



Ealing Community Network



EALING COMMUNITY NETWORK &
LONDON BOROUGH OF EALING

PREMISES INFORMATION PACK

Secure affordable premises are a key priority for many local groups. This premises information pack has been put together as part of the Ealing Change Up programme to support local voluntary and community groups that are thinking about buying or renting premises.

Our aim is to provide straightforward practical advice on what to look out for when leasing or renting premises.

These fact sheets provide examples of good practice and do not go into all the fine legal detail, therefore we strongly recommend that you seek professional legal advice where necessary. Details of legal and other help available are provided at the end of this pack.

Included in this pack is information on:

- General do's and don't's when acquiring premises
- Leases and licences (including an example copy of a draft licence)
- Disability Discrimination Act (DDA) and access requirements
- Health and Safety advice
- Insurance
- Ealing Community Network Premises Directory
- Useful contacts and web addresses

We hope you find this pack informative to read and easy to use. Further copies can be downloaded from the ECVS website at www.ealingcvs.org.uk and ECVS staff would be happy to provide further one to one advice.

There are a number of other initiatives on premises issues you may be interested in:

- Production of an 'Ealing Community Accommodation Strategy'
- Holding training workshops on premises and planning issues
- An online Premises Directory of available local premises

Andy Roper
Chair – Ealing Community Network

GENERAL ADVICE AND SUGGESTIONS WHEN ACQUIRING PREMISES

1. As the potential tenant you should take time to find out about the total cost of occupying a property, not just the cost of the rent, but also any service charges, business rates, water rates utility costs (electric, gas) etc. You also need to be clear who is responsible for insurance.

It may help you to put together a forward three year budget before you find premises to rent and the Community Accountant at Ealing CVS can help you should you need it.

2. Leases, licences and rental contracts can be complex, so consider professional help, e.g. from a solicitor or chartered surveyor. While this may sound expensive it is actually money well spent when compared to the costs of correcting mistakes. Also some organisations can offer pro bono (ie free) legal and property advice to voluntary groups. Ealing CVS has a list of these pro bono organisations. Take time to read all draft contracts carefully.
3. If you are planning to use a shop front or drop in advice services as an office there are a number of planning issues you will need to consider around change of use.
4. When planning to take on a long-term premises agreement consider the future needs of your organisation. Where do you expect to be in the next few years? Do you expect to employ more staff or use more volunteers or offer additional activities? Will the premises still be big enough in 3 years time?
5. Don't be afraid to ask for concessions or negotiate better terms from landlords. Some landlords may be willing to charge less to charities and community organisations.
6. Find out about other responsibilities your organisation must take on as a result of renting premises. Risk assessments, disability access, health & safety issues and insurance are just some of the added responsibilities that you will need to consider.
7. Consider whether your organisation can share office premises with other voluntary groups, which will reduce running costs, provide an opportunity to share good practice and expand the accessibility of services within the local area.

The Ealing Community Accommodation Strategy available early next year will cover this in more depth and will be available on the ECN website.

8. Are the premises easily accessible by public transport for your staff and users? Is there some parking for staff and visitors (particularly those with disabilities)? Are the premises safe and in a well lit area for staff or visitors leaving late at night?

Many of the above issues have been discussed in more detail within this pack but this is by no means an exhaustive list and it is important that your trustees or management committee discuss these points in length, seeking professional legal advice before making firm decisions on taking on full time premises.

KEY ISSUES TO CONSIDER WHEN CONSIDERING PREMISES

If your organisation is considering taking on premises below are some key issues to take into account:

- Do you have a short/long-term budget available both for meeting rent and any unexpected contingencies?
- How much is the rent and when will it need to be paid (e.g. yearly, quarterly, in advance or in arrears)?
- Do you need to provide a deposit? If yes, what does it cover, how is it returned, and what might result in you losing your deposit?
- Are there penalties for late payment of rent?
- When and how often will the rent be reviewed?
- How long is the lease/licence for?
- How easy is it to extend the lease/licence?
- What is the notice period required by both the landlord and the group?
- Are there any service charges and if so what do these cover?
- Who is responsible for insurance, repairs, redecoration, security, cleaning, and refuse collection etc?
- Who is responsible for health & safety and risk assessments?
- Are there any limits on the type of activities to be carried out in the premises or on opening hours?
- If your organisation works after normal working hours is access available?
- Are there restrictions on the use of the premises by other groups and sub-letting?
- What happens in cases of break-ins or emergencies (such as fire or loss of heating/power)?

