Lease and Licence Policy

Community Engagement Summary



January 2023

Bayside City Council

Corporate Centre

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Contents

[2 Background 3](#_Toc125981594)

[3 Consultation process 3](#_Toc125981595)

[3.1 Consultation purpose 3](#_Toc125981596)

[3.2 Consultation methodology 3](#_Toc125981597)

[4 Participant profile 5](#_Toc125981598)

[5 Consultation findings 6](#_Toc125981599)

[5.1 Support for actions 6](#_Toc125981600)

[5.2 Item-specific feedback 6](#_Toc125981601)

[5.3 Q&A forum 8](#_Toc125981602)

[5.4 Project Evaluation 8](#_Toc125981603)

[6 Appendix 10](#_Toc125981604)

[6.1 Written statements 10](#_Toc125981605)

# Background

This document provides a summary of stakeholder and community feedback on updates to the Lease and Licence Policy.

The scope of the Policy is Council Freehold land and Crown Land under Committee of Management where Council has the ability to lease or licence to commercial operators or community groups. It does not include generally include, discontinued roads and rights of way or Council facilitates that may be used by the community pursuant to other arrangements (like hire agreements, seasonal allocations for sporting clubs and Bathing Boxes (which have their own separate policy)).

Community engagement on the updated policy was undertaken from 29 November 2022 – 29 January 2023 (inclusive) and received 43 contributions from 39 contributors.

# Consultation process

## Consultation purpose

Council invited community feedback between 29 November 2022 – 29 January 2023 to present updates to the Lease and Licence Policy and to understand the level of support for those changes and to obtain feedback on the policy more broadly.

Community engagement was conducted in accordance with Council’s Community and Stakeholder Engagement Policy 2021 and Section 115 of the Local Government Act 2020. The engagement plan overview was published and is available to view on Council’s Have Your Say engagement website.

## Consultation methodology

The tools and techniques selected for this project are informed by the project content, stakeholders and type of feedback sought. The impact of COVID-19 restricts our ability for face-to-face communication, as well as slower distribution of printed mail.

**Key tools for communicating the project**

* website news story
* Council’s e-newsletter, This Week in Bayside
* emails to key stakeholders, including tenants with copy of proposed policy
* social media

**Key****methods for gathering feedback**

* a Have Your Say webpage with project information and the opportunity to ask questions
* one on one appointments with Property Coordinator to discuss the Lease and Licence Policy
* printed copy of the draft Policy available at Corporate Centre.

|  |  |
| --- | --- |
| Details | Activity |
| 29 November 2022 – 29 January 2023  461 visitors  43 contributions | **Have your say website**  Project information, online survey and written statement form hosted on the engagement platform Have Your Say  Online survey: 40 responses |
| 29 November 2022 – 29 January 2023  3 questions | **Question and Answer forum**  Three questions asked and responded to via the Q&A forum. |
| 4 written statements | **Correspondence**  Direct feedback provided through contacting the Project Officer  for further information or to provide feedback over the phone or via email. |

# Participant profile

Demographic information was not requested from participants as it was not considered

relevant to this engagement.

40 Survey respondents responded to the question asking them to qualify their connection to Bayside. All respondents had a connection to Bayside, with some identifying with multiple options:

* 25 said they were a Bayside resident or ratepayer
* 8 said they were a community group lessee of a Council property
* 12 said they were a member of a community group that uses a Council property
* 1 indicated that they were a commercial lessee of a Council property
* 1 said they prefer not to say

No one indicated they were a visitor to Bayside, or other.

# Consultation findings

The following section summarises the key themes which arose in community feedback on the Lease and Licence Policy review. In the interest of stakeholder and community privacy, individual quotes have not been included within this public document. Where there was more than one mention of a topic or item, the number of mentions has been specified in brackets and italics.

Participants were asked via an online survey to provide feedback on the draft Lease and Licence Policy including their reasons for supporting or not supporting the proposed changes.

