

Subject: MCC User Group Licence Agreements

Recommendation:

BE IT RESOLVED THAT Council receive Report # 2023-0165 – MCC User Group Licence Agreements, for information;

AND THAT Council authorizes and directs staff to enter into licence agreements with the following organizations, which agreements shall be in a form satisfactory to the Town Solicitor and substantially the same as the draft licence agreements attached hereto:

- i. Niagara Centre Skating Club**
- ii. Pelham Minor Hockey Association**
- iii. Pelham Panthers Basketball Association**
- iv. Southern Tier Admirals Hockey Corporation**
- v. Pelham Panthers Hockey Club Limited**

AND THAT Council authorizes and directs staff to enter into a licence agreement with Pelham Junior Hockey Club for concession and vending machine operations at the Meridian Community Centre, which agreement shall be in a form satisfactory to the Town Solicitor and substantially the same as the draft agreement attached hereto.

Background:

In 2017 the Town entered into agreements with several community organizations pursuant to which it granted each organization a licence to use various areas of the Meridian Community Centre (MCC) for its operations. All but one of the agreements is set to expire on August 31, 2023. As the organizations continue to use the MCC, staff have proposed entering into new licence agreements and have developed the draft agreements appended to this report in consultation with the licensees.

Analysis:

Staff met with each licensee subject to an expiring agreement to canvass its interest in continued licensing and to discuss any changes required to the existing arrangements. The Town and the licensees have agreed in principle to the draft agreements appended to this report, subject to Council approval.

The proposed licence agreements are advantageous to both the licensees and the Town.

The licensees are not-for-profit corporations that do not have physical premises for their operations. The licence agreements entitle them to exclusive use of designated areas of the MCC and provide guaranteed access to other areas or amenities. The licensees benefit from the use of the MCC for their programming and administrative purposes and from the certainty provided by the licensing agreements.

The MCC is a well-used facility that is in high demand. The licence agreements help the Town to allocate ice time, meeting rooms and other amenities and promote the variety of programs at the MCC without direct Town involvement in providing them. The Town benefits from the improved efficiency of resource allocation and the certainty provided by the licensing agreements. The Town is also protected by the licence agreements as they require licensees to obtain appropriate insurance and to indemnify the Town for claims arising from their operations.

The proposed agreement for concession and vending machine operations at the MCC has been separated from the licence agreement for use of the facility by the Pelham Panthers Hockey Club. There are two reasons for this. First, staff have become aware that there are two not-for-profit corporations associated with the hockey club that have different functions. Second, staff are of the view that concession and vending machine operations are substantially different than arena and dressing room use and should be the subject of a separate agreement. Staff therefore recommend that the corporate entity that currently operates the concession be licensed to continue doing so and that the corporation that operates the hockey team be licensed to use the facility as set out in the proposed agreement.

Financial Considerations:

There is no substantial financial impact associated with the proposed agreements. The agreements impose a modest licence fee for facility use and generally require licensees to pay standard rates for ice time and room rentals.

Alternatives Reviewed:

Council may direct staff not to enter into new licence agreements or direct changes to the terms of the proposed licence agreements.

Strategic Plan Relationship: Community Development and Growth

The proposed licence agreements support the operations of community organizations in the Town and facilitate the delivery of programs that benefit the public.

Consultation:

The Director of Recreation, Culture and Wellness and the Supervisor of Recreation Programs and Facilities were involved in the discussions with the licensees and were consulted in the preparation of this report.

Other Pertinent Reports/Attachments:

1. Draft Licence Agreement – Niagara Centre Skating Club
2. Draft Licence Agreement – Pelham Minor Hockey Association
3. Draft Licence Agreement – Pelham Panthers Basketball Association
4. Draft Licence Agreement – Southern Tier Admirals Hockey Corporation
5. Draft Licence Agreement – Pelham Panthers Hockey Club Limited
6. Draft Licence Agreement – Pelham Junior Hockey Club

Prepared and Recommended by:

Jennifer Stirton, BSc(Hons), LL.B.
Town Solicitor

Approved and Submitted by:

David Cribbs, BA, MA, JD, MPA
Chief Administrative Officer