LEASE AND LICENCES

What is the difference between a lease and licence?

A lease is a legal document that gives a constituted organisation (e.g. a company limited by guarantee, industrial/provident society) an interest or “stake” in the land/property and provides an exclusive right to occupy the premises.

If your organisation is an unincorporated charity or an informal association the lease will be not be granted in the name of the organisation but would need to be in the name of at least of your trustees (a ‘holding trustee’). If your organisation wishes to, your trustees can then ask the Charity Commission for an order vesting the title to the lease in the Official Custodian, which is a corporation created to hold land on behalf of charities.

The Charities Commission’s leaflet “The Official Custodian for Charities’ Land Holding Service (CC13)” gives more information and is available from their website at <http://www.charity-commission.gov.uk/publications/cc13.asp>. The ‘holding trustees’ only interest in the premises will be to formally hold the lease on behalf of the organisation. It will be for your trustees/management committee as a whole to be responsible for management of the premises in accordance with the lease.

We strongly recommend that you seek professional legal advice if your organisation is an unincorporated charity or informal association considering entering into a lease.

Any lease granted for more than six months will be subject to the provisions of the Landlord and Tenant Act 1954 (which will give you certain legal rights in terms of security and periods of notice to leave the premises). A free guide is available on the Landlord and Tenant Act 1954, for details of how to obtain it please see the useful contacts page at the end of this Pack.

As this fact sheet is designed to provide basic practical advice it is important that your organisation seek professional advice about this Act before taking on the responsibilities of a lease.

A licence usually covers the same issues as a lease (which is why there can be some confusion) but unlike a lease, a licence does not have an interest or “stake” in the land so therefore does not have to adhere to the Landlord and Tenant Act 1954. In simple terms licences are easier and more flexible than leases but will give your organisation less long-term protection. Licences are usually used when your organisation only wants premises for short-term occupation or when you may wish to leave at relatively short notice. Licences also have fewer obligations concerning repairs, maintenance and decoration of the property. Licences are also often used when different groups are sharing premises or when a larger group provides space to a smaller group.

Page 5 contains an example of a draft licence agreement being proposed for the new Ealing Community Resource Centre.

Renting

It may suit your needs to rent premises on a monthly rolling basis rather than signing a long lease/licence, or on a fixed term 6-month contract if available. Renting may also provide a number of charges built into the rent (e.g. repairs, utilities) meaning that you will not have to organise these yourselves ensuring that there is help on hand should a problem arise.

The main disadvantage with renting monthly office space is that you have no security of tenure and can be evicted on very short notice (possibly 2-4 weeks) leaving you with the headache of having to move offices and having to provide another deposit. Even when you are just renting on a short-term basis it is important you have a written rent agreement and also a rent payment book to show you have paid the rent.

DRAFT LICENCE EXAMPLE

Set out below is an example of the draft licence. It gives an example of the sort of issues that you should look for if you are thinking of taking on a licence for premises.

LICENCE TO OCCUPY (ADD ADDRESS OF PREMISES)

1. The (NAME OF LANDLORD) has agreed to grant (NAME OF ORGANISATION) a (five year) Licence to occupy part of the (ADD ADDRESS) as outlined on the attached plan.
2. The Licence will take effect from (ADD START DATE (subject to a Director, Trustee or other authorised officer of (name) signing the duplicate of this letter and returning it to (NAME OF LANDLORD)
3. Subject to (NAME OF ORGANISATION) satisfactorily meeting the terms and conditions of the Licence during the initial five years, (LANDLORD) will be willing to grant a further (five year) Licence and subsequent Licences on a rolling five year basis
4. (NAME OF ORGANISATION) will pay an annual licence fee of (£.....) to (LANDLORD), payable (quarterly in advance on ADD PAYMENT DATES) the first instalment of £..... to be paid within one month of the start of this Licence. The annual licence fee shall also cover the cost of office accommodation and the additional office services set out below. The (LANDLORD) shall review the licence fee annually and notify (NAME OF ORGANISATION) of the level of the licence fee for the next financial year by (the end of February) in each year.
5. On occupation of the premises (NAME OF ORGANISATION) shall be provided with a copy of the agreed operating policies and administrative arrangements for the premises, which will include policies on:
 - health and safety
 - equal opportunities
 - confidentiality
 - mediation and dispute procedures
 - cleaning and other service charges
6. The Licence fee paid by (NAME OF ORGANISATION) will, in addition to the occupation of the premises, entitle (NAME OF ORGANISATION) to the following administrative and other services:
 - Sufficient space for () desks, filing cabinets, PC and other equipment (as outlined on the attached plan)
 - use of () cellular office (as identified on the plan)
 - Shared reception services between (9.00am – 5.30pm Monday – Friday) other than bank and public holidays;
 - Weekly cleaning of the premises
 - Access to the staff canteen and shower facilities
 - Up to () hours free use of the meeting room and interview/counselling rooms per quarter, (with additional usage being charged at an hourly rate)
 - Access to shared photocopying facilities – (NAME OF ORGANISATION) will be designated codes for their exclusive use and billed quarterly for the number of photocopies made

