



CITY OF HOBART

AGENDA

Finance and Governance Committee Meeting

Open Portion

Tuesday, 17 April 2018

at 5.00 pm

Lady Osborne Room, Town Hall

SUPPLEMENTARY ITEM

ORDER OF BUSINESS

- 13 TOWN AND CITY HALLS AND WATERSIDE PAVILION -
COUNCIL POLICY ON USAGE 3

The General Manager reports:

“That in accordance with the provisions of Part 2 Regulation 8(6) of the *Local Government (Meeting Procedures) Regulations 2015*, these supplementary matters are submitted for the consideration of the Committee.

Pursuant to Regulation 8(6), I report that:

- (a) information in relation to the matter was provided subsequent to the distribution of the agenda;
- (b) the matter is regarded as urgent; and
- (c) advice is provided pursuant to Section 65 of the Act.”

13 Town and City Halls and Waterside Pavilion - Council Policy on Usage
File Ref: F18/31659

Report of the Acting General Manager and the Group Manager City Government & Customer Relations of 16 April 2018 and attachment.

Delegation: Council

**REPORT TITLE: TOWN AND CITY HALLS AND WATERSIDE PAVILION
- COUNCIL POLICY ON USAGE****REPORT PROVIDED BY:** Acting General Manager
Group Manager City Government & Customer Relations**1. Report Purpose and Community Benefit**

1.1. This report has been prepared in response to a resolution of the Council from its meeting of 4 December 2017, to review the Council's existing policy on the use of the Town and City Halls and the Waterside Pavilion, which currently provides for restrictions on the use of these facilities where they may conflict with retail activity within the City.

1.2. The Council resolution states:

That 1. *The usage restrictions contained in Council's policy titled Use of Town Hall, City Hall and Waterside Pavilion be set aside in order to allow the application for use of the City Hall to conduct the "Overdressed Market" to be approved, on the basis that the sale of pre-owned clothing supports the Council's zero waste to landfill strategy.*

2. *The policy be reviewed to provide flexibility around use of the facilities for the sale of goods, where the activity aligns with Council strategies.*

1.3. The report addresses the operation and relevance of the policy within the City's current strategic context and the economic environment.

2. Report Summary

2.1. The Council's current policy titled Use of Town Hall, City Hall and Waterside Pavilion is shown as Attachment A to this report.

2.2. The policy, which was first adopted in 1985 restricts the use of the named venues for the sale of goods which are available at retail outlets located in the City. There are several qualified exclusions.

2.3. The policy requires interpretation and judgements around the nature and availability of goods available within local retail markets.

2.4. In light of the Council's decision, it is appropriate to consider the relevance of the policy in terms of the City's current environment.

Recommendation**That:**

- 1. Council's policy titled Use of Town Hall, City Hall and Waterside Pavilion which outlines restrictions on the use of these venues, be rescinded on the basis that it is no longer relevant.**
- 2. In line with the desire of the Council to encourage the use of City of Hobart venues for activities which specifically align with and support the organisation's strategies, this occur through relevant promotion on Council's website, in advertising and associated materials which support the City's grants and assistance policies and programs.**
- 3. In accordance with usual practice, where an application is received for use of these venues, which in the opinion of the General Manager is contentious or of concern, details be provided to the Finance and Governance Committee to enable consideration of the application, and subsequent determination by the Council.**

3. Background

- 3.1. The adoption of the policy in 1985 was the Council's response to a perceived detrimental economic impact arising from an emerging trend involving the hire of the Town and City Halls to conduct "pop-up" sales events.
- 3.2. At the time, concern was expressed by some businesses within the City that these events disadvantaged business owners and operators who were offering similar products for sale and who also contributed to the local economy through the payment of the operating costs associated with running established businesses.
 - 3.2.1. The Council supported this position by adopting the policy in order to support business operators, who were experiencing the effects of a difficult economic climate at that time.
 - 3.2.2. This position supported other strategies adopted by the Council to encourage and support business, including the establishment of the CBD Revitalisation Committee and the striking of a special rate for the precinct to facilitate infrastructure revitalisation.
- 3.3. In recent years the policy has been applied on several occasions in response to applications for bookings involving the wholesaling of new branded clothing which is also sold through direct outlet/s located in the City.
- 3.4. The policy was most recently "applied" to an application for a pre-loved clothing market, on the basis that a number of outlets in the City are also selling recycled clothing.

