

Policy Number:	5.10
Policy Name:	Hire of Council Owned Facilities
Classification:	Public – Council Policy
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Responsible Officer(s):	Manager Library & Community Services
Policy and Code of Practice Manual File Ref:	CC10/2601
Council File Reference:	CR16/28388
Legislation Authority:	N/A
Related Policies and Codes:	N/A
Related Procedures:	N/A

1. BACKGROUND

- 1.1 Council owns and maintains a number of venues, facilities and meeting rooms which are available for hire for commercial, community or private purposes. Some of the uses include (but are not limited to) seminars, meetings, concerts, conferences, product launches, conventions, tuition classes, live theatre and musical presentations sporting events, local sports clubs. Council aims to recoup operational costs by hiring these venues for periodic use, but also seeks to facilitate good community access to amenities and services for all groups. Council achieves this by establishing affordable fees and charges for the use of its assets by specific types of groups such as registered, non-profit making groups, charities, sporting clubs and individuals.
- 1.2 This policy will provide guidelines for staff and potential hirers to assess the grounds for Council awarding concessional hire to applicants, and establishes common guidelines for the usage of Council facilities. It takes into account the relationship of the hirer to Council, the local orientation or membership of the hirer, the purpose of the hire, the ability of the hirer to pay and the overall benefit to the entire community of the particular use of Councils amenities and the Council's Community Plan.

2. OBJECTIVES

- 2.1 To ensure that there is flexibility and an opportunity for all community members as individuals, groups and/or organisations to be able to access Council facilities for a mix of welfare, social, cultural, recreational and community functions, activities and services.
- 2.2 To ensure that fees and charges for hire of Council community facilities meet principles of social justice, equity and value for money.
- 2.3 To ensure the application of fees and charges demonstrates Council's commitment to a fair, accountable and transparent process.
- 2.4 To ensure that there is a clear process and criteria in place for the consideration of applications for fee reduction or fee waiver for the hire of Council facilities.

3. FACILITIES

- 3.1 This policy will apply to the following Council owned community facilities currently available for periodic hire:
 - a. Gawler Sport & Community Centre
 - b. Gawler Elderly Centre
 - c. Gawler Institute
 - d. Gawler Aquatic Centre
 - e. Ovals – Princes Park, Karbeethan Reserve, Eldred Riggs Reserve (South Gawler Oval), Gawler Oval and Elliot Goodger Memorial Park (Willaston Oval).

It does not apply to properties that are leased from Council, and for which contractual lease agreements have been established.

- 3.2 Application to Hire
Individuals, groups, organisations and businesses that wish to hire a Council facility must complete a "Facilities Hire Application Form" which requires them to outline the specific purpose(s) for which the facility is requested and to state the proposed frequency of use.
- 3.3 Concession Request
Hirers requesting any reduction in hire rates must complete the "Concession Request" section of the "Facilities Hire Application Form". The application will be assessed by the Coordinator Aquatic & Recreation Services, and the decision will be endorsed by the CEO, Manager Library and Community Service and/or Council.

4. HIRER CATEGORIES & CONCESSIONS

- 4.1 The categorisation of hirers allows Council to accommodate a diversity of community needs and interests within Council facilities, and provides a transparent and accountable mechanism for determining the rate at which Hirers are charged.

- 4.2 Hirers will be categorised according to:
- a. the purpose for which the Council facility is being hired, and
 - b. the demonstrated capacity of the Hirer to pay
- 4.3 There are four (4) tier Categories:
- Category A Commercial – full fee paying
 - Category B Community Business – 25% discount on hire fees
 - Category C Community Interest Group - 50% discount on hire fees
 - Category D Full Concession – 90% discount on hire fees
- 4.4 To be eligible to receive a concession, Hirers must complete and submit a “Facilities Application Form” including the “Concession Request” section and supply their organisation’s most recent audited financial statements or other appropriate financial documentation.
- 4.5 Organisations which are determined by Council to have reasonable access to funds (e.g. substantial funds in Reserve or access to funds through its annual turnover) will not be eligible for a concession. Alternatively these organisations may be awarded a lesser rate reduction than they originally sought.
- 4.6 When an organisation is in receipt of any concession on the full cost of the hire of a Council facility, they are considered by Council to be in receipt of a Council subsidy. An organisation will need to declare this subsidy if they apply to Council for other types of support (e.g. a community grant or community loan).
- 4.7 The provision of concession hire fees should otherwise be deemed Council sponsorship. Such sponsorship shall be appropriately reflected by the organisation in all associated marketing and promotional material with Council’s logo clearly displayed.

