

# Dunbartonshire Concert Band

## Proposed Lease of Kessington Hall

### Frequently asked questions

#### Pre-amble...

The proposal is that DCB take over management of the suitably-refurbished Kessington Hall, adopting it as a dedicated rehearsal/performance venue for the Band as well as developing it as a cultural community facility for other local users. On the basis of our earlier proposal documents, East Dunbartonshire Council have designated us as “preferred tenants” and we are now in the process of consultation with Band members and others.

#### What would DCB get out of this?

- A permanent, dedicated rehearsal hall and concert venue
- More room, better acoustics
- Proper storage facilities for the music library
- Better storage facilities for percussion and other equipment
- Flexible staging arrangements
- Additional rooms for sectional rehearsals and other activities
- Opportunity for more ambitious collaborative projects with other groups (choirs, dancers, etc.)
- Access to a wider range of funding sources

#### What does East Dunbartonshire Council get out of this?

- Responsible management of a landmark building in a way that meets their community service objectives
- Low cost solution to a politically embarrassing problem

#### What is the outline business plan?

- The hall would be managed by a separate charitable organisation (DCB-Kessington SCIO) under the auspices of the Band, but legally and financially separate from DCB
- DCB-Kessington and DCB (“the Band”) would be separate legal entities with no mutual liabilities

#### What would it cost the Band?

- For the Band, nothing more than we currently pay for lets at Cairns and elsewhere
- East Dunbartonshire Council is offering the let for a “peppercorn rent” of £1 per year
- As a charity, DCB-Kessington would be exempt from business rates
- DCB-Kessington would be responsible for running costs (heating, lighting, cleaning, etc.)

## More detailed questions...

### Legal

Q Are we seeking legal advice?

A Yes, we have commenced discussions to get legal advice from within the band. We are planning our first meeting with East Dunbartonshire Council lawyers.

Q What is the current status of our application to take on the lease?

A We are the preferred bidder and as of 21<sup>st</sup> February 2019, we await receipt of the first draft of the lease from East Dunbartonshire Council. We do not have any obligations to take on the lease at this stage.

Q We have heard mention of SCIO, what is it?

A SCIO is the Scottish Charitable Incorporated Organisation. It is legal status for charities as permitted by OSCR and gives better protection against personal financial risk than a Charitable Trust.

Q Has an application been made to create an SCIO?

A No, not as 21<sup>st</sup> February 2019.

Q Will DCB be converted into a SCIO?

A No, the current proposal is that Dunbartonshire Concert Band (DCB) will remain as a charitable trust. DCB Kessington will be a new charity with the legal status of a SCIO with a separate charity registration number. The proposal is for Dunbartonshire Concert Band to be the parent company of DCB Kessington.

Q Will the DCB committee (trustees) be exposed to financial risks if Kessington Hall requires expensive reactive maintenance?

A No, the costs of running Kessington Hall will be the responsibility of DCB Kessington.

Q What will be the constitution of DCB Kessington and how will anyone be able to get on the committee.

A The constitution of DCB Kessington will be similar to that of DCB and the route and voting to get on the committee will be similar to that of DCB. The accounting period will be the same as DCB from 1<sup>st</sup> August to 31<sup>st</sup> July. A separate bank account will be created.

Q Who will be the founding members of DCB Kessington?

A A minimum of two members are required for the SCIO application. The proposal is that this will be a Chairman and Artistic Director.

Q What is the likely term of the lease and will there be an opportunity to get out early if it does not work out?

A We have been advised by East Dunbartonshire Council that the term of the lease will be for 15 years with a break clause at 5 years.

Q What will DCB Kessington do if DCB wishes to move from Kessington?

A With DCB being the parent company, dialogue will have to take place with DCB Kessington so as to minimise harm either charity. DCB Kessington would look to invoke the break clause at the earliest opportunity and deregister.

Q Will the lease be very onerous?

A We don't know at this stage as we have not seen the first draft of the lease. We have been provided with a document called Heads of Terms and from that we know that the proposed rent will be a peppercorn rent of £1 per annum. We understand that we will not be subjected to Business Rates as we are a charity. We know that there will be tenant obligations in the lease relating to redecoration intervals but we do not have the details at present.

