

LICENCE OF LIVERPOOL CITY COUNCIL MICHAEL WENDEN COTTAGE – 2021-2024

EXPRESSION OF INTEREST PROGRAM

INFORMATION PACK

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# Introduction

Liverpool City Council manages assets on behalf of the Liverpool community.

Community facilities owned and licenced by Council to diverse organisations make an important contribution to Council’s ability to achieve its vision by providing access to appropriate facilities within the local Community.

Liverpool City Council invites interested organisations, and community groups to submit an Expression of Interest (EOI) for a license of any of the Council-owned community buildings and spaces

EOIs will be assessed through a selection panel, against several criteria aligned with Council priority areas, strategies, legislative and regulatory frameworks. Council is not obliged to accept, nor can it guarantee an allocation to all organisations that apply. Council will, however, explore all available options to assist each applicant to meet its objectives.

# Legislative Framework

Several laws and regulations affect Council licenses. Of relevance are the following New South Wales Acts:

* Local Government Act 1993: Includes restrictions on the maximum length of licences and provisions requiring licences to be advertised in certain circumstances, including licences for properties with market rental value of more than $50,000 a year.
* Retail Leases Act 2003: Controls licences of premises that are used wholly or predominantly for retail provision of goods or services (including by not-for-profit organisations).
* Crown Land Management Act 2016: Sets out the role Council undertakes as Committee of Management for any Crown land it has been appointed to manage. The Act nominates the government approval process and framework for establishing any license over land owned by the crown.

# Related Policies, Acts and Regulations

Council’s Licence of Community Space Expression of Interest Program is informed by the following strategic documents, policies, acts and regulations:

* [Our Home Liverpool 2027 – Community Strategic Plan](https://www.liverpool.nsw.gov.au/__data/assets/pdf_file/0014/120380/Our-Home-Liverpool-2027-approved-by-Council-26-April-2017.pdf)
* [Community Facilities Strategy – A Blueprint for a Modern Network of Community Facilities](https://www.liverpool.nsw.gov.au/trim/documents?RecordNumber=001617.2019)
* [Disability Inclusion Action Plan](https://www.liverpool.nsw.gov.au/__data/assets/pdf_file/0020/112268/Disability-Inclusion-Action-Plan-DIAP-2017-2021.pdf)
* [Social Justice Policy](https://www.liverpool.nsw.gov.au/__data/assets/pdf_file/0017/128510/Social-Justice-Policy-2018.pdf)
* [Social Impact Assessment Policy](https://www.liverpool.nsw.gov.au/trim/documents?RecordNumber=096668.2020)
* Community Venues Fee Reduction Policy
* Local Government Act 1993
* Local Government (General) Regulation 2005
* Environmental Planning and Assessment Act 1979
* Crown Land Management Act 2016
* Crown Land Management Regulation 2018
* Retail Leases Act 2003
* Heritage Act 1977
* Environmental Planning and Assessment Act 1979
* Work Health & Safety Act 2011
* Disability Discrimination Act 1992

# Licence Tenant Application Procedures

# Expression of Interest (EOI)

Council conducts an Expression of Interest (EOI) process every three years. Existing Licence Tenants and interested new applicants are required to submit an EOI through the online application portal. Applications received or lodged after the closing time will not be accepted.

The Council is not under any obligation to:

* Accept an application or guarantee the allocation of Michael Wenden Cottage to every community organisation that applies;
* Provide an applicant with a further opportunity to respond to this invitation of Expression of Interest; or
* Allow an applicant to vary its proposal once that proposal has been lodged.

# Eligibility Criteria

Applicants must satisfy the following eligibility criteria:

* Applicant is an incorporated not- for-profit Community Organisation that is legally recognised (proof of non-profit status will be required)
* Applicant is not a commercial, sole trader and/or profit-making organisation
* Applicant targets at least 70% of the Liverpool Local Government Area (LGA)
* Applicant has proven financial capacity (copies of audited financial statements required)

# Review Process of Existing Tenants

Renegotiation for an extension for a further period of a license takes approximately six months prior to the expiration of the existing license. During this process the focus will be on the current and future requirements of the licence tenant of a particular facility as well as the changing needs of the community and Council priorities.

This process includes two steps: an initial screening and a review.

# Initial Screening

Council’s commitment to continue an existing licence agreement with a community organisation is based on the following:-

* there is a demonstrated need for the service currently provided by the community organisation;
* performance of the community organisation has been satisfactory and all terms and conditions set in the existing licence agreement have been met;
* the service area has been identified as a priority area during Council’s planning process; and
* the licence area is not required for Council services.

# Review

If the performance of a community organisation occupying a licence area is found to be unsatisfactory and/or the service(s) provided is no longer required by the community, a review will be undertaken. Council may request further information from the community organisation to clarify why they wish to continue the service(s) and to demonstrate that the service(s) is still in demand and meets an identified need.

Council will have to consider the information provided by the community organisation along with any other relevant information including but not limited to Council objectives and potential alternative uses of the facility. Council is not obliged to continue a licence agreement with a community organisation beyond the agreed period irrespective of its performance and/or compliance with the agreed terms and conditions.

Council will also consider all potential alternative uses of a facility once it becomes available including identified community needs and service gaps. Council will make a community venue available for community/commercial use only if it is determined that it is the most suitable option to produce optimum benefits to the community.