5. HIRER INSURANCE

- 5.1 Hirers will be considered as either a **Regular Hirer** or a **Casual Hirer**. This differentiation affects the type of insurance that a Hirer is required to purchase and maintain throughout their Hire Agreement, and enables Council to determine its own level of liability.
- 5.2 **Regular Hirers**
Regular hirers are defined as those hirers that use any Council facility collectively 10 or more times per financial year.
- 5.3 **Casual Hirers**
Casual hirers are defined as those hirers that use any Council facility nine or less times per financial year (includes single use Hirers)
- 5.4 Regular Hirers are required to have Public Liability Insurance of no less than twenty million dollars (\$20,000,000) and are required to present proof or currency of their policy at the time of application to hire a Council facility. .

6. OVERVIEW OF HIRER CATEGORIES & HIRERS RECEIVING SPECIAL DISPENSATION

To be eligible for any of the concession categories, Hirers must match the criteria below.

6.1 Category A – Commercial, Business, Political & Private Hirers

Full fees are applied to this category. Commercial, Political Groups and Private Hirers are not able to apply for a concession for venue hire.

Types of Use - Private and family functions, trade fairs, product launches, meetings of registered political groups/parties, conventions and all income generating activities for personal or corporate profit.

Examples of hirers likely to be within this category are: State & Federal Government agencies (excluding primary and secondary schools and agencies who are seeking to hire Council facilities to provide information or services to local/regional communities), registered political parties/groups, private businesses, business owners, corporations.

6.2 Category B – Community Services Organisations - eligible for a 25% concession on the full commercial rate.

This category applies to the activities of healthy lifestyle and community education organisations or businesses, and community service/welfare agencies that have capacity to raise funds and/or apply for operational funding from one or a combination of Local, State or Federal Government grants programs.

This includes community service providers (funded), other local government agencies, incorporated community groups (funded), education/leisure/lifestyle organisations (that charge fees), revenue raising activities (e.g. ticket sales at concerts), exhibitions, seminars and community service conferences and meetings.

6.3 Category C – Not for Profit Community Interest Groups - eligible for a 50% concession on the full commercial rate.

This category applies to the activities of groups/organisations that do not receive ongoing operational State or Federal Government funding (excluding schools and Government agencies who are seeking to hire Council facilities to provide information or services to local/regional communities) but raise funds from other sources including membership, sponsorship, project-focused grant funding and/or Council funding.

Examples of groups that might be located within this category are: not for profit playgroups and child-focused early intervention groups, religious/spiritual groups or church-based/place of worship organisations, schools, registered charities, clubs/leisure/education/amateur sporting/lifestyle activities (run by volunteers or with volunteer labour), incorporated organisations, non-profit community groups (limited funding)..

- 6.4 Category D – Small Self Help Community Groups – eligible for 90% concession on the full commercial rate.

This category applies to the activities of small self-help community groups with no opportunity to attract financial support from either the public or private sector, and have an extremely limited capacity to pay for venue hire.

Activities might include self-help/peer support meetings, fund raising for a small charitable activity/event or for an individual/family in crisis, or other activities to be determined by Council.

Examples of Hirers that may fall in this category are non-funded, incorporated or unincorporated community groups (possibly with gold coin membership), self-help groups or similar types of groups that are undertaking fundraising, community based care groups.

- 6.5 Gawler Based Service Clubs - eligible for 80% concession on the full commercial rate.

The following Gawler Based Service Clubs are eligible for this concession:

- Gawler Apex Club
- Gawler Lions Club
- Gawler Kiwanis
- Gawler Zonta Club
- Rotary Club of Gawler
- Rotary Club of Gawler Light
- Gawler Blue Light

- 6.6 Gawler Based Swim Clubs – eligible for the following concession on the full commercial rate:

- 75% concession for the hire of Gawler Aquatic Centre facilities
- 75% concession for Season and Visit passes purchased by members (casual facility entry will receive no concession)
- 50% concession of the hire of other Council owned facilities (in line with the Category C concession within this policy)

- 6.7 Council Approval

All applications for Category D (90% concession) require CEO and/or Council approval. Applications for Category D concession with a total concession of less than \$1,000 can be approved by the CEO. All applications for Category D concession with a total concession of \$1,000 or greater require the approval of Council. Casual Hirers seeking Category D (90% concession) must demonstrate their inability to pay for venue hire and/or provide proof of their fund raising activity (e.g. a budget detailing how money raised during the hire period will be allocated towards their nominated charity or authorisation from the charity). Casual Hirers seeking 90% concession should apply at least 2 months ahead of the required date to enable the appropriate authorisation from Council.

6.8 Concession on Compassionate Grounds

Hirers that wish to use a facility on a one-off occasion may be granted a concession rate by Council on compassionate grounds. Hirers must:

- a. demonstrate their inability to pay the venue hire
- b. provide evidence of their exceptional circumstance
- c. apply for the hire at least 2 months in advance of the desired hire date to allow adequate time for the approval process
- d. undertake to fulfil the terms of both this policy and the facility specific Hire Agreement.