Q What would happen if the Band voted at the EGM not to proceed?

A The lease would not be signed and DCB would continue as it does at present.

Q How will the regular dialogue be conducted between DCB and DCB Kessington?

A The two committees will need to have regular dialogue to ensure that everything is functioning as expected and to resolve any problems.

Q Will DCB Kessington have any employees?

A It is intended that DCB Kessington will not have any employees but to buy in services required. This may change over time but in the meantime no payroll will be involved.

Q Can any alterations be made to the building?

A Yes, but any alterations will have to be approved by East Dunbartonshire Council in advance.

### **Financial**

Q Will the DCB Kessington committee/trustees be liable if anything goes wrong?

A No, if the legal status of DCB Kessington is a SCIO. The company would have to deregister with OSCR and settle its debts if it could. The benefit of Kessington Hall is no Business Rates and no rental to pay to East Dunbartonshire Council other than a peppercorn rent of £1 per annum. If the building is not used there are very few costs other than standing charges for utilities and insurance premiums.

Q What will happen if the Scottish Government decides to introduce business rates for charities? Will we be able to afford these? What happens if these are introduced when we're not near the end of the five year break period?

A We would wish to put protections into the lease so that if the Business Rates did apply then we could trigger the break clause. The business rates are £29,000.00 per annum, for which we get 100% relief as a charity.

Q Won't it cost a lot of money to set up the hall, for example do we have enough equipment at the tea point to make tea and coffee and what about toilet rolls and hand wash?

A There will be set up costs and we would like to keep these to the essentials before rental income is received. At the present time we are anticipating that DCB Kessington will need between two and three thousand pounds.

Q If it is true that we will need set up costs where are these going to come from?

A DCB Kessington will ask DCB to approve advance payment of rent.

Q Will DCB be able to see the accounts of DCB Kessington.

A Yes. The accounts of charitable organisations have to be made available to the public. More frequent visibility of the DCB Kessington accounts and cashflow forecasting will be provided to the DCB committee.

Q Will DCB have to pay to rent the hall?

A Yes, in the same way as we do with Cairns Church at present. However, if DCB Kessington has borrowed money from DCB for set up costs this will be repaid by not paying rent to DCB Kessington until the loan is repaid.

Q We don't appear to be getting much advantage from the hall if we are having to pay the same rent to DCB Kessington as we do at Cairns Church, is it worth the effort that we will need to put in?

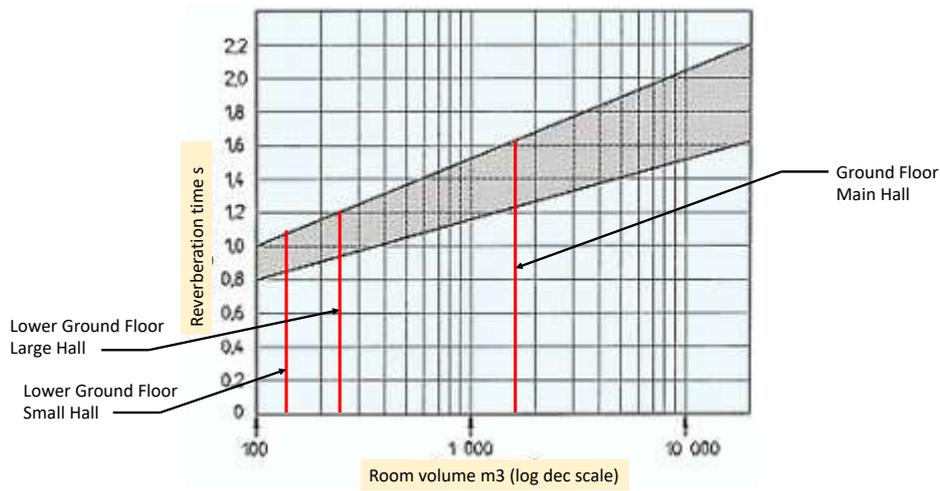
A The benefit to DCB is having a more suitable hall for rehearsal and concerts, more secure storage for our library and musical instruments and be able to enhance the hall to suit our needs, providing more facilities for music and arts in the community.

Q Aren't we giving ourselves a lot of financial risk for very little benefit?