- Incoming mail receipt and sorting arrangements (note: mail will not be opened by reception staff but sorted and placed in incoming mail trays for collection daily). All outgoing postage must be paid for by (NAME OF ORGANISATION) which will be designated codes for their exclusive use and billed quarterly for actual postage costs
 - Access to a shared fax machine; calls above 40 pence, national and international calls must be paid for directly by (NAME OF ORGANISATION)
 - Access to shared archiving and storage facilities as identified on the attached plan
7. (NAME OF ORGANISATION) shall be entitled to occupy the premises for general office use (including receipt of visitors) between the hours of (ADD OPENING HOURS)
 8. (NAME OF ORGANISATION) will be issued with appropriate (keys/ID cards) for use of the premises by staff, or Trustees or other nominated representatives of the organisation notified to the LANDLORD. These (key/ID card holders) may use the premises between the hours of (ADD OPENING HOURS) provided that:
 9. No undue nuisance or disturbance is caused to other occupants or neighbours in surrounding areas
 10. (NAME) complies with all security and locking up arrangements
 11. (NAME OF ORGANISATION) will comply with all statutory requirements and other regulations or requirements in connection with the use of the premises, including Health and Safety.
 12. (NAME OF ORGANISATION) will keep their designated area, including the furniture, computers, fixtures and fittings, in good repair and condition and free of rubbish or obstructions and will comply with policies and procedures for the recycling and removal of waste paper and other materials.
 13. (NAME OF ORGANISATION) will keep the premises free of any offensive or noisome matter and will not carry out any work or do or permit to be done any act or thing, which will be or become a nuisance or annoyance or cause damage to the premises or any the other occupiers of the premises or other properties in the neighbourhood.
 14. (NAME OF ORGANISATION) will not do or suffer to be done anything whereby any policy of insurance in respect of the building of which the premises form part may be adversely affected.
 15. (NAME OF ORGANISATION) will allow free and easy access to any agents, work staff or others authorised by (LANDLORD) to enter the premises for repair, maintenance or other work provided that, except in cases of emergency, the (LANDLORD) shall give at least 3 working days notice of any such work.
 16. The benefit of this Licence is personal to (NAME OF ORGANISATION) and is not assignable and (NAME OF ORGANISATION) will not charge, share occupation or part with the possession of the premises or any part of them.
 17. (NAME OF ORGANISATION) will indemnify (LANDLORD) from and against all expenses, losses, claims, actions, proceeding costs, damages or other liability in respect of any damage to the premises or the building of which they form part or any adjacent or neighbouring property or for any injury to any person or damage to or loss of property resulting from occupation of the premises (NAME OF ORGANISATION) or any breach by (NAME OF ORGANISATION), its servants, agents, or invitees of any of the (NAME OF ORGANISATION) undertakings contained in this licence or the exercise or purported exercise of any of the rights granted by the licence.

18. The Licence may be ended during the (five-year) period:

- At the end of the five year term granted by this Licence OR
- On the giving in writing of (six month's notice) by (LANDLORD) or three months notice in writing by (NAME OF ORGANISATION) provided that:
- If (NAME OF ORGANISATION) fails to perform any of the obligations contained in the Licence or fails to pay the Licence fee or any other payments, (LANDLORD) may serve one months written notice to leave the premises.
- On the end of this Licence (NAME OF ORGANISATION)) will vacate the premises, make good any damage caused to the premises and leave the premises and all furniture and equipment in good repair and condition.

