

## APPENDIX B



The City of Darebin is developing a Use of Community Facilities Policy to set Council's benchmark expectation on use of its community facilities, to ensure that the facilities are accessible by all, and to inform users of their rights and obligations regarding use of Council's community facilities.

Council is now seeking comment and opinion on the content of the following Draft Policy document from all interested persons and groups.

Council also invites the community to identify the types of activities or events they do not believe are appropriate to be held in Council's community facilities.

Your comments and suggestions will be welcomed and valued, and can be emailed to [daec@darebin.vic.gov.au](mailto:daec@darebin.vic.gov.au), mailed to Darebin Arts & Entertainment Centre 401 Bell Street Preston 3072 or hand delivered to any Council customer service centre, library, Northcote Town Hall, Reservoir Civic Centre or Darebin Arts & Entertainment Centre, marked "Use of Community Facilities Policy".

Submissions close Wednesday 8<sup>th</sup> February 2012.

# CITY OF DAREBIN

## Use of Community Facilities Policy

### Draft Document

Version 1

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## 1 INTRODUCTION

The City of Darebin has made a considerable financial investment in its community facilities, and also in the furnishings and equipment required to serve the variety of gatherings, functions and events that its diverse community holds in those facilities.

This policy is intended to set Council's benchmark expectation on use of community facilities and to inform users of their rights and obligations regarding use of Council's community facilities. It is the responsibility of every user to understand these guidelines, and to conduct their activities accordingly.

## 2 PURPOSE

Each community facility owned and operated by the City of Darebin provides access to a diverse variety of hirers who utilise the facilities for a diversity of events. This policy is designed to help users understand the Council's expectations for the use and management of these resources.

The purpose of this policy is to manage use of the City of Darebin's community facilities by:

- setting Council's benchmark expectation on the use of community facilities;
- assisting users with understanding their obligations to comply with legislation;
- assisting users with understanding their rights and responsibilities during their period of hire; and
- reducing risks present in the facilities' environments.

## 3 SCOPE

This policy is intended for all people who utilise Council's community facilities. The policy is to inform users of their responsibility for appropriate and lawful behaviours when using facilities, equipment, furnishings and services provided by Council's Responsible Officers at each community facility.

Each community facility will have facility-specific matters contained in its venue hiring document that address operational matters particular to that facility.

## 4 POLICY OBJECTIVE

This policy is intended to ensure that:

- there is consistency in the terms and conditions of use for all Council's community facilities;
- hiring agreement documents for use of community facilities clearly inform users of their rights and obligations;
- access to utilisation of community facilities is available to all individual and group hirers;
- community facilities are safe, secure, clean and in full readiness for every hirer;
- Council's assets are treated with care and respect;
- risk of violation of laws is minimized; and

- risk of damage to Council's reputation is minimized.

## **5 USE OF ALL DAREBIN COMMUNITY FACILITIES**

Council's community facilities provide a welcoming, harmonious and safe environment for all members of our community to participate in gatherings and events of their choice. The various facilities are ideal venues for celebrations, meetings, seminars, training sessions, performances, rehearsals, exhibitions, conferences, worship, markets or trade expos.

In all cases, the City of Darebin employee responsible for the day-to-day operations of a community facility is designated as the *Responsible Officer*.

The Responsible Officer will welcome all enquiries to make use of a facility, will strive to fulfil hirers' needs and will retain a high level of flexibility in their dealings with each and every hirer to ensure the best possible outcome for every event.

In all cases the authority relating to use of Council's community facilities remains with Darebin City Council, represented by the Chief Executive.

Whilst each community facility has venue-specific information in its venue hiring documents, the matters below are common to all of Council's community facilities' conditions of use documents.

### **5.1 Right of Access and Enjoyment**

The hirer of a community facility will be provided unimpeded access to that part of The Facility for the period of hire described in the hiring documents. The hirer will have full use and enjoyment of the services, equipment and furniture that have been pre-arranged for the period of hire.

### **5.2 Legislation and Direction**

Rules, provisions and regulations of the Federal and State Governments must be adhered to. Directions given by any competent authority, including the Chief Officer of the Fire Brigade must be followed and all rules with regard to precautions against fire must be followed.

### **5.3 Obstructions, Ingress and Egress**

Over crowding and obstruction to gangways, passages, corridors or any other part of The Facility cannot occur. Supervision of all means of ingress and egress and the opening of the doors and admission of the public is the responsibility of the Responsible Officer.

### **5.4 Council May Require Use or May Refuse to Hire**

When any facility is required for Council functions, Municipal elections, and/or State or Federal elections, Council may cancel a facility booking even if the facility has already been hired, hiring documents signed and hiring deposit paid.

Council, in its absolute discretion, may refuse to hire a community facility should the intended use be regarded by Council as not to be in the best interests of the Darebin community.

In these cases Council will return any hiring deposit paid.

#### **5.4.1 Participation by Children Aged 16 Years or Under**

Council will not allow any of its community venues to be used for an event where any child aged 16 years or under competes on the basis of; is judged upon; or may receive prizes, titles or accolades for; any aspect of their physical appearance.

Events such as eisteddfods, dance or calisthenics or talent competitions may allow children to participate under the following conditions:

- a) Adjudication must be based solely upon the demonstrated skills, talents or abilities of the child;
- b) Organisers must ensure routines, music, costumes and jewellery are age-appropriate;
- c) All such competitions must be carried out in a spirit of encouragement, participation and cooperation.

Any event seen by Council to be breaching any of the above conditions may be evicted immediately without notice and in full forfeiture of the entire hiring fee.

Hirers hereby agree that in the above cases they accept Council's determination and agree to have no claim for any loss or damage occasioned by Council exercising its option to cancel.