Note: Acceptance and scheduling of a hire request under this section is at the discretion of the Coordinator Aquatic & Recreation Services.

7. DELEGATION OF COUNCIL STAFF AND COUNCIL TO APPROVE CONCESSION APPLICATIONS

7.1 Assessment and Approval of Concession Applications.

Category	Assessed by	Approved by
B	Coordinator Aquatic & Recreation Services	Manager Library & Community Services
C	Coordinator Aquatic & Recreation Services	Manager Library & Community Services
D	Coordinator Aquatic & Recreation Services	CEO (concession value under \$1000) Council (concession value greater than \$1000)
Gawler Based Service Club	Coordinator Aquatic & Recreation Services	Coordinator Aquatic & Recreation Services (Pre-Approved by Council per Policy 5.10 – Clause 6.5)
Gawler Based Swim Club	Coordinator Aquatic & Recreation Services	Coordinator Aquatic & Recreation Services (Pre-Approved by Council per Policy 5.10 – Clause 6.6)

7.2 Where an application to hire a Council Facility includes a Concession Request that falls outside the options available within this policy, the request will be submitted to the Manager Library & Community Services and must be endorsed by the Coordinator Aquatic & Recreation Services.. Any request to waive the total hire fee will be submitted to Council for approval and must be endorsed by the Chief Executive Officer.

7.3 The Coordinator Aquatic & Recreation Services is responsible for establishing and maintaining current Hire Agreements for all facilities and for assessing the suitability of applications. They are also responsible for making recommendations to the Manager Library & Community Services and/or Council about the categorisation of Hirers.

7.4 Resolution of Disputes

If the Coordinator Aquatic & Recreation Services experiences irreconcilable problems when allocating facilities to approved Hirers (e.g. there is a clash of required times and facilities for two or more hirers) the matter will be referred to the Team Leader Recreation & Community for a resolution.

Where a Hire Agreement is refused and a dispute arises, the dispute will be referred to the Team Leader Recreation & Community.

8. VALIDITY OF CONCESSION APPROVALS

8.1 When approval for a Concession is given, that approval is valid until the completion of the current Financial Year, providing the use of the facility remains consistent with the original application and the capacity of the organisation to pay hire fees remains unchanged.

8.2 Any concession approvals will be valid only for the dates indicated within the booking, unless authorised by the, the Chief Executive Officer or a resolution of the Council.

8.3 It is important to note that a Hirer may fall into different Hirer categories subject to the purposes for which they hire a Council facility/ies. For example a Hirer might be charged at a concession rate C for a meeting of their group at one venue but at Concession rate B if they charge an entry fee to a seminar at any Council venue.

9. GUIDELINES FOR ASSESSING REQUESTS FOR A CONCESSION

In assessing a request for a fee reduction (ie concessional hire) under Categories B, C or D the following common criteria would apply:

9.1 The applicant meets the criteria for Category B, C or D

9.2 The necessary documentation and financial information (e.g. latest Audited Financial Statements, Certificate of Insurance) has been provided and supports the request.

9.3 The activity / event / function has a primary focus on the Town of Gawler and/or is aligned with the objectives of the Town of Gawler Community Plan.

9.4 The proposal improves community access to an activity or service.

9.5 The applicant has demonstrated that they will not profit from usage.

9.6 The applicant has demonstrated they are unable to meet the full cost and/or that the costs of usage cannot be recovered from participants.

9.7 The application has demonstrated that the function or activity will not be viable without a subsidy.

9.8 The event/activity is being held to support a charity organisation, to raise money for a charitable cause or to support an individual or family in crisis.

10. REQUIREMENTS OF HIRERS RECEIVING A CONCESSION

Council requires Hirers receiving any concession on facility hire to:

- 10.1 Acknowledge Council assistance in any literature and promotional materials.
- 10.2 State the source of that assistance in any subsequent requests for funding support from Council for fee relief or otherwise (e.g. Community Grants program).
- 10.3 Comply with the Conditions of the Hire Agreement relevant to the specific facility.

