

---

# Cessnock City Council Community Sponsorship & Fee Waiving Policy

Date Adopted **06/06/2018** Revision: 1

---

## 1. Policy Objectives

The objectives of this Policy are:

- To establish a governing framework for the consideration of requests for financial and/or in-kind assistance, by way of sponsorship and/or fee waiving;
- To ensure that the administration of such requests is conducted in a consistent, equitable, transparent and financially sustainable manner to provide maximum benefit to the community of the Cessnock Local Government Area (LGA).

## 2. Legislative Framework

In a local government context sponsorship and fee waiving is governed by relevant clauses in the *NSW Local Government Act 1993*, being;

### **Section 356** *Can a council financially assist others?*

- (1) *A council may, in accordance with a resolution of the council, contribute money or otherwise grant financial assistance to persons for the purpose of exercising its functions.*
- (2) *A proposed recipient who acts for private gain is not ineligible to be granted financial assistance but must not receive any benefit under this section until at least 28 days' public notice of the council's proposal to pass the necessary resolution has been given.*
- (3) *However, public notice is not required if:*
  - a. the financial assistance is part of a specific program, and*
  - b. the program's details have been included in the council's draft operational plan for the year in which the financial assistance is proposed to be given, and*
  - c. the program's proposed budget for that year does not exceed 5 per cent of the council's proposed income from the ordinary rates levied for that year, and*
  - d. the program applies uniformly to all persons within the council's area or to a significant group of persons within the area.*
- (4) *Public notice is also not required if the financial assistance is part of a program of graffiti removal work.*

### **Section 377(q)** *General power of the council to delegate*

- (1) *A council may, by resolution, delegate to the general manager or any other person or body (not including another employee of the council) any of the functions of the council under this or any other Act, other than the following:*
  - (q) a decision under section 356 to contribute money or otherwise grant financial assistance to persons.*

### **Section 610(E) Council may waive or reduce fees**

- (1) *A council may waive payment of, or reduce, a fee (whether expressed as an actual or a maximum amount) in a particular case if the council is satisfied that the case falls within a category of hardship or any other category in respect of which the council has determined payment should be so waived or reduced.*
- (2) *However, a council must not determine a category of cases under this section until it has given public notice of the proposed category in the same way as it is required to give public notice of the amount of a proposed fee under section 610F (2) or (3).*

### **3. Policy Statement**

This Policy sets out the principles and implementing guidelines for providing financial and/or in-kind support, ensuring that any arrangements are transparent and effective.

Financial and/or in-kind support may be provided by Council to community groups, not for profit organisations and other eligible applicants to support the provision of a range of activities and services that:

- Respond to an identified community need and provides benefit to the community
- Are in accordance with key objectives of Council's Community Strategic Plan

The activities and services may include, but not be limited to, community projects, events, cultural programs, sporting programs and other community services that provide benefit to the Cessnock LGA community.

Financial support, by way of reduced fees or fee waiver, may be provided by Council in cases of hardship or any other category that Council has determined it may consider waiving payment, or reducing a fee.

Council will only provide support under this Policy if it is satisfied the applicant meets the eligibility criteria set out in the Policy.

#### **3.1. SPONSORSHIP**

##### **3.1.1. Principles for the Provision of Sponsorship**

The following principles are specific to the provision of sponsorship by Council. These principles must be followed by Council staff when assessing and administering requests for support.

- 3.1.1.1. There must be no real or apparent conflict between the objectives of the Policy and the mission of the benefactor and Council.
- 3.1.1.2. The opportunity for the provision of sponsorship by Council must be made as widely known as possible. Where a decision is made not to offer sponsorship widely, the reasons for doing so must be clearly documented.
- 3.1.1.3. Sponsorship proposals must be presented to Council for a decision.**
- 3.1.1.4. Recommendations and approvals for sponsorship should be on the basis of established criteria, consistently applied by Council staff with no personal interest in the outcome.
- 3.1.1.5. Sponsorship proposals must be assessed against the following predetermined and publicly available criteria:
  - The organisation seeking sponsorship must be community based;
  - The organisation seeking sponsorship must be compatible with Council's values;
  - The project or activity being sponsored must have local impact in the Cessnock LGA;

- The organisation seeking sponsorship must offer tangible benefits to Council in return for sponsorship;
- The organisation seeking sponsorship must not be actively involved in conflict with Council;
- The organisation seeking sponsorship must be seen to have the capacity to fulfil its sponsorship obligations.