Signed on behalf of (LANDLORD),

Chair: _____ Name: _____

In acceptance of the terms herein contained

This day of 2006

Signed on behalf of
(NAME OF ORGANISATION) _____

Signature: _____ Name: _____ Position: _____

Officer empowered and authorised to agree the Licence

DISABILITY DISCRIMINATION ACT (DDA) AND ACCESS REQUIREMENTS

In April 2005 a new Disability Discrimination Act was passed by Parliament, which amends or extends existing provisions in the DDA 1995, including:

- making it unlawful for operators of transport vehicles to discriminate against disabled people
- making it easier for disabled people to rent property and for tenants to make disability-related adaptations
- making sure that private clubs with 25 or more members cannot keep disabled people out, just because they have a disability
- extending protection to cover people who have HIV, cancer and multiple sclerosis from the moment they are diagnosed
- ensuring that discrimination law covers all the activities of the public sector
- requiring public bodies to promote equality of opportunity for disabled people

From the 1st October 2004 if you provide goods, services or facilities to the public (whether paid for or not) it has been a legal requirement that reasonable adjustments are made to premises to avoid preventing disabled people using your services. This may mean to remove, alter or provide a reasonable means of avoiding physical features of a building which make access impossible or unreasonably difficult for disabled people. Examples include:

- putting in a ramp to replace steps
- providing larger, well defined signs for people with a visual impairment
- improving access to toilet or washing facilities

According to Sian Vasey (Director of Ealing Centre for Independent Living) it would only cost around £200 for a moveable ramp as an example of a cheap and simple adjustment to an average business premises.

What's reasonable? This will be based on the resources of your group, the cost and practicality of the adjustment and the potential benefits to customers or employees. The Disability Rights Commission have produced a publication entitled "Code of Practice: Rights of Access-Goods, Facilities, Services and Premises". Details of how to get hold of a copy can be found on the useful contacts address sheet.

Directgov (www.direct.gov.uk) provide the following explanation:

"Since October 1999, service providers have had to consider making reasonable adjustments to the way they deliver their services so that disabled people can use them. Making 'reasonable adjustments' means:

- changing any practice, policy or procedure which makes it impossible or unreasonably difficult for disabled people to use a service (eg waiving a no dogs policy for blind customers accompanied by their guide dog)
- provide an auxiliary aid or service which would enable disabled people to use a service (eg providing a British Sign Language interpreter at a public meeting where deaf people will be present)
- overcoming a physical feature by providing services by alternative methods

Since 1 October 2004, service providers have had new duties. They are required to take reasonable steps to tackle physical features of premises, like steps or narrow doorways, that prevent, or make it unreasonably difficult for, a disabled people to access their services".

If you employ people (including businesses employing fewer than 15 people) you must ensure your organisation does not discriminate against disabled people in the areas of recruitment, training, and promotion, and within the working environment as a whole. This means you may have to make reasonable adjustments for disabled employees or job applicants.

Other key issues to consider:

Communication

- Do look at the disabled person when they are speaking to you and when you are speaking to them, even if they are using an interpreter or communication support worker.
- Try not to cover your mouth when speaking to deaf people/people who are hard of hearing.
- Try not to sit with your back to the light – this makes it difficult for deaf people to lip read.

Support Workers

- Some disabled people need support workers for help with everyday living. These people are often referred to as Personal Assistants. There are things to consider when you are working with disabled people who use PAs. Here are a few pointers:
- If you've hired a disabled person to provide a service - a lecture or a training session, for example - there's no need to especially thank their PA.
- PAs don't participate in the event, they really are just there to facilitate the disabled person in almost all cases. Don't worry about the fact that they are reading a book and waiting, it may sound harsh but they do not need or expect to be included in the same way as other delegates and visitors. This does not mean they do not like to be fed and watered!
- You need to consider space for PAs, e.g. where are they going to wait. If you have a disabled employee who is a PA user this may have implications for desk space. You need to work with the disabled person to establish the best ways to proceed.

Around the office

- Keep corridors clear of boxes of photocopying paper or other equipment.
- Ensure lighting is bright enough.
- Think about access to your front door and your toilets.

