcomes for the investment.</p> <p>Irrelevant of freehold or leasehold you will also need to check if there are covenants or planning constraints on use e.g. opening hours.</p> <p>If you are considering sub-let the building, you will</p>	

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	<p>need to check that you have permission to do so and you will need to inform your insurers and your bank if money is borrowed against the building i.e. a mortgage / loan.</p> <p>Sub-letting can also complicate repair and maintenance issue as to who is responsible for what. Very clear guidelines will need to be drawn up.</p>	
Inspections	<p>If you manage a building you have a duty of care to protect people from serious injury caused as a result of negligent management. It is important therefore to recognise this and manage risk appropriately and to undertake and record regular inspections. It is recommended that you identify a lead person and introduce a written system of regular inspection and action, with the frequency agreed on a risk assessment based approach.</p> <p>You will also need to consider whether you have your building inspected for asbestos and radon and to then act on the inspection as necessary.</p>	<p>More information about risk assessments can be found at: www.hse.gov.uk/risk/controlling-risks.htm</p>
Fire Safety	<p>You must undertake regular fire risk assessments for your building and ensure that the fire safety measures in place are suitable to protect lives in the event of a fire - it is advisable to identify a lead person.</p> <p>Issues you should consider include:</p> <ul style="list-style-type: none"> • Should fire / carbon monoxide alarms be fitted and who will check that they are working? • Is fire safety equipment provided, such as fire extinguishers, fire blankets and are instructions available on how to use them? • Are fire exits obvious and clearly signed 	<p>Further information can be found at: http://bit.ly/1OCCsd2</p>

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	<ul style="list-style-type: none"> • Who will be responsible for evacuating the building should it be necessary? • Is there access for emergency services? <p>Precautions you can take to minimise the risk of fire include:</p> <ul style="list-style-type: none"> • Don't let rubbish build up and ensure flammables are used carefully and stored properly • Keep fire exits free from obstruction • Keep any gas cylinders in a safe well ventilated space, away from heat sources 	
Maintenance	<p>Community buildings need different types of Maintenance including:</p> <ul style="list-style-type: none"> • Routine Maintenance Maintenance which is carried out on a regular basis following inspections such as: <ul style="list-style-type: none"> - clearing leaves and silt from gutters, drain - removing plant growth, grass cutting and weed control - this maintains the fabric of the asset in the long term • Reactive Maintenance and Repairs Maintenance undertaken in response to vandalism, inspections, complaints, emergencies or weather warnings. This can vary from changing a light bulb to repairing a roof after storm damage. In some instances this may be covered by insurance – but this will need checking before work commences • Programmed Maintenance Works which form part of a long term budgeted programme e.g. repainting. Budgets for these sorts of activities may be built up over a number of 	

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	<p>years. Be aware of ongoing programmes as you may become responsible.</p> <p>You can decide who does the above, but if it is done by yourselves (staff or volunteers) it is important that they are competent to undertake the tasks and have appropriate equipment. Not forgetting the requirements, in some cases, certificates of works to be obtained e.g. work to electrical equipment.</p>	
<p>Business Planning and Budgetary Management</p>	<p>You will need to recognise that owning and/or managing a community building is a long term commitment that needs very careful long term financial planning as well as short term cash-flow management. Consideration can include:</p> <ul style="list-style-type: none"> • Acquisition costs, Land costs, building costs, consultancy fees, legal fees • Refitting and refurbishment costs • Rates and service charges • Utility costs • Insurance costs • Income including hire charges • staff costs • Repaying funding/loans and grants from authorities/companies and individuals • Reserves and contingencies <p>The above list is not exhaustive but gives an indication of the variety of costs that need to be considered.</p> <p>You should give due consideration to the type of ownership you may want for the building. You could be a Company Limited by Guarantee that could qualify for charitable status tax benefits, other schemes are also available.</p>	<p>See also Devolution Guidance 02 – Local Organisation Options</p>

