

Written evidence submitted by ACRE (Action with Communities in Rural England)

Village Halls

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1. Introduction

ACRE is the national charity that, through its 38 county member organisations, provides support and advice to England's 10,000 Village Halls and their Trustees. Our experience supporting Village Halls over the last 100 years, and especially through the difficulties experienced during Covid, gives us considerable insights into how these essential, local, community buildings operate and the pressures upon them. A very large proportion have a capacity of more than 100 people and may, therefore, fall into scope of the draft Terrorism (Protection of Premises) Bill.

We are submitting evidence to HASC's pre-legislative inquiry into the draft Bill. Whilst we will seek to confine our comments to the draft Bill itself, the implementation of the proposed legislation can only be anticipated in the light of the proposed regulations that will be introduced once the Bill becomes law. The two capacity thresholds proposed are being introduced on the face of the Bill, whereas the detail of the regulations for premises falling into each category will be decided later. Since the Home Office has published (1st June 2023) draft regulations and guidance we must give a view on the proportionality of the Bill in the light of these. In particular, it is only possible to take a view on the lower capacity threshold, 100 people, for Village Halls on the basis of an understanding of the potential impact on their Trustees of these draft regulations, which already appear problematic.

We believe this is an unsatisfactory situation since the proportionality of the requirements that will flow from the legislation is being intrinsically linked to the size of premises and thus their management capacity. It will be hard, therefore, to avoid making comments on the draft regulations when giving a view on the capacity thresholds in the Bill.

For convenience, we are initially summarising our concerns about the draft legislation into five important impacts on rural England's many community buildings / Village Halls. We follow this with a little more detailed evidence derived from recent national surveys of Village Halls.

We conclude with some suggestions for how the draft Bill might be amended to enable it to be more easily implemented in community buildings in a way that is proportionate to the risk to which they are subject.

2. Responsibility where management of premises and activities are split

Village Halls and other community buildings are managed by voluntary trustees, usually of unincorporated charities who own the building, but are not responsible for the detailed organisation of events within it. These 'premises trustees' will seldom be present at events taking place in the building (*for consistency with charity regulation will use the term 'managing trustees' throughout where we are referring to those who are responsible for the building but not for the running of events within it*).

Events and activities are organised mainly by community groups who hire the building for the benefit of the community (eg WI meetings, knit and natter, pantomime, fetes), or by private individuals (for family celebrations) or local authorities (eg for parish council or public meetings, elections) or the self-employed/small businesses (eg for classes); these we describe as 'activity organisers'.

Clause 5 of the Bill, and associated clauses, do not seem to have taken account of this form of operation, and leave considerable ambiguity about where responsibility will lie. For reasons stated above, it cannot simply be assumed that this will be dealt with in secondary legislation, regulations or guidance. The requirements that appear in the draft regulations would make the transfer of responsibility from managing trustees to activity organisers much more difficult than a simple addition to the standard hiring agreement.

We believe this is a fatal flaw in the Bill, as drafted, for these kind of community buildings, irrespective of the lower size threshold. All of those concerned, both managing trustees and activity organisers have personal, joint and several liability, due to their unincorporated status. The result will be a reluctance for people to come forward to fulfil these responsibilities within their community.

3. Ongoing obligations and multiple, simultaneous, use of premises

The Standard requirements on the face of the Bill, and in draft regulations, are disproportionate for Village Halls as both the managing trustees and activity organisers are often volunteers and the former are not always 'on-site'.

The disproportionate nature includes the requirement for individuals to be trained on an ongoing basis, notification to the regulator of every occurrence of an activity and a need, not anticipated by the Bill, to co-ordinate between organisers of multiple, simultaneous, activities across a multi-room Village Hall. In the latter case there will seldom be a managing trustee or any staff present.

As currently drafted the Bill places all the emphasis on compulsion under the law. **For smaller premises such as Village Halls with their unincorporated governance, there are compelling reasons to lift these provisions out of the Bill and place them into a requirement on either the Home Office or the Regulator to provide, or fund, support, advice, and information.** As the LGA has put it: "carrot not stick" would be a much more effective approach.

