

## Managing a Venue

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If the building is destroyed by fire, for example, there will usually be two insurance claims: one by the landlord for the building, and one by the tenant for the property. If it is found that the tenant caused or contributed to the fire (e.g. kitchen fire), the landlord's insurance company may ask to be reimbursed by the tenant.

This is where public liability insurance comes in. Public liability insurance compensates businesses and organisations in cases of unexpected and unintended personal injury or property damage arising out of their business activities, which they may be legally liable for.

Some people assume that you cannot be sued in New Zealand. This is only true for personal injury. You may still be liable for property damage caused by your organisation, or even by one of your volunteers.

Some contents policies also include public liability insurance. You may want to consider this option when taking out general insurance. If your organisation has a car, consider a comprehensive car insurance or a comprehensive third party insurance policy.

Remember, it is always your responsibility to ensure that whoever drives the vehicle has the correct licence and is not under the influence. Failure to do so will void any protection that your insurance policy provides.

## Building management checklist

Community venues may operate from buildings with different forms of ownership. All buildings and their owners must follow the legal requirements in the Building Act 2004. Community venues are responsible for their own insurance.

Each community venue should be aware of who is responsible for the following:

- maintenance (planned and unplanned)
- annual warrant of fitness inspections
- monthly compliance inspections
- rates (including water rates)
- building insurance
- contents and public liability insurance
- signage
- coordination of evacuation procedures and drills
- compliance with any laws and by-laws
- regulations that relate to the premises
- services provided from those premises
- emergency evacuation procedures
- power/gas
- telephone
- rubbish removal
- tidiness and cleanliness of building
- repairs for damage or neglect caused by a user group
- glass repairs
- lawns and gardens
- pest control
- ensuring the ongoing safety and security of the building

A building consent will be required for any building work. If applicable, permission from the owner of the building will also be needed. A resource consent may also be necessary.

## **Warrant of Fitness and Compliance Schedule**

Buildings that contain certain safety and essential systems, known as specified systems, need a compliance schedule and an annual warrant of fitness. Some examples include things like lifts, automatic doors, or emergency power or emergency lighting systems. Specified systems help

ensure a building is safe and healthy for people to enter, occupy or work in. They require ongoing inspection and maintenance to ensure they function as required. If they fail to operate properly, they have the potential to affect health or life safety.

## **Warrant of Fitness**

A building warrant of fitness is presented by the building owner. It confirms that their building has been checked and maintained according to the law, and that it is maintained as required. The assessment is based on a compliance schedule for the previous 12 months. It must be carried out by an independently qualified person. Building warrants of fitness are covered by section 108 of the Building Act. The warrant of fitness focuses on a building's safety features, maintenance, fire safety, and disability requirements.

## **Compliance Schedule**

Apartment buildings and commercial and other non-residential buildings must have a compliance schedule for their safety and essential systems like sprinkler systems and lifts. A full list of buildings that require a compliance schedule, including how to apply for one, can be found on the [Ministry of Business, Innovation and Employment website](#). The compliance schedule states the performance standards those systems have to meet, and also the inspection, maintenance and reporting processes that have to be followed. Once the compliance schedule is issued it's followed by an annual warrant of fitness check by a registered building compliance inspector.

A building doesn't need to have a compliance schedule if it's a single household unit like a residential house (unless it's got a cable car).

If building work is done on a building's safety/essential systems, either modifying or adding to them, the owner should apply for an amended compliance schedule when they apply for the building consent for the work.

## **Contents of the compliance schedule**

While the compliance schedule is not in a prescribed form, section 103 of the Building Act specifies that the schedule must:

- state and describe each of the specified systems
- state the performance standards for the specified systems

- describe the inspection, maintenance and reporting procedures to ensure that those systems are performing to the performance standards

## **Administration of the compliance schedule**

The Wellington City Council amends and administers compliance schedules and building consent authority issues. They may charge a fee for doing so. A compliance system identifies the systems present, the performance standards, and guidelines as to how those systems should be monitored and maintained. If the building complies with all the required standards, the owner of the building will be granted a code compliance certificate and a compliance schedule.

The building consent authority will have five working days to notify the relevant territorial authority that they have issued a compliance schedule. The building consent authority must also provide a copy of the compliance schedule to that relevant territorial authority.

## **Amending the compliance schedule**

A territorial authority and a building owner may agree to make changes to the compliance schedule. This can be done to better reflect the building's needs and requirements. There is a fee for the amendment of the schedule.

Amendments to a compliance schedule may be made in the following circumstances:

- through a building consent application
- at the building owner's request
- by a decision made by the territorial authority at any time
- through a suggestion from an independent qualified person or a licensed building practitioner

## **Owner's legal obligations once a compliance schedule is issued**

After the compliance schedule is issued, the building owner is legally required to make sure that:

- all necessary inspections, maintenance and reporting are completed to performance standards

- the compliance schedule is available to be inspected by the relevant officials
- an annual building warrant of fitness is obtained for the building and provided to the local council
- that the warrant of fitness is kept and displayed in the building

Monthly checks are also required to make sure all safety equipment is in good working order, that all fire exits are kept clear and functioning properly, and that there are no hazards preventing a quick and safe exit.

## Inspections

Inspections of the property are undertaken by building officers hired by the council. Building owners, its occupiers, and anyone else engaged in the building work have a legal duty to assist building officers during the inspection process. Inspection requirements will be detailed on the building consent.

### **To book an inspection, a community venue must provide:**

- sufficient information about the work being done
- the kind of inspection needing to be conducted
- the name of person on the site
- the unique code (SR number) issued to those with a building consent

If the inspector deems that the requirements of the consent are not fulfilled, the community venue must rectify this and reschedule the inspector to review the work. There is a cost to inspections, details of inspection fees can be found [here](#).

