

BACKGROUND

The provision of community facilities is a key part of Council's role in meeting community needs. The provision, allocation and management of these facilities will be consistent with Council's Vision, Mission and Values.

The following themes underpin this policy:

- social justice principles;
- collaboration and consultation;
- optimum utilisation of community facilities;
- community facilities helping to meet community need; and
- partnerships between Council and community groups.

OBJECTIVE

To provide fair and equitable access to community groups for the occupation and management of Council's community facilities with the aim of achieving optimum benefit from these facilities for both the community at large and Council.

POLICY STATEMENT

- 1 Allocation of community facilities (under control of the Library and Community Services Division) to community groups will be based on a process of consultation with community groups interested in the occupation of the facilities and a transparent and collaborative decision making process.
- 2 This policy applies to the leasing or licensing of community facilities where –
 - a) the existing occupancy arrangement or agreement is due to expire; OR
 - b) a building becomes available for community use through:
 - vacation by the existing occupant;
 - acquisition by Council; or
 - new construction;and it is determined to allocate occupancy to a community group.
- 3 This policy is not applicable to facilities where the day-to-day management is:
 - a) controlled by a Committee of Council;
 - b) by Council directly; or
 - c) earmarked for either 3 (a) or 3 (b) above.
- 4 This policy is not applicable to, unless facility is located on Crown Land:
 - a) child care centres; or,
 - b) community facilities where the licence has expired and the existing licensee:
 - has advised Council that the group wants to continue to be the licensee; and,
 - is able to demonstrate that the organisation is able to continue to meet the criterion required of all licensee's at community facilities; and,
 - is in receipt of grant funding when the licence expires, and the grant funding is being used for the employment of staff to provide community services and those staff have their primary office at the facility, and,
 - has consistently demonstrated adherence to the previous licensing requirements.

Definitions

For the purposes of this policy, the following terms are used:

A *community group* is a body with a legal entity and a broadly represented community based management committee.

An *occupant organisation* is the body that enters into a lease or licence agreement at a community facility and in doing so takes on the responsibility for the day to day management of that facility.

A *tenant organisation* is a body that has an agreement with the occupant organisation to be housed and to operate from the facility on a long term basis.

STATEMENT OF PROCEDURES

RESPONSIBILITIES

Divisional Managers are responsible and accountable to ensure that this procedure is implemented in their areas of responsibility.

Middle Management/Coordinators/Supervisors will ensure that this procedure is implemented and communicated to staff responsible for conducting the allocation process.

The implementation of this policy will involve the following steps –

- 1 initial assessment and preparation;
- 2 consultation with community groups;
- 3 collaboration with interested groups;
- 4 lodging information for assessment;
- 5 assessment;
- 6 approving occupant organisation(s);
- 7 appeal mechanism; and
- 8 arrangements for Community/Crown Land

1 INITIAL ASSESSMENT AND PREPARATION

This step is to provide for an informed decision in relation to whether this policy is to be implemented and to allow for early consultation with organisations that will be affected.

1.1 Initial Assessment

- a) When a building becomes available for community use or an existing lease or licence is due to expire, the Manager Library and Community Services or their delegate is to determine any special requirements for the facility as follows -
 - restrictions with regard to contractual or legal obligations (such as funding for construction agreements, options for renewal in existing lease or licence);
 - broad aims and focus for the facility (based on facilities strategic plan, social planning data, and other planning documents);
 - any other Council policies and plans which affect its use (eg Plans of Land Management); and
 - any other factors that should be taken into account.
- b) The Manager Library and Community Services or their delegate will determine if this policy is to be implemented based on this initial assessment.

1.2 Consultation with occupant and tenant organisations

- a) If the building has an existing lease or licence, a meeting will be convened four (4) to six (6) months prior to the expiry date with representatives of the occupant organisation(s) and any tenant organisation(s) to notify of the impending implementation of the allocation policy and to assess -
 - interest in reapplying for lease or licence;
 - past performance in relation to existing lease or licence obligations;
 - ability to continue to meet lease or licence obligations;
 - ability to work towards the aim and focus for the facility;
 - most appropriate time to implement the following steps of this policy.
- b) A copy of this policy will be provided to each of the organisations.