4. Open spaces

Rural community buildings frequently co-exist, and are co-used, with adjoining open spaces including gardens, children's playgrounds, playing fields, commons, car-parks and other recreational areas. In some cases, these come under the governance of the managing trustees. In many other cases they do not.

In rural areas these adjoining open spaces may be subject to a variety of rights of way or rights of access. Even if these spaces are used for events jointly with the Village Hall it can be impossible to restrict or monitor access to them.

Legislation based on an understanding of what may be possible in 'controllable' urban open space will quickly fall into disrepute, and disrespect, in rural places. This would not help in achieving the otherwise laudable aims of the Bill.

There is recent experience of the imposition, through secondary legislation, of restrictions over these open areas during the Covid pandemic. These were found, ultimately, to be unenforceable in this kind of rural setting.

5. Capacity thresholds

The majority of Village Halls have a capacity between 100 and 200. Many have been built over the last century to provide for the multiple civic, recreational and community purposes that villages require. Simply by building at a scale that can accommodate a badminton court mean that most come close to, or exceed, the Standard category of capacity.

The addition of a second meeting room, an extension for a pre-school group, and committee room for the Parish Council means that almost all will have an apparent capacity of over 100. The requirements as set out in the draft regulations, and in the Bill, to use a threshold of 100 is, therefore, too low for the level of risk involved.

Whilst capacity may be a good way of measuring potential risk and requirement for preparedness in a music venue, night club, shopping centre or restaurant it makes little sense in a rural community building where there may be multiple, often small, activities happening in multiple spaces with, in many cases, multiple entrances and exits.

Either a higher capacity needs to be used, say 200, or a more nuanced way of deciding what level of risk may exist, and therefore what level of preparedness is required.

6. Cost of implementation

Where there is a genuine risk to the users of Village Halls, cost will not be an issue, as managing trustees will want to make sure that their buildings are both fit for purpose and safe for their users.

However, additional costs to meet the requirements of the Bill will inevitably compete for limited charitable resources with other risks and requirements. **Managing trustees will, quite properly, ask themselves whether preparedness for an act of terrorism is responding to a greater risk to their users than many of these other risks and requirements.**

Does the risk, both likelihood and magnitude, of a terrorist attack present a justifiably greater call on the limited resources of a charitable Village Hall than, say, the installation of a de-fibrillator, fully accessible WC or updated fire protection system?

If the state comes to believe that the cost of preparedness for a terrorist attack should be met despite the size of risk being small, then it must will the means for charitable

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community buildings to meet this cost. This should include the cost of registration, adaptation for this specific purpose, additional training and any uplift in insurance should this occur.

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Ends.

Annex 1 Background information about Village Halls and other rural community premises

Village Halls

There are circa 10,000 village halls and similar rural community buildings in England, 88% of which are registered charities. Of those not registered as a charity the majority are owned and managed by the local Parish Council.

71.7% are unincorporated charitable trusts and 12.9% are incorporated charitable trusts (CIO). Unincorporated charities are not legal entities in their own right and therefore the managing Trustees are personally responsible for decision made on behalf of the charity. Almost all Village Halls are either freehold or held on very long leases. The freehold is held by a Custodian Trustee, usually the Official Custodian Trustee.

Village halls are run by the managing trustees, commonly known as the village hall management committee. The committees are made up of local people who are volunteers. They mostly meet bi-monthly but that depends on how well used the hall is, as that will impact on decisions that need to be made. There are usually between 5 and 12 Trustees on a Village Hall management committee. There are, therefore, a minimum of 40,000 voluntary Trustees in England who have agreed to take on a personal, legal responsibility for the community facility in their village.

The committee are responsible for hiring out the building, fire and general risk assessment, data protection and safeguarding a considerable burden to groups of volunteers managing what is mainly considered to be a low-risk premises. They are also responsible for the finances (setting hire charges, fundraising, grant applications etc) and report annually to the Charity Commission

58% of halls have a Premises Licence for the Sale of Alcohol. In 2009 relaxation of the licensing rules allowed hall committees to take joint responsibility (rather than having to appoint and train an individual to become the DPS) recognising that the responsibility is joint and several.

