

## **Community Facilities Access and Concession Policy**

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Policy Classification	- <b>Property Services</b>
Policy No.	- <b>POL/540</b>
Policy Status	- <b>Current</b>
Responsible Service Unit	- <b>Property Services</b>
Authorised by	- <b>Council</b>
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*This policy is part of a suite of policies adopted by Council or the Executive Management Team (EMT).*

*New or replacement policies can be created and developed within Service Units but can only be added to Council's Policy Register by Governance Services following the approval of the policy by Council or the EMT.*

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## PURPOSE

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The purpose of this policy is to ensure a consistent and transparent approach for the use of Council's community facilities by community groups and other organisations.

This policy will provide guidance on what terms and conditions are offered by Council, including concession levels for groups using these facilities.

This policy is based on principles to ensure Council assets are utilised equitably. It recognises that financial contributions received through rental or hire income support Council's operations to meet the expectations of our community.

Community organisations that offer activities which support Council's objectives for a healthy and livable city will be eligible for concessions for Council's facilities. The levels of concession and their rationale are outlined within the policy to ensure a consistent approach.

The policy will ensure that Council complies with relevant Victorian legislation:

- **The Local Government Act 1989:** This includes restrictions on the maximum length of leases and provisions requiring leases to be advertised in certain circumstances, including leases of 10 years or more duration and leases for properties with market rental value of more than \$50,000 per year.
- **Retail Leases Act 2003:** Captures leases of premises that are used wholly or predominantly for retail provision of goods or services, including not for profit organisations.

## POLICY STATEMENT

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This policy outlines the conditions for leasing, licensing and hire of community facilities in a fair, transparent and consistent way. It indicates the level of fee applicable to each tenant or hirer, and the rationale for this as well as discounts that are offered by Council to support community benefit and enhanced wellbeing.

Council Plan actions relating to this policy include:

- Healthy Community:
  - 1.1 A healthy, resilient and safe community.
  - 1.2 A connected and inclusive community.

- Liveable Places and Spaces:
  - 2.4 Well utilised and maintained community infrastructure.
- Well Governed Council:
  - 5.1 A financially sustainable Council that manages resources effectively and efficiently.
  - 5.2 A Council that values citizens in all that we do.

## SCOPE OF POLICY

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This policy applies to community buildings that are leased, licensed or hired such as:

- Community halls and venues;
- Tenancies at MC<sup>2</sup>;
- Kindergartens;
- Neighbourhood Houses;
- Scout and Guide Halls;
- Sports pavilions;
- Senior Citizens Centres;
- Other Council owned buildings used for community or cultural purposes.

The types of agreements offered by Council include:

- Lease – exclusive occupancy;
- Licence – non-exclusive occupancy;
- Seasonal licence – non-exclusive occupation during a sporting season;
- Regular hire agreement – annual agreement for sessional use of a community facility of more than 10 occasions per annum;
- Casual use of facilities – one-off use of a community facility - not a regular booking.

This policy does not include:

- Facilities covered by pre-existing agreements such as sporting stadiums and contracted pools/recreation centres (see relevant Guidelines);
- Seasonal sporting ground allocations;
- Council property being exclusively occupied for a Council operated service
- Residential tenancies.

**This policy does not determine fee amounts.** The concession amounts referred to in this policy represent a revised approach to ensuring equitable concessions and are therefore intended to replace any historic or inconsistent arrangements. The policy will apply to future fees that may be applied to improve equity and assist with cost recovery, which will be determined by Council and adopted annually as part of the budget process.

## **POLICY AND PRINCIPLES**

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When negotiating a new lease or licence or renewing a previous agreement, the following principles should be considered regarding the terms of the agreement.

### **1. Pricing for Leases, Licences and Hire Agreements**

Pricing levels have been developed to take into account:

- **Equity:** Consistency across user groups and facilities.
- **Affordability:** The ability of the tenant or hirer to raise funds, receive financial support and to pay.
- **Community Benefit:** Access will be supported for groups that actively deliver Council's priorities for health and wellbeing.
- **Fair Cost Sharing:** All users groups are expected to pay an amount for use of Council facilities. User pays principles apply, and Council seeks recovery of a defined proportion of costs incurred when using Council facilities, or market rental where applicable.
- **Property:** Exclusive occupancy or shared use of a space.