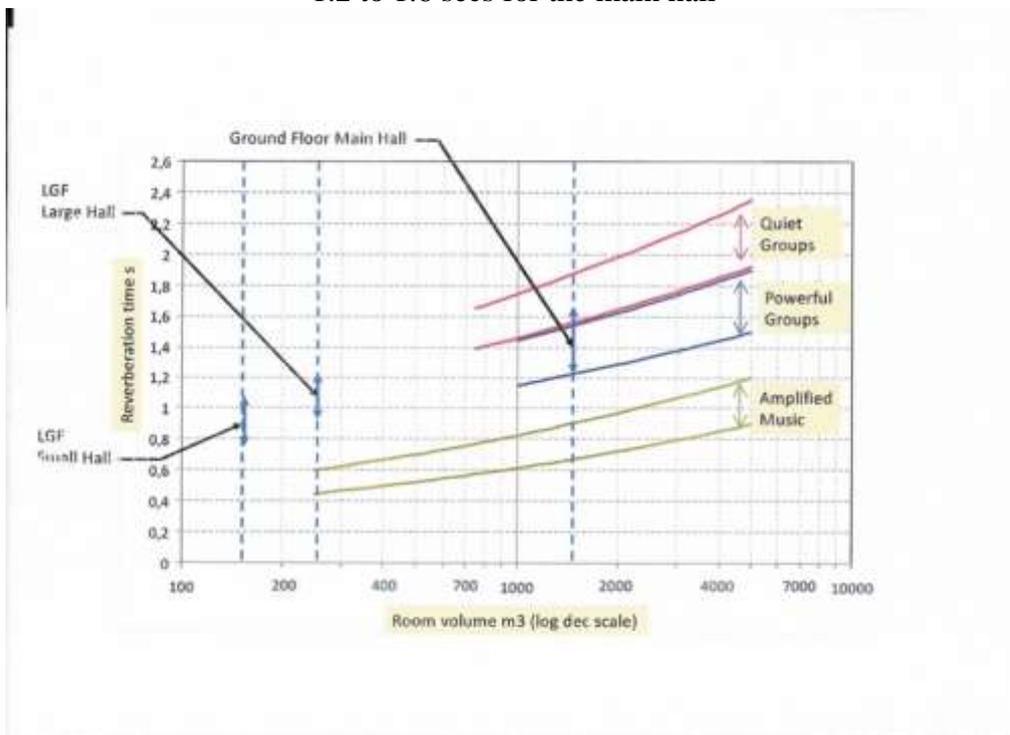
- A We are planning to separate the hall finances from DCB finances so that all of the assets of DCB in musical instruments, library and cash in the bank are not at risk. If it is acceptable to East Dunbartonshire Council and OSCR we will have two registered charities.
- Q Will the assets of DCB be at risk if DCB Kessington fails?
- A No, it is intended that DCB and DCB Kessington will be two separate charities. Assets of DCB Kessington would be transferred to DCB if the legal framework is set up as proposed.
- Q Will it cost a lot of money to heat the building?
- A Windows are now double-glazed, so we are expecting that the heating bills will be very much lower than when the building was previously occupied.
- Q Will it cost a lot to light the building?
- A We expect that the cost of lighting per let will be less than they were when the building was last occupied. We have not seen the lighting proposals but we expect as a minimum that the lights will be LEDs.
- Q Will it cost a lot to carry out the pre-planned maintenance?
- A We don't have estimates for this at present. There will be a number of mandatory requirements such as a Landlords Gas Safety certificate. Over time it is hoped that community minded companies will provide many of the services at attractive rates.
- Q What about reactive maintenance for say roof repairs?
- A This will be for DCB Kessington to manage and establish reserves to cover these costs. Major damage to the roof should be covered in the buildings insurance. East Dunbartonshire Council will provide and pay for the building insurance. East Dunbartonshire Council is planning to carry out roof repairs during the refurbishment. We do not know at this stage if a warranty will be provided on this work but we will ask the question. We have asked the question of East Dunbartonshire Council as to who would pay for the policy excess in the event of a claim. They have advised that they have not reclaimed this from tenants in the past other than when damage was caused by the tenant.
- Q What will happen if income from lets not received or is insufficient to cover costs?
- A Tight controls will need to be imposed on payment of lets. Letting costs will be monitored to ensure so that there is sufficient income to cover expenditure.
- Q Have charges for lets been established?
- A A draft table of charges has been produced. Checks will be made of costs at similar venues so that we are competitive. Preference will be given to groups participating in music and arts.
- Q If DCB Kessington builds up surplus funds what will it do with these?
- A It is anticipated that DCB Kessington will wish to provide support to DCB for specified projects and/or provide grants as permitted by accountancy rules.

