



DEPARTMENT OF EDUCATION AND SCIENCE  
 ELIZABETH HOUSE, YORK ROAD, LONDON SE1 7PH  
 TELEPHONE 01-928 9222  
 FROM THE SECRETARY OF STATE

7 July 1983

RECEIVED IN  
 7 JUL 1983  
 PRIVATE OFFICE

*Sean Patrick*

PROPOSED DOE/DES CIRCULAR ON DUAL AND COMMUNITY USE

You will I expect by now have received a copy of the submission which was prepared by DOE and DES officials following a decision by the Family Policy Group in April that a Joint Circular on Dual and Community Use should be issued as soon as possible.

The main purpose of this letter is to draw your attention to a point arising on paragraph 12 of the submission, which refers to "sensitive pricing policies". With an eye on our rate limitation legislation, I am concerned that this term, if employed in a circular, might well be taken by local education authorities to imply a call for additional expenditure. This could lay the Government open to a charge of speaking with two voices, a point to which you refer when you mention circulars in your minute of 29 June to the Prime Minister about legislation. It is surely consistent with our general policies that people should so far as they are able pay the full cost of facilities of this kind; and I should be opposed to anything which looked like asking LEAs to subsidise dual or community use more than they otherwise would.

The submission also discloses (paragraphs 5-7) an unresolved issue between officials on a "right of access". I hope that you will accept the DES view, which I fully endorse.

No doubt you will let me know if you see any difficulty over these two points, which are both of real substance.

I am sending a copy of this letter and the submission to Nigel Lawson.

*Sean Patrick*

Rt Hon Patrick Jenkin MP  
 Secretary of State  
 Department of the Environment  
 2 Marsham Street  
 London SW1P 3EB



CONFIDENTIAL

FAMILY POLICY GROUP: JOINT DOE/DES CIRCULAR ON DUAL AND COMMUNITY USE

1. This submission considers the procedures, timetable and content for the Joint Circular which it was agreed by the Family Policy Group at its last meeting before the Election should be prepared. It indicates one important issue for Ministers to resolve before drafting is commenced. Attached at Annex A is the note of the FPG meeting and at B and C the DOE and DES papers submitted to the Group.

The Document

2. A Circular is, for both Departments, the most appropriate and effective medium for the messages that Ministers want to deliver to local authorities (LAs) and local education authorities (LEAs) in England. In accordance with DES practice, the Circular should first be published in draft, thus signalling the Government's determination to issue guidance but giving authorities and others the opportunity to comment on the details. DOE Circulars are not first published in draft, but the messages on dual use are key ones and their reception by education interests would be endangered if the normal consultation procedures were not observed.

Timetable

3. Early publication is required, which means that the advice in the Circular must be based on currently available data. DOE will take the lead, consulting closely with DES and also with DE (for the Manpower Services Commission (MSC)) and approaching local authority representatives. If possible a draft should be agreed and published by the end of July, for comment by the end of September and issue shortly thereafter.

Contents

4. The Circular will have four main objectives, each of which is discussed below:-

- (a) More widespread and intensive dual and community use, through advice about rights of access and on best practice;



(b) Better liaison at the local level between education and leisure interests;

(c) Fuller use of existing land and facilities;

(d) Sensitive pricing policies for local facilities.

5. Dual and Community Use Ministerial direction is needed on the key issue of rights of access to community and school facilities. DOE take the view that a clear statement expressing the Government's belief in the right of access could lead to real progress in expanding dual use; it would provide both a lever for local voluntary groups and positive guidance for LAs and LEAs. Whilst it is clear that primary legislation would be necessary before a Circular could refer to a statutory right of access, there remains rights other than those based on statute. Municipal ownership implies community/public participation and use; a right of access based on this premise and expressed in a Circular could have some moral force and thus open doors. However, DES consider that LEAs would react adversely if told - without justification in statute - that they had a duty to open schools to community use. They would see a potential conflict with their statutory duties to provide for education; the widespread willingness of LEAs to help over dual use might be weakened and its expansion could suffer accordingly. DES would therefore prefer a statement which fully recognised LEAs independence and obligations as well as the Government's objectives.

6. Alternatives for the "clear statement" agreed by the FPG have been explored. DOE would prefer:-

"The Government believes that the local community has a right of access to recreation facilities provided for schools by the taxpayer. Even where these facilities were provided for educational purposes, LEAs and schools should recognise this right of access to them by giving the community the fullest possible use. At the same time LAs should ensure that all community facilities are as widely available as possible".