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	<p>A long term business plan is essential to ensure longevity of any ideas you may have for the community and the assets you are taking on. This could ensure assets are suitably protected should things not work out as planned.</p>	
Insurance	<p>In all instances you will need to ensure that you have appropriate insurance including</p> <ul style="list-style-type: none"> • Buildings • Public Liability Insurance (and if you hire out the building you can require them to have their own public liability cover) <p>In other instances you will need to consider whether you have appropriate insurance for:</p> <ul style="list-style-type: none"> • Contents • Employers liability • ICT and computers • Personal accident • Legal liability • Trustee indemnity <p>It is advisable to appoint one or two people to be responsible for and regularly review your insurance needs. In most instances it is advisable to display a copy of the insurance cover, but also keep a copy of the policy somewhere else.</p>	<p>See also Devolution Guidance 01 – Insurance & Other Considerations</p>
Security	<p>Building security is a very important consideration. It is important to agree:</p> <ul style="list-style-type: none"> • who is responsible for the security of the building; • who the key holder(s) are and are they logged with emergency services; 	

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	<ul style="list-style-type: none"> • who has spare keys; • who / where security codes are held; • who is available to be called 24 hours a day in case of emergencies. • if alarmed who is responsible for any response contracts. <p>Security issues are often linked with insurance cover detailed above.</p>	
Location	<p>When managing you building you should be cognisant of the proximity of local housing particularly if the building is being used in the evenings, other sites and buildings, and other community facilities.</p> <p>You should also be ware of public transport links, vehicular access to the site and what the surrounding area is used for.</p>	
Utilities	<p>You need to know who supplies any on-site services and therefore who to contact if something goes wrong. It is advisable to display details of suppliers within the building so that building users may be able to contact them in emergencies.</p> <p>Electricity – it is important to regularly monitor usage and regularly check that you are on the most appropriate tariff. All electrical equipment needs regular Portable Appliance Testing (PAT) by an approved contractor.</p> <p>Gas – as above</p> <p>Water - You will need to know where the stop-cock is and ensure security e.g. external taps</p>	<p>More information on PAT can be found at: www.hse.gov.uk/electricity/faq-portable-appliance-testing.htm</p>

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	<p>Wi-Fi – some community buildings now offer wi-fi but you need to ensure that is secure.</p> <p>For larger buildings it is well worth considering an energy audit and developing an energy management policy.</p>	
<p>Heating and Lighting</p>	<p>Many community buildings will be empty for long periods of time and therefore need some form of heating during the winter to reduce damp ingress and avoid frost damage etc.</p> <p>Conversely when in use buildings need to be at a suitable temperature for the benefits of the occupiers.</p> <p>Consequently you need to carefully choose what form of heating you have and who / how it is controlled.</p> <p>In many instances an appropriate renewable energy system may be the best long-term heating source</p>	<p>More information about community energy and efficiency schemes can be found at: www.communityenergyengland.org</p>
<p>Licenses</p>	<p>Before undertaking or allowing any activity in the building it is worth checking whether a license or other legal requirement is needed well in advance as some take over 28 days to put in place. This might include:</p> <ul style="list-style-type: none"> • Supply and/or sale of alcohol • Entertainment license • Public Entertainment license • Theatre License • Film and Video Licence • Copyright and Royalty Permissions • Gaming and Lottery Licence (including bingo, raffles and lottery) • Trading • Street License 	<p>Further information can be found at: http://bit.ly/1R5dNPa</p>

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	<ul style="list-style-type: none"> • Temporary Planning Permission 	
Health and Safety	<p>Managers and / or the management Committees of community buildings have a common law duty to avoid carelessly or recklessly causing personal injury or loss to people and damage to property. The Health and Safety at work act 1994 applies to the building even if there is no paid staff.</p> <p>The requirements of this act include:</p> <ul style="list-style-type: none"> • The management of health and safety • Health, safety and welfare in the workplace • Display screens • Personal protective equipment • Provision and use of work equipment • Manual Handling • Fire precautions <p>You are legally required to have first aid provision onsite and a fire certificate for the building (check).</p> <p>If the building is used to store, sell or supply food and/or drink food hygiene regulations apply.</p>	<p>Health and Safety at Work Act 19794 www.hse.gov.uk/legislation/hswa.htm</p> <p>Review of health and safety regulation 1994 - www.hse.gov.uk/pubns/hsc13.pdf</p> <p>A useful pack which guides you through the main H&S requirements can be found at: http://bit.ly/1VeTpLM</p> <p>Hygiene & food safety guidance can be found at: www.food.gov.uk/business-industry/guidancenotes/hygguid</p> <p>Catering advice for charity and community groups providing food can be found at: http://bit.ly/1aGKT8f</p>
Facilities, storage and caretaking	<p>In all community buildings you will need to ensure that appropriate toilet facilities in place with appropriate adaptations to meet Disability requirements.</p> <p>In addition to this you need to consider what basic facilities are available e.g. tables, chairs, basic refreshment facilities and who is responsible for putting them out and putting away after an event.</p> <p>Some community buildings are used for specialist events that need specialist equipment and this may need to be securely stored e.g. badminton, short-mat</p>	<p>Control of Substances Hazardous to Health (COSHH) - www.hse.gov.uk/coshh/</p>

