

Supplementary items to the Extraordinary meeting of the:

Meeting	Community Grants Committee
Date	Friday 09 February 2018
Time	1.00 pm
Venue	Conference Room, Northern Wairoa War Memorial Hall – 37 Hokianga Road, Dargaville

Open Agenda: Supplementary Item

4.1 Licence to Occupy Review..... 1

Membership

Chair: Councillor Geange

Members: Councillor Jones, Councillor Joyce-Paki

Staff and Associates:

Key Relationships Manager Community, Policy Analyst, Administration Assistant (Minute-taker)

Linda Osborne
Administration Manager

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4.1 Licence to Occupy Review

Policy Analyst 5101

Recommended

That the Community Grants Committee:

- 1 *Receives the Policy Analyst's report 'Licences to Occupy Review' report dated 08 February 2018; and*
- 2 *Believes it has complied with the decision-making provisions of the Local Government Act 2002 to the extent necessary in relation to this decision; and in accordance with the provision of s79 of the Act determines that it does not require further information prior to making a decision on this matter; and*
- 3 *Recommends that Kaipara District Council delegate to the Community Grants Committee the authority to review and recommend amendments to the Community Assistance Policy to provide clear policy guidance for Licences to Occupy, including amendments to the standard Licence to Occupy template; and*
- 4 *Recommends that Kaipara District Council decline the request by the Dargaville Arts Association for a variation to their Licence to Occupy, as per the report 'Dargaville Arts Association Licence to Occupy Variation for Municipal Building, Dargaville' that was included in the agenda for Kaipara District Council's Ordinary meeting on 14 November 2017, as subletting is not consistent with the intended policy direction; and*
- 5 *Recommends that Kaipara District Council review the Rates Remission Policy to ensure there is consistency with the Community Assistance Policy.*

File number: 5101
Report to: Community Grants Committee
Meeting date: **09 February 2018**
Subject: **Licence to Occupy Review**
Date of report: 08 February 2018
From: Natalie Robinson, Policy Analyst

Approved for agenda

Report purpose **Decision** **Information**
Assessment of significance **Significant** **Non-significant**

Summary

On 06 November 2017, the Community Grants Committee met to consider applications for funding. The Committee identified anomalies with how Council grants and administers Licences to Occupy, and resolved to request 'a review of all Licences to Occupy'.

On 14 November 2017, Council received the report 'Dargaville Arts Association Licence to Occupy Variation for Municipal Building, Dargaville', and resolved that the item lie on the table to be brought back to Council with a review of all Licences to Occupy.

Council's Community Assistance Policy (**Attachment 1**) allows for community organisations to apply for Licences to Occupy, and provides a number of requirements community organisations must meet to be eligible (i.e. provide a benefit for the community) and ongoing obligations (i.e. accountability and acknowledgment).

The Community Grants Committee and Council officers believe there is a need for more guidance regarding the granting and administering of Licences to Occupy, and that the appropriate mechanism for this would be amendments to the Community Assistance Policy. These amendments will ensure that Council is clear in its direction regarding Licences to Occupy.

Information obtained by the ongoing review of the current leases and Licences to Occupy will allow a further opportunity to provide direction, by identifying anomalies that can then be addressed by policy.

Recommendation

That the Community Grants Committee:

- 1 *Receives the Policy Analyst's report 'Licences to Occupy Review' report dated 08 February 2018; and*
- 2 *Believes it has complied with the decision-making provisions of the Local Government Act 2002 to the extent necessary in relation to this decision; and in accordance with the provision of s79 of the Act determines that it does not require further information prior to making a decision on this matter; and*
- 3 *Recommends that Kaipara District Council delegate to the Community Grants Committee the authority to review and recommend amendments to the Community Assistance Policy to provide clear policy guidance for Licences to Occupy, including amendments to the standard Licence to*

Occupy template; and

- 4 *Recommends that Kaipara District Council decline the request by the Dargaville Arts Association for a variation to their Licence to Occupy, as per the report 'Dargaville Arts Association Licence to Occupy Variation for Municipal Building, Dargaville' that was included in the agenda for Kaipara District Council's Ordinary meeting on 14 November 2017, as subletting is not consistent with the intended policy direction; and*
- 5 *Recommends that Kaipara District Council review the Rates Remission Policy to ensure there is consistency with the Community Assistance Policy.*

Reason for the recommendation

This will allow Council to confirm its policy direction regarding Licences to Occupy, and for this to be done in conjunction with a review of all current Licences to Occupy. It is intended this review will inform the policy amendments, by providing 'gaps' where direction is needed.