## Support for actions

All survey participants were asked the level to which they support a series of changes to the draft Policy, with 40 responses received.

There was a high level of support (74%) for Council not supporting a tenant or licensee’s gaming licence application at any of Council’s facilities, and support (77%) was shown for the draft Policy to provide an opportunity for group 3 tenants (e.g. tennis, bowls and lifesaving clubs) to apply for rental subsidies if community activities reduces their ability to generate revenue.

Respondents were somewhat positive, (55% supported, 33% opposed and 13% unsure/neutral) as to whether the draft Policy sets out a clear and transparent approach to assessing community lease and licence applications.

There was a slight opposition (55% negative and 42% positive) as to whether the draft Policy includes appropriate categories to ensure valuable social, environmental and economic outcomes.

## Item-specific feedback

Respondents were also asked to provide written feedback about the reasons for their response. Comments provided by the 31 submitters and from the 13 written statements are summarised by theme in the table below:

|  |  |
| --- | --- |
| Topic | Community feedback |
| Policy | Should include conditions from of the state policy (4 mentions)  Simple to read and covers key aspects around leasing and licencing.  Ensures Council facilities provides beneficial programs to the community.  Considers environmental objectives  Policy doesn’t mention lease extensions  If Council intent to proceed with direct negotiations it should alert the community of this action to mitigate corruption risk and to allow for the best financial outcome.  Lease extension negotiations should commence up to 3 years before expiry as negotiations are very time consuming.  Include noise control as a condition of leases  Rental subsidies for Group 3 tenant performing community activities makes good sense.  It needs a more detailed review that includes State Government feedback.  Life saving facilities should follow state government land management policy.  Council consent shouldn’t be required for liquor licence applications. |
| Tenant categories | Cheltenham Golf Club should be classified as a group 3 tenant (11 mentions)  Policy doesn’t recognize the fundamental difference between life saving clubs and sport- and recreation clubs (9 mentions)  Life Saving Clubs should be category 2 (3 mentions)  Life saving clubs should have their own category  Not for profit clubs should not be classified as commercial enterprises.  Some kindergartens are profitable organisations  Policy should be more flexible and include a mixed category for organisations that are commercial and provides some level of community service.  Create categories to separate organisations/groups based on funding capability.  Create a questionnaire to simplify the process on assigning tenant to a group category. |
| Community considerations | Policy needs a commitment to benefit the community.  Not for profit community activities must be supported by Council.  Groups with a high number of Bayside residents involved should be given preference.  By not leasing to gaming companies will allow for community sport organisations to thrive. |
| Financial | Life saving clubs rent should be subsidised for the service they provide to the community (3 mentions)  Life saving clubs have limited ability to raise funds (2 mentions)  Life saving clubs should not be paying rent (2 mentions)  Lease reduction should apply for tenant capital improvements that supports adjoining Council lessees.  Council seems to rely on not-for-profit organisations financial capabilities to generate income.  Sinking funds needs to be monitored by Council and be enforced is tenant is unable to fulfil this requirement.  All not-for-profit groups should be exempt from paying rent and be able to raise funds without penalties.  Financial situation of not-for-profit groups needs to be taken into account to mitigate the need to chase funds or increase membership fees.  Expecting life saving club volunteers to seek rent subsidies is untenable.  Sporting clubs should be given opportunities to maximise revenue. |
| General comment | Gaming activities have no place in Council facilities (3 mentions)  Transparency and equity are important |

## Q&A forum

Two questions to the Q&A forum were received, which are summarised as follows:

* Why is Kamesburgh missing from your map?
* As a local resident I would like to know why Cheltenham Golf Club, a not for profit local community club is not included as a category 3 club like bowls?

## Project Evaluation

This report presents the findings from the analysis of the community feedback gathered during community engagement from 28 November 2022 to 29 January 2023.

The engagement program received a total of 31 direct responses, completed via survey through Have Your Say.