Web Access

It is very important to consider not only how your website looks and operates, but also how easily it can be accessed by those with a disability, and it has been a legal requirement to ensure your website is accessible since 1999. An inaccessible site may exclude a significant proportion of your service users. AbilityNet offers a range of services aimed at assisting organisations from all sectors in making their websites accessible and usable (see contact list).

Vulnerable Adults Policy

An organisation working with the following categories of adults must have a Protection of Vulnerable Adults Policy and Procedures. In addition any of the workers who have direct contact with the vulnerable adults needs to be Criminal Records Bureau cleared.

A vulnerable adult is one who needs services by reason of:

- Mental disability
- Physical disability
- Learning disability
- Illness
- Frailty

Further details and guidance may be obtained from Belinda Murphy at Ealing Social Services on 020 8825 6228 or email murphyb@ealing.gov.uk

HEALTH AND SAFETY ADVICE

Health and safety is about preventing people from being harmed or becoming ill by taking the right precautions. The main organisation that can provide comprehensive advice on health and safety is the Health & Safety Executive (see useful contacts sheet).

We have put together 10 important points that you should consider:

1. If you rent or own premises your organisation must display a Health & Safety poster, these are fairly inexpensive and can be purchased from the HSE www.hse.gov.uk.
2. Your organisation must have a written health and safety policy if you have 5 or more employees. (Management of Health & Safety at Work Regulations 1999). Any injuries that occur in the workplace must be recorded and a specific accident book should be set up for this purpose.
3. Risk assessments must be carried out to reduce the risk of people slipping or tripping at work (Workplace Health & Safety Regulations 1992), and if you have 5 or more employees you must record the significant findings of your assessment.
4. Employers must consult with their employees on health and safety issues (Health & Safety (consultation with employees) Regulations 1996)
5. There are a number of important regulations if your organisation works with hazardous chemicals – including cleaning materials (COSH). If employees are expected to lift boxes or take part in any activity that might cause sprains, strains or pains it is important that their welfare is looked after through your health and safety policy (Manual Handling Operations 1992).
6. It is important that regular fire drills are carried out by your organisation and that staff are aware of where fire exits are and where to meet after leaving the building. Fire Precautions (Workplace) Regulations 1997.
7. It is important to take precautions to ensure all portable electrical equipment is safe for use. Some electrical equipment (e.g. electric kettles, floor cleaners) should be tested every six months. The HSE have produced a leaflet called “Maintaining portable electrical equipment in offices and other low-risk environments”, which can be obtained free from their website.
8. Most organisations now use computers and/or display units and provision must be made to ensure excessive use is avoided. (Health and Safety (Display Screen Equipment) Regulations 1992).
9. If employees are exposed to vibration from hand-held tools, or if they work in an environment where they may be affected by vibrations from machinery it is important that their welfare is taken into account through your health & safety policy. (Management of Health and Safety at Work Regulations 1999)
10. The Management of Health and Safety at Work Regulations 1999 also cover stress at work, and it is important that potential stressful roles are assessed to discover who may be at risk, and the level of risk before deciding on how it will be managed.

Note: Ealing CVS would be happy to make its health and safety policy available on disc if any organisation would like to use it to help develop their own policy. Please contact Paul Boielle.

INSURANCE

If you want to avoid the potential risk of being unable to replace valuable information/assets in the event of a fire or theft it is essential that you take out insurance. Your lease/licence agreement should state whether you or the landlord need to arrange insurance for the premises, and if it doesn't it is important that you raise this issue with your landlord. Even if insurance is included (which is very rare) you may still need to arrange additional cover for risks such as loss or damage to contents and/or business assets (e.g. loss of profits).

If your organisation works with members of the community, e.g. running language classes, running events, providing training or putting on performances etc, it is imperative that you invest in public liability insurance, which can cost around £350 a year. This insurance will cover your organisation and employees for any incidents that may happen whilst carrying out the work of your group.

