

Venue hire policy

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1. Introduction

Hutt City Council (“Council”) owns a substantial number of venues, of differing types, that are available for hire by individuals, community groups, organisations or commercial businesses. These venues are operated by various teams within Council, so it is important that there is an overarching policy to support decision makers to provide a consistent service to the community.

2. Purpose

This policy intends to assist staff who are involved in hiring venues to understand the risk profile of different events and outline the general conditions of hire that will apply to Hutt City Council venues, e.g. community halls. The policy is accompanied by an operational guide.

3. Scope

This policy applies to all Council operated venues, including unstaffed sites such as community halls, and spaces within our public facilities. All Council Group employees and contractors must comply with this policy and the associated Operational Guide. It is important all Council stakeholders understand that Council’s venue hire policy is a public policy. This policy aims to enable staff to make venue bookings in line with the relevant legal requirements.

This policy and the operational guide apply to all CCOs wholly owned by Council.

This policy does not apply to Council owned properties that are leased to external organisations. However, a lessee may decide to adopt this policy in whole or part.

4. Principles

The following specific principles apply to bookings made to use Council operated venues.

Enabling communities

Overall, this policy is to make it easy for people and groups to access affordable, appropriate and safe spaces within which to pursue their interests. It is important to Council that its venue hire policy operates in a manner that is welcoming. Council wants to ensure that the community treasures the venues that are available and that the venues are used to build, maintain and reinforce a sense of community.

Venue hire processes need to be as easy to operate as possible, while ensuring that Council has adequate information about the use of its venues for schedule planning, security, health and safety, cost recovery, cleaning and other purposes.

Affordability

Affordability is particularly important for voluntary community groups where venue hire cost could be a barrier to access. In contrast, where an organisation seeks to hire a venue that is more suited to commercial hire (e.g. a company hiring the venue for an expo or ticketed entry to a talk) it can be expected to pay a commercial rate for access. In addition, where the hirer is itself a for-profit entity it is reasonable for Council to charge a fee for venue hire that reflects the hirer's ability to pay.

Appropriateness

Appropriateness reflects whether the venue is suitable for the activity or event for which the venue is to be hired. Matters that affect an assessment of appropriateness include:

1. the health and safety risk profile (e.g. if the event is intended to be child-centric some venues may be more appropriate than others);
2. needs of other hirers;
3. cleaning and maintenance scheduling;
4. impact on the surrounding community (e.g. impact of noise, access, egress and carparking on neighbours if the event proceeds).

5. Risk factors

The mix of venues

Attached as a schedule to this policy is a list of venues currently owned by Council, with an indication as to the type of venue such as a community hub, sports venue, commercial venue, etc.

The mix of venues reflects a number of considerations including that:

- a) different activities may attract widely varying numbers of attendees and participants;
- b) smaller venues available in as many suburbs as possible, facilitate the maintenance of strong relationships at local suburban level, thereby enhancing the sense of community at that level;
- c) larger venues are more appropriate in locations where the facilities that can support a higher number of attendees/participants is stronger, such as town centres like the Lower Hutt CBD and Naenae town centre.

Due to the variety of venues, different risk factors will be more relevant at different venues:

- a) cost of maintaining the venue;
- b) health and safety risk profile;
- c) traditional use of the venue;
- d) location within Hutt City;
- e) the nature of co-located activities at the venue (e.g. it is unlikely that a library venue would be hired out to a hirer who planned to undertake a high-noise activity on-site, as this could disturb the use of other parts of the venue by library users or if the event presents a risk to other hirers/users of the venue);
- f) whether or not alcohol is provided or sold at the event
- g) whether or not there is valuable equipment
- h) Whether additional resourcing is required i.e. to help set up, , to clean up the venue after use.

6. Safety requirements for hirers

To ensure the health and safety of any users, hirers may be required to:

- a) develop a health and safety plan that outlines any risks and appropriate measures that will be implemented to eliminate or mitigate such risks; and
- b) liaise with local community police; and
- c) Pay a bond; and
- d) Provide private security or pay for Council booked security at the hirer's cost
- e) Provide a traffic management plan (TMP) if requested to do so.

7. Dealing with controversial events

Council must act in a manner that upholds the freedom of expression, the freedom of peaceful assembly (including the right to protest peacefully), the freedom of association, and the right not to be discriminated against.

That does not mean that the right to freedom of expression is an absolute. It can be legitimate for Council to conditionalise the hiring of a public venue. For example, where it is anticipated that an event may be controversial and that counter protest activity may be undertaken that would create additional health and safety risks, then it is legitimate for Council to seek to recover some or all of those costs from the venue hirer.

Finally, it may be legitimate for Council to require a bond or other form of security in order to meet in full or part any damage that may occur to the venue as a result of the event or counter protests at the event.

In the most extreme instances, or where there are unknown or undisclosed risks arising from an event, the possibility of not allowing the event must be considered with legal advice.

If there is doubt about the possibility of a controversial event, it is important that the matter is escalated to the Director of Neighborhoods and Communities.

8. Bonds and other forms of security

To ensure our venues continue to meet the needs of our community, and that any damage or risk is managed correctly, bonds or other forms of security may be requested. Council reserves the right to demand a bond or security in the following circumstances:

- a) where it has reason to suspect that there is a risk that the venue hire fee will not be paid; or
- b) there are reasonable concerns that the event in respect of which the hire is made could result in damage to the venue or equipment; or
- c) there are reasonable concerns that additional security costs/health and safety assessment costs may be incurred. These costs would be met by the hirer, not Council.