Communications to encourage participation attracted 461 unique visitors to the project page and were sent to key stakeholders including previous subscribers for related engagements. The communications reached over 11,000 community members via email newsletters or notifications.

The community engagement project was not a random sample survey of the community, and the results reflect the views of those in the community sufficiently engaged with both Council and policy issues who chose to participate in the consultation.

**Figure 3: Have Your Say project page – reach and participation**

Engagement targets for the Have Your Say webpages were that:

* 20% of visits would last at least one active minute (exceeded, 40%)
* 10% of visits would have at least two actions performed, such as moving around the project page or clicking on links (exceeded, 33%)
* 5% of visits had at least one contribution made (met, 6%)

**Satisfaction with engagement process**

Survey participants were generally satisfied with the consultation process and materials, with a majority of participants selecting they had the required information to participate, and it was very (42%) or mostly (48%) easy to find/understand. It is noted that some of participants found the information mostly hard (6%) and very hard (3%) to find/understand.

**Engagement plan**

The Engagement Plan Overview for this project was published and is available to view at:

<https://yoursay.bayside.vic.gov.au/leaseandlicencepolicy/LeaseandLicence-EPO>

# Appendix

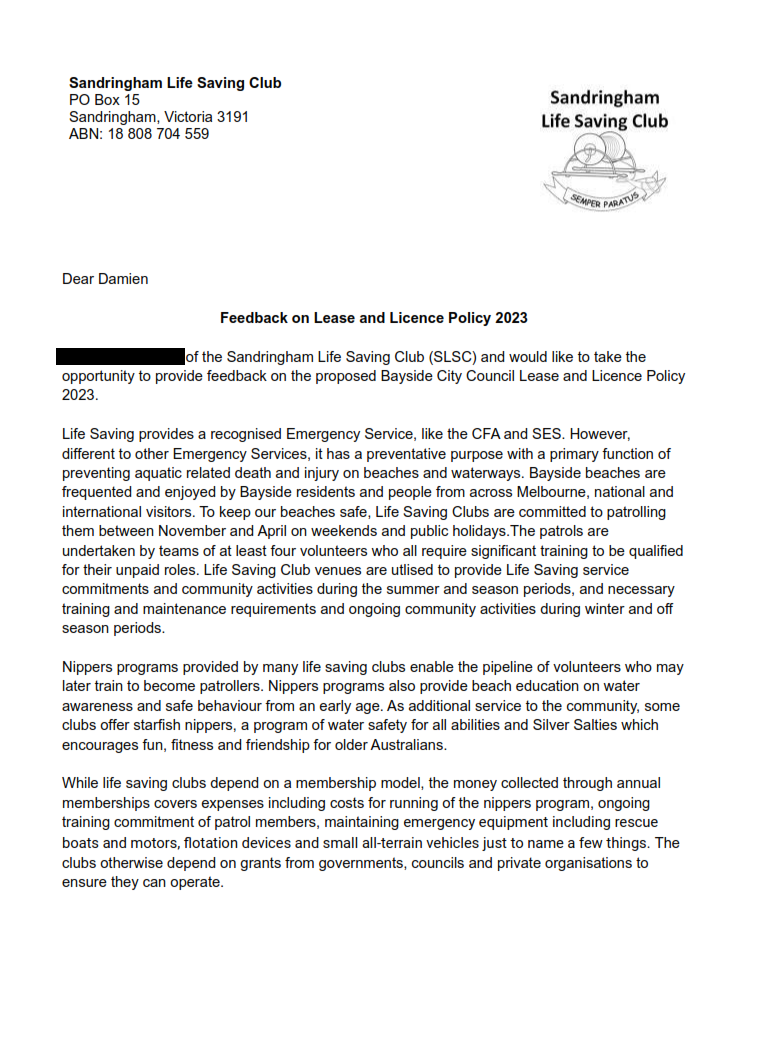
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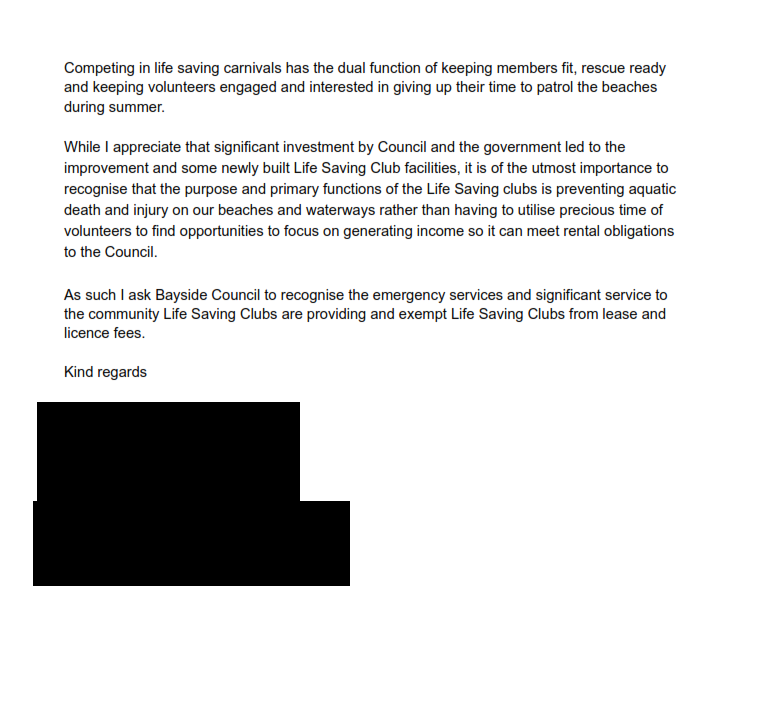
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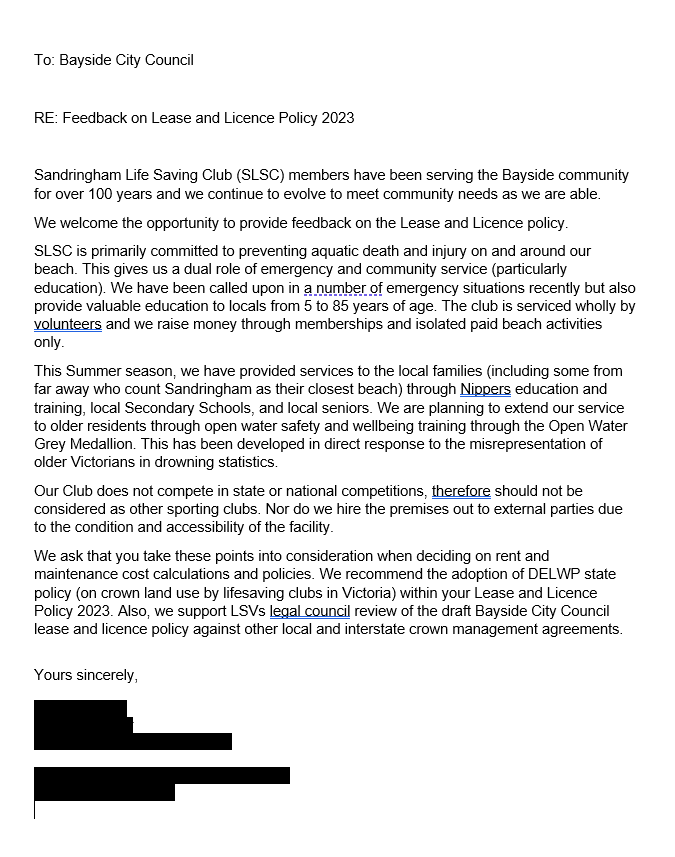
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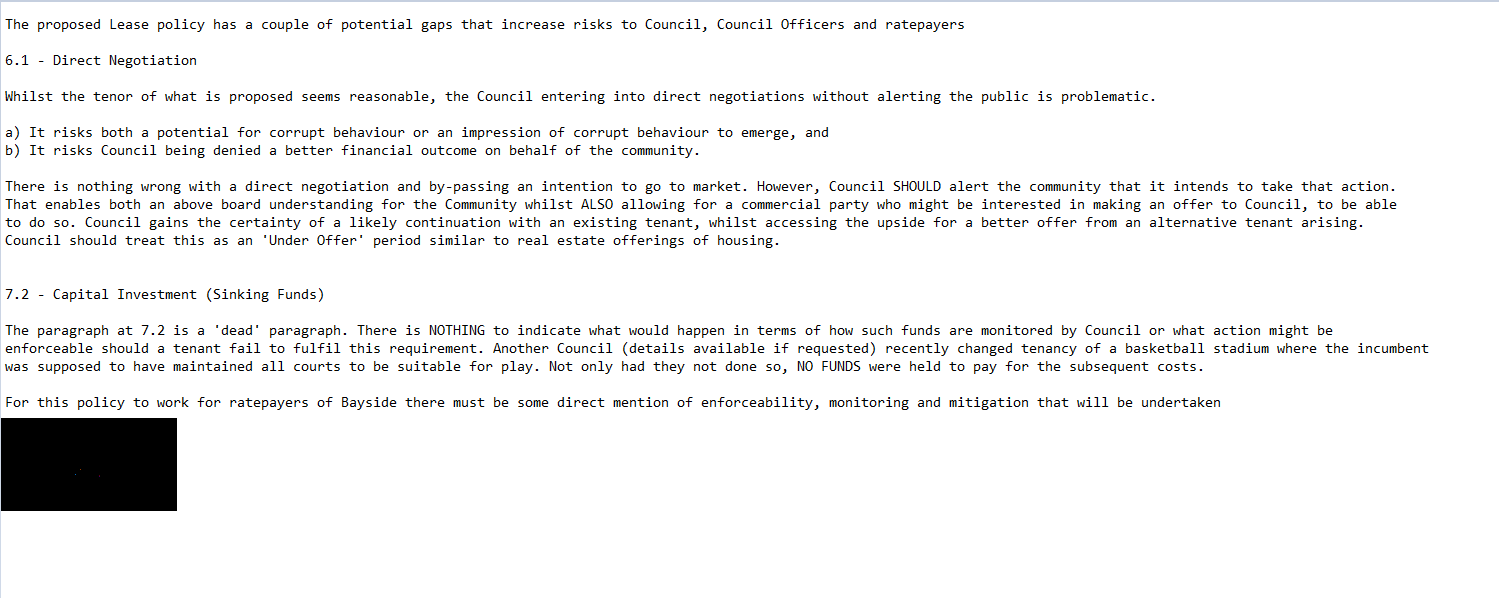