1.3 Develop information package

- a) An information package for the facility will be developed prior to advertising for community groups that have an interest in being the lessee or licensee, and will include -
 - Council's vision and mission;
 - name and location of facility;
 - broad aim and focus for the facility;
 - criteria for assessment of groups nominated as lessee or licensee;
 - social planning data for the area in which the facility is located;
 - details of the facility (size, rooms, amenities);
 - process for facility inspection by a community group;
 - restrictions in type of use (if any);
 - sample lease or licence agreement;
 - Council policies in relation to community facilities;
 - any other relevant Council policies;
 - any relevant Council plans; and
 - a copy of this policy and process for allocation.
- b) The information package will be placed on display in an accessible location and times will be made available for community groups to inspect during the advertising period (see 2.1b).

2 CONSULTATION WITH COMMUNITY GROUPS

This step is to ensure all community groups have the opportunity to tell Council of their interest in being an occupant organisation at the facility that is available.

2.1 Advertising the facility availability

- a) If the building has an existing lease or licence, the occupant organisation(s) and any tenant organisation(s) will be advised in writing one (1) month in advance of the placement of advertisements. The date of advertising will be based on the information provided at the meeting held with these groups in the first step of this process (see point 1.2a).
- b) Advertisements will be placed in the Advertiser, and on Council's website over a two-week period. The advertisement will ask community groups to contact Council if they have an interest in leasing or licensing the facility. Advertisements will include -
 - name and location of facility;
 - broad aim and focus for the facility;
 - availability of information package and contact information for times for inspection times;
 - process for contacting Council if interested in leasing or licensing the facility; and
 - closing date.

2.2 Process for groups to inspect facility

Community groups may request an inspection of the facility. The process for the inspection will be as follows -

- Council will contact the occupant organisation to advise of the request and will negotiate with the occupant organisation an appropriate time for the inspection.
- The occupant organisation will make the entire facility available at the time allocated for the inspection and will liaise with any tenant groups in relation to this inspection.
- A Council Officer will show the group around the facility during the time allocated by the occupant organisation.
- During the inspection, the only information provided to the group by Council will be in relation to the information package put together for all groups (eg to expand or clarify information provided in 1.3a).

2.3 Process for groups to contact Council if interested

- a) Groups can notify Council of their interest in leasing or licensing the facility by either writing or telephoning. Groups will be required to provide -
 - name of group;
 - name of a contact person;
 - mailing address of the group; and
 - telephone and fax number of the group.
- b) A letter of acknowledgement will be sent to each group responding to the advertisement. This letter will also advise the group of the next step of the process and timeframes.
- c) Groups must lodge a Notification of Interest Form with Council by the advertised closing date to be considered in the next and future stages of the Allocation procedure for the facility.

3 COLLABORATION WITH INTERESTED GROUPS

This step is to provide interested groups with an opportunity to work in partnership with each other and Council to achieve the best possible outcome for the community.

3.1 Where only one community group has an interest

- a) A meeting will be held with the group.
- b) The aim of the meeting will be to discuss -
 - the aim and focus for the facility;
 - the lease or licence of the facility and Council's expectations of occupant organisations;
 - the services provided by the group and what they have to offer as the occupant organisation; and
 - the next stage of the process.

The meeting will also provide an opportunity for the group to reaffirm their interest in being an occupant organisation.

- c) At this meeting the group will be advised of the information to be provided for the assessment step and the timeframe for receipt of such.

