



Brimbank  
City Council

**Community Facilities  
Hire, Licences and  
Leases Agreement  
Major Policy**

2016

## 1.0 MAJOR POLICY AIM AND OBJECTIVES

- 1.1 To provide direction for the ongoing allocation and management of community facilities in Brimbank.
- 1.2 To ensure fair and equitable access and use of community facilities to community groups and residents within Brimbank in line with the Community Plan and Council Plan.
- 1.3 To ensure optimal use of community facilities to meet community needs.

## 2.0 DEFINITIONS OF TERMS BEING USED

- 2.1 A community facility is defined to mean any built facility that is Council owned or managed and used by the community as a meeting place for a formal activity to occur and includes all facilities available for community use under the direct management of Council's Community Wellbeing Directorate. This policy does not apply to community facilities operated under Facility Management Agreements.
- 2.2 A community group is defined to mean any volunteer based not for profit, formally incorporated group who provides the Brimbank community the opportunity to participate in social, cultural, educational and recreational activities.

## 3.0 MAJOR POLICY STATEMENT AND PRINCIPLES

### ***Major Policy - Purpose***

This policy is a Major Policy, in accordance with the Governance (Major Policy Consultation) Local Law No.3. Council considers this policy to be of major significance, and has committed to a public and transparent consultation process that provides an opportunity for people affected, to address the Council.

### ***Major Policy - Mandatory Consultation***

Council, before creating, amending, modifying or revoking this Major Policy, will undertake a community consultation process as set out in the Governance (Major Policy Consultation) Local Law No.3.

### ***Major Policy - Additional Consultation***

Council may undertake additional consultation in accordance with Council's Community Engagement Toolkit.

- 3.1 The provision of Council community facilities to community groups for regular and casual use and to hirers for functions is a key part of local government's role in meeting the community's needs through a variety of social, cultural, educational, recreational and wellbeing activities.
- 3.2 The provision, allocation and management of these community facilities must be consistent with Council's Vision, Mission and Values and in line with the Community and Council Plans.
- 3.3 The following themes derived from the Brimbank Community Plan and Council Plan underpins this Policy:
  - a) **Clarity** where the processes in the policy are easily understood by users and Council Officers.
  - b) **Collaboration and Consultation** to determine the community's needs and priorities in accordance with Council expectations and capacity to support.
  - c) **Consistency** where the allocation process are consistently applied.
  - d) **Efficiency** where the policy is easy to administer.
  - e) **Mutually** agreeable relationships between Council, community groups and external stakeholders.

- f) **Optimal** utilisation of community facilities to meet a broad array of community needs that are sustainable and afford desirable mental and physical health, social and economic benefits.
- g) **Priority of Access** where the allocation processes give priority to Brimbank residents use above other users.
- h) **Participation** where the allocation processes recognise user groups that are involved in community building and development activities and/ or engage people from disadvantaged or marginalised communities including females, people with a disability and newly arrived and culturally diverse communities.
- i) **Social Justice** where Brimbank individuals and groups are afforded fair treatment and a just share of the benefits of living in the municipality.

## 4.0 SPECIFIC REQUIREMENTS

- 4.1 This policy is to be used in the ongoing allocation and management of Council owned or managed community facilities. These facilities will be allocated under the following occupancy agreements:
- a. **Hire Agreement - Regular, Casual or Function** - issued for the use of a Council community facility for a defined activity or event, over a defined regular or one off booking.
  - b. **Licence Agreement** - occupancy of a specified Council facility for a set period of time that is not intended to grant exclusive use.
  - c. **Lease Agreement** - occupancy of a specified Council facility for a set period of time that grants exclusive use.
- 4.2 The ongoing allocation and management of community facilities will be based on a transparent and administratively accountable decision making process that aims to achieve benefit for the Brimbank community.
- 4.3 Not for profit community based groups and organisations that live, work or have a connection with Brimbank residents and those that service the local community surrounding the community facility will have priority over groups and organisations servicing people outside of the municipality.
- 4.4 The provision of alcohol and any gambling related activities by users of community facilities must be in line with Council Policies and in accordance with the Victorian Commission for Gambling and Liquor Regulation requirements.

### Hire - Regular, Casual or Function

- 4.5 All applications for hire must be made on the relevant application form and are subject to facility availability.
- 4.6 Applicants will be required to provide information as part of their application that will allow Council Officers to make an assessment using set criteria as to the suitability of the group.

Regular Hire Criteria include:

- a) History of tenancy.
- b) Capacity of the facility.
- c) Compatibility/variety of Regular Hirers using the facility.
- d) All information and supporting documents submitted.