CONFIDENTIAL

7. DES would prefer the following:-

"The Government believes that in principle it is right that facilities provided for community purposes should have the widest possible use, and that the local community should have access to school facilities which are appropriate for community use, wherever this can be secured without detriment to their primary purpose. Local authorities are urged to ensure that all members of the community have the greatest possible access to their facilities, and LEAs are urged to allow local people the fullest possible use of school facilities".

8. The statement, in whatever form is finally agreed, should be prefaced by an acknowledgement of the good work already being done (as indicated in the DES survey of shared use in 1978-79, to be updated and extended later this year).

Examples of best practice can be provided from DOE and DES experience and from consultation with local authority representatives. Emphasis will be given to proven examples of overcoming management and financial obstacles and in particular to the role of voluntary groups, within the community, in successfully developing and managing community use of facilities.

9. Some LEAs and headteachers have a reasonable fear that school facilities - in particular playing fields - could suffer damage if subjected to extended use which exceeds their designed standards. (They may also foresee a higher risk of careless or wilful damage). The Circular should allay such fears by making it clear that any community use must have the limits and controls necessary to avoid damage and over use of the facilities and to protect them for their primary purpose. This may mean increased supervision, but that need not involve in every case an increase in resource commitment by the school authorities as experience has indicated that user groups may be prepared to participate in managing facilities.

*Vital!*  
*also vital!*  
*done of this very good.*

*yes!*



CONFIDENTIAL

10. Better Liaison at Local Level In many areas dual use can be expanded by better liaison between education and leisure/recreation interests. Joint Education and Recreation Committees have been successfully established in some authorities. Some other Councils now employ development officers responsible for encouraging the dual use of educational and recreational facilities.

11. Fuller Use of Existing Land and Facilities As para. 5 implies, the Circular is directed at the wider use for sport and recreation of all community facilities, not just those in schools. Authorities are to be urged to ensure that access to community facilities (especially by young people) is not blocked by unrealistic charges or hours of opening. They should seek to arrange the widest possible use of all their community facilities. They should consider allocating land and buildings temporarily out of use to sport/recreation clubs and activities. Careful drafting will be required on the disposal of surplus land; LEAs and IAs must assess the balance of advantage for the authority and community between selling off surplus land (e.g. for housing), in order to enhance capital receipts, and retaining it for sport and recreation. The recent controversy created by the CCPR about losses of sport and recreational land indicates that advice is needed on the role and use of land registers; reference should also be made to guidance already given by the DES in the context of falling school rolls and concerning the application of their current regulations on playing fields. Finally, this section would also mention DOE initiatives to encourage community use of industrial and commercial recreational facilities.

12. Sensitive Pricing Policies The key word is "sensitive". DES regard finance as an important obstacle to dual use; it normally leads to additional costs on the education budget for heating, lighting, cleaning, maintenance and security. Some LEAs have shown themselves willing to subsidise certain uses but there is no such duty. The Circular should advise on ways of meeting these costs. They can be defrayed through contributions from leisure and recreation budgets and also by charging individuals and voluntary groups/clubs for their use of the facilities.



CONFIDENTIAL

13. The levels of charges should be such as to encourage community use without generating awkward revenue deficits. The normal basis for pricing policy should be marginal costs, but differing uses may justify a range of charges.

Finance

14. The Circular will provide guidance on the financial help available to authorities in opening up facilities to the community. Additional capital and revenue expenditure may be met from LAs recreation budgets but also through grants from such bodies as the Sports Council, the Arts Council, and from the DOE's Urban Programme and Derelict Land Scheme and some MSC Programmes.

Universities, Polytechnics and Colleges of Further Education

15. Brief reference should be made in the Circular to the Polytechnics and Colleges of Further Education. The Circular should acknowledge their good record on dual use and urge LEAs to encourage its extension where possible. For the Universities (whose facilities are not in general available to local communities) a separate approach is recommended, by the Minister for Sport through the Committee of Vice-Chancellors and Principals, keeping the UGC Chairmen informed.

Next Steps

16. Once the broad outline of the proposed Circular is agreed by Ministers - and guidance is given in particular on the rights of access issue highlighted in paras 5-7 - LA and LEA representatives should be approached on a confidential basis. They will be asked to help with examples of best practice. DOE will then agree a draft of the document with DES and, in respect of MSC Programmes, with DE. This will then be put to Ministers for their approval to issue it as a basis for consultation.



21 JUL 1983

