

EAST AYRSHIRE COUNCIL

EDUCATION COMMITTEE – 22 MARCH 2005

APPLICATION FOR LETTING OF COUNCIL PREMISES

Joint Report by Executive Director of Educational and Social Services and Executive Director of Neighbourhood Services

1. PURPOSE OF REPORT

- 1.1 To inform Members of a revised letting Application Form and associated guidance for use of council premises, and to seek approval for the procedures in relation to the Protection of Children (Scotland) Act 2003.

2. THE FORM

- 2.1 The revised form and guidance have been developed primarily in response to changes in legislation and guidance, and in particular, the Protection of Children (Scotland) Act 2003. In taking forward the revision legal services, health and safety and the insurance section have been consulted, not only in relation to child protection, but also in relation to amendments with regard to insurance and first aid.
- 2.2 Early drafts of the Form were piloted with ten user groups who made comment in relation to the content. These have been adopted.

3. THE REVISED FORM

- 3.1 The revised form includes the undernoted changes:
- Group Composition – this relates to children and is the main section pertaining to the Protection of Children (Scotland) Act 2003
 - qualifications relating to Sports Instructors has been added on the advice of health and safety
 - a named fire warden is requested
 - although there is no lower limit for a lessee, the application now states that a lessee should **normally** be eighteen years of age
 - information regarding portable appliances has been added
 - a minimum indemnity limit of £5m is recommended for groups
 - information regarding the process for obtaining a Public Entertainment Licence

4. ISSUES RELATING TO THE PROTECTION OF CHILDREN

- 4.1 The responsibility lies with lessees for ensuring that staff and volunteers adhere to the requirements placed upon them through the Protection of Children (Scotland) Act 2003. The Guidance Notes refer lessees to appropriate Scottish Executive Websites.

- 4.2** In order to assist community groups with their responsibilities briefing sessions will be made available for groups. Early Years Voluntary sector Partner Providers have already been briefed with accompanying support material prepared by Children in Scotland.
- 4.3** Guidance for staff across services is also being produced.
- 4.4** The new form and guidance will be implemented from August 2005. Discussion will take place with Community Associations with regard to their letting arrangements.
- 4.5** Guidance with regard to letting is being considered nationally. Any fundamental changes arising from this will be brought back to Committee.

5. POLICY/LEGAL/ IMPLICATIONS

- 5.1** The Protection of Children (Scotland) Act 2003 does not relate directly to the letting of Council premises. However, the legislation relates directly to some lessees. It is therefore considered good practice to revise the Council's letting procedures accordingly.

6. FINANCIAL IMPLICATIONS

- 6.1** The cost of printing new let forms and guidance can be met from existing resources.

7. RECOMMENDATION

- 7.1** Members of the Education Committee are asked to:
- (i) approve the changes in the Letting Form and Notes for Guidance; and
 - (ii) otherwise note the contents of the report.

John Mulgrew
Executive Director of Educational and Social Services

KG/JW
4 March 2005

LIST OF BACKGROUND PAPERS

1. Application for use of educational premises : Form L1 and Guidance Notes.

Members wishing further information should contact Kay Gilmour, Head of Community Support, Tel: (01563) 576104.

IMPLEMENTATION OFFICER: KAY GILMOUR