### **2. Fees Categories**

It is policy that concessions for the use of Council community facilities will be applied consistently in accordance with the category of user as outlined below:

#### **Category A – full fee paying**

- Commercial businesses;
- Commercial occupancy that requires a retail lease in accordance with Retail Leases Act;
- Private and family functions;
- Facilities that provide catering and catered functions at commercial rates;
- Activities organised by political parties, candidates or Members of Parliament;
- Government departments and statutory agencies;
- Privately owned kindergartens, child care centres or pre-schools;
- User groups who are covered by separate agreements e.g. stadiums where these venues are hired on an hourly rate or equivalent;
- MC<sup>2</sup> tenancies -full cost recovery of outgoings will be sought from tenants of MC<sup>2</sup> (plus a nominal rent).

### **Category B – 25% discount**

This category applies to community not for profit organisations with paid staff who receive either State or Federal funds to support their operations, and exist for community benefit. These groups may have the ability to charge a fee for their services, or may raise revenue through commercial type activities. Other users include junior and senior sporting groups who hold a liquor licence and/or can raise revenue through third party arrangements. Usage is likely to be on an exclusive basis.

- Social welfare organisations;
- Education and community learning institutions – schools, early intervention services, Neighbourhood Houses that are also Registered Training Organisations (RTOs);
- Sporting Associations where an administrator is employed;
- Sporting or community organisations that raise revenue through service of alcohol;
- Sporting or community organisations that raise revenue through hire to third parties including tennis clubs/tennis coaches;
- Any group that allows their premises to be used for the operation of a commercial business (this would take precedence over groups that would otherwise fit into category C or D);
- Any local organisation where a program fee applies (other than a gold coin donation).

### **Category C – 50% discount**

Local groups for community benefit who generally do not receive significant operational funding from State or Federal sources but raise funds from other sources such as membership fees. These groups are run by volunteers and may serve underprivileged, disadvantaged or charitable purposes, or be a ‘grass roots’ recreational club or a provider of community education. These occupants may be reliant on Council funding or fundraising, and will generally have limited capacity to generate a significant amount of additional income/revenue.

- Local sporting clubs;
- Playgroups;
- Community based adult learning groups,
- U3A
- Community based/ not for profit kindergartens;
- Neighbourhood Houses or Learning Centres that do not operate as RTOs;
- Non-profit community groups e.g. Neighbourhood Watch;
- Senior Citizens groups for usage that falls outside of the guidelines for senior’s usage of community venues.

### **Category D – 75% discount**

The concession recognises the voluntary nature of community services or ‘grass roots’ groups where there is very limited ability to pay for the group’s own administrative costs.

- Scouts and Guides
- Organisations such as Friends of Manningham Dogs and Cats (FOMDAC) and Manningham Inclusive Community Housing (MICH).
- Local Service clubs – e.g. Rotary, Lions, Probus;

### **Category E – full concession 100% discount**

**Free Room Use:** Discounts under this category are offered to Manningham Community groups once per financial year for free room hire of either the Manningham Function Centre or Ajani Centre for a period of 12 hours or less.

Eligible groups will be ‘grass roots’ community groups who provide benefit to Manningham residents, where the group does not have paid staff or sufficient financial capacity to hire the facilities. Group members should be predominantly from Manningham and can demonstrate that they are providing a community participation activity for local residents, aligned to the Healthy City Strategy priorities.

Community groups must apply for the free use at least eight weeks in advance and the application will be assessed against selection criteria through a rolling program.

All usual conditions of hall hire still apply and all Community Venues criteria must be met or the application for free room hire will be considered ineligible.

**Other user groups:** The 100% concession is extended to special interest groups which includes Heritage groups and RSL for their regular activities.

