

23 February 2015**Agenda Item: 7d****REPORT OF SERVICE DIRECTOR TRANSPORT, PROPERTY &
ENVIRONMENT****OLLERTON PRIMARY SCHOOL – LICENCE TO OLLERTON OUT OF
SCHOOL CARE (CIC)****Purpose of the Report**

1. To seek approval to granting a licence to the Ollerton Out Of School Care to enable them to provide the wrap around facility from a classroom within the school under a formal arrangement.

Information and Advice

2. Some information relating to this report is not for publication by virtue of paragraph 3 of Schedule 12A of the Local Government Act 1972. Having regard to the circumstances, on balance the public interest in disclosing the information does not outweigh the reason for exemption because divulging the information would significantly damage the Council's commercial position. The exempt information is set out in the exempt appendix.
3. The Ollerton Out of School Care (CIC) has been on site for 20 years without the benefit of a formal agreement.
4. This licence seeks to formalise their occupation.
5. The Heads of Terms as follows:

Licensor	Nottinghamshire County Council
Licensee	Ollerton Out of School Care CIC (CIC No. 06466973)
Premises	Shared use of the area shaded grey on the attached Room plan. Shared use of the external area to be agreed with the Head teacher of Ollerton Primary School.
Licence period	10 years Starting from: 1st September 2014
Use	Strictly for the provision of wrap around care and school holiday care.
Hours of Use	7.30am to 9am and 3.30pm to 6pm Monday to Friday Term Time Only.

7.30am to 6pm School holidays (45 days per academic year)
INSET days by prior agreement with the Head teacher.

Licence Fee	See exempt appendix
Review	The licence fee will be reviewed in the Summer Term 2015 based on the pupil numbers attending the facility.
Outgoings	<p>Nottinghamshire County Council will be fully responsible for all internal and external maintenance and repairs.</p> <p>Nottinghamshire County Council will be responsible for buildings insurance and business rates.</p> <p>Nottinghamshire County Council will be responsible for the costs associated with the running and servicing of the access control/burglar alarm and fire alarm.</p> <p>Nottinghamshire County Council will be responsible for Legionella checks & servicing of firefighting equipment.</p> <p>The Licensee will be responsible for any Electrical Portable Appliance Testing of belongings owned by them.</p> <p>The Licensee will be responsible for tidying away their equipment and cleaning the area after each session. Any issues regarding the cleaning should be brought to the attention of either party immediately so that they can be addressed.</p> <p>The Licensee will be responsible for funding any repairs arising from wilful damage to the area occupied. Any school equipment damaged by Ollerton Out of School Care CIC will be replaced and the costs passed to the Licensee.</p>
Car Parking	Staff will have access to the car park if there are spaces available.
Insurance	<p>Nottinghamshire County Council will be responsible for insuring the building however, the Licensee will be responsible for public liability, contents and any other insurance required.</p> <p>Nottinghamshire County Council reserves the right to impose minimum levels of insurance required.</p>
Compensation	No compensation will be payable by Nottinghamshire County Council on termination of the licence.
Lift and Shift	NCC reserves the right to relocate Ollerton OOSC CIC elsewhere in the school site.
Termination	<p>The agreement can be terminated by either party by giving 6 months' notice, for whatever reason.</p> <p>Nottinghamshire County Council will however have the option to break the licence immediately for serious breaches such as inadequate Ofsted outcomes and where there are safeguarding concerns raised by Ofsted, the police or Children's Social Care.</p>
Indemnity	The Licensee agrees to indemnify the Landlord against all claims for loss or damage arising from the licensee's proposed use or occupation of the premises, howsoever arising.

Legal Costs Ollerton OOSC CIC to pay all legal costs and associated fees incurred by Nottinghamshire County Council in granting the licence.

Other Options Considered

6. See exempt paragraph.
7. See exempt paragraph.

Reason/s for Recommendation/s

8. See exempt paragraph.

Statutory and Policy Implications

9. This report has been compiled after consideration of implications in respect of crime and disorder, finance, human resources, human rights, the NHS Constitution (Public Health only), the public sector equality duty, safeguarding of children and vulnerable adults, service users, sustainability and the environment and ways of working and where such implications are material they are described below. Appropriate consultation has been undertaken and advice sought on these issues as required.

RECOMMENDATION/S

- 1) That approval is given to granting a licence to Ollerton Out of School Care on the terms set out in this report and the exempt appendix to this report.

Jas Hundal

Service Director – Transport, Property & Environment

For any enquiries about this report please contact: Helen Smith 0115 9773655

Constitutional Comments (EP 08.01.2015)

10. The recommendation falls within the remit of the Finance and Property Committee by virtue of its terms of reference.

Financial Comments (TR 20.01.2015)

11. The financial implications are set out in the exempt appendix to the report.

Background Papers and Published Documents

12. None

Electoral Division(s) and Member(s) Affected

13. Ward(s): Ollerton
Member(s): Councillor Mike Pringle

File ref: /HS/SL
SP: 2766
Properties affected: 01196 - Ollerton Primary