Village Halls' charitable status designates that they are mainly or wholly for charitable use and hired out to local charities and organisations. 33% provide space for pre-schools and nurseries and other commercial hires include company meetings, one day sales, antique fairs and possibly auctions. In many cases there are individuals who use the hall to make a living eg. running fitness classes (81%)

Hiring arrangements

When a village hall is hired out the responsibility is handed to the hirer through a comprehensive hiring agreement. A copy of the recommended model can be provided. This sets out the responsibilities of the committee and of the hirer.

62% of halls do not have an employed dedicated manager. Any staff that are employed by the committee will be part time cleaners, handyman, booking secretary etc. In these cases the building itself is unmanned until the organiser of an activity gains access and sets the premises up for their use. An increasing number of Halls use sophisticated remote access systems as an alternative to users either collecting a key from the booking secretary or a nearby Trustee unlocking the Hall as needed.

Small local groups and charities will have third party cover under the halls' insurance and will comply with the halls' safeguarding policy and other policies which they are made aware of in the hiring agreement.

Other hirers could be organisations such as the local Scout Group. They will have to comply with the halls' hiring agreement but additionally will follow their national bodies safeguarding procedures, rules and regulation and will have their own insurance cover for their individual activities. Similarly with a fitness instructor or a company running an auction. The hall committee will still, obviously, have responsibility to make sure the hall is safe to use.

ACRE's 2020 Survey English Village and Community Halls gathered information about useage, and, as a result, divided it into these major categories.

- Events and Celebrations e.g., private parties and weddings, through to fetes and polling stations
- Educational e.g., language classes and afterschool clubs
- Arts and Crafts e.g., concerts, amateur dramatics, film shows, exhibitions, sewing bees
- Sports e.g., exercise classes, bowls, table tennis
- Social and recreational e.g., wine tasting, mens' sheds, dog training

Other community premises

Other halls in rural areas which are offered for use by the community include Scout & Guide Huts, Women's Institute Halls, British Legion Halls, Church halls (as opposed to the Church). They will operate in a similar way, but priority use will be reserved for their own activities i.e. WI meetings, Cub Scout activities. ACRE does not hold data on these types of premises.

With a little under 20% of the population living in rural areas, there are likely to be similar community premises serving the remaining 80% of the population in urban areas. Some of these will be Community Centres that are run by Community Associations in a similar way. However, the ownership and governance of many is likely to be different, as they will have much closer involvement by higher tiers of local government.

Annex 2 Areas where the Bill might be amended

In order to retain the spirit and purpose of the Bill, but make it more proportionate to both the operational imperatives of multi-use community buildings and their level of risk, three options might be considered:

1. Considering the requirements set out in the draft standard duty regulations, it would be in proportion to the possible risk to lift the lower capacity threshold from 100 to 200.
2. Un-staffed, multi-use, buildings could be treated as venues for temporary events. To achieve this a multi-use building might only come into scope of the legislation if it has a dominant, primary use. This might be defined as more than 50% of its use falling into one of the uses listed in Schedule 1. Events that qualified would still come under the legislation, but the onus would be on the event organiser to comply. This requirement could easily be added to Hall hiring conditions.
3. A lighter touch Minimum Duty could be created for premises that are both charitable and managed by voluntary Trustees. This would not prevent these premises from voluntarily registering for the Standard Duty if their own risk assessment suggested this would be a proportionate response in their specific situation.

Given the other licensing and health & Safety compliance that is required, a Minimum Duty could involve a sole responsibility to notify the Regulator if an event with a probable attendance of more than 100 (or 200) had been booked. Responsibility for liaising with the event organiser, not the Hall Trustees, would then fall to the local Police Service, probably through the local PCSO.

ACRE document control information:

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Staff/associate lead:	JL
Other contributors:	Deborah Clarke, Louise Beaton
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V 1.0 V 1.1 V 1.2 etc	V3.0
Next actions:	Post on Basecamp for comment from the Network Revise Submit to the HASC secretariat for the deadline of 23 th June
Attachments	