



Community Leases and Licences to Occupy Policy

Governance policy

Policy Owner	Corporate Services Group Manager		
Adopted by	Council		
Description of policy	This policy provides a framework for Council decision-making regarding granting of a lease or licence to occupy Council owned or administered property.		
Date policy first adopted	22 November 2006	Review date	September 2020
Current policy version effective date:	8 December 2020	Date of next review:	8 December 2023

Purpose

1. The purpose of this Policy is to:
 - a) outline the framework for decision making regarding granting of a lease or licence to occupy Council owned or administered property to Community Organisations.
 - b) make Land and/or Buildings available for use by Community Organisations.
 - c) support the vital role of Community Organisations by providing a significant rental subsidy for occupancy of Council owned or administered property.
2. This Policy applies to use of Land and/or Buildings by Community Organisations.
3. This Policy does not apply to casual hireage of Land and/or Buildings or to land/buildings where the primary use is commercial.
4. This Policy should be read in conjunction with the Thames-Coromandel District Plan and Reserves Act 1977.

Principles

This policy is underpinned by the following principles:

Affordability - The Policy will provide an appropriate balance between supporting Community Organisations for wider community benefit, and value for ratepayer money.

Simplicity and consistency - The Policy will be simple to understand and administer; will enable equity, consistency and transparency in the allocation of Community Occupancy; and will not unnecessarily duplicate other legislative tools.

Community benefit and empowerment - The Policy will encourage Community Occupancy that maximises community benefit, and will empower Community Organisations to be sustainable.

Implementation

Implementation of this policy for each category of lease will occur at the rental review of each lease occurring from 1 July 2021 and for any new leases entered into from the effective date.

Policy Statement

The following identifies categories of organisations, the equivalent rentals, eligibility criteria and other considerations that shall apply.

Rental rates for leases and licences to occupy

Category	Type of Organisation	Rental per annum
A	Emergency Services Organisations	\$100
B	Community Organisations	\$350
C	Commercial and Private Organisations	Market rental

Eligibility Criteria

Eligibility for consideration of Occupancy and determination of the category and appropriate rental any applicant falls under will be assessed using the following criteria:

1. Only Community Organisations meeting the definition of Community Organisation as defined by this Policy; and that can demonstrate that for tax purposes they are 'not for profit' will be eligible for consideration as Category B organisations.
2. Applications must demonstrate the contribution the Community Organisation will make to the Council's Community Outcomes.
3. Other factors that will be considered are:
 - The benefit of the Community Organisation to the community
 - The level to which the wider community will be involved with the Community Organisation
 - The past achievement, or future potential of the Community Organisation
 - The ability of the Community Organisation to successfully administer its organisation and deliver its desired outcomes for the community.
 - That Council is satisfied the land classification does not prohibit the use of that land by the applicant.

Final determination of the category which any applicant falls under and the appropriate rental shall be decided by Council or the relevant Community Board on advice from staff.

The eligibility criteria set out above must be met throughout the term of the lease or licence to occupy.

Reporting

All recipients of a lease or licence to occupy may be required to provide an annual report documenting their continuing eligibility to be considered for either a Category A or B lease under this Policy. The report may include the following information if requested:

- Annual accounts (Council may require these to be audited accounts)
- Adopted budget for the forthcoming year
- Proof of public liability insurance.

- Any other information required by Council on their activities.

Recipients that fail to submit reports will receive up to two written notices asking them to rectify the situation.

Holders of leases and licences to occupy granted under this Policy may be considered in breach of lease or licence and may have their lease or licence to occupy terminated if they fail to present the relevant reports.

Determination or lease or licence to occupy as appropriate instrument

Council's determination about whether to enter into a lease with an applicant or grant a licence to occupy will be guided by recommendation(s) from the relevant Community Board and advice from staff and will align to Council's Property Strategy.

Terms and conditions of the lease or licence to occupy

The terms and the conditions of the lease or licence to occupy will be negotiated at the time of application and approved by a resolution of Council on recommendation of the relevant Community Board. Rights of renewal are at Council's discretion and may not always be approved as part of the lease or licence.

Costs

All applicants are to pay the costs incurred by Council in setting up and administering its lease, if any.

On-charging of rates and outgoings

Council will on-charge any applicable rates and other outgoings to the lessee unless otherwise determined by Council or the relevant Community Board.

All applications from lessees for remission of rates must meet the requirements set out in Section 6 of the Council's Rates Remission Policy.

Shared/Multi-use

Community Organisations will be encouraged to share and multi-use land, buildings in order to:

- Optimise use and resources;
- Improve sustainability;
- Acknowledge the community benefit of co-locating services and activities.

Reserves Act 1977

All leases and licences to occupy shall comply with the provisions of the Reserves Act 1977.

Disclaimer

This policy is subject to any obligations Council may have in relation to the management of Council-owned or administered property under any enactment.

Review

This policy will be reviewed three years from the last review date.

Definitions

The following definitions apply in the context of this policy:

Term	Definition
Community Organisation	Any organisation which is a not-for-profit organisation that is incorporated, either under the incorporated Societies Act 1908 or the Charitable Trusts Act 1957 or established under any other statute, and: <ul style="list-style-type: none"> a. Provides a Community Service; b. Does not make distributions of profits to its members; and c. Has open membership criteria; and d. Restrictions are not imposed, such as setting membership or participation fees at a level that exclude most people who might want to participate.
Community Service	Any activity where the local community or community of interest gains a public good benefit, but does not benefit a particular individual.
Emergency Service Organisation	Any organisation which responds to immediate and serious threats to life, property and public safety.
Incorporated Society	Any organisation incorporated under and run in accordance with the Incorporated Societies Act 1908.
Commercial or Private Organisation	An organisation which undertakes a commercial activity or uses land or building(s) for private benefit.
Registered Charity	Any organisation that is registered as a charity under the Charities Act 2005.
Commercial Activity	Any activity undertaken which is intended as its primary purpose to or does yield financial or commercial benefit to any individual or private organisation.
Reserve	Any land held and managed in accordance with the Reserves Act 1977

APPENDIX 1

The Community Outcomes set out below are referred to in the Community Leases and Licences Policy and are included in this Appendix to assist users of the Policy. They are not to be considered as part of the Policy, and may be changed from time to time without requiring a review of the Policy.

Thames Coromandel District Council Community Outcomes | Ngā hua o Te Kaunihera

A vibrant district | He takiwā hihiri

The Coromandel Peninsula is a desirable place to live, work and play.

Our district has thriving, resilient communities.

We support and encourage culturally diverse and inclusive communities.

A connected district | He takiwā tuia

Our communities are supported through accessible infrastructure and services.

We use our influence and networks to advocate for our communities.

We recognise our relationships and partnerships with the District's iwi and will work towards ensuring they are enduring, effective and valued.

A sustainable district | He takiwā toitū

The Coromandel Peninsula's natural and built environments are managed sustainably and provide a unique sense of place.

We recognise and celebrate the vital role our natural environment plays in supporting well-being in the District.