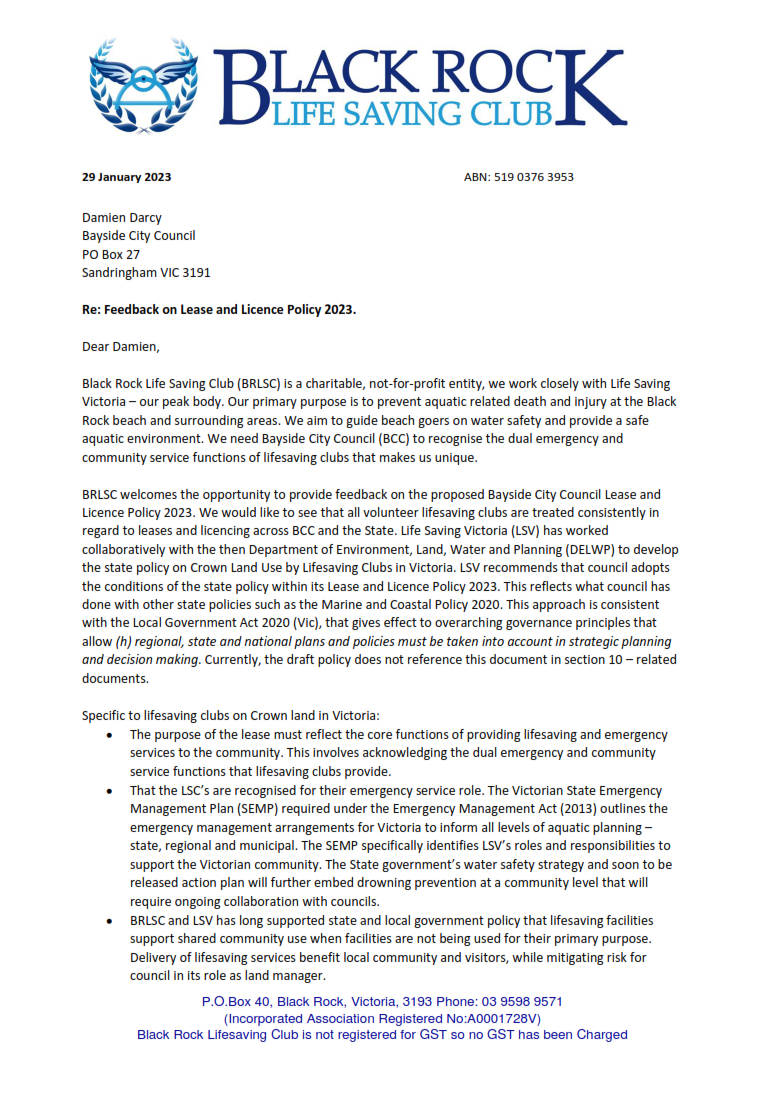
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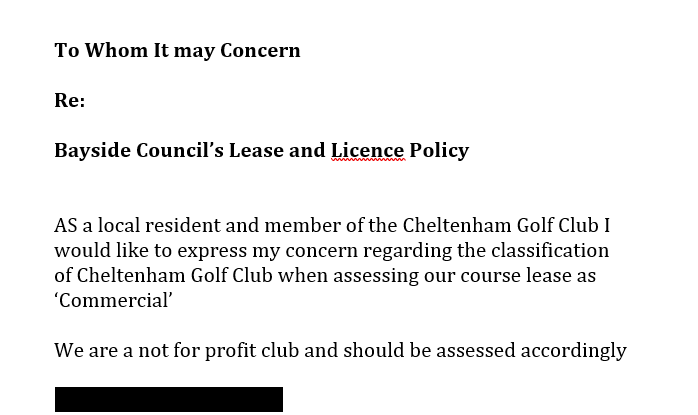
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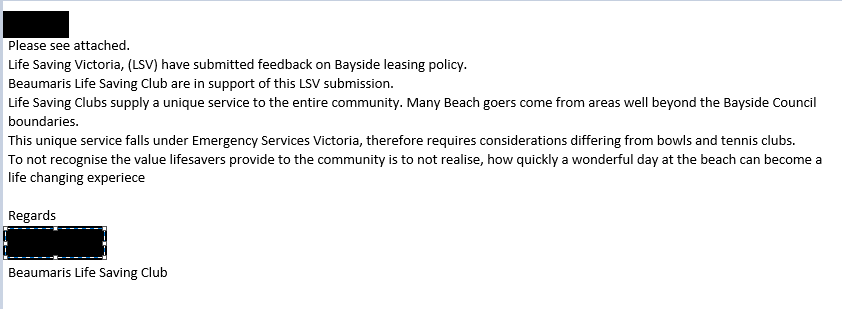