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	<p>bowling on site. You also need to recognise that many events run outside normal business hours.</p> <p>You will need to carefully consider who / how caretaking is providing – in addition to opening up and closing the building, this can include cleaning, stocking toilets, waste disposal and recycling recycling. The safe use and storage of cleaning products will also need consideration.</p>	
Accessibility	<p>You will need careful consideration to and record decisions made into accessibility issues this could include physical access, toilets, and hearing loops.</p> <p>If provided you are required by law to ensure they are fit for purpose and well maintained.</p>	<p>Disability Discrimination Act 1995 - http://www.legislation.gov.uk/ukpga/1995/50/contents</p>
External appearance and managing outdoor spaces	<p>You will need to consider who will clean the windows, sweep the car park and maintain any green space you have. If it is leasehold check if the landlord is responsible under the tenancy you hold. Some features may be protected under preservation orders or listed status so check first.</p>	
Notice Boards, Information Signs etc	<p>You need to consider if you will provide them and who uses and controls them and ensures that they are up to date. It is advised that signs are “professional” with a common style.</p> <p>It is advised that some information e.g. insurance, health and safety, contact nos., utilities is prominently displayed.</p>	
Hiring, Building Use and Promotion	<p>You will need to give careful consideration to who agrees and sets the fees and the Conditions of Hire. This will include who collects the fees and monitors</p>	

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	<p>that the conditions are met. It is advisable that you set up a booking diary and in some instances it is advisable to make this easily accessible to potential hirers.</p> <p>You will need to consider who you will deal with any complaints about behaviour, who hirers can report complaints/ faults to and who deals with these.</p> <p>You may want to ban hiring the building for certain activities and/ or to certain groups. If you do, you need to make this clear in any promotional material and as part of any discussions about use of the building.</p>	
Car Parking	<p>If there is car parking, security is important and the following needs to be considered:</p> <ul style="list-style-type: none"> • how will you secure it? • what plan do you have in place if local residents start parking in the car park; • are you in a position to remove unlawful vehicles • are you aware of your responsibility under environmental legislation for abandoned vehicles, fly tipping • will you allow it to be used for recycling facilities • you will need to regularly inspect the car park surface to make sure it is safe <p>You will also need to consider what to do if a large event is being planned – where will people park so as to avoid upsetting neighbours</p> <p>The car park is often ignored but it should be treated as an extension of the building for Health and Safety reasons, liability issues.</p>	

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Safeguarding	If your building provides a service to children and/or vulnerable adults it is advisable that you adopt a Safeguarding Policy for Children, Young People and Vulnerable Adults.	Safeguarding Vulnerable Adult - http://bit.ly/1KzbUIc
Marketing and Social Media	It might be appropriate to have a Marketing Strategy in place to inform the local community and potential hirers about your facility and what it offers. You can make full use of local and social media, networks, printed material and signage.	
Have we missed anything?	This check list is intended to give you a quick overview of what is involved in managing a community building. If we have missed out anything important, please email us so that we can update this list. Email: communities.devolution@cornwall.gov.uk	

This checklist is designed to help you in preparing to take over a property, service or asset from Cornwall Council.

The Council is aware that it shares the responsibility - in devolving a property, service or asset to a local council, community group or other organisation - of ensuring that the transition is as efficient as possible and the future operation of the asset is successful.

This checklist outlines some of the steps you need to consider and carry out and includes actions you will and will not be expected to undertake; however it is not intended to be a comprehensive list and you will need to ensure you have sought suitable advice and guidance yourself. To the full extent permitted by law, the Council will not be liable to you for any loss or

damage, whether in contract, tort (including negligence), breach of statutory duty, or otherwise, even if foreseeable, arising under or in connection with use of or reliance on any content of this checklist. In particular, the Council will not be liable for loss of profits, sales, or revenue; loss of anticipated savings; loss of opportunity, goodwill or reputation; or any indirect or consequential loss or damage.

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