



**8.10**

**PALAIS THEATRE COMMUNITY PURPOSE RESERVATION POLICY**

**WARD:**

**LAKE**

**GENERAL MANAGER:**

**CAROL JEFFS, COMMUNITY DEVELOPMENT**

**PREPARED BY:**

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**TRIM FILE NO:**

**PF16/475945**

**ATTACHMENTS:**

- 1. Palais Theatre Community Purpose Reservation Policy 2017**
- 2. Palais Theatre Community Purpose Reservation Instrument of Delegation 2017**

**PURPOSE**

To seek Council's approval for the Palais Theatre Community Purpose Reservation Policy that will govern the selection of community bookings for the Palais Theatre, as required through the terms of the lease with Live Nation Australia Venues Pty Ltd (Live Nation).

**1. RECOMMENDATION**

That Council:

- 1.1 Approves the Palais Theatre Community Purpose Reservation Policy 2017 (attachment 1).
- 1.2 Approves the Instrument of Delegation for the Palais Theatre Community Purpose selection committee (attachment 2) and affixes the Common Seal to the Port Phillip City Council Instrument of Delegation.

**2. BACKGROUND**

- 2.1 Live Nation Australia Venues Pty Ltd ("Live Nation") leases the Palais Theatre in St Kilda.
- 2.2 The lease is governed by agreement dated 30 June 2016 between the (committee of management) City of Port Phillip as landlord, and Live Nation as tenant.
- 2.3 Clause 11 of the lease specifies the requirement for eight community days per annum to be allocated for a \$1 charge, payable by the landlord, for community purposes as nominated by the landlord. All operating costs incurred by Live Nation would be payable by the hirer.
- 2.4 Three of the eight days are to be dates specified by the landlord and the remaining five dates are to be specified by Live Nation.



- 2.5 Examples of existing community days are the St Kilda Film Festival and Sacred Heart Mission fundraising concert.
- 2.6 A report outlining the Palais Theatre Community Fund Committee and the additional capital works program came before Council on 1 November. This policy forms another aspect of the lease agreement requirements and outlines a process for selecting community day allocations.
- 2.7 The hiring of the Palais Theatre under clause 11 of the Lease for community days does not constitute a contribution by Live Nation to the Palais Theatre Community Fund.

### **3. KEY INFORMATION**

- 3.1 In 2016, the City of Port Phillip entered into a 30 year Lease commencing 1 April 2017 with Live Nation to operate the Palais Theatre, securing the historic venue's long term future. The Lease agreement provides for eight annual 'Community Purpose Reservation'; days on which the Palais can be hired and utilised for community purposes, with the cost of venue hire reduced to \$1, plus operating costs incurred by the Tenant by agreement.
- 3.2 The Palais Theatre is an iconic venue with a rich history as a key part of the cultural heritage of St Kilda. The venue has hosted some of Melbourne's most renowned events, and continuously attracts national and international artists and promoters for performances ranging from all genres of music, through to opera and dance, comedy, gala events and more.
- 3.3 The theatre is a highly sought after venue for artists, community groups and event producers, however venue size and associated expenses can make it cost prohibitive for non-commercial operators.
- 3.4 The Community Purpose Reservation Policy has been developed to increase access to hire of the Palais Theatre to groups that may not otherwise be able to utilise the venue due to hire costs. The policy is designed to ensure fair and appropriate allocation of Community Purpose Reservations of the Palais Theatre. This includes:
  - Providing a responsible, consistent and transparent process for the booking of the theatre within the conditions of the Lease Agreement.
  - Providing a policy that is consistent with Council's policies, Local Law and other relevant legislation.
- 3.5 The aims of the Community Purpose Reservation initiative are:
  - To increase access to the Palais for community groups, artists and event organisers that may not otherwise be able to hire the venue
  - To increase access to the Palais for the wider community as audience members, through ensuring a diverse range of events is programmed that caters to broad audiences
  - To maintain and grow the sense of community ownership of, and engagement with, the Palais theatre
  - To provide opportunities to local organisations within the City of Port Phillip, and attract or retain events locally to ensure a balanced events calendar year round



