

Report on	Loan of Council Equipment to External Groups or Organisations
Date of Meeting	04 July 2018
Reporting Officer	Michael Browne
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Is this report restricted for confidential business? If 'Yes', confirm below the exempt information category relied upon	Yes	
	No	x

1.0	Purpose of Report
1.1	To provide Members with an update in relation to Council's previously agreed (Development Committee/Council reference xx/xxxx) policy and procedure in relation to Lending Council Equipment to non-profit groups.
2.0	Background
2.1	The Development Committee previously considered a report which highlighted the issues associated with the Loan of Council Equipment to external Groups and/or Organisations.
2.2	The previously considered report to Committee recommended that: <ul style="list-style-type: none"> 1) Council continue to take a risk based approach to the loaning out of equipment to non-profit making groups/organisations within the Mid Ulster Area; 2) No equipment shall be lent to any group or organisation unless and until Council is satisfied that the group or organisation is aware of all relevant health and safety risks associated with the operation of the equipment and have been adequately trained in the carriage, installations, operation and dismantling of the equipment; 3) Equipment will only be lent to a group or organisation on receipt of approved Equipment Loan Agreement being signed by a competent person with authority to sign on behalf of the group and returned to the Council in advance of the event accompanied, where appropriate, with the appropriate insurance with which the group will indemnify Council from all risks associated with the borrowing of the Equipment; 4) Deposit of £50 to be charged, which will be refunded when if the equipment is checked on return and no damaged is recorded.

3.0	Main Report
3.1	To protect Council's interests and reputation, subsequent to Council's ratification of the Development Committee's recommendation in relation to this matter, the officers have investigated the issue further to confirm that the aforementioned recommendations would be effective.
3.2	<p>The officers' further review and analysis has identified the following:</p> <ol style="list-style-type: none"> 1. Although the officers have compiled a list of equipment that might be lent to third party groups and/or organisations, it would not be appropriate to require the group/organisation to separately insure some of the equipment, e.g. litter pickers 2. Any insurance policy intended to be relied upon by the third party group or organisation should be placed with a reputable insurer, provide coverage acceptable to Council and include indemnify to principle clause. It is therefore essential that the insurance proposed is detailed on the relevant documentation by the third party group or organisation's insurance broker and that an appropriate Council officer review the documentation to confirm its acceptability prior to the equipment being lent 3. Some groups may be unable or unwilling to secure insurance of the requisite quality, etc. 4. It will be essential that proper instruction in the erection, use and dismantling, where applicable, of all equipment lent is provided to any group or organisation that takes possession of the equipment 5. It is essential that all necessary paperwork is properly completed by appropriately authorised individuals prior to the equipment being lent and upon return of the equipment 6. Although the adoption of the procedure should reduce the risk of claims against Council it is impossible to guarantee that a claim for loss, injury or damage will not be received in the future. However, adherence to the procedure and retention of all documentation should assist in Council successfully defending any claim which might be lodged in the future 7. All documentation should include an appropriately worded data protection notice which explains how, for what purpose and over what period Council will process any personal data collected as part of the implementation of this procedure
3.3	As part of their review the officers have taken the opportunity to update the documentation previously considered and adopted by Council associated with the loan of Council equipment to third parties. The officers recommend that all relevant documentation be completed and returned by the third party to the officers dealing with any request to borrow/hire equipment no less than 14 days before the third party intends to take possession of the equipment.
3.4	The officers recommend that, where applicable, i.e. for items such as gazebos, etc., where third parties apply to borrow equipment from Council, the third party <u>must</u> provide evidence <u>in the requisite form</u> to Council in advance of the equipment being lent/hired, of <u>appropriate</u> public liability insurance (<u>£5million limit of indemnity</u>).
3.5	The officers would also ask Members to note that, if Council adopts the officers' recommendation, if third parties are unable or unwilling to provide Council with evidence of appropriate insurance in the requisite form, the third party will not be permitted to borrow/hire the relevant equipment. In such circumstances, Council may be exposed to

	negative publicity and Members may receive representations from aggrieved/disappointed third parties.
4.0	Other Considerations
4.1	Financial, Human Resources & Risk Implications
	Financial: N/A
	Human: Process delivered by internal officers
	Risk Management: The request and confirmation of £5million public liability insurance will help protect Council's interests.
4.2	Screening & Impact Assessments
	Equality & Good Relations Implications: N/A
	Rural Needs Implications: N/A
5.0	Recommendation(s)
5.1	That Members note the above and recommend to Council that it confirm its willingness to lend/hire items of specified equipment (see attached list) to non-profit groups, subject to the third party agreeing to and complying with Council's terms and conditions which include the payment of a £50 Refundable Deposit, providing evidence in the requisite form of appropriate public liability insurance with an indemnity limit of £5 million and an indemnity to principal clause, and an appropriately authorised representative of the group completing all associated documentation in advance of the equipment being lent/hired with all documentation to be completed and submitted no later than 14 days before the third party intends to take possession of the equipment
6.0	Documents Attached & References
6.1	Appendix One – Proposed Equipment Loan Agreement Form
6.2	Appendix Two – Proposed Equipment Check List – includes schedule of items which may be lent/hired
6.3	Appendix Three - Loan Agreement Process.
6.4	Appendix Four – Equipment List