### **Musical Considerations**

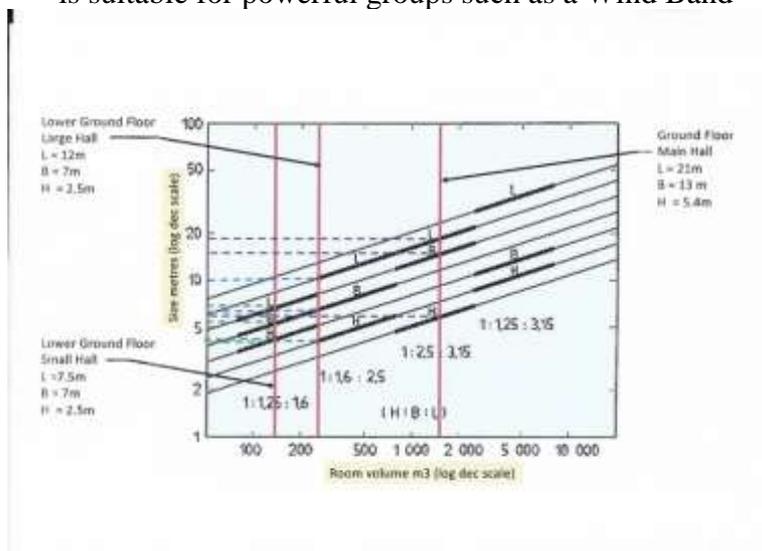
- Q How we will know that the acoustics will be suitable for a large, loud band like DCB and not boomy and echoey like some halls that people may have experienced in the past?
- A We believe that the main hall suitable acoustics for wind bands. Acoustics are determined by the volume of the room, reverberation time, loudness of the sound, sound damping from soft furnishings. Damping can be provided by using the long curtains of which there are eight pairs. Quieter groups may also find that the acoustics are suitable. Lower ground floor halls are more suitable for smaller groups. Any assistance that band members have on this subject is very welcome.



Size of room dictates the reverberation time  
1.2 to 1.6 secs for the main hall



Reverberation time range for the volume of hall  
is suitable for powerful groups such as a Wind Band



Length, breadth and ceiling height proportions of the main hall are suitable

Q What is the capacity of the main hall for a concert?  
A For use as a dance hall 390 people and for concerts and similar activities 273 people.

Q We have seen from photographs that the old stage has been removed, is it going to be replaced?  
A The old stage has been removed and we asked East Dunbartonshire Council not to replace it as it would have reduced flexible use of the space. DCB Kessington will provide a new stage, when funds allow, and the proposal is to provide a demountable and variable height stage similar to one used by Helensburgh Orchestra.

### **Lease**

Q If we do take on the lease how long are we committed to it?  
A East Dunbartonshire Council propose that the lease will be for 15 years with a break clause after every 5 years.

Q When will the lease be ready for signing?  
A To be advised.

### **Health & Safety.**

Q Obviously the building will have to be brought up to standard with the fire regulations, how is this being progressed?  
A We are sure that the building as it stands on 21<sup>st</sup> February 2019, does not comply with Building Standards in respect of fire safety. East Dunbartonshire Council is still working on the refurbishment and we expect to be provided with a fire compliance certificate or assurances of compliance. It may be that DCB Kessington may wish to bring in a consultant to provide a report so that we are satisfied with the installation.

Q Who will repair/replace lights and emergency lights if these are not working?  
A DCB Kessington will be responsible for routine testing of lights and emergency lights as part of the pre-planned maintenance schedule.

Q Who will carry out legionella tests?  
A DCB Kessington will arrange this.

Q Who will arrange for weekly fire alarm tests?  
A DCB Kessington.

