**Use of Council Facilities for Community Purposes**

**Status** Council

**Department** Community Development

**Objective** To provide guidance on the use of Council-owned facilities for community purposes.

**Scope**

* This policy applies to the use of Council-owned facilities for community purposes only.
* Therefore, it applies to the use of Council facilities by sporting clubs; community groups and organisations; government departments; and individual community members, when using a Council facility for a community purpose.
* It does not apply to tenancy of Council facilities for residential or commercial purposes. In these instances, commercial considerations will apply.

**Definitions**

**Community purpose**means a purpose that is primarily aimed at benefiting the local community. It includes use by an incorporated sporting club or community organisation or community group. It may also include use by a government department, where the City considers that usage to be of particular value to the local community. It excludes use by a privately owned, profit-based business entity.

**Community facilities**include halls, pavilions, change-rooms, clubrooms and other buildings used for community purposes, as well as sporting fields.

**Statement**

* Council recognises the key contribution that sporting clubs and community organisations make to the local community.
* Therefore, the City provides a range of facilities for their use, as well as use by individual community members.
* Council will structure its fees for use of community facilities on the basis of building community sector capacity and in a way that is financially sustainable for Council.
* Council will make its community facilities available to users on the basis of one of the following:
* Lease
* Management Licence or
* Hire.
* Leases are generally for long-term, formal tenancy arrangements. Management licences are generally for medium-term tenancy arrangements. Hire arrangements are generally for short-term or casual usage.
* Council reserves the right to decide whether a particular facility (or part of a facility) is offered for use on the basis of a lease, management licence or hire arrangement.
* Generally, Council aims to maximise use of its facilities. Therefore, use of community facilities by multiple users is the preferred model. However, under some circumstances Council will consider offering exclusive use of a facility to one specific user, formalised by a lease or management licence.

**Leases**

* *Purpose:* community-purpose leases aim to provide sporting clubs and other community-based user groups with secure, long-term tenure of Council-owned facilities that are developed and maintained by the tenant.
* *Approval:* all leases of Council-owned property must be approved by Council unless authority to approve has been formally delegated by Council to the CEO.
* *Eligibility* criteria*:* Council may consider offering use of a community facility under a lease in the following circumstances:
* The user group requires exclusive use of a facility. (Example 1: greens used by a bowling clubs cannot be shared by other sport types. Example 2: a bridge club requires such constant use of a facility, and under such conditions, that the bridge club’s use would be incompatible with other uses.)
* The user group has the capacity to manage and maintain the facility, including any capital development required.
* The user group is incorporated as a not-for-profit sporting club or community organisation; or a government department.
* However, meeting the eligibility criteria listed above does not confer a right to a lease. Council reserves the right to decide whether a facility is offered on the basis of a lease; and if so, to whom the lease is offered.
* *Rationale*: the overarching rationale for Council’s community-purpose leases is to *provide* the facility to the user-group free of rental charge, and at no cost to Council. While Council does not seek to profit from community-purpose leases, nor should such leases result in a financial impost on Council and therefore rate-payers generally. The principle underlying community use *leases is that all costs associated with the facility must be met by the lessee.*
* *Key features:* the City’s community-purpose leases will be based on a Standard Lease, with the following key features:

1. No rental fee to be paid by the tenant;
2. Tenant maintains, develops and operates the facility;
3. Term of 10 years, plus a 5 year option to renew.

* In exchange for use of a rent-free facility, the tenant is responsible for all *maintenance* of the facility, including responsibility for the facility’s structure, as well as any capital development and replacement of the facility.
* The facility must be maintained to the standard required by Council and fit for the purpose of the use specified in the lease.
* The tenant is also responsible for all utility costs associated with the facility.
* Council may consider CSRFF application: Notwithstanding the tenant’s responsibility for capital development of the facility under the terms of their lease, Council may consider formal applications from sporting clubs for capital development grants under the Community Sport and Recreational Fund program, as outlined in Council policy “Capital Grants to Sporting Clubs”.

***Management Licences***

* *Purpose:* community-purposemanagement licences aim to provide sporting clubs and other community-based user groups with secure, medium-term tenure of a Council facility that is maintained by the City.

*Approval:* all Management Licences authorising the use of Council-owned facilities must be approved by Council, unless authority to approve has been formally delegated by Council to the CEO.