- To encourage programming of low ticket-cost events within the Palais, to increase audience access
- 3.6 An EOI will be held annually, providing groups with the opportunity to secure their bookings 12 months in advance. Where the annual EOI process does not result in the requisite community purpose reservations for the forthcoming year, any remaining reservations or specific dates may be made available to event organisers who require a shorter lead time for an event, subject to availability of the venue and at the discretion of Council.
- 3.7 While some dates are able to be specified by applicants, the majority of dates will be determined in advance and outlined in the EOI details
- 3.8 Once a reservation has been allocated to an event organiser, the Council will not participate in negotiations. All terms and conditions related to the booking are completed directly between Live Nation and the event organiser. All costs related to the booking additional to the prescribed venue hire of \$1 are to be negotiated between Live Nation and the event organiser.
- 3.9 Assessment of submissions shall be conducted by Council Officers comprising events, festivals, arts and economic development manager and coordinators against the selection criteria listed in the policy. Approval of community purpose reservations can be given by the General Manager, Community and Economic Development as delegated by Council (Instrument of Delegation attached).
- 3.10 Council may allocate one or more Community Purpose Reservations to Council events (produced by the City of Port Phillip) where it aligns with this policy and its discretion.
- 3.11 Applicants for the Community Purpose Reservations must meet and demonstrate a minimum of one eligibility criteria, and respond to the selection criteria as outlined in the policy (attached).
- 3.12 Eligibility criteria includes:
- The event is produced by an organisation based within the City of Port Phillip;
  - The event can show a history or strong connection with the City of Port Phillip, its residents or businesses;
  - The event will be able to provide low cost tickets for the audience;
  - The event will prioritise access to the City of Port Phillip community.
- 3.13 Selection criteria includes:
- The event can demonstrate community development, arts or social benefit;
  - The event can demonstrated ability / opportunity to engage, include and connect the local City of Port Phillip community;
  - The event would contribute to key initiatives within the City of Port Phillip Events Strategy, including priority event types or timings;
  - The event has programming of or partnerships with City of Port Phillip artists, businesses and/or community groups as part of the event or its planning;



- The event's target market is demonstrably diverse and caters to audiences who would not necessarily traditionally attend events at the Palais;
- If a charity event, proceeds from the event are committed to be sent to a charity or community group via fundraising at or from the event;
- If the hirer is a commercial operator, the hire should aim to increase the likelihood of future large scale bookings between the operator and the Tenant.

3.14 It is proposed that we seek to be able to respond to the need for flexibility in date allocation and advance booking periods from both Live Nation and applicants to the Community Purpose Reservations. This would require a review in accordance with operational requirements after 2 years.



## FURTHER SUPPORTING INFORMATION

### 4. ALIGNMENT TO COUNCIL PLAN AND COUNCIL POLICY

- 4.1 This proposal supports strategic direction #5: We thrive by harnessing creativity. Specifically, promoting community participation and engagement in arts, culture and heritage and fostering development of the City's creative people and culture through programs, services, spaces and funding for artists and arts organisations.
- 4.2 The Palais Theatre is an iconic asset within the City of Port Phillip with a rich history as a key part of the cultural heritage of St Kilda and of Melbourne. The theatre is a highly sought-after venue for artists, community groups and event producers.

### 5. CONSULTATION AND STAKEHOLDERS

- 5.1 Live Nation has been part of the planning for the Community Purpose Reservations as part of their lease requirements.
- 5.2 Officers across Arts, Festivals, Economic Development and Property and Assets have formulated this policy.

### 6. LEGAL AND RISK IMPLICATIONS

- 6.1 There are no known legal or risk implications to this proposal

### 7. SUSTAINABILITY – Triple Bottom Line

#### 7.1 ENVIRONMENTAL IMPLICATIONS

- 7.1.1 Applicants will be asked to address Council priorities, including sustainability, as part of their submission. Sustainable practices (eg waste management, promotion, transport) would be highly valued.

#### 7.2 SOCIAL & CULTURAL IMPLICATIONS

- 7.2.1 Social and cultural implications are likely to be an increase in cultural participation in a range of different community events at the Palais Theatre, including fundraising and charity events.
- 7.2.2 An increase in events and activations generates an increase in activity within the precinct bringing social and economic benefits to local business and amenity.

#### 7.3 ECONOMIC IMPLICATIONS

- 7.3.1 An increase in events and range of audiences and participants should flow on to local businesses, particularly cafes and restaurants

#### 7.4 FINANCIAL IMPLICATIONS

- 7.4.1 The proposal will require a small annual budget for advertising of approximately \$1,500. There will also be a nominal venue hire fee of \$1 per Community Reservation being paid by Council that can be paid from this budget.



**8. IMPLEMENTATION STRATEGY**

**8.1 TIMELINE**

8.1.1	15 November 2017	Council adoption of Policy
8.1.2	Mid January 2018	Expressions of Interest open
8.1.3	Late February 2018	Expressions of Interest close
8.1.4	Early March 2018	Evaluation and assessment
8.1.5	Late March 2018	Successful applicants announced
8.1.6	April 2018 – March 2020	Period of Community Purpose Reservations

**8.2 COMMUNICATION**

8.2.1	Ongoing liaison with Live Nation regarding booking dates etc
8.2.2	Media Release following adoption of policy early December 2017
8.2.3	Media Release with advertising of EOIs in Leader as well as online, radio and email networks
8.2.4	Public announcement of successful applicants late March 2018

**9. OFFICER DIRECT OR INDIRECT INTEREST**

9.1	No officers involved in the preparation of this report have any direct or indirect interest in the matter.
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