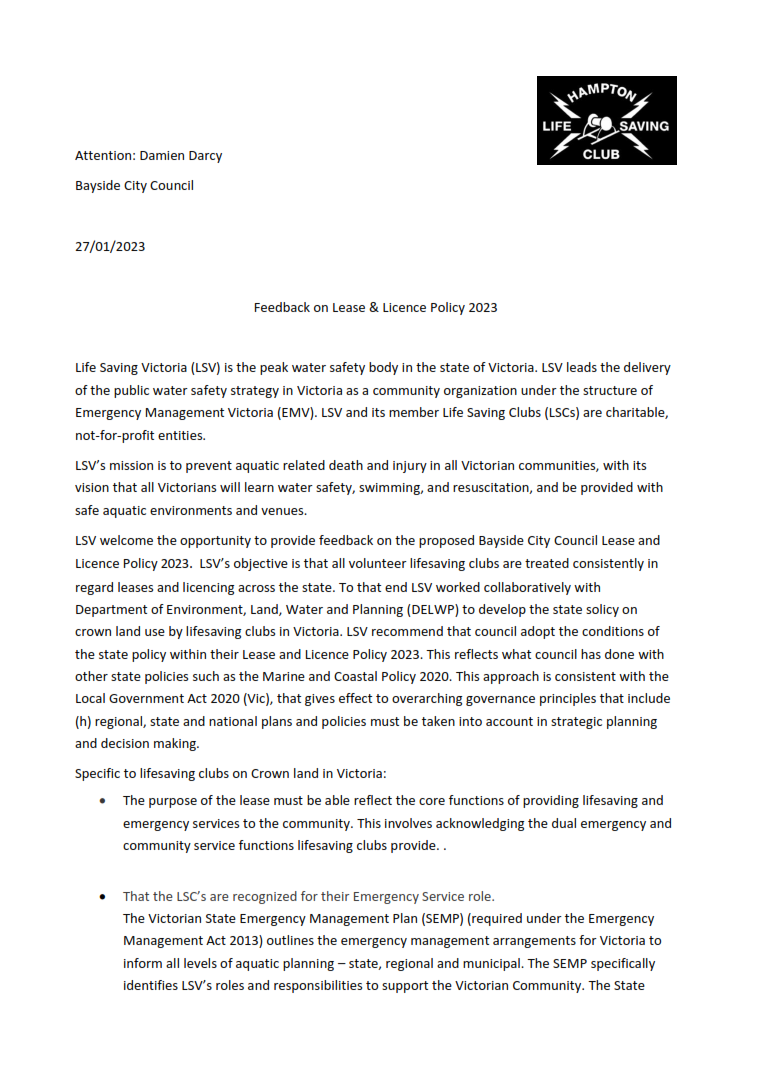


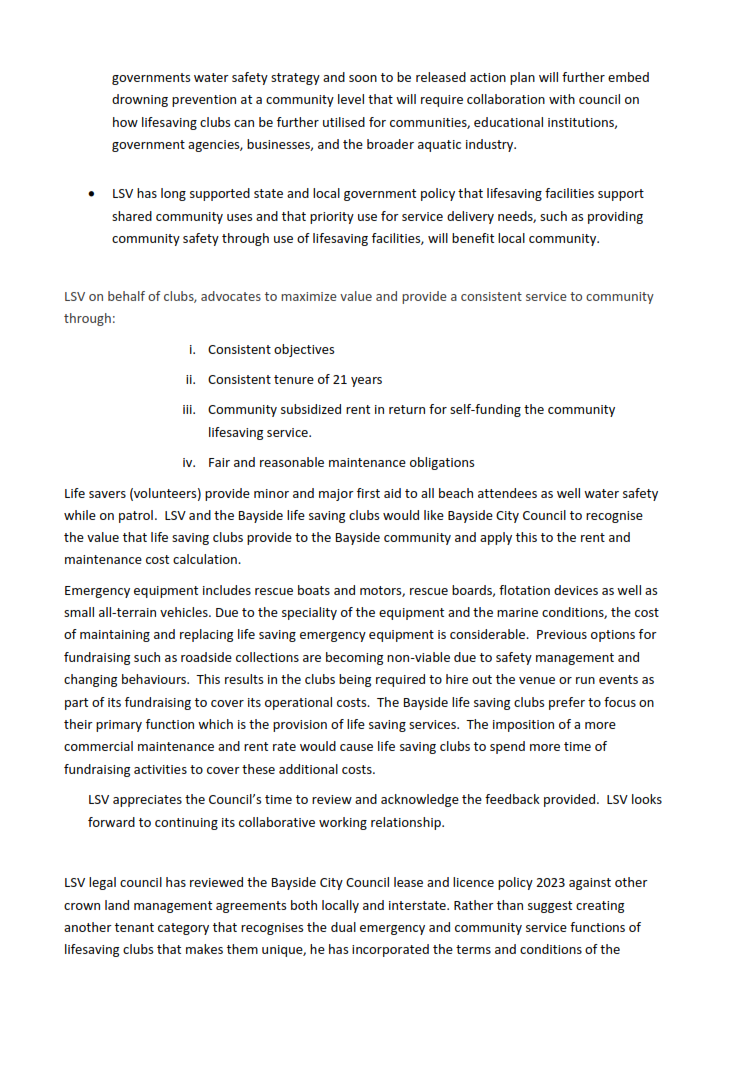
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