- 3.5. At its meeting of December 4, 2017, the Council approved the application on the basis that the use aligns with the objectives of the Council's Zero Waste to Landfill Strategy.
- 3.6. In approving the use, the Council requested further consideration of the policy provisions to enable flexibility around use of facilities where an activity aligns with Council's strategies.

4. Proposal and Implementation

- 4.1. Given the significant changes within our community since the adoption of the policy, it is opportune to revisit the benefit of applying restrictions on the use of community venues for which the City is custodian.
- 4.2. Influencing factors include the fact that the City is currently experiencing a positive economic, cultural and community landscape, unlike the circumstances prevailing at the time the policy was implemented.
- 4.3. The Council provides direct support for events, festivals and markets, all of which encourage vibrancy, activation and community participation within the City centre and suburban precincts.
- 4.4. There is an apparent public demand for the types of activities which are contemplated under the policy; as they are continuing to occur, albeit at this point in time, within spaces which are outside Council's ownership.
- 4.5. If the Council is of the view that its hall spaces should be made available to the community for the widest usage, the policy should be rescinded.
- 4.5.1. Further argument for removal of the policy include its requirement for subjective assessment of activities which may constitute competition to local retailers.
- 4.5.2. In addition, the nature of Council venues provides for short periods of hire.
- 4.6. In line with the Council's desire to encourage the use of City of Hobart venues for activities which specifically align with and support the organisation's strategies, this could be achieved by relevant promotion on Council's website, in advertising and associated materials which support the City's grants and assistance policies and programs
- 4.7. In accordance with usual practice, where an application is received for use of these venues, which in the opinion of the General Manager is contentious or of concern, details would be provided to the Finance and Governance Committee to enable consideration of the application, and subsequent determination by the Council.

5. Strategic Planning and Policy Considerations

- 5.1. The City of Hobart's Strategic Plan 2015-2025 notes that *City growth, vibrancy and culture comes when everyone participates in city life.*

6. Financial Implications

6.1. Funding Source and Impact on Current Year Operating Result

6.1.1. There is no impact on the operating budget from an expenses viewpoint.

6.1.2. The rescission of the policy increases potential revenue.

7. Legal, Risk and Legislative Considerations

7.1. No implications arise.

8. Delegation

8.1. This matter is reserved to the Council.

As signatory to this report, I certify that, pursuant to Section 55(1) of the Local Government Act 1993, I hold no interest, as referred to in Section 49 of the Local Government Act 1993, in matters contained in this report.



Heather Salisbury
ACTING GENERAL MANAGER



Margaret Johns
**GROUP MANAGER CITY
GOVERNMENT & CUSTOMER
RELATIONS**

Date: 16 April 2018
File Reference: F18/31659

Attachment A: Council Policy: Use of Town Hall, City Hall and Waterside Pavilion ↓

City of Hobart

Policy

Title: Use of Town Hall, City Hall, and Waterside Pavilion

Category: Property Management

Date Last Adopted: 7 March 2016

1. Objectives

The purpose of this policy is to ensure that through the hire of Council venues, the Council does not unduly impact on the commercial interests of rateable businesses within the Hobart municipal area.

2. Background

In the past, Council venues have been hired for the sale of goods which are available at retail outlets located within the City.

This policy sets out the parameters around such usage.

3. Policy

That:

1. The Town Hall, City Hall and Waterside Pavilion, not be hired to persons, companies or firms where the intended use is the retail selling of goods to the public, subject to the proviso that this prohibition shall not apply where:
 - (i) the goods proposed to be sold are of a specialised nature and are of a kind not normally in competition with retail outlets in the City; or
 - (ii) the principal purpose of the booking is an exhibition or display and the selling of goods is an activity incidental to that main purpose; or
 - (iii) the facility is to be used by a recognisable charitable or community organisation for a fair, bazaar or similar function.

4. Legislation, Terminology and References

1. Responsible Officer:	2. Director Corporate Services
3. Policy first adopted by the Council:	4. 25/3/1985
5. History	
6. Amended by Council	7. 10/5/2004
8. Amended by Council	9. 29/8/2005
10. Annual Policy Review	11. 7/3/2016
12. Next Review Date:	13.