3.2 Where more than one community group has an interest

- a) A facility allocation conference will be convened and facilitated by Council between two (2) to four (4) weeks after the advertised closing date.
- b) All groups will be sent written details of the facility allocation conference at least two (2) weeks in advance.
- c) The aim of the facility allocation conference will be to provide an informal forum by which community groups can collaborate with each other and Council and nominate a group for the lease or licence that provides the best possible outcome.
- d) The objectives of the facility allocation conference will be to provide an opportunity for -
 - Council to discuss with groups the aim and focus for the building, options for occupancy arrangements at the building, and the next stage of the process;
 - groups to ask any questions in relation to the lease or licence of the facility and Council's expectations of occupant organisations;
 - groups to discuss their services and what they have to offer as the occupant organisation at the facility;
 - discussion between all parties in relation to the most appropriate lessee or licensee who is able to meet the assessment criteria (see 4.1);
 - groups to work in partnership with each other and Council to nominate a group for the lease or licence and any tenancy arrangements.
- e) In the event that a mutually agreeable outcome is not achieved during the conference, Council will reconvene the conference one-week later for further discussion.
- f) In the event that there is still no agreement all groups will be asked to reaffirm their interest in the lease or licence. All groups reaffirming their interest will be invited to participate in the assessment step and will be advised of the information to be provided for this step and the timeframe for receipt of such.

4 LODGING INFORMATION FOR ASSESSMENT

This step of the process is to allow groups to lodge information with Council that will be used to assess their suitability as an occupant organisation at the facility.

4.1 Criteria by which groups will be assessed

a) Groups will be assessed according to the following criteria -

General

- Ability and willingness to work towards the aims and focus for the facility.
- Ability to enter into a legal contract (ie lease or licence).

Resources to manage a facility

- Demonstrated ability to manage a community facility at both an operational and financial level.
- Ability to meet Council's expectations of occupant organisations and ability to abide by the conditions of the lease or licence agreement.

Service provision

- Past record and/or demonstrated ability to cater to local community needs as identified by Council's social planning data and/or the group's own formal social planning.
- The number and types of community services currently being offered by the group and/or what may be offered in the future.
- Ability and willingness to accommodate and co-operate with existing and potential tenant organisations that may be considered appropriate for the area's needs.

b) The panel undertaking the assessments (see 5.1) will weight the criteria.

4.2 Information required for assessment

a) Groups will be required to provide, in writing, information that will allow the panel to make an assessment as to their suitability as an occupant organisation at the facility. This information will be required to be lodged one month after the group is notified.

b) Groups will be required to provide the following information for assessment against the above criteria.

General

- Membership base of the organisation.
- Organisation's proposed use of the facility.
- Benefits to be gained by the organisation, Council and the community should occupation be granted.
- Evidence of the organisation's legal capacity to enter into a lease or licence agreement.
- Copy of the Articles and Memorandum of Association of the organisation.

Resources to manage a facility

- Copies of the following documents:
 - Certificate of Incorporation or similar document
 - Certificate of Public Liability Insurance
 - Latest audited Financial Statement.
- Amount and source of any funds received by the organisation.
- Where funding is not received:
 - the eligibility to receive funds if any, and
 - the reason(s) for funds not being made available.
- Organisation's ability to meet financial and other obligations under the lease or licence agreement.
- Improvements to the premises that the organisation may be able to provide.

Service provision

- The organisation's aims, objectives and vision statement.
- Main services and activities of the organisation, and any proposed services and activities.
- Target group(s) for the organisation's services and activities.
- Geographic area served by the organisation.

- List of current or potential tenant organisations and the proposed occupancy agreements for these groups.

5 ASSESSMENT

This step is to enable a fair assessment to be made of the group(s) and to determine the occupant organisation to be recommended for the facility.