- e) Ability to provide community activities that benefit and engage with the community.
- f) Applicants alignment with Councils Vision, Mission and Values.

Casual and Function Hire Criteria include:

- a) Availability of the desired facility for hire.
  - b) Fit with Council's Vision, Mission and values and in line with the Community and Council Plans.
  - c) Suitability of the facility for intended hire.
- 4.7 Council reserves the right at its discretion to decline requests for bookings that it determines to not be suitable for community facilities and those that do not align with Council's Vision, Mission and Values. In addition, Council may impose further requirements on certain types of bookings at its discretion.
- 4.8 Fees and charges for hire of community facilities will be determined by the category of user, type of facility and facility specific factors and will be reviewed as part of Councils annual budget process.
- 4.9 Council will not provide any hire of community facilities to community groups at no charge or discounted rates as the rates set through the Annual Budget process are already subsidised by Council.
- 4.10 The capacity and curfew times of community facilities are determined by the occupancy permit and/or a risk assessment and are strictly enforced to ensure the safety and wellbeing of all users and surrounding residents.
- 4.11 Council provides specific equipment and furniture per facility to support usage and does not permit any external equipment or furniture to be brought in or used without prior written authorisation from Council.
- 4.12 Council approval is required prior to the engagement of any external service providers (eg. Jumping Castles, Petting Zoos etc) with requested information to be supplied to Council prior to a decision being made on whether the facility or providers are suitable and their services engaged for use at the community facility.
- 4.13 Council reserves the right to cancel any booking, retain all monies paid and not take future bookings if it has good cause including but not limited to hirers providing Council with misleading or false information that misrepresents the booking.
- 4.14 Council reserves the right to retain any bond paid, either partially or in full should the Terms of the Conditions of Use be breached by the hirer.
- 4.15 Council/community facilities are available for hire by Federal and State Members of Parliament (and their staff), at the standard rate for the facility. No electoral matter or politically-related material is to be displayed in common public areas of the facility.

During an election period, to avoid a perception that Council/community facilities are being used to promote any candidacy, they will not be available for hire by any Federal, State or Local (Councillor) member or candidate, in accordance with the Conduct During Elections Policy.

Council officers will be responsible for the hire of Council/community facilities for the purpose of Council-run events, programs and meetings. A Councillor wishing to hire a Council/community facility to conduct their own event or meeting, will be personally responsible for the hire and standard conditions (and hire rate) will apply.

### **Licence and Lease Agreements**

- 4.16 Community groups will be offered an appropriate agreement and tenure at Councils discretion based on their past history, the requirements of the community group and Councils plans for the facility. Community groups have the right to request a review of this decision by the relevant Manager of the Department managing the facility on behalf of Council. The Licence or Lease will clearly identify the responsibility of the allocated community group for building and facility maintenance and management.

- 4.17 Licence and Lease Agreements will only be offered to incorporated community groups based in Brimbank or servicing the needs of the Brimbank community.
- 4.18 Fees for Licence and Lease Agreements will be determined by the category of the facility, ownership of the land and ownership of the building. Fees will be reviewed as part of Councils Annual Budget process.
- 4.19 Council will manage agreements to ensure that the terms and conditions of the agreements are being adhered to.
- 4.20 Council reserves the right to suspend or terminate an occupancy agreement if it has good cause including, but not limited to:
- a) The community group has breached the terms and conditions of the occupancy agreement.
  - b) The community group has failed to pay their fees or utility bills.
  - c) The community group has refused or ignored a reasonable request to share the facility.
  - d) The community group fails to provide information requested by Council by the designated time frame.

## 5.0 POLICY IMPLEMENTATION

The Chief Executive Officer may approve the development and subsequent review of Operational Guidelines as required, in line with this policy to assist in its implementation.

## 6.0 RELATED COUNCIL POLICY

Community Facility Capital Development Major Policy

Community Facilities and Reserves Allocation Major Policy

Sports Facility Hire, Licences and Leases Agreement Major Policy

## Amendment of Major Policy

This Major Policy can only be made, amended, modified or revoked, in accordance with the requirements of the Governance Major Policy Consultation Local Law No. 3.

| Rev | Reviewed Date | Reason for Amendment | Next Review Date |
|-----|---------------|----------------------|------------------|
|     |               |                      |                  |

Date Designated by Council as Major Policy - 20 September 2016

Date Amended/Modified by Council -

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## Brimbank Language Link



**9209 0140**

Local call costs apply