Reason for the report

The Community Grants Committee requires delegated authority from full Council in order to proceed with amendments to the Community Assistance Policy.

Issues

Licences to Occupy are briefly discussed in the Community Assistance Policy; however, the Committee proposes that an amendment to the Policy would allow for clear and consistent guidance for the granting and administration of Licences to Occupy. The recommendations of the Committee would also allow for the current Licences of Occupy to be reviewed to determine areas where policy direction is required.

For example, the Dargaville Arts Association's request for a variation to their Licence to Occupy has presented the requirement for policy direction regarding subletting. The Licence to Occupy template does not provide for subletting, but it is considered that Council should confirm this in the Community Assistance Policy and provide for a policy rationale, i.e. that Council would prefer to enter into agreements directly with the third party rather than allow for a devolution of roles and responsibilities.

Factors to consider

Community views

Community organisations will benefit from clear policy direction regarding Licences to Occupy rather than ad hoc decision-making.

Policy implications

The Committee wishes to recommend to Council that the Community Assistance Policy be reviewed to strengthen the policy framework and direction for Licences to Occupy. The Committee also recommends to Council that the Rates Remission Policy be reviewed, to ensure that the two Policies are consistent.

Legal/delegation implications

The Community Grants Committee requires the delegation by full Council to undertake a review of the Community Assistance Policy.

Options

There are two options to consider:

Option A: To recommend to Council that the Committee receive the delegated authority to review the Community Assistance Policy, the Licences to Occupy and associated recommendations.

Option B: To recommend to Council that the Committee receive delegated authority to create a stand-alone Licence to Occupy policy.

Assessment of options

Both options would provide for policy guidance and direction on Licences to Occupy. However, it is considered that a stand-alone policy (Option B) would provide unnecessary duplication of material from the current Community Assistance Policy and the standard Licence to Occupy template Council uses.

Amendments to the Community Assistance Policy (Option A) would continue to meet the goal of Community Assistance Policy being a 'one-stop shop' for the majority of community funding, and is considered appropriate by the Committee in order to address the anomalies that have arisen regarding Licences to Occupy.

Assessment of significance

This does not trigger the thresholds of Council's Significance and Engagement Policy.

Recommended option

The recommended option is **Option A**. This will allow the Committee to address the need for policy guidance and direction for Licences to Occupy.


Next steps

The Community Grants Committee will seek from Council, at the Council meeting on 28 February 2018, the delegated authority to review and recommend amendments to the Community Assistance Policy.

If the delegated authority is granted, the Community Grants Committee will consider amendments to the Policy. It will then be received by Council in a 'draft' form, for consideration and adoption.

Attachments

- Community Assistance Policy as adopted in August 2017

 KAIPARA DISTRICT <small>THE OCEANS THE HARBOURS</small>	Title of Policy	Community Assistance Policy		
	Sponsor	General Manager Community	Adopted by	Council
	Author	Natalie Robinson/Darlene Lang	Date adopted	14 August 2017
	Type of Policy	Community Assistance	Last review date	August 2017
	File Reference	2109.01	Next review date	August 2020

Document Control			
Version	Date	Author(s)	Comments
1 st Commenced	14 August 2017	Natalie Robinson & Darlene Lang	Approved by Council
1.0			

1 Purpose

The purpose of this Policy is to create clear guidelines and an effective process to enable Council to assist community organisations to achieve their goals.

2 Objectives

The Community Outcomes as adopted by Council for the Long Term Plan 2018/2028 have informed the Objectives of this Policy. The Policy is intended to contribute to:

- A district with welcoming and strong communities; and
- A district with plenty of active outdoor opportunities; and
- A trusted Council making good decisions for the future.

3 Background

Kaipara District Council is committed to the Vision of 'Thriving Communities Working Together'. Council seeks to achieve this by assisting the community in developing and providing their own facilities and services, and building strong and welcoming communities.

Council is committed to recognising and supporting achievement; developing community leadership and self-reliance; assisting and supporting community involvement.

This Policy ensures that Council's contributions to communities are fair, consistent and strategically aligned to Council's Vision, Community Outcomes and the purposes of local government under the Local Government Act 2002.

