



KEMPSEY
Shire Council

DIRECTOR CORPORATE AND COMMUNITY SERVICES REPORT

11th December 2007

DCCS17

COMMUNITY HALLS OWNERSHIP

FILE: 1074

PJH

{Folio No. *}

SUMMARY:

To advise on the current ownership status of community halls within Kempsey Shire and the proposal to transfer trusteeship of some halls to Council

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DESCRIPTION:

During preparation of Council's Draft 355 committee manual, it has been discovered that the ownership / trusteeship of some community halls has not been transferred to Council as was resolved some years ago.

There are five (5) community halls namely Smithtown, Willawarrin, South West Rocks, Bellbrook and Frederickton that were to have had their trusteeships transferred to Council. The transfers have not been completed for a number of reasons but mainly due to both parties thinking the other was to look after the process.

Requests for Council to take over trusteeship or ownership of the halls

Between 1997 and 2002 Council received a number of requests from the community hall committees expressing concern over costs to maintain and run the halls due to high insurance costs, maintenance costs and small numbers of volunteers. Council agreed to assist by having the hall committees appointed as committees of council under section 355 of the Local Government Act and delegated with the management of the halls. This would provide for the hall committees to be covered by Council's public liability insurance rather than each has their own policy. Council would also be able to insure the hall buildings provided it obtained ownership or trusteeship in them (an insurable interest).

Following these decisions the hall committees were added to Council's list of 355 community committees and the buildings were added to Council's property insurance schedules.

The matter of having the trusteeships vested in Council was a more complicated process. While the committees were contacted regarding what to do in the process there was obviously some confusion over who would take control of the process. Adding to the complication was the

need for meetings of the trustees to be held when a number had passed away or moved out of the area. The Hall committees were advised to contact the Department of Lands seeking their concurrence and advice on the steps to arrange the transfers but it would appear this did not occur. At the time the writer can recall discussing with the then Director Corporate and Community Services that the process to transfer trusteeship was lengthy and time-consuming for whoever was to undertake it.

Insurance of the Halls

Following recent discussions with Council's insurance broker at Jardine Lloyd Thompson concerns were that the Halls would not be insured or covered by Council's property insurer (Statewide) in the event of a claim as Council would not be the owner / trustee of the properties.

Fortunately Statewide on 1st November 2007 confirmed that although the actual transfer of trusteeships for these halls has not been finalised that the intention of Council's previous resolutions was that Council "has assumed the responsibility" and therefore Statewide would agree for them to remain on Council's insurance asset schedule. It is understood by Statewide though, that Council would now pursue the transfer of the trusteeships to Council's name.

Status of Halls in Shire

The status of each hall that Council has previously agreed to take over the trusteeships is: -

Smithtown Hall	Land status: School of Arts Reserve Owner: Citizen Trustees Council Resolution to accept Trusteeship – 9 th January 2001
Willawarrin Hall	Land status: Freehold land Owner: Willawarrin Hall Committee Inc. Council Resolution to accept Trusteeship – 12 th March 2002
Frederickton Hall	Land status: Freehold land Owner: Citizen Trustees Council Resolution to accept Trusteeship – 5 th August 1997
Bellbrook Hall	Land status: School of Arts Reserve Owner: Citizen Trustees Council Resolution to accept Trusteeship – 14 th May 2002
South West Rocks Hall	Land status: School of Arts Reserve Owner: Citizen Trustees Council Resolution to accept Trusteeship – 13 th May 1997

The following are the other community halls in the Shire and their status as far as Council's records show.

Belmore River Hall	Crown Reserve Owner: Citizen Trustees
Crescent Head Hall	Crown Reserve Owner: Crown Reserve with Council trustee

Crescent Birralee Hall	Head	Crown Reserve Owner: Crown Reserve with Council trustee
Gladstone Hall		School of Arts Reserve Owner: Crown Reserve with Council trustee
Kundabung Hall		Crown Reserve Owner: Citizen Trustees
Millbank Hall		KSC Public Reserve Owner: Kempsey Shire Council
Stuarts Point Hall		Crown Reserve Owner: Crown Reserve with Council trustee
Sherwood Hall		KSC land Owner: Kempsey Shire Council

Changed procedures for transfer of trusteeships

A copy of a letter from the Department of Lands to one of the Hall Committees sent in September 2006 has been obtained which advises that the legislation has been amended that allows for the transferring of school of arts and literary institutes to either the Crown or Council management. The letter also asked the Hall committees to indicate their preferred option for future management. Any such option would be subject to voluntary agreement of the parties.

It is recommended that contact be initially made with the Department of Lands to confirm the status of all the Halls and seek details of the current procedure for transfer of the trusteeships to Council of the five (5) halls that were to be transferred.

It must be stated that this work will be done within existing staff resources and workloads.

Additional obligations and costs for Council

While Council has always advised the Hall committees that it would not get involved in the day to day running of the halls, as the organisation responsible for the property it cannot divest itself of its obligations for OH&S and duty of care. Council is preparing a 355 committee manual in conjunction with other Councils in the Mid North Coast Risk Management Group. This manual will cover responsibilities of the Hall Committees in the areas of risk management and OH&S but will need to be co-ordinated to some degree by Council staff. Currently the responsibility for Council controlled community halls lies with Council's Community and Lifestyle Services.

REPORT IMPLICATIONS:

- ***Environmental***

Due to the age and history related to the community halls they may be included on heritage listings.

- ***Social***

Community halls have traditionally been a focus for local communities and to a degree still are with their usage for events in the local areas. Along with this use is an obligation to the owner to provide for the health and safety of the users.

- *Economic (Financial)*

Council provides funding each year in its budget for community halls (\$22,000 provided in 2007-2008) for routine maintenance. This is shared among the Halls depending on priority. Council also provides donations to a number of Halls by way of rates rebates.

When major works on the halls are required Council generally requests the Hall Committees to seek grant funding. Where grant funding is not available Council will need to consider the urgency of the work.

- *Policy or Statutory*

Nil

- *Directors Review*

The recommendation is supported.

RECOMMENDATION:

That Council proceed with the transfer of trusteeships of community halls at Smithtown, Willawarrin, Bellbrook, South West Rocks and Frederickton to Council.

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G B Snape
DIRECTOR CORPORATE AND COMMUNITY SERVICES