## Types of inspections

A community venue may seek the following types of property inspections:

### **Building**

- site
- foundation

- piles
- pre-slab
- retaining wall
- sub floor
- pre-wrap
- pre-clad
- brick
- pre-line acoustic
- post-line bracing
- post-line fire
- post-line (wet area membrane)
- post-line acoustic
- final inspection upon completion

### **Roofing inspections**

- membrane
- post-wrap

### **Plumbing inspections**

- drainage
- pre-slab
- pre-line
- final

## **Signing off: Code of Compliance Certificate**

Once the work is completed, you'll need to apply to the relevant building consent authority for a code of compliance certificate. This acknowledges that the building work has complied with the building consent. A final inspection on the property is also required. The building consent authority has 20 working days after you apply in which to decide whether to issue the

certificate. If the authority refuses to issue the code compliance certificate, they have to notify you in writing and include their reasons (section 95A Building Act, 2004).

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## **Building and resource consents**

Before commencing on any construction or alteration of a building or structure, or an earthmoving project more significant than digging over the garden, a community venue must check to see if a building consent is required. The word 'building' is broadly defined in sections 8 and 9 of the Building Act 2004, and includes:

- any temporary or permanent movable or immovable structure
- any systems, including mechanical and electrical
- swimming pool fences
- any immovable vehicle occupied by people
- any mast pole or telecommunication pole that is attached to a building and is greater than 7m in height
- the non-moving parts of a cable car

Building consents are issued by the Wellington City Council. Schedule 1 of the Building Act 2004 has a list of works that do not require building consents. However, these must still comply with the Building Code.

## **Application for building consent**

Community venues must apply for a Commercial and Complex Residential Consent if they wish to make changes to the building structure. Consent applications should be sent to the council. An officer for the council will review any applications to make sure that all the required details are supplied.

Once a consent is sent through, it is reviewed by a council-licensed building practitioner. The council considers the application using:

- Wellington District Plan
- Resource Management Act 1991

- Building Act 2004
- Building Code
- Relevant bylaws and legislation for work such as vehicle access, trade waste, water reticulation and public drainage
- The Design Review Unit of the NZ Fire Services Commission

The Building Act 2004 requires applications to be processed within 20 working days from the day the application was accepted. If the application is insufficient or incomplete, the 20 day time limit may be suspended until those issues are resolved.

There are fees that accompany applications. Fees are largely dependent on the type of work needing to be done on the property.

## **After approval**

Once a community venue has filed an application correctly, paid all requisite fees in full and obtained approval for other consents applied for, they are issued a building consent. They may then begin their project.

If the application is for restricted building work (as defined in Section 7 Building Act 2004), the community venue must advise the council in writing on:

- when the work is due to commence
- details of the licensed building practitioner who is overseeing and completing the work

A licensed building practitioner must carry out all restricted building work unless that person is an owner-builder of the relevant property.<sup>[1]</sup>

The proposed work on the property must take place within 12 months after the date the consent was issued. If this is not possible, a community venue may apply for an extension or a lapse.

## **Other consents**

In some cases, applicants may need to apply for more than one form of consent. This may include land use, subdivision or resource consents.



## **Insurance**

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## **Emergency evacuation procedure**

An emergency evacuation procedure must be displayed where it can be clearly seen by users of the community venue. The procedure must provide for the relocation of occupants of the building to a safe place. All occupants should be accounted for.

### **A community venue should have an emergency fire evacuation policy which includes:**

- when and how to raise the fire alarm
- a well thought out evacuation pathway to a place of safety

- when to call the manager
- precautions about containing fires:
  - that you should never use water on a fire caused by electricity or petroleum
  - that you should know how to use a fire extinguisher
  - that you should know when it is appropriate to use a fire extinguisher. e.g. making sure it is the right type and size for the fire
  - that there should be more than one fire extinguisher, and they should be regularly checked
- Designated wardens to co-ordinate the emergency evacuation process

Staff members and occupants should never endanger themselves. An employer cannot expect an employee to place themselves in harm's way. An employer should also ensure there are sufficient number of wardens should an emergency occur. The wardens should be well trained to handle a situation.

It is an offence under the [Fire Safety and Evacuation of Buildings Regulations 2006](#) to:

- not have an evacuation procedure in place
- have exit doors obstructed or locked while the building is occupied
- obstruct or use exit ways for storage purposes
- keep smoke control doors and fire stop doors open unless specified in the building code
- fail to evacuate the building when the alarm is sounding

Community venue user groups should also practise the emergency evacuation procedure every six months. The Fire Service must be notified of each trial evacuation and be invited to attend at least one per year.

## Signs

Signs and notices should guide occupants throughout the evacuation procedure. The owner of the building (often the Wellington City Council, as it owns a majority of the community venues) should put ample thought into the best places for the sign to be placed.

The owner must apply to the [National Commander of the New Zealand Fire Service](#) for approval

of the evacuation scheme. This application should be in writing. It may be necessary to undertake a trial evacuation and notify the National Commander of the results.

If the application is rejected, the building owner may amend the application and re-apply.

## **Other emergency procedures**

A community venue should have policies that cover as many emergency procedures as it deems necessary. A comprehensive template is available [here](#) from WorkSafe.

## **First Aid**

First Aid practitioners should be confident dealing with basic injuries. Community venues should allocate funding for a few staff members to be trained in first aid procedures. Training should be provided by licensed first aid training providers or medical professionals.

All incidents must be recorded clearly. ACC forms for work-related injuries should be filled out.

Make sure there is a comprehensive first aid kit in the office. Check all items regularly. Throw out medication that is expired and replace items that have been contaminated, damaged or used.