Any other requests for full discount may be considered where they are one-off occasions or extraordinary events where there is considerable community benefit or benevolent activity and very limited capacity to pay or charge entry fees. Discretion may be applied in these circumstances.

### Decision Guidelines

- **Any application** for concession by a group that does not strictly meet the description of the categories outlined above will be matched with the 'best fit' for the categories and that relevant concession amount applied. Where the provisions of several categories apply to a user group, the provisions of the highest category/lowest discount will apply.
- **Other Facilities:** Facilities that do not fit within the categories outlined above such as storage sheds or unique community infrastructure will have a fee set out in the annual Fees and Charges schedule adopted with Council's budget annually.
- **Review:** All concessional amounts must be reviewed when agreements are renewed or every two years.
- **Organisational Status:** Council Officers may ask to see evidence of an organisation's status to determine the appropriate concession level as outlined under this policy e.g. annual report, proof of incorporation.
- **Guidelines:** This policy is supported by operational guidelines (e.g. Community Facilities, Senior Citizens, Free Room Hire by Community Groups (Category E) and Sporting Groups) that outline the level of service provided by Council, the specific terms and conditions of usage and other detailed arrangements for different usage groups.
- **Behaviour and Care of Facilities:** In making facilities available, Council has an expectation that organisations will respect the facilities and will occupy them appropriately and in accordance with the intent and terms of this policy. Council reserves the right to decline to hire, lease or licence a facility to a specific user where there is a reasonable concern about ability to pay (or where rental payments are in arrears), or concern about the wellbeing of the community or the Council facility itself as a result of the use of the Council facility.
- **Discretionary Delegation Process:** Any application requiring special consideration and a decision that is outside the parameters of this policy, including Category E, for any user group requests for special concessions, in-kind use or any other special condition relating to the use of community facilities will be assessed by the appropriate Council Officer with recommendations then to be made to the appropriate Executive Officer (Director and/or CEO) for discussion and decision.

## Pricing Schedule

The Pricing Schedule for casual and regular use of community facilities is approved by Council and published each year as set out in Council's Annual Budget.

**Regular use:** Pricing amounts for regular use of Council buildings will be based on a rate per square metre taking into account the maintenance costs and outgoings for each building type. This supports the principle of equity, providing a consistent basis for charging for use of facilities.

The Pricing Schedule will show all relevant Council community facilities and the relevant category of asset. Each category groups similar facilities and applies a consistent methodology for rental fees across the category. The concessions outlined in this policy then apply to each user:

e.g. Pricing Schedule fee minus concession (as determined by this policy) equals annual fee amount. (Please note that fee amounts are not identified in this policy. Fee amounts are determined separately from this policy).

Rents for facilities under lease or licence will be reviewed annually with the amount payable to be increased by a fixed percentage each year unless otherwise advised.

**Casual use:** Pricing for casual (hourly) use of community facilities will be determined each year as part of the budget process. The base rate per hour will be the commercial hire rate and discounts as outlined in this policy will be applied against the commercial rate.

The Pricing Schedule and Guidelines for use should be read in conjunction with this policy, namely:

- Community Facilities Guidelines;
- Senior Citizens Centres Guidelines. (NOTE - these guidelines identify which seniors groups are eligible for up to 6 hours of free use per week. This is not proposed to change. Any additional usage would be subject to the concession rates identified in this policy)
- Free Hire Use – Manningham Function Centre and Ajani Centre.

## Hardship

Where groups experience difficulty in making payment for facilities and have communicated this with Council, a payment schedule may be agreed to pay the balance in instalments. Hardship will not trigger a waiver of fees and all users are expected to pay the charges as agreed. Hardship provisions must be agreed between the group and Council, and only initiated as a final step in clearing debt. If payments remain in arrears, future usage may be denied.

## Financial Contributions from User Groups

Where a user group has made a substantial financial contribution towards the capital cost of a building or an upgrade, this will be considered on a case by case basis and noted in the facility lease. Rental charges therefore may not be payable for the lease period in recognition of this contribution however maintenance costs and outgoings will still be required to be covered.

## RESPONSIBILITY

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Management of the policy: Property Services.