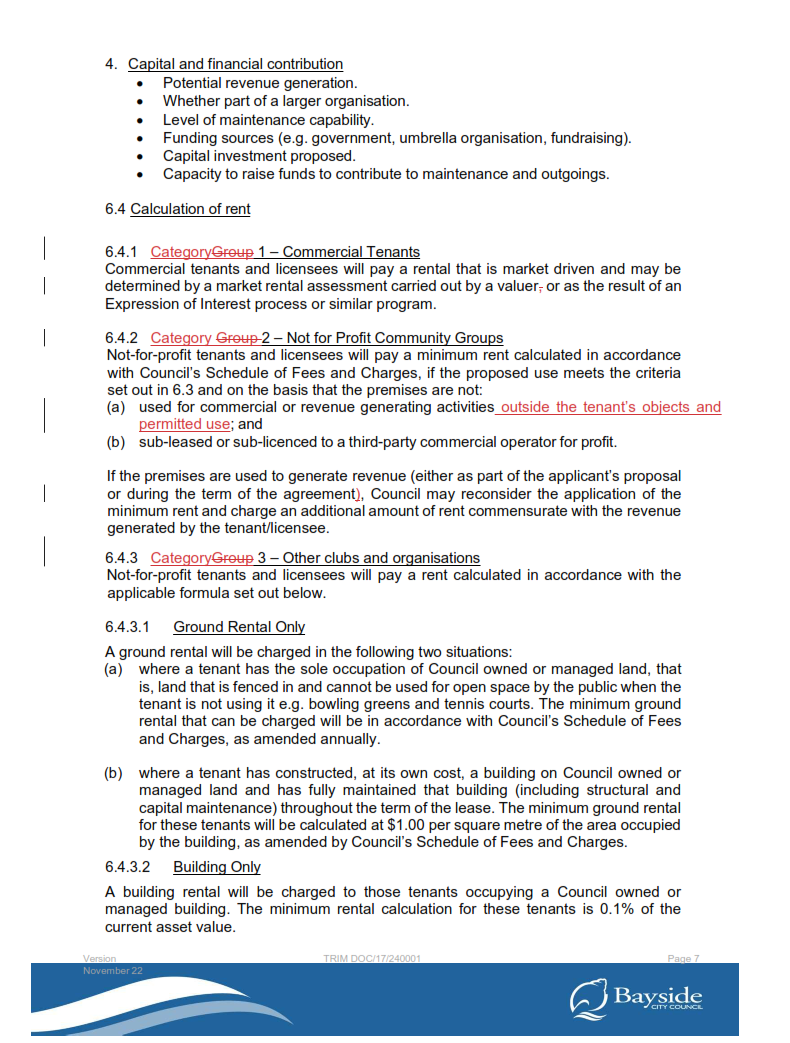
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