Other important insurance includes:

- Employer's Liability insurance – required by law if you employ staff
- Third Party Liability insurance – if you own or lease motor vehicles
- Special events insurance – make sure your current insurance covers you if you are putting on a one-off event
- Interruption of trade/loss of profits – if an event took place that stopped your employees from being able to work, having this insurance will mean that your group will not suffer financial losses

Examples of national discount schemes on insurance available to voluntary and community groups can be found through the Smart Schemes section on the Community Co-op part of the Ealing CVS website. Please visit <http://www.ealingcv.org.uk/coop/suppliers.php>

EALING COMMUNITY NETWORK PREMISES DIRECTORY

It is essential to match your premises to your group's immediate and future needs. There are a number of ways to search for suitable premises including:

- Word of mouth
- Local newspapers
- The internet
- The local council

Alternatively the Ealing Community Network Premises Directory 2005 has been created especially for local community groups. This Directory was drawn up by local groups themselves acting as 'eyes and ears' to identify potential premises. The Directory currently contains over 100 premises that are available for rent or hire for events and meetings. It provides full contact details, nearest transport routes, an accompanying photo and where available hire or rent costs.

The Directory is available on the Ealing Community Network website www.ealingnetwork.org.uk and the Ealing CVS website www.ealingcv.org.uk. The online version will be updated as we become aware of new premises so please check back regularly. Alternatively, ECN members can receive a free hard copy, please contact Carmel Cahill on 020 8566 0921 or carmel@ealingcv.org.uk

USEFUL CONTACTS AND WEB ADDRESSES

AbilityNet is the UK's leading charity bringing the benefits of computer technology to adults and children with disabilities. <http://www.abilitynet.org.uk/>

Charity Commission have produced a number of useful leaflets including:

- Charities and insurance (CC49)
- Acquiring Land (CC33)
- Disposing of Charity Land (CC28)
- The Official Custodian for Charities' Land Holding Service (CC13)

These can be obtained by contacting the Charity commission on 0870 3330123 or by visiting their website www.charity-commission.gov.uk

Community Matters – 020 7837 7887 have produced a number of information sheets that are available including:

- No. 8 Model trust deed and conveyance for a community centre
- No. 12A Health and safety in community buildings
- No. 61 Rules and hire agreement for a community centre
- No. 62 Community buildings and taxation

Ealing Centre for Independent Living – 1 Bayham Road, West Ealing W13 OTQ

Telephone: 020 8840 8573 Information Line: 020 8840 3682

Provides support to disabled people in the Ealing borough and also provides training and access consultancy.

If you have specific questions about the Disability Discrimination Act go to:

<http://www.dwp.gov.uk/lifeevent/discare> or <http://www.drc-gb.org/>

Ealing Council Grants Unit – provides general advice for community & voluntary groups. To download their “Key Contacts” report, which provides information on support available throughout the borough go to <http://www.ealing.gov.uk/services/voluntary+grants/keycontacts-0408.doc>

You can contact the following officers at LBE Grants unit:-

Delores Graham	dgraham@ealing.gov.uk	020 8825 6895
David Barnes	barnesd@ealing.gov.uk	020 8825 7026
Nigel Fogg	foggng@ealing.gov.uk	020 8825 7589

Website www.ealing.gov.uk/volgrants/

ECVS Website – Examples of national discount schemes available for community and voluntary groups is available at Smart Services <http://www.ealingcvs.org.uk/coop/index.php>

ECN Premises Directory – provides information on premises to hire/rent in Ealing

<http://www.ealingnetwork.org.uk/documents/139.pdf>

Employers' Forum on Disability – provides a wide range of publications and a series of act sheets. They cover disability statistics, resources for employers and people with disabilities and sources of advice in areas such as building access and disability awareness training. Their fact sheets can be downloaded for free www.employers-forum.co.uk

Free guide to the Landlord and Tenant Act 1954 write to the Department for Transport, Local Government and the Regions at Eland House, Bressenden Place, London SW1E 5DU.

Health and Safety Executive (HSE) www.hse.gov.uk or 0845 3450055 produce publications which are free, or can be downloaded from their website including:

- Five steps to risk assessments
- Health & Safety Regulations – a short guide

Law Works – Free Legal Advice for Community Groups LawWorks for Community Groups is a project run by the Solicitors Pro Bono Group providing pro bono, free, legal advice to community groups through a network of volunteer lawyers.

Their volunteer lawyers are from law firms and in house legal departments of businesses, all giving their time for free and providing an excellent professional service to community groups

For more information go to www.probonogroup.org.uk/community/index.htm