11. PROCEDURES – CONCESSION APPLICATIONS**11.1 Procedures for Regular Hirers**

- a. Council will call for requests to hire Council facilities on an annual basis, in line with the financial year.
- b. Prior to submitting a Facilities Hire Application Form, including Concession Request (where applicable), hirers are encouraged to;
 - i. access an up-to-date list of venues and the types of events or activities that are suitable for each from Council's Aquatic & Recreation Services staff.
 - ii. discuss their specific facility and hire needs with the Coordinator Aquatic & Recreation Services and/or Aquatic & Recreation Services staff to determine the most appropriate venue
- c. For assessment purposes, Coordinator Aquatic & Recreation Services may need to clarify information directly with the applicant.
- d. Coordinator Aquatic & Recreation Services recommendations for Category D concessions will be reported to the Chief Executive Officer (\$1,000 or less) and/or Council (greater than \$1,000) for the purpose of securing approval or Council endorsement.
- e. Following approval (or refusal) of a Facility Hire Application and Concession Request, Aquatic & Recreation Services staff will formally notify the applicant in writing and will confirm the terms of the Hire Agreement/s.
- f. The Hirer is supplied with all Council documentation (e.g. Hire Agreement including Hire Terms and Conditions) for review and signature.
- g. Booking of facilities will be processed. If two or more groups have applied for identical times and facility/ies, negotiations will take place to try and meet the needs of each group.
 - i. The Coordinator Aquatic & Recreation Services may suggest alternative accommodation.

- ii. If the negotiations fail and a clash in bookings remains, the applications will be referred to the Team Leader Recreation & Community for a final decision. Applicants will be advised in writing of the outcome.
- h. Prior to commencement of the hire, the Hirer is required to undertake an orientation of the facility and given a safety and security brief. They will be provided with Council contact details, including an out of hours contact point (where required).
- i. The Hirer is responsible for supplying the following to the Coordinator Aquatic & Recreation Services ;
 - i. Signed facility-specific Facility Hire Agreement & Declarations
 - ii. Public Liability Insurance or Certificate of Currency (with a copy of the updated certificate of currency to be provided as required)
 - iii. Payment of all deposits, bonds and other fees (as relevant)

11.2 Procedures – Casual Hirers

- a. Casual Hirers may be eligible for a concession and are assessed on the same criteria as Regular Hirers.
- b. Casual Hirers seeking a concession of more than 50% must apply at least 2 months in advance of their event date to allow adequate time for the approval process.
- c. Acceptance of a Casual booking is at the discretion of the Coordinator Aquatic & Recreation Services.
- d. Casual Hirers have the same responsibilities as Regular Hirers to fulfil the terms of both this policy and the facility specific Hire Agreement.
- e. Prior to the commencement of the hire, the Hirer will be provided with the following;
 - i. A copy of the Hire Agreement
 - ii. Written confirmation of the booking (including any additional requirements)
 - iii. Confirmation of payment of all relevant deposits, bonds and other fees (to be paid prior to the commencement of the event) and
 - iv. Safety and security orientation

12. PAYMENT OF FEES & CHARGES

- 12.1 Hirers are to pay the correct hire fee as set out in Council's Fees and Charges Register and their signed Hire Agreement. In most cases Council will require a Hirer to make a full payment before an event. Coordinator Aquatic & Recreation Services and/or Team Leader Recreation & Community will determine the terms under which invoices are issued.
- 12.2 Unless otherwise formally agreed, no Hirer, regardless of concessions awarded under this policy, is exempt from other fees and charges relating to their hire eg. kitchen facilities etc.
- 12.3 Fees and charges include (but are not limited to); equipment use, allocation and/or replacement of keys/swipes, additional services (e.g. catering, staffing, special cleaning), administration fees, cancellation fees, damage(s) and/or storage of the groups' equipment.
- 12.4 Changes to Fees and Charges
Council's fees and charges are reviewed and subject to change as of July 1 each financial year as part of the annual budget process. Fee schedules for Council facilities are available from Customer Services, Council's website and Aquatic & Recreation Services staff.
- 12.5 Overdue Accounts
Hirers that have overdue fees (in excess of 30 days from date of invoice) will have their Concession status revoked and all facility hire will be charged at the full commercial rate until all overdue fees are paid in full.
- 12.6 Outstanding Fees
Hirers that have failed to pay outstanding fees will not be eligible to hire any of Council's facilities. Any applications from these hirers will not be assessed until the outstanding fees have been paid in full.
- 12.7 Council will waive any annual hire fee of less than \$100 for Council facilities.

13. REVIEW AND EVALUATION

The effectiveness of this Policy will be reviewed on a biennial basis.

The Chief Executive Office will report to council on the outcome of the evaluation and if relevant make recommendations for amendments, alteration or substitution of a new Policy.

The Policy will not be altered or substituted so as to affect a process already commenced.

14. FURTHER INFORMATION

Further information about this Policy can be obtained by:-

Telephone: 8522 9211
Fax: 8522 9212
Email: council@gawler.sa.gov.au
Appointment: Town Hall, 89 – 91 Murray Street, Gawler
Letter: PO Box 130, Gawler SA 5118

15. AVAILABILITY OF POLICY

The Policy is available for inspection during ordinary business hours at the Council principal office, Gawler Town Hall or Library Council Offices, 89 – 91 Murray Street, Gawler or is available for the Council website at www.gawler.sa.gov.au.

A copy of this Policy will be provided to interested parties upon request, for a fee as contained in the Register of Fees and Charges.