

CLERK'S REPORT TO: STAPELEY & DISTRICT PARISH COUNCIL
DATE OF MEETINGS: 9 JANUARY 2014 and 28 JANUARY 2014
SUBJECT: OPERATION OF THE COMMUNITY HALL

1 INTRODUCTION

Members will be aware of the background to the issues surrounding the operation of the community hall; suffice to note that the Parish Council asked Nantwich Town Council (NTC) to assist in operating the community hall. The Town Council has now confirmed that it is able to assist for an annual fee of £5,000 on a commencement date which suits the Parish Council.

Subsequent to that decision, and as noted in reports considered at the 9 January 2014 meeting, there are legal issues which impact some of the duties which it had been expected would be performed by NTC staff. In addition, as noted in the budget report and accompanying papers, the likely subsidy during the calendar year 2014 is significant.

2 DECISIONS REQUIRED

There are no decisions to be made at this meeting. Decisions in respect of the community hall have already been made. The purpose of this meeting is to debate options for the continued management of the hall prior to signing the lease which is currently overdue. The new lease was due to come into effect on 24 November 2013 but has not yet been issued by Cheshire East Council.

If previous decisions are to be reviewed, Members will need to observe the process for Rescission of Previous Resolutions (Standing Order No. 10) or reconsider after the six months has elapsed (see paragraph 7 below). The decision made in September (agree to sign lease) can be reviewed at the March meeting (6 months). The decision made in October (Nantwich Town Council's offer) can be reviewed at the April meeting.

3 PROS AND CONS (*Pro et Contra*) OF CONTINUING TO OPERATE THE COMMUNITY HALL

The Clerk has identified the following advantages and disadvantages of continuing to operate the hall, but Members may wish to add to the lists.

Reasons for:

Retaining the Hall until November 2014 (and beyond if necessary)

- Although there is currently no means of managing the hall, if the Parish Council could put in place management arrangements, the hall could continue to operate until October/November 2014 at which time, the Parish Council could decide if it wishes to break the lease.
- Two new regular users have booked the hall, ie Pear Tree School (one month trial only) and Stapeley Orchestra (Sundays). Stapeley Orchestra has made provisional bookings to the end of May. As noted in paragraph 3 below, this could result in total income from all users of £5,000.
- During the last financial year, £11,000+ has accrued as income for the community hall. This could be ring-fenced to subsidise the hall up to November 2014. It is still public money and Members might take the view that this would not be a prudent use of the income.
- The Parish Council could take the view that provided the hall is relatively well-used by regular activities, there is no need for "one-off" events.
- A leaflet-drop to each household could be undertaken (after a system of management is in place). If there is little interest after this exercise, the Parish Council would be able to justify to residents that it had done all it could to make the hall viable.
- In addition to a leaflet-drop, the hall's facilities could be advertised more widely than Stapeley; possibly advertising in local newspapers such as Nantwich and Crewe Chronicle.

Reasons to:

Decline to Sign a New Lease

- The hall will cost approximately £28,180 to operate. This can be offset by the £11,000 income accrued during 2013-2014.

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| Items of expenditure approved for 2014 are: | £ |
| i. Energy costs (2013-2014) and 2014 | 5,000 (guesstimate) |
| ii. Cleaning | 9,400 |
| iii. Gross staffing costs (Clerk's additional hours) | 3,300 |
| iv. Industrial waste bin (outside) | 1,000 |
| v. On-line booking system | 480 |
| vi. Maintenance/decoration (2013-2014) and 2014 | 4,000 |
| vii. Management arrangements | <u>5,000</u> |
| | <u>28,180</u> |

- Recent legal advice has shown that the use of Nantwich Civic Hall staff is not practicable for the reasons given elsewhere in this report.
- The cost of cleaning is disproportionate to its current use.
- Regular user income attracts only £5,000 per annum leaving a deficit.
- Despite a two-thirds page spread in the last newsletter, there have been no enquiries about using the hall for one-off events, or regular users, other than from Mary Hennessy-Jones who wishes to trial an after-school activity for a month in January.

4 CURRENT BOOKINGS

For information, the following table shows the bookings for the weeks commencing 20 and 27 January respectively. If these figures are extrapolated to November 2014, this would give a total of £5,000+. However, it should be noted that this figure cannot be relied upon; regular users take breaks during the year; for example, the Scouts do not use the hall during the summer. The Pear Tree School activity is a one-month trial.