Q Who will arrange for fire evacuation tests?  
A Each let should participate in a fire evacuation test when requested to do so by DCB Kessington.

Q Will someone ensure that the fire and smoke alarms are working correctly?  
A We are expecting that East Dunbartonshire Council will provide us with a fire safety certificate when the refurbishment work is complete. DCB Kessington will inspect and test the alarms in accordance with the maintenance schedule.

Q There is no lift between Ground Floor and Lower Ground Floor, how will people with disabilities be able to get to the lower ground floor and how will we move chairs, tables and percussion about?  
A East Dunbartonshire Council does not have any plans at present to install a lift. They have approached the Planning Department and Building Standards who are looking into this aspect. This type of building is on the exempted buildings schedule of the The Buildings (Scotland) Regulations 2004.

Q Will we be permitted to use the lower ground floor kitchen to cater for events and does it have an Environmental Health certificate?  
A The kitchen can only be used under the supervision of a qualified person for environmental health reasons. The Environmental Health Officer will need to give approval to operate the kitchen.

Q Will accessible toilets be provided on the ground and lower ground floors?

A These are not provided at present but we expect these to be installed during the refurbishment work by East Dunbartonshire Council. We expect the building to be brought up to comply with The Buildings (Scotland) Regulations 2004.

Q What if any asbestos is discovered in the building?

A East Dunbartonshire Council commissioned an asbestos survey and we have been provided with a copy of the report dated 30<sup>th</sup> August 2018. Asbestos was discovered and East Dunbartonshire Council has arranged for it to be removed or encapsulated. We are expecting to obtain a copy of the asbestos log which should identify any asbestos remaining asbestos and where it is located. This log has to be provided to any contractor doing alterations in the building in the future.

### **Equality Act 2010**

Q We have heard mention of compliance with DDA, what is this and how is this being progressed?

A DDA is the Disability Discrimination Act came into force in 1995 and has now been incorporated into the Equality Act 2010. Many of the requirements to assist disabled people are contained in the Building Standards. We are sure that the building as it stands at 21<sup>st</sup> February 2019, does not comply with this Act. East Dunbartonshire Council is still working on refurbishment and we are keeping a close watch on this subject. We have in-house expertise on this matter, however if we are not satisfied DCB Kessington may wish to bring in a specialist consultant to provide a report.

Q What kind of items fail the Equality Act requirements?

A Stair nosing, directional signs, outside lighting, the type of taps, accessible toilets and access to the lower ground floor are amongst the issues to be looked at.

### **Lets**

Q Is sufficient storage available for DCB's percussion, library, DCB Kessington's tables and chairs, piano and to accommodate some of the other lets who may have equipment that they would wish to store in the hall?

A There is sufficient storage for DCB's and DCB Kessington's needs however there will not be much left over for other organisations. There is a set of cupboards in the larger lower ground floor room which could be made available.

Q I would like to take a let at the hall, how do I go about this?

A We are proposing to set up a separate website for DCB Kessington and put an application form on the website for applications. There will be a link from our existing website. An application form has been drafted. In the meantime enquiries can be made through the DCB website.

Q I am a band member and would like to take out a let, can I get preferential rates?

A No, charity registration rules prevent members from getting benefits not available to the general public. However, preference will be given to groups who require the building for purposes set out in the constitution namely music and arts.

Q How will we make sure that management is carried out properly by DCB Kessington?

A DCB will have a watching brief as the parent company.

Q What measures will be in place to ensure that any group taking a let does not damage the building?

A The let application form will make it clear what the obligations are and this form is to be signed on behalf of the group or individual taking the let. Each group will be asked to ensure that the room is in good order before the start of the let and to report any problems including cleaning, heating and lighting. Groups will be interviewed before a let is agreed.

Q Who covers the risk of theft of property owned by lets including DCB?

A Each let will be required to insure their own property which is brought in or left by agreement in the hall.

Q Who will ensure that the building is secure before and after lets?

A DCB Kessington and the let.

Q Will we have constant difficulties with neighbours complaining about the noise and disruption?