3.1 Other Funding Options

This Policy is an umbrella framework that allows Council to consider requests for assistance under a number of separate schemes. Council also administers funding under the Mangawhai Endowment Lands Account (MELA) Policy. An application under this Policy may, if it meets the assessment criteria, be encouraged to apply under the MELA Policy. Council also administers a Rates Remission Policy which community groups may apply for. Community organisations can apply for Council's community facilities insurance, which may provide them with a reduced premium (community organisations must meet their own insurance costs).

The Northern Wairoa War Memorial Hall (also known as Dargaville Town Hall) is available at a discounted rate to community groups. Please Contact Council's administration department for further details and bookings.

Council administers a number of other funds, on behalf of other organisations who elect their own decision-makers, which assist specific community purposes, such as the Rural Travel Fund and the Creative Communities grants.

Council can provide letters of support to community organisations seeking alternative funding sources. This role is delegated to the Mayor to sign off individual requests.

Council’s website (www.kaipara.govt.nz) is updated regularly to provide information on other funding sources community organisations may be eligible for. Council officers are available to assist community organisations both under this Policy and other funding options. This may include helping source and apply for funding, as well as general advice and navigation of Council services.

3.2 Fund Distribution

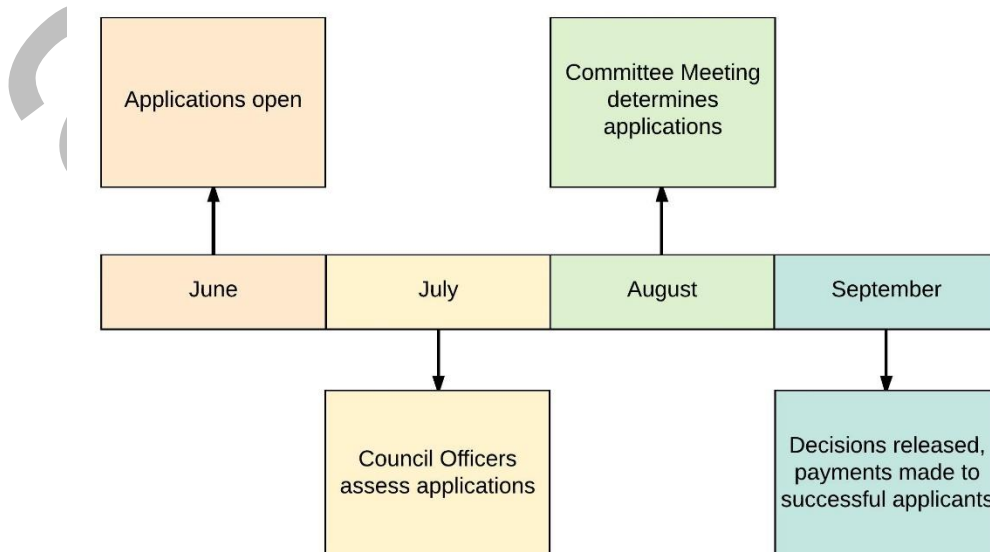
There is a need for a high level of transparency and accountability for the spending of public funds. To enable this standard to be met, accountability arrangements will be documented in a formal Contract between the community organisation receiving support and Council. The agreement will be appropriate to reflect the nature and level of support given.

Funding will be implemented through a Contract which will outline:

- The purpose for which the funding was provided;
- The conditions attached to the funding;
- Accountability requirements, including the methods to report back on the use of the funds;
- The steps Council will take if progress is not as planned.

3.3 Timing of Applications

The timing of community grants will be matched with the planning and budgeting cycles of the Council. Council will call for applications in June, and release decisions by September. Licences to Occupy and Contracts for Service may be applied for at any time, and will be considered by Council officers.



Decisions on Community Grant applications will be made by the Community Assistance Committee, who has delegated authority from Council to make decisions on applications. These decisions will be reported back to Council, and will be final. All Grants, new Licences to Occupy and Contracts for Service entered into during the year will be reported in the Annual Report for that year.

Application forms will be made available on Council's website and at Council offices when the funding round opens.

4 General Assessment Criteria

Council will consider the following when assessing applications received for Community Assistance. These are general criteria which community organisations applying for support need to demonstrate in their applications.