Management of the application of the policy to groups:

- Leased and licensed premises, non-sporting: Property Services;
- Leased and licensed premises, sporting: Recreation Services;
- Regular and casual hirers of Community Halls and Venues: Community Venues.
- Applications and assessment for Free Room Hire under Category E: Community Grants

## DEFINITIONS

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**Casual hire:** one-off hire of a community facility. Hire fees will be adjusted using the categories from A to E as outlined in this policy.

**Community facilities:** Buildings and spaces for services, activities and action by community-based service providers, groups and individuals to meet the social, cultural, leisure, community wellbeing and developmental needs of the Manningham community and its visitors.

**Council:** Means Manningham City Council, and includes its employees, agents or licensees.

**Fixed percentage increase:** A measure used as a basis for rental increases where Council has not provided other direction.

**Lease:** is an agreement where the Council grants the tenant exclusive occupancy of a defined area as set out in the lease, which includes the whole or part of a building or land.

**Licence:** is an agreement where the Council grants the licensee the non-exclusive right to occupy a defined area as set out in the licence document which includes part or whole of a building or land.

**Regular hirer:** is a group or individual who uses community facilities on a sessional basis over the course of a term or year.

**Seasonal agreement** is an agreement where the Council grants the licensee the non-exclusive right to occupy a defined area of a building as set out in the seasonal agreement for a sporting season with defined end and start dates.

**Subletting** means the payment for use of a leased or licensed facility by a third party, operating with permission from Council as land owner.

**Tenant** means the occupier of a facility under a lease agreement.

## RELATED POLICIES

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- Community Facility Infrastructure Funding and Contribution Policy (including the Sport Organisation Contribution Agreement –), Council's Sports Policies;
- Generation 2030, Council Plan, Healthy City Strategy, Strategic Resource Plan, 10 Year Financial Plan;
- Public Open Space Strategy 2014, 'Active for Life' Recreation Strategy 2010, Green Wedge Strategy, Urban and Park Design Guidelines 2010, Council's Outdoor Signage Policy, Manningham Planning Scheme, Manningham Local Laws, Activity Centre Strategies / Plans, Bushland Management Strategy 2012, Council Management Plans for Reserves;
- Risk Management Framework, High Fire Risk Policy and Working on High Fire Risk Days;
- Council lease, licence or usage agreements.

## GUIDELINES

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Community Facilities Guidelines

Senior Citizens Centres guidelines

Guidelines for free room hire of the Manningham Function Centre and Ajani Centre (draft)

## RELATED LEGISLATION

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- Australian Standards, Safety Regulations
- Building Code of Australia
- Charter of Human Rights and Responsibilities Act 2006
- Children’s Services Act 1996 and Children’s Services Regulations 2009
- Disability Discrimination Act 1992
- Environment Protection (Residential Noise) Regulations 2018
- Filming Approval Act 2014
- Public Health and Wellbeing Act 2008
- Building Regulations 2018
- Local Government (General) Regulations 2015
- Local Government Act 1989
- Occupational Health and Safety Act 2004
- Residential Tenancies Act 1997
- Competition and Consumer Act 2010

## SUPPORTING RESEARCH AND ANALYSIS

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Council has a number of policies and associated documents, which have been reviewed to inform this policy. The relevant documents are:

- Leased Community Facilities Pricing Policy, 2009
- Community Facilities Access & Allocation Policy, 2012
- Community Venues Pricing Policy (venues and hall hire)
- Community Facilities For Hire Concession Policy
- Conditions of Hire and Hire Prices
- Seasonal Sports Pricing Policy, 2008
- Seasonal Allocation of Sporting Facilities, Condition of Use

## DOCUMENT HISTORY

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<b>Policy Title:</b>	Community Facilities Access and Concession Policy
<b>Responsible Officer:</b>	Graham Brewer
<b>Resp. Officer Position:</b>	Manager Property Services
<b>Next Review Date:</b>	November 2023
<b>To be Included on Website?</b>	Yes

Last Updated	Meeting Type – Council or EMT	Meeting Date	Item No.