- 3.1.1.6. The level of recognition and benefits available to Council as a sponsor must be commensurate to the scale of the sponsorship.
- 3.1.1.7. Each sponsorship proposal will be assessed on an individual basis and no on-going sponsorship beyond the terms set out in the arrangement should be implied or assumed.
- 3.1.1.8. Councillors or staff are not permitted to receive a personal benefit from sponsorship arrangements.
- 3.1.1.9. Council must monitor sponsorship arrangements to ensure the promised sponsor benefits are delivered. Sufficient and timely information must be provided by the sponsored organisation to enable Council to evaluate the effectiveness of the sponsorship.

### 3.2. FEE WAIVERS

Section 610 (E) of the *NSW Local Government Act 1993* allows Council to apply a reduced fee or waiver a fee in a particular case if it is satisfied that the case falls within a category of hardship or any other category that Council has determined it may consider waiving payment, or reducing a fee.

Council has determined the following categories;

- **Hardship** – where there is evidence that the payment of the fee or charge will impose unreasonable financial hardship on the applicant given their particular circumstances.
- **Charity** – where the applicant is a registered charity and the fee is for a service that will enable the provision of charitable services to the community of the Cessnock LGA.
- **Not For Profit** – where the applicant is an organisation that holds “not for profit” status and the fee is for a service that will enable the achievement of their objectives and betterment for the community of the Cessnock LGA and where the payment of standard fees or charges would cause financial hardship.
- **Commercial** – where the Council, or its contractor, operates a service and reduction of the fee is required to compete in the market.
- **Non-Provision of Service** – where the Council is unable to provide a service or venue that has been previously agreed upon and an appropriate discount, fee waiver or substitution is required as compensation.
- **Filming related activities** – applicable fees and charges may be waived or reduced for productions undertaken in the LGA where the production’s purpose relates to charitable, educational or community-based, non-commercial activities or where the production’s primary purpose is to highlight the LGA as a tourist destination.

The following principles will be considered when applying any reduction or waiver of a fee or charge:

- Compliance with statutory requirements
- Fairness and consistency
- Integrity
- Equity
- Transparency
- Commercial imperatives

The Council will directly, or through delegated authority, assess and make determinations on requests for reduction or waiver of fees in accordance with these principles.

Council may also endorse a reduction or waiver of fees to organisations as part of Council's grant and sponsorship arrangements.

#### 4. Policy Definitions

<b>Council</b>	Cessnock City Council (CCC)
<b>Sponsorship</b>	Agreements that provide Financial Assistance (Payment) and/or In-kind Assistance (Council Resource) to a group or organisation in support of a project, event, community initiative or service that meets the objectives of Council's Community Strategic Plan .
<b>Fee Waiver</b>	A fee waiver is the full or partial removal of fees associated with the use of Council facilities and/or receiving of Council goods and services
<b>Not For Profit</b>	A non-government group or organisation that is not operating for the profit or gain of its individual members, whether these gains would be direct or indirect

#### 5. Policy Administration

<b>Business Group:</b>	Works & Infrastructure
<b>Responsible Officer:</b>	Director Works & Infrastructure
<b>Policy Review Date:</b>	Three (3) years from date of adoption unless legislated otherwise
<b>File Number / Document Number:</b>	DOC2018/040583
<b>Policy Number:</b>	
<b>Relevant Legislation:</b>	<ul style="list-style-type: none"> <li>• NSW Local Government Act, 1993</li> <li>• NSW Local Government (General) Regulation, 2005</li> </ul>
<b>Related Policies / Protocols / Procedures</b>	<ul style="list-style-type: none"> <li>• CCC – Property Management Policy</li> <li>• CCC – Property Management Guidelines</li> <li>• CCC – Annual Fees &amp; Charges</li> <li>• CCC – Pensioner Rebates Policy</li> <li>• CCC – Donations Policy</li> <li>• CCC – Hardship Policy</li> <li>• CCC – Tidy Town \$ for \$ Grants Policy</li> <li>• CCC – Rates Subsidy to Community Organisations Policy</li> </ul>

#### 6. Policy History

Revision	Date Approved / Authority	Description Of Changes
1	6 June 2018 WI38/2018	New policy adopted