9. Alcohol at events

Hirers may be required to work with a licenced caterer or apply for a special licence in certain circumstances (such as where alcohol is sold or is supplied as part of a ticket fee).

As noted above, security and/or a health and safety plan may be required for events where alcohol is being served to a large group of people.

10. Events that raise public safety or other public concern

Importance of freedom of expression and protest

Council acknowledges that in accordance with New Zealand case law, it must manage its venues with regard to the New Zealand Bill of Rights Act 1990 (“BORA”). Relevant provisions of BORA include:

- a) s 14, which guarantees the right to freedom of expression (including the right to give and receive information);
- b) s 16, which guarantees the right to peaceful protest;
- c) s 17, which guarantees the right to freedom of association; and
- d) s 19, which guarantees the right to be free from discrimination on numerous grounds, including, for example, race, religion, sex, political opinion, disability.

Importantly, BORA does have limitations on freedoms. Section 5 BORA expressly states that rights guaranteed by BORA can be subject to “reasonable limits” that are demonstrably justified in a free and democratic society. This means that if health and safety cannot be managed, it may be justified to decline a booking request.

The Supreme Court has recognised that, for example, it may be legitimate for a local government authority to cancel a venue hire agreement in circumstances where the hirer failed to disclose the controversial nature of the event that was to take place at the venue. If the Council is not made aware of the risk level of the event, it is not able to ensure that the hirer puts in place sufficient plans to mitigate any risks.

The Supreme Court has also recognised that traditionally town halls have been a venue for hosting events that can attract substantial numbers of the public and

which may be controversial. In contrast, other venues, such as a library or a sports facility, may be able to be more closely regulated by the local government body so that the day-to-day use of that venue is not compromised by other events. The location and type of venue is therefore relevant when considering a booking request.

11. References

The Bill of Rights Act 1990.

Moncrief-Spittle v Regional Facilities Auckland Limited [2022] NZSC 138.

Schedule 1

List of venues

Venue	Type
Arakura Park	Grounds
Avalon Public Hall	Community hall
Avalon Park Pavilion	Commercial
Avalon Park	Grounds
Belmont Memorial Hall	Community hall
Belmont Domain	Grounds
Bishop Park	Grounds
Bryan Heath Park	Grounds
Coco PopUp	Community venue for hire run by Naenae Community Coordinator

Days Bay Pavilion	Commercial
Delaney Park	Grounds
Dowse Art Museum	Commercial
Dowse Square	Outdoor area
Eastbourne Community Centre	Community hall
Eastbourne Hub	Hub
Eastbourne Community Hall	Community hall
Eastbourne Summer Pool	Pool venue
Epuni Hall	Commercial
Epuni Community Hall	Community hall
Fraser Park	Commercial
Frederick Wise Park	Grounds
Hikoikoi Reserve	Grounds
Honiana Te Puni Reserve	Grounds
Huia Pool	Pool venue
Hutt Art Society	Commercial
Hutt Minoh Friendship House Normandale	Commercial
Hutt Park	Grounds
Hutt Recreation Ground	Grounds

Hutt Rec Grandstand meeting room	Commercial
HW Shortt Park	Grounds
Kelson Community Association	Community venue for hire run by Kelson Community Association
Kōraunui Stokes Valley	Hub
Little Theatre	Commercial
Lower Hutt Events Centre	Commercial
Lowry Bay Yacht Club	Commercial
Mary Crowther Park	Grounds
Maungaraki Hall	Community venue for hire run by Maungaraki Community Centre
McEwan Park	Grounds
McKenzie Summer Pool	Pool venue
Memorial Park	Grounds
Moera Hall	Community Hall
Moera Library	Hub
Moera Community House	Community venue for hire run by Moera Community House
Naenae Library	Hub
Naenae Bowling Club	Commercial
Naenae Community Hall	Community hall

Naenae Park	Grounds
New Zealand Netherlands Society	Leased by NZ Netherlands Society
North Park	Grounds
Parkway Community House	Community Hall
Pelorus Trust Sports House	Commercial
Petone Library	Hub
Petone Community House	Community venue for hire run by Petone Community House
Petone Foreshore	Grounds
Petone Recreation Ground	Grounds
Percy Scenic Reserve	Grounds
Pomare Taita Community Trust House + Hall	Community hall
Queen St Reserve	Grounds
Ricoh Sports Centre	Commercial
Riddiford Gardens	Grounds
Riverside Park	Grounds
Sladden Park	Grounds
Speldhurst Park	Grounds
Stokes Valley Pool	Pool venue
Te Whiti Park	Grounds

Town Hall	Commercial
Trafalgar Park	Grounds
Transition Towns Community Centre Alicetown	Community venue for hire run by Transition Towns
Treadwell St Hall	Community hall
Wainuiomata Library	Hub
Wainuiomata Community Hall (Plunket Rooms)	Community Hall
Wainuiomata Trail Park	Grounds
Wainuiomata War Memorial Hall	Community hall
Wainuiomata Summer Pool	Pool venue
Walter Nash Centre	Hub
Walter Nash Centre	Commercial
Walter Nash Park	Grounds
War Memorial Library	Hub
William Jones Park	Grounds
Williams Park	Grounds
York Park	Grounds

* Accurate at September 2023.