A The hall has planning permission for the uses which we have identified and has been used for similar purposes in the past. There may be issues with parking as this is a residential area and it is known that neighbours have complained in the past about driveways being blocked. With the windows having been double glazed noise heard outside the building should be less. The proposed opening hours are 8.00am to 11.00pm with later opening by agreement with East Dunbartonshire Council.

Q What happens if keys are lost or duplicated?

A Keys will be signed for and the let agreement will say that no keys are to be copied without written approval. Anyone who loses a key will be asked to report it and pay for replacement keys and possibly locks.

Q Will DCB be able to play its concerts at Kessington?

A Yes. However, DCB will need to apply for a let as we would not wish to cancel a let agreed with another group. DCB will get first refusal on bookings.

Q Will I be able to record music at Kessington?

A The lower ground floor rooms may be suitable for recording music if the person taking the let brings all of their own equipment. The rooms are not specifically sound proofed for this purpose.

Q I attended a wedding reception in the hall some years ago, will the hall be suitable for a similar function when the refurbishment is complete?

A It is too early to say at present. The lower ground floor kitchen needs to be refurbished to be able to carry out catering and there is no alcohol licence although this could be applied for. There is no doubt that the hall will make a very good venue for such an occasion.

Q I give piano lessons, could I use one of the rooms for this purpose?

A It is intended that one of the rooms on the lower ground floor will be modified so that it can be used as a tutorial room.

## **Insurance**

Q Who will insure the building?

A East Dunbartonshire Council has advised that they will insure the building under their group policy for all of the East Dunbartonshire Council owned properties.

Q What will happen if someone has an accident or is injured in the hall, e.g. due to part of the ceiling falling down? Will DCB Kessington be held responsible?

A DCB Kessington and DCB will carry public liability insurance as DCB does at present. All lets will be asked to do likewise in accordance with their own rules.

Q Who will provide public liability insurance?

A DCB Kessington, DCB and any lets using the building in accordance with their own constitution and policies.

Q Who will insure the contents?

A DCB Kessington for its contents, DCB for its contents and any of the lets who have permission to leave their property in the building.

- Q Who deals with PRS when a concert is put on?  
A DCB if it is their concert and any other group who take a let and put on a concert.

### **Facilities Management.**

- Q A lot of work will be required to maintain the hall, who will do this work?  
A DCB Kessington will manage the work and arrange for trades people to carry out specific tasks. We will interview prospective lets to try to ensure that they will look after the property. We do not anticipate sports being permitted.
- Q Are there members of the band who are prepared to involve themselves with the operation and running of the hall? It sounds like this would be quite an involved task.  
A We will be looking for as much assistance from band members as possible. Offers of assistance to date are very encouraging even if it is to highlight any potential pitfalls. We put in our business plan that we would engage a hall manager. It is anticipated that for the first few months that the committee would run DCB Kessington until such time as we are confident on the income and expenditure. Maintenance tasks will be negotiated with contractors and the first few months we will carry out the mandatory tasks. We have a full list of the pre-planned maintenance tasks. There will be tasks specifically for DCB to undertake, as opposed to DCB Kessington, such as moving and setting up the library and percussion.
- Q If we decide to end our lease of Kessington after five years, or sometime in the future, are we confident that we would be able to secure another venue with adequate space and storage?  
A It is not easy to get suitable accommodation in the area and we cannot be sure that we would be able to return to Cairns Church. Prior to using Cairns we used Westerton Hall which had its own problems. We are finding that groups are already coming to ask if they can be considered for a let so there is a shortage of this type of accommodation in the area. The difficulty of acquiring suitable accommodation is one of the reasons to consider Kessington Hall.
- Q There will need to be pre planned maintenance to try to prevent things breaking down, has any thought been given to this?  
A Yes, a pre-planned maintenance schedule was issued to East Dunbartonshire Council with our application. This has been further updated since and in due course will include names of companies who can carry out the tasks identified. Tasks identified include boiler service, gas safety certificate, emergency lighting checks, fire alarm tests, window cleaning, toilet cleaning, kitchen hygiene, drain cleaning and ground maintenance.
- Q During the winter months the steps and paths may be icy or snow covered, who will make it safe for access?  
A DCB Kessington will carry out this task and in addition a salt/ grit bin will be provided and supplied with bags of salt/ grit.
- Q Is WiFi going to be provided?  
A Not at the outset but will be investigated in the future.
- Q Will there be sufficient controls on the heating system for it to be economic to run?  
A We do not know at this stage what control or capacity the heating system has. We would like Wi Fi controls so that the heating system can be controlled remotely, however, this is unlikely to be available at the outset.
- Q Are we sure that the boiler has sufficient capacity to bring the building up to temperature in a reasonable time on particularly cold days and who will switch it on?  
A We do not have this information at present.
- Q Will there be outside lighting to improve safety and security?