4.1 *Benefit to the Kaipara, and contribute to Community Outcomes*

Kaipara District Council will provide assistance to community organisations as resources allow, and where this helps achieve the priorities specified in Council's Long Term Plan, the district's specified Community Outcomes and is not inconsistent with any other Council policies or plans.

Community assistance will be for organisations providing services or activities within the Kaipara district. Applications will be considered on merit and benefit to the community and/or the natural environment. Applications should be for services or projects not already provided by another group or agency.

4.2 *Not-for-Profit*

Council will only provide assistance to legally constituted not-for-profit entities, and there should be a volunteer component to the service.

4.3 *Financial Reporting*

All applications must be accompanied by an audited or reviewed Statement of Financial Position for the previous financial year, and a budget projection for the next financial year.

4.4 *Central Government Funding*

Community organisations that receive the bulk of their funding from central government will not be eligible for grants.

4.5 *Health and Safety*

Applicants must comply with all legislative requirements.

4.6 *Acknowledgement*

All successful applicants must acknowledge the support of Kaipara District Council on any correspondence, advertising or other publicity material.

4.7 Accountability Requirements

All recipients under this Policy are required to enter into an Agreement or Contract with Council that outlines the terms and conditions of the approved assistance. Funds will not be provided until both parties have signed the Agreement or Contract, which will outline, among other obligations:

- The purpose and conditions of the assistance;
- Accountability requirements, as determined by the level of assistance required.

5 Specific Assessment Criteria for Funding Mechanisms

Funding Mechanism	Specific Assessment Criteria for Funding Mechanisms
Community Grants	<ul style="list-style-type: none"> • Intended to make a contribution to an organisation to support Council's Community Outcomes; • Intended to support events, services or activities that are of benefit to the community, and can demonstrate those benefits; • These grants will be funded via the Community Assistance Grants budget; • Can be for operational costs or capital projects; • Applications will be called for in June of each year.
Building and Resource Consents	<ul style="list-style-type: none"> • Intended to contribute to the costs incurred by community organisations through the resource and building consent processes where Council's Community Outcomes and the general assessment criteria are met; • The maximum grant payable for either a resource or building consent will be \$3,000; • Community organisations will be provided with free process guidance with consenting staff to a maximum of four hours per application, if required; • These grants will be administered as part of Council's operational budget; • Activity Managers will report quarterly to Council on all Expressions of Interest and applications made under this scheme.
Contract for Service	<ul style="list-style-type: none"> • Intended to fund a community group for delivery of a service which councils generally undertake, that provides benefit to the community and is available to members of the public e.g. maintenance of walking tracks, public toilets, provision of community libraries; • A Contract for Service can be applied for at any time; • Contracts for Service will be considered by Council officers, and either approved OR declined by an Activity Manager, depending on the type and level of service being offered, and available budget:

	<ul style="list-style-type: none"> ○ If approved, they will be administered as part of Council's operational budget; ○ If <u>declined</u>, the organisation will be encouraged to apply (if eligible) for the next round of Community Grants funding through this Policy, or referred to other funding sources; ○ The Activity Manager may be constrained from approving a Contract for Service, if the budget does not currently exist. The Activity Manager would then consider seeking an increase to their budget for the next planning and budgeting cycle. ● Activity Managers will report to Council quarterly on all Expressions of Interest and applications.
Licence to Occupy	<ul style="list-style-type: none"> ● This is an agreement for a not-for-profit community organisation to locate in or use Council-owned land, or a Council-owned building; ● The facilities and activities of the organisation applying for a Licence to Occupy must be available to members of the public; ● Applicants must demonstrate the organisation has the resources or ability to establish and operate on the land or in the building they have been granted the licence over; ● A Licence to Occupy can be applied for at any time. Given the time and investment needed to comply with the conditions, an agreement in principle (Development Agreement) may be initially entered into; ● Council will use a standard formal licence it has developed, which includes an accountabilities requirement clause and default/termination clause; and ● Organisations are eligible to apply for other forms of Community Assistance, provided they comply with the specific criteria for each category.

6 Exceptions

This Policy is not intended to fund applications for:

- Wages;
- Benefits to individuals;
- Central government funded services;
- Welfare services;
- Religion. This does not preclude religious organisations from applying, if they would otherwise meet the criteria in this Policy;
- Repaying or servicing debts;
- Projects which seek to redistribute funding to others.

