

Leases and Licenses Policy

Policy Manual Number: 01-5

Council Minutes Ref: [Council \(Item 19\) dated 19 July 2010](#)
 [Council \(Item 13\) dated 21 August 2006](#)
 [Council \(Item 5\) dated 1.12.97](#)

File Ref: 00069

Background and Intent

In September 2009 Council adopted an external consultant's Review of Council's property portfolio and its leases and licenses framework. The purpose of the Review was to improve the consistency, efficiency and transparency of Council's leases and licenses processing framework. The review has led to the development of this Policy and the ['Guidelines for Processing Leases and Licenses'](#) (Guidelines).

This Policy sets out the general objectives for issuing leases, licenses and permits to occupy or use Council land. The Guidelines provide the detailed governance framework for assessing appropriate applications to lease, license or occupy Council property, including the conditions and the application of certain fees.

Policy Statement

The purpose of the Leases and Licenses Policy is to:

1. Facilitate access to public facilities by the community and maximise the sharing and use of facilities where appropriate.
2. Maximise the utilisation of vacant or underutilised land and provide a source of income and recovery of costs to Council.
3. To encourage participation in sport and recreation and increase the proportion of females, older adults and people with a disability participating in sport, recreation and community life.
4. To increase the use of public facilities without exceeding the carrying capacity and promote choice while endeavouring to provide standards of activities matching the nature of the facility provided.
5. Provide opportunities for sporting clubs, community organisations, private and commercial entities to find sportsgrounds, buildings, land and facilities that meet their requirements at a price that is viable and obtain some cost recovery and a reasonable return to Council.
6. Increase efficiency, equity and transparency in the way Council uses its property resources, by:
 - 6.1 Endeavouring to equitably distribute costs to those who benefit most or profit from the use of Council land;
 - 6.2 Ensuring where practicable that Council will recover a contribution toward costs of providing facilities, services and operate on a user-pays basis to enhance the fairness or equity in apportionment of costs;

- 6.3 Distributing Council resources across various types of agreements and public facilities;
 - 6.4 Ensuring formal agreements are adopted and executed to reflect contemporary legal and commercial standards in relation to all occupancies;
 - 6.5 Ensuring leases, licenses or permits are issued to reflect the nature of the occupancy and contain terms that comply with the 'Guidelines'
 - 6.6 Ensuring occupancies and the associated agreement are recorded in a property database;
 - 6.7 Adopting and continue to develop a system that is simple, fair, transparent and cost effective to administer; and
 - 6.8 Assisting users to understand costs and Council's objectives and create a pricing system to enhance security of tenure and encourage users to contribute to improvements to sportsgrounds, buildings and facilities.
8. Establish specific and clear Guidelines for the leasing, licensing and occupation of Council land.
 9. Ensure compliance with Council's statutory responsibilities in relation to the use of its land.

This policy rescinds

Council (Item 13) dated 21 August 2006

New Policy

Review (3 years)

19th July 2013

Status:

Current

POLICY DOCUMENT CONTROL SHEET

Policy Name: Leases and Licenses Policy

Policy Manual No: 01- 5

Department: City Assets

Date Policy Approved by Council: 19 July 2010

Reviewed by (Name and Job Title of officer)	Nature of Amendment (List changes made to Policy)	Date Council Endorsed Amendment
Chris Holm Legal & Property Officer	New Policy	19 July 2010
Rod Marshall Property Manager	Review	21 August 2006
Andrew Lawrence Manager Roads and Recreation	Review	21 st October 2002
Ray Thompson Property Officer	Review	7 th September 1998
Ray Thompson Property Officer	Review	7 th October 1996