# Evaluation

In assessing each proposal, the Council will use the following evaluation criteria (not listed in any order of importance):

* All applications are assessed by a panel of Council officers to determine whether or not they meet mandatory criteria.
* Applications will be assessed against each recommended criteria. The criteria are weighted to ensure Council objectives and priorities are being met.
* The applicant’s ability to meet the Council’s objectives;
* The applicant’s ability to demonstrate relevant community and economic benefit of the proposed use of the facility;
* The applicant’s ability to demonstrate that the facility will be developed, managed and maintained in accordance with Council’s best practice for facility and asset management;
* Proposed use’s potential to maximize facility use through increased community participation or combined services collocation;
* Affiliations with local networks, service providers and peak bodies; and
* The organisation is a not-for-profit and targets the Liverpool LGA community.

Council will not be bound to engage any applicant or review an EOI application that does not conform to the above criteria.

# Process and Key Dates

Responses to this invitation for Expression of Interest must be submitted through the online portal and include the following:-

* A completed Expression of Interest application form;
* Responses to key assessment criteria outlined in the EOI form;
* Relevant supporting documents (i.e. Certificate of Incorporation, Certificate of Currency, etc.);
* Letters of support and/or commitment from other proposed user groups, if applicable; and
* Any other supporting documentation the applicant feels is relevant to the EOI.

All proposals must be submitted on or before Friday 10 September 2021. Applications received or lodged after the closing time will not be accepted.

Indicative timing of the Expression of Interest process is summarised as follows, subject to Council having the right to vary both the timing and process.

| **Step** | **Details** | **Timeframe** |
| --- | --- | --- |
| Call for Expression of Interest | Advertised on the Council website and in the local papers | 17 August to 10 September 2021 |
| Expression of Interest Opens and Closes | Applications received or lodged after the closing time will not be accepted | Open 17 August and Close 10 September 2021 |
| Expression of Interest Evaluated | EOIs will be assessed by a selection panel, against several criteria aligned with Council’s priority areas, strategies, legislative and regulatory frameworks | 13 September to 4 October 2021 |
| Confirmation of Successful and Unsuccessful Applications | On completion of the Expression of Interest process Council may select any or several of the respondents and confirm successful applicants | 4 October to 15 October 2021 |
| License development and entry into agreements | Applicant and Council agree on key terms as outlined in licence agreement and schedule. If applicant accepts Council will prepare the licence. Draft licence sent to applicant and once signed and returned, Council will sign the licence. The process is finalised by Council and a copy of the agreement and schedule posted to the licence tenant | 4 to 15 October 2021 |

# Licence Agreement

Successful applicants of the EOI process will enter into a three-year Licence Agreement with Council.

Each licence agreement shall include the following Reference Schedule:

* Commencing and Terminating Dates
* Licence Fee/Rental and Security Deposit Amount
* Utilities
* Licenced Area, Permitted Use and Access Hours
* Minimum Notice Periods (In the event of termination or demolition)

Special conditions may be included in the licence agreement, if necessary, to meet specific requirements of Council or the licence tenant.

In signing a licence agreement, the licence tenant must comply with all conditions within the agreement.

# Licence General Conditions and Responsibilities

* Council will provide the licence tenants keys and/or security access to the licence area. Keys may not be reproduced; replacement and additional keys may be requested for a fee.
* The licence tenant may only access the licence area for its permitted use.
* The licence tenant is responsible for the conduct and safety of their guests, invitees, and contractors at the licence area.
* Council requires that licence tenants undertake their permitted activities without adversely impacting on the amenity of nearby neighbours by any noxious, nuisance or offensive activity.
* Council is responsible for the external structural integrity of the licence area/community venues, except in the case of structural damage caused by the licence tenant, or the licence tenant’s guests, invitees and contractors.
* Any alterations made to a community venue by a licence tenant must be approved by Council in writing and are the sole responsibility of the licence tenant to maintain.
* Sublicensing is not permitted.

Further details on the terms and responsibilities will be contained within the licence agreement between Council and the licence tenant.

# Rental Charges and Outgoings

The Licence Tenant must pay a security deposit amount equivalent to one month’s licence fee.

Rent is based on the community market valuation of the community venue. Rent is subject to the Consumer Price Index (CPI) increase at the start of each financial year. GST is applicable to all Licences.

The licence tenant is responsible for paying the outgoings and day to day operational costs including (but not limited to) cleaning, electricity, telephone, sanitary units, water usage, excess waste, pest control, security, garden maintenance and be responsible for routine maintenance resulting from ordinary use of the premises and generally in accordance with their licence.

# Essential Services, Maintenance (Planned and Reactive) and Cleaning

Council, upon reasonable notice, reserves the right to access the licence area to carry out inspections and essential services.

The licence tenant is required to maintain the licence area in accordance with the requirements under the licence agreement. Specific maintenance responsibilities are set out in the licence agreement.

The licence tenant shall clean and keep clean the premises including the grounds, building, fixtures, and fittings and report any issues within a timely manner.

# Risk and Work Health and Safety

Licence tenants must have in place emergency and evacuation plans and procedures and ensure that their members, employees and/or visitors to the licence area participate in emergency training and drills as required. The licence tenant must also implement a risk management plan that identifies the risks associated with the tenant's use of the premises and how such risks will be addressed.

# Insurance and Public Liability

Council maintains building insurance and fire safety compliance for buildings owned by Council on Council-owned land or Council-managed land.

The Licence Tenant must keep a current public liability insurance policy for no less than $20 million. A copy of the Certificate of Currency must be provided to Council on or before the commencement date of the agreement and annually upon renewal of the tenant’s insurance policy.

Further details on the insurance and public liability will be contained within the licence agreement between Council and the licence tenant.

# Further Information

For further information please contact:  
**Liverpool City Council**Recreation   
1300 36 2170  
[recreation@liverpool.nsw.gov.au](mailto:recreation@liverpool.nsw.gov.au)



