5.1 Forming the Assessment Panel

- a) An Assessment Panel comprising persons not associated with the group being assessed or deemed as having any other form of pecuniary interest.
- b) Invitations to participate in the panel will include background information, role of the panel, and benefits to be gained by being involved.
- c) Membership of the panel will be as follows -
 - Manager Library and Community Services or his/her representative;
 - Middle Manager of the Library and Community Services Division Branch responsible for the facility, service or divisional function;
 - Social Planner (WCC) or other person as nominated by the Manager Library and Community Services or delegate;
 - representative from a peak community service organisation; and
 - representative from a relevant government department.
- d) In the event of any of the community representatives (last three) not being able to attend, the Manager Library and Community Services or delegate will nominate another community representative who meets the criteria for membership outlined in 5.1a above.
- e) Council will conduct an information/training program for participants on the panel at the first meeting.
- f) The role of the Assessment Panel will be to assess the information provided by the group(s) against the criteria and determine the suitability of the group to be the lessee or licensee of the facility. The panel will make the assessment using a tally of point scores for each criterion.

5.2 Assessment by Panel

- a) Council will provide to the Assessment Panel all relevant information in relation to the facility and the group(s) being assessed no less than one week prior to the first meeting of the Assessment Panel.
- b) Council will convene a meeting with the panel and the group(s) being assessed. If more than one group is being assessed then the panel will meet with each group separately. The meetings will be held at the facility or at Council's Administration Building. The aim of the meeting will be to provide an opportunity for the group(s) to personally address the panel members and add to their written information, and for the panel to clarify any matters.
- c) At the first meeting the panel, will consider the written and verbal information, assess the group according to the criteria and make a recommendation as to the suitability of the group being offered the lease or licence.
- d) In the event that the panel is unable to determine if a group is suitable for the lease or licence, the Manager Library and Community Services or their delegate will make a determination.

6 APPROVING OCCUPANT ORGANISATION

This step of the process is to provide feedback to groups regarding the outcomes of the assessment and to seek formal approval by Council.

- a) The group(s) will be notified immediately by telephone, and then in writing, of the outcome to the assessment.
- b) In the event of a group being unsuccessful, reasons why they were unsuccessful will be included in the letter.
- c) A report will be submitted to the General Manager or their delegate or Council if required recommending the group to be offered the lease or licence. The report will only be submitted after the appeal period.
- d) The group(s) will be notified in writing of the outcome to the report to Council.

7 APPEAL MECHANISM

This step is to provide groups who are dissatisfied with the outcome of the assessment, an opportunity to have their concerns heard and reviewed.

- a) An appeal may be lodged if a group believes that the process as outlined in this policy was not followed or the group believes that they were treated unfairly.

The process for the appeal will be as follows.

- The community group to put their concerns in writing to the Manager Library and Community Services or their delegate within ten working days of receiving the written notification of the outcome to the assessment panel.
 - The Manager Library and Community Services or their delegate will convene a meeting within one week of receiving such notification, between representatives of the community group and the relevant Council Officer and/or representative of the Assessment Panel.
- b) The aim of the meeting is for the Manager Library and Community Services or their delegate to obtain a clear understanding of the concerns and if possible to facilitate a resolution.
- c) In the event that there is no resolution during the meeting, the Manager Library and Community Services or their delegate will consider the concerns raised and will make a determination within one week of the meeting.
- d) The Manager Library and Community Services or their delegate will immediately advise the community group, by telephone, of the outcome. The group will be advised in writing within one week of the telephone notification.
- e) If the outcome is not to the satisfaction of the community group, then the group may proceed to raise the issue with the General Manager within one week of receiving the written notification. Under delegated authority, the General Manager will investigate the concerns and initiate appropriate action.

8 COMMUNITY/CROWN LAND

At the completion of this process if the facility is located on community land then the licence agreement will be advertised in accordance with the Local Government Act. If the facility is located on Crown Land then permission to enter into a licence agreement will be sought from the Minister.

SUMMARY SHEET	
Responsible Division	Library and Community Services
Date adopted by Council	17 July 2017
Date of previous adoptions	28 October 2013, 21 October 2002
Date of next review	July 2021
Responsible Manager	Branch Libraries and Community Facilities Manager
Authorised by	Manager Library and Community Services