* *Eligibility criteria:* Council may consider offering use of a community facility under a management licence in the following circumstances:
* Council elects to offer use of that facility through a management licence..
* The user group’s needs can be met by a management licence in the City’s view.
* The user group has the capacity to meet the costs outlined in the management licence.
* The user group is an incorporated, not-for-profit, sporting club or community organisation.
* However, meeting the eligibility criteria listed above does not confer a right to a management licence. Council reserves the right to decide whether a facility is offered on the basis of a management licence; and if so, to whom the licence is offered.
* *Rationale:* the overarching rationale for Council’s management licence agreements is to enable secure medium-term use of community facilities that are maintained by theCity..
* *Key* features*:* the City’s community-purpose managementlicences will be based on a Standard Management Licence, with the following key features:

1. Licence fee to be paid by the tenant
2. City maintains and develops the facility
3. Term of 3 – 5 years.

* The City is responsible for all maintenance of the facility, including responsibility *for* the facility’s structure, as well as any capital development of the facility.
* The City will maintain the facility to the standard it determines as required for a general, shared-use community building. The City will not fit-out or maintain a shared-use building to meet the particular requirements of any specific user.
* If a user group has specific requirements beyond those determined by the City as *appropriate* for a general, shared-usage community facility, that user group may request City permission to install the additional requirements. The City may or may not support this request. Any costs associated with these additional requirements must be met by the user group.
* *The* user group will be responsible for payment of all utilities for the time period for which they are licenced to use the facility.
* Management *licence fees*: Management licence fees will be determined by taking into account:
* the cost of maintaining the City’s community facilities portfolio as a whole;
* the size of the specific facility being offered under management licence; and
* the amount of time the user group uses the facility.
* User groups will be charged a management licence fee, approved in Council’s *annual* Fees & Charges, to offset the cost of maintaining the City’s community facilities.
* From time to time, Council will consider the cost of providing the City’s community facilities portfolio as a whole; and decide on an appropriate rate of cost recovery, to be implemented through the City’s management licences.

**Hire**

* *Purpose:* the primary purpose of providing halls and community centres for hire is to provide community-based users with short-term use of public facilities that are provided and maintained bythe City.
* *Approval:* bookings of the City’s hire facilities are approved by Administrative staff.
* *Eligibility:* community groups and organisations, sporting clubs, individuals and businesses are all eligible to use the City’s hire facilities. However, priority will be given to the following users:
* Incorporated, not-for-profit, community organisations and sporting clubs
* Informal community groups.
* However, meeting the priority categories listed above does not confer a right to hire a Council facility. Council reserves the right to decide whether a facility is offered for hire; and to whom the facility is offered.
* Maximising Use: In order to maximise use of its hire facilities, Council may allow bookings by individuals and businesses. However, priority for bookings will be given to community groups and organisations.
* Ineligibility: private parties with alcohol are not allowed in Council owned facilities.
* However, the ban on private parties with alcohol in City facilities does not prevent sporting clubs or community groups that are regular users of a City facility from holding events with alcohol, providing they meet all necessary requirements.
* Rooms at Mt Claremont Community Centre will not be hired out for events with alcohol, even to sporting clubs or community organisations that are regular users of a Council facility, due to the Centre’s proximity to residences.
* *Rationale:* the overarching rationale for Council’s hire facilities is to enable orderly, short-term use of Council facilities by multiple community-based users.
* *Key features:* the City’s hire arrangements will be based on a hire agreement with the following key features*:*

1. Hire fee to be paid by the hirer
2. City maintains the facility, including all capital expenditure
3. Short term hire of a minimum period of 1 hour, over a maximum term of 1 year.

* Bookings by hirers can only be made for a maximum of 1 calendar year at a time.
* The City is responsible for all maintenance of the facility, including responsibility for the facility’s structure, as well as any capital development of the facility.
* The City is also responsible for all utility costs associated with the facility.
* The City will maintain the facility to the standard it determines as required for a general, shared-use community building. The City will not fit-out or maintain a shared-use building to meet the requirements of any specific hirer.
* The City will not provide signage for hirers.
* *Hire* Fees: Users will be charged a hire fee, listed in Council’s annual Fees & Charges, to off-set the cost of maintaining its community facilities.
* From time to time, Council will consider the cost of providing the City’s community facilities portfolio as a whole and decide on an appropriate rate of cost recovery, to be implemented through the City’s hall hire fees.

**Summary of Usage Types:**

The key features of the different ways that Council facilities can be accesses are summarised below:

|  |  |  |
| --- | --- | --- |
| **Lease** | **Management License** | **Hire** |
| * No rental fee paid by tenant * Tenant maintains facility * Tenant responsible for capital development * Tenant pays utilities * 10-year term + option to renew for 5 years | * Annual licence fee paid by tenant * Council maintains facility * Council responsible for capital development * User group pays utilities * 3 – 5 years terms | * Hire fee paid by user * Council maintains   facility   * Council responsible for capital development * Council responsible for utilities * Booked period = 1 hour – 1 day, depending on availability of facility; * Repeat bookings taken for a maximum period of 1 year. |

**Related documentation**

Procedure – Use of Council Facilities for Community Purposes (not yet developed)

Council Policy – Capital Grants for Sporting Clubs

**Related Local Law/legislation**

*Property Law Act 1969 (WA)*

*Disability Services Act 1993 (WA)*

*Local Government Act 1995 (WA)*

*Land Administration Act 1997 (WA)*

**Related delegations**

Nil.

**Review History**

23 February 2021(CEO Report 13.1)

24 March 2015 (Report CPS07.15)