#### **5.5 Smoking, Gambling, Alcohol**

Council premises are all smoke free zones. Accordingly smoking is not permitted in any part of the premises.

The consent of Council and a permit from the Victorian Commission for Gambling Regulation are required before any game of chance takes place at which either money, services or goods are passed as a prize. The onus is on the hirer to obtain the permit.

Only certain Community and Charitable groups that have applied for, and been granted permission by the Victorian Commission for Gambling Regulation, are permitted to run raffles.

Raffles may only be conducted for the benefit of organisations that have been declared (registered) by the Commission to be community or charitable organisations. If your organisation has been declared it would have been advised by the Commission in writing and issued a declaration number.

You may confirm that your organisation has been declared by following this internet link: [Declared Community and Charitable Organisations](#)

Strict regulations, under the Liquor Control Act, are in place regarding provision, sale and consumption of alcohol. The various community facilities differ in their arrangements under the Liquor Control Act. Some facilities hold an on-premises licence, under which alcohol may not be brought onto the premises by anyone.

Some facilities allow for a specific event permit which must be obtained by the hirer from Responsible Alcohol Victoria, Phone 1300 650 367 [liquor@justice.vic.gov.au](mailto:liquor@justice.vic.gov.au). Hirers should enquire from the Responsible Officer about the particular regulations in place at each community facility.

In addition, there are specific Alcohol Restricted Zones within the City of Darebin and some community facilities are located within these zones. It is the hirer's responsibility to ascertain whether the hired facility is within such a zone. Consumption and carrying of an open container of alcohol is prohibited outside of these facilities. Possession of an open container of alcohol inside the designated zone may incur a \$200 fine.

## 5.6 Copyright and Performing Rights

Music is protected by copyright law and a licence is required to publicly perform live music or play recorded music.

It is the responsibility of hirers to obtain the appropriate licence(s) from the Australasian Performing Right Association (APRA), the Australasian Mechanical Copyright Owners Society (AMCOS), and/or the Phonographic Performance Company of Australia Limited (PPCA).

**APRA/AMCOS** Phone (03) 9426 5200 [www.apra-amcos.com.au](http://www.apra-amcos.com.au)

**PPCA** (not required at Preston Shire Hall or Preston City Hall)  
Phone (02) 8569 1100 [www.pcca.com.au](http://www.pcca.com.au)

Council cannot be held responsible for any breach of copyright made by hirers.

## 5.7 Hiring Deposit, Fulfillment of Conditions, Limit of Use

A deposit is to be paid prior to the use of The Facility as a guarantee of fulfilment of the conditions of hire, and as security against damage to The Facility, fittings or furniture, and for any abnormal cleaning of The Facility used by the hirer. Any further amount in excess of such deposit to meet the full cost of any damage or cleaning will be payable by the hirer.

Should the conditions of use set out in hiring documents not be fulfilled by the hirer, the deposit shall be forfeited as liquidated damages. If there has been no breach of the conditions or abnormal cleaning to be done, then the deposit will be refunded.

The hirer is only entitled to the use of the particular part or parts of The Facility as agreed, and shall vacate The Facility punctually at the time specified. The Responsible Officer reserves the right to let any other portion of The Facility for any other purpose at the same time.

## 5.8 Property, Theft, Insurance, Liability, Damage

The hirer shall make adequate arrangements for the receipt and custody of all items supplied to them at The Facility during the period of use and for the removal of those items immediately after the period of use.

If, after ten (10) days immediately following the period of use the hirer has not removed all items the hirer shall release the Responsible Officer from all liability for care or return of the items.

Council shall not be liable for any loss or damage sustained by the hirer or any person or firm supplying any item to the hirer should that item be lost, damaged or stolen. The hirer hereby indemnifies the Council against any claim in respect of such item.

The hirer shall not do, or neglect to do, anything which will affect Council's insurance policies relative to fire and public risk in connection with The Facility and the hirer agrees to indemnify Council to the extent that such policies are affected through any such act or omission.

All hirers shall show evidence of holding a current \$10million public liability/professional insurance policy and note on the policy the interest of Darebin City Council as the owner of The Facility.

The Facility shall not be responsible for, or incur any liability in respect of, any loss occasioned to the hirer through accident of any kind or failure of the electric plant or other utilities or equipment.

No notice, sign, advertisement, is to be erected without the prior consent of the Responsible Officer. Scenery, fittings or decorations of any kind cannot be attached to or affixed to the walls, floors, doors or any other part of the buildings, fittings, curtains or furniture using tape, nails or screws (Blu-Tac is acceptable).

Misuse of equipment, furniture, drains or sewers by the hirer or the hirers' staff, volunteers, guests, delegates or audience that necessitates repair or reactive maintenance will incur additional charges payable by the hirer.

Any extra insurance premium rendered necessary in such cases must be paid for by the hirer.

### **5.9 Sub-letting, Access, Control of the Facility, Suitability, Disputes**

Hirers may not sub-let The Facility or assign use within the period of hire to any other group or person without written consent of the Responsible Officer.

The Responsible Officer may need to access building services during an event and therefore may attend any part of The Facility during a period of hire.

The general administration and control of The Facility is the responsibility of Council's Responsible Officer who shall exercise absolute discretionary powers for the use, good order and control of the facility.

No undertaking is given to any hirer of The Facility as to the suitability of The Facility for the purposes for which it is to be used. The hirer must rely upon his/her own enquires as to the compliance of The Facility with the purpose for which the Hirer wishes to use it.

In the event of any dispute or difference arising as to the interpretation of hiring conditions, the decision of Council shall be final and conclusive.