A It is proposed that outside lighting will be provided and be fitted with motion sensors, daylight sensors and a time clock.

Q Will we be provided with a legionella risk assessment?

A We do not have this information at present.

Q Who will be the responsible person for legionella control?

A We expect that this will be East Dunbartonshire Council or it may fall to DCB Kessington as the landlord for lets.

Q Will a fire evacuation strategy be in place when the building becomes operational?

A Yes.

Q Will there be a fire safety certificate?

A Yes.

Q Who will be responsible for replacing lights and emergency lights?

A DCB Kessington.

Q Who will be responsible for repairing roof leaks?

A DCB Kessington.

Q Will library shelving be available for us?

A On the first-floor room on the South side of the building there is a room which has been identified for the library. There is already shelving in this room. DCB will need to examine this to confirm that it is suitable and to modify it as required.

Q What will happen if the security or fire alarm goes off out of hours?

A It is intended that a security firm will provide a 24 hours response service and if the alarm is triggered they will phone designated keyholders for someone to attend to meet police on site. There may be up to six people on the list in case some people are unavailable.

Q Will people taking a let be given advice on how to evacuate the building if the fire alarm goes off?

A Yes, guidance will be given to the responsible person when the let is first taken out. Thereafter that person will be responsible for advising their group.

## **General**

Q Why have we not been told very much about developments at Kessington Hall when the press is reporting that the hall refurbishment will be complete in mid-February?

A This may be down to over-enthusiastic press reporting. Completion in mid-February is not possible, and a preliminary meeting with East Dunbartonshire Council indicated a target date of June. We have not been provided with a programme for the refurbishment by East Dunbartonshire Council, however, during our first site visit on 12<sup>th</sup> February 2019 it was very evident that there was still a lot of work to be done.

Q We understand, from press coverage, that keys will be handed over soon?

A As of 21<sup>st</sup> February 2019, we have not seen the first draft of a lease so we are not in a position to formally accept the keys. We have a good relationship with East Dunbartonshire Council and it is possible that they may give us informal access so that we can plan ahead.

Q A lot of effort for this project being put in by relatively few people, what will happen if these people decide to leave the band for pastures new?

A Input into this project was put in by only a few people during the application process as we did not wish to waste people's time if it was not to proceed any further. The committee and the shadow trustees were aware of the application. Since we reached preferred bidder stage more people have been involved as we move to the next stage. We are now at a stage where we can involve more people including an invitation

to the full band to visit the hall on 12<sup>th</sup> February 2019. Following submission of these FAQ's we will be requesting further questions from band members. We will give a short presentation to the band during March 2019 and open up the opportunity for further questions. An EGM will be arranged prior to signing the lease.

Q I like what we have now, I don't like change, I only want to play music and meet my friends on a Saturday.

A This will remain as it is at present except that it will be at a different venue.

Q At the last AGM we were promised an EGM to approve the proposals but we have not been given notice of an EGM. What is happening?

A Our constitution requires DCB to hold an EGM within 35 days of the notice to hold one. We intend the EGM to be held prior to signing the lease, but at present we don't know when this will be.

Q We have heard that parking is not good in the area, is this true?

A There is no dedicated parking provision for the hall. Free, on-street parking is available in the local residential area but consideration should be given to the residents and not block driveways. There is a bus stop outside the hall and the Bearsden and Hillfoot train station within half a mile of the hall.

Q I am not on the committee but would like to help, how can I assist?

A We have had lots of offers of assistance, please approach any member of the committee to say what you can assist with, we will need all the help that we can get to make this a success.

Q When can we move in?

A We are planning at present that it will be 17<sup>th</sup> August 2019. This may change as we get more information on the refurbishment programme and of the lease.