| Day | Date | Times | Activity | Cost £ |
|----------------------------------|--------|--------------------|------------------------------------|---------------------|
| Mon | 20 Jan | No bookings | | |
| Tues | 21 Jan | 3.15 pm – 4.15 pm | After-school (Pear Tree School) | 12.00 |
| Wed | 22 Jan | 8.00 pm – 9.00 pm | Yoga | 18.00 |
| Thurs | 23 Jan | 6.00 pm – 8.00 pm | Scouts | 24.00 |
| Fri | 24 Jan | 7.30 pm – 9.00 pm | Youth Club | 18.00 |
| Sat | 25 Jan | 9.00 am – 10.00 am | Babies' play | 12.00 |
| Sun | 26 Jan | 5.00 pm – 6.00 pm | Stapeley Youth Orchestra | 12.00 |
| TOTAL INCOME FOR THE WEEK | | | | <u>96.00</u> |

| Day | Date | Times | Activity | Cost £ |
|----------------------------------|--------|--------------------|------------------------------------|----------------------|
| Mon | 27 Jan | No bookings | | |
| Tues | 28 Jan | 3.15 pm – 4.15 pm | After-school (Pear Tree School) | 12.00 |
| Wed | 29 Jan | 8.00 pm – 9.00 pm | Yoga | 18.00 |
| Thurs | 30 Jan | 6.00 pm – 8.00 pm | Scouts | 24.00 |
| Fri | 31 Jan | 7.30 pm – 9.00 pm | Youth Club | 18.00 |
| Sat | 1 Feb | 9.00 am – 10.00 am | Babies' play | 12.00 |
| Sun | 2 Feb | 5.00 pm – 6.00 pm | Stapeley Youth Orchestra | 12.00 |
| | | 8.00 pm – 9.00 pm | Stapeley Adult Orchestra | 18.00 |
| TOTAL INCOME FOR THE WEEK | | | | <u>114.00</u> |

5 DUTIES AGREED FOR NANTWICH CIVIC HALL STAFF

Although Members now appear minded not to proceed with the arrangement agreed with Nantwich Town Council, the following duties are those which staff at the Civic Hall would be willing to carry out:

- (a) Operate the on-line booking system
- (b) Deal with booking enquiries either by phone or e-mail, or in person
- (c) Receive cheque and cash payments (at the Civic Hall)
- (d) Deal with hire agreements, which require the signature of the user and a representative of the Parish Council (currently Clerk or parish councillor)
- (e) Retain a key which casual users would arrange to collect from the Civic Hall on a weekday during office opening hours and return either the following day, or, in the case of weekend bookings, on a Monday (no longer practicable).
- (f) As part of (e) above, a set of security instructions would be provided to each casual user. (Not permitted.)

6 LEGAL ISSUES

The following two issues have been raised by the Legal Adviser.

Item (d) Deemed Acceptance of Hiring Terms

Members have previously suggested that anyone booking on-line could be regarded as having accepted the hiring terms and conditions (a deemed acceptance). **The Legal Adviser has stated that the agreement must be signed for it to be valid.**

Item (f) – Security Instructions

When the committee of volunteers was operating the hall, all casual users were shown around the hall on the day of their booking. This would include advising them of the various safety measures, the location of fire exits, fire extinguishers, first aid kit, accident book etc. The person who opened the hall would then be responsible for checking at the end of use to make sure that the hall was clean and tidy, that users had removed all their refuse, and that all lights were switched off and the hall made secure.

At the December 2013 meeting, it was suggested that a detailed set of instructions be provided to each casual user at the time they collect the key. The Legal Adviser is of the view that this could render the Parish Council liable for any injuries or accidents which might occur during the hire period and states that there should be someone to open the hall for each use and explain the various safety requirements. **Civic Hall staff will not perform this duty.**

One of the reasons for seeking the Town Council's help with operating the hall was to avoid the necessity for someone from the Parish Council (either the Clerk or a parish councillor) opening the hall for casual use. In these circumstances, therefore, there seems little advantage in Nantwich Town Council assisting in operating the hall, as someone other than Civic Hall staff will need to open it. This "dilutes" the effect of the arrangement with the Town Council as the Clerk or a parish councillor would need to be available at the start of each casual booking.

It should be noted that the following duties have been explicitly excluded by Nantwich Town Council:

- Attendance at the building for cleaning
- No alarm call-outs or queries by users on the day of hire
- Meeting potential hirers or contractors at the hall.

7 REVIEW OF PREVIOUS DECISIONS (Standing Order No. 10 (Rescission of Previous Resolutions) known as the "Six month rule")

The following decisions were taken in September and October 2013 respectively.

5 September 2013 (Minute No. 121)

RESOLVED: (a) *That the Parish Council enter into a new lease with Cheshire East Council for operation of the community hall; and*

(b) *That the new lease commence on 24 November 2013.....*

3 October 2013 (Minute No. 141)

RESOLVED: (a) *That the Parish Council accept the provisional offer made on behalf of Nantwich Town Council, as detailed in Minute No. 128 above; and*

(b) *That it be noted that the cost quoted was subject to approval by the Town Council.*

The decision made in September can be reviewed in March (6 months) or at the February meeting if three Members submit a written notification to the Clerk, by **Friday, 24 January 2014**. The lease has not yet been signed and the Legal Adviser's opinion is that there would be no implications for the Parish Council if it wished to review its decision.

With regard to the decision made in October, this cannot be reviewed until April, (unless by written notice of three Members) but this decision could lapse through inactivity. There is no need to make a specific decision at this time. The Clerk has notified Nantwich Town Council that the Parish Council is still in the process of reviewing arrangements for operation of the hall.

Carol Jones
Clerk
19 January 2014