

Community Facilities Hire, Licenses and Leases Agreement Policy

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1 POLICY PURPOSE

The purpose of this policy is:

- 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 POLICY SCOPE

2.1 This policy applies to

- All Council-owned or managed community facilities under the direct management of Council's Community Wellbeing Directorate.
- Community groups, residents, and other entities seeking to hire, license, or lease these facilities.
- Council staff responsible for allocating and managing these facilities.

2.2 This policy does not cover

- Community facilities operated under Facility Management Agreements.
- Council-owned or managed facilities not under the direct management of the Community Wellbeing Directorate.
- Sport and recreation facilities managed by Council directly or via tenancy agreements.
- Private or commercial facilities not owned or managed by Council.
- Detailed operational procedures for facility management.
- Specific programming or activities within the facilities.
- Capital works or major renovations of community facilities.

3 DEFINITIONS

For the purposes of this policy, Council adopts the following definitions.

Term	Definition
Community facility	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 (except sport and recreation 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.
Community group	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.

4 STATEMENT OF POLICY PRINCIPLES

4.1

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.

4.2

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 which are available on Council's website.

4.3

The following themes, derived from the Brimbank Community Vision 2050 and the We Are Brimbank - Council Plan 2025-2029, underpin this Community Facilities Hire, Licences and Leases Agreement 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's expectations and capacity to support.
- c) **Consistency** where the policy is 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 Council facilities to meet a broad range of community needs that are sustainable and afford desirable physical and mental health, social and economic benefits.
- g) **Priority of Access** where the allocation processes give priority to Brimbank residents use over other users.
- h) **Participation** where the allocation process recognises user groups that are involved in community building and development activities and/or engage people from disadvantaged or marginalised 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.

5 SPECIFIC REQUIREMENTS

5.1

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.

5.2

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.

5.3

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.

5.4

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.

5.5

All applications for hire must be made on the relevant application form and are subject to facility availability and assessment against established criteria.

5.6

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 required information and supporting documents submitted.
- e) Ability to provide community activities that benefit and engage with the community.
- f) Applicants' alignment with Council's Vision, Mission and Values.

Casual and Function Hire Criteria include:

- g) Availability of the desired facility for hire.
- h) Fit with Council's Vision, Mission and Values and in line with the Community and Council Plans.
- i) Suitability of the facility for intended hire.

5.7

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.

5.8

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 Council's Annual Budget process.

5.9

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, with the exception of Partnership Agreements that are authorised by relevant Department Manager.

5.10

All hirers must comply with the Conditions of Use relevant to the facility that they are hiring. This information is provided on Council's website and provided to hirers and may differ across various facilities, depending on the intended use and purpose of the facility. Included in the Terms and Conditions of Use is the capacity and curfew times of community facilities, which 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. The Terms and Conditions of Use will be reviewed and updated as required, on a regular basis by Council Officers.

5.11

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.

5.12

Council approval is required prior to the engagement of any external service providers (e.g. 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.

5.13

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 or breaching the hire terms and conditions.

5.14

Council reserves the right to retain any bond amounts (if paid), either partially or in full or charge the hirer appropriate incurred costs should the Terms of the Conditions of Use be breached by the hirer.

5.15

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 Election Period Policy (2023).

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 relevant hire rate) will apply.

Licence and Lease Agreements

5.16

Community groups will be offered an appropriate agreement and tenure at Council's discretion based on their past history, the requirements of the community group and Council's 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.

5.17

Licence and Lease Agreements will only be offered to incorporated community groups based in Brimbank or servicing the needs of the Brimbank community. The only exception to this is for Art Studio licences and leases can be offered to individual artists in addition to incorporated artist groups.

5.18

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 Council's Annual Budget process.

5.19

Council will manage agreements to ensure that the terms and conditions of the agreements are being adhered to.

5.20

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.

6 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.

7 ROLES AND RESPONSIBILITIES

7.1 Council

Council is responsible for:

- Managing the day-to-day operations and allocation of community facilities.
- Reviewing and setting fees and charges for facility use as part of the Annual Budget Process.
- Maintaining community facilities to ensure they are safe and fit for purpose.
- Ensuring compliance with this policy, associated guidelines and relevant agreements.

7.2 Community groups

Community groups are responsible for:

- Submitting formal applications for hire.
- Paying appropriate fees for approved hire.
- Abiding by terms and conditions of use.

8 POLICY OWNERSHIP

Responsible Director: Director Community Wellbeing

Responsible Officer: Manager Leisure and Community Facilities

Directorate: Community Wellbeing

Unit: Leisure and Community Facilities

9 APPROVAL

Approved by:

Date:

10 RELATED POLICIES & LEGISLATION

- Community Services and Infrastructure Plan
- Community Facility Capital Development Policy
- Community Facilities and Reserves Allocation Policy
- Sports Facility Hire, Licences and Leases Agreement Policy

INTERNAL USE ONLY

Version	Version notes	Adopted	Review
1	Original version approved by Council	20 September 2016	1/10/2025
2	Update to new format and removal of Major Policy status following sunseting of the Governance (Major Policy Consultation) Local Law 3	1 September 2025	1/10/2030
3	Updated version approved by Council	21 April 2026	2031

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