

## SPORTING RESERVE FACILITY USAGE POLICY

<b>Policy Number:</b>	TBA	<b>Directorate:</b>	Community Services
<b>Approval by:</b>	Council	<b>Responsible Officer:</b>	Team Leader Leisure Development
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### 1. PURPOSE

The purpose of this policy is to:

- Provide an equitable, transparent and easily understood process for allocating usage of Council sporting reserve facilities when applied for by multiple user groups.
- Increase sport and leisure participation outcomes for females, juniors, older adults, people with a disability, and people from culturally and linguistically diverse backgrounds.

### 2. CONTEXT

There are currently more than 100 Council facilities within the City of Knox which are available to user groups for sport, leisure and recreation activities. These facilities accommodate a wide range of user groups whose usage varies depending on the type and size of the organisation. Council also manages the community usage of six (6) school ovals and other open space assets which are owned by other government agencies (i.e. Melbourne Water and Parks Victoria) within the municipality.

Over time, Knox City Council and the community have invested significant resources, both human and financial, into the development and maintenance of sporting reserve facilities within the municipality. This Policy articulates the type of occupancy agreements used to manage sporting reserve facility usage and the criteria used to determine occupancy of these facilities.

Council's objective is to see maximum usage of a sporting reserve facility occur by all segments within the community and reserves the right to assign sporting reserve facilities at its discretion, which includes the sharing of facilities between multiple user groups.

### 3. SCOPE

This Policy relates to the allocation and usage of Council sporting reserves facilities, comprising sports fields, pavilions, baseball diamonds, tennis, athletics, basketball and netball facilities, which are available to user groups for sport and recreation activities.

Applications for Sporting Reserve Facility usage will be assessed by Officers from Council's Leisure Services Unit following which tenancy agreements will be issued to successful applicants.

## **4. REFERENCES**

### **4.1 Knox Community and Council Plan 2017 to 2021**

**Goal 1** – We value our natural and built environment

**Goal 2** – We have housing to meet our changing needs

**Goal 3** – We can move around easily

**Goal 4** – We are safe and secure

**Goal 5** – We have a strong regional economy, local employment and learning opportunities

**Goal 6** – We are healthy, happy and well

**Goal 7** – We are inclusive, feel a sense of belonging and value our identity

**Goal 8** – We have confidence in decision-making

### **4.2 Relevant Legislation**

- Local Government Act 1989 – Conflict and Interest Provisions
- Associations Incorporated Reform Act 2012

### **4.3 Charter of Human Rights**

- This policy has been assessed against and complies with the charter of Human Rights.

### **4.4 Related Council Policies**

- Breach of Seasonal Tenancy Agreement for Sporting Clubs
- Community Signage on Council Open Space Policy
- Community Signage on Council Open Space Policy
- Sporting Reserve & Facility Development Guidelines
- Sporting Clubs Financial Contributions to Facility Development
- Casual Use of Active Reserves
- Tenancy by Community Groups of Council Buildings

### **4.5 Related Council Procedures & Processes**

- Seasonal/Annual Allocations Process
- Seasonal/Annual Tenancy Agreement
- Seasonal Changeover Guidelines
- School/Casual Booking Procedure
- Event Management Guidelines

## 5. DEFINITIONS

<b>Applicant</b>	The user group which submits an application for seasonal or annual tenancy of a Council owned sporting reserve facility.
<b>Breach of Tenancy Agreement Points</b>	Penalty points accumulated as a result of the user group being in breach of its relevant occupancy agreement.
<b>CALD Teams</b>	Teams wholly comprising of participants from Culturally & Linguistically Diverse backgrounds.
<b>Casual Usage</b>	Casual usage is typically a 'one off' allocation of Council's sports fields and pavilions. However casual use may be for a number of dates provided that the use is not on a consistent and regular basis.
<b>Council</b>	Knox City Council, whether constituted before or after the commencement of this Policy.
<b>Council's Leisure Facilities</b>	Facilities managed by Knox City Council, including sports fields, courts, tracks, parks and pavilions.
<b>Club Development Program</b>	An education program offered by Council, helping club members and volunteers of sporting clubs with strategic planning and operational management.
<b>Financial Investment into Facility</b>	The commitment of funds by the user group which directly leads to new and/or improved facilities (i.e. Contributions via Capital Works projects, Leisure Minor Capital Works projects, club initiated projects etc.). Financial contributions made to facility upgrades by State or Federal Governments do not qualify as user group contributions.
<b>Good Sports Program</b>	An initiative by the Australian Drug Foundation to develop safer and healthier communities. The program helps sporting clubs manage alcohol responsibly, reduce alcohol related problems and ensure best-practice planning documents are in place and implemented.
<b>Lease Agreement</b>	A longer term exclusive usage agreement issued by Council outlining the roles and responsibilities of a user group which utilises a Council facility.
<b>Not for Profit</b>	An organisation that does not earn profits for its owners. All of the money earned by the organisation is used in pursuing the organisation's objectives.
<b>Participants</b>	Total number of people actively taking part in the sport or recreational activity as a team member.
<b>Registration</b>	Registered with, and having teams competing in, a sporting association officially recognised by the sport's governing body.
<b>Seasonal/Annual Tenancy Agreement</b>	A short term usage agreement issued by Council outlining the roles and responsibilities of each user group which utilises a Council facility.
<b>Seasonal/Annual Usage</b>	Seasonal Usage is either 1 April – 30 September (winter) or 1 October - 31 March (summer). Annual usage is from 1 October to 30 September.
<b>Target Communities</b>	Demographic groups within the Knox community that are determined as socially vulnerable and/or potentially at high risk of health related issues (as determined through Council's strategic planning framework).
<b>User Group</b>	A legal entity that provides services, support or activities to the Knox community and has applied for use of a Council active reserve.

## 6. COUNCIL POLICY

To provide a framework that is easily understood and maximises use of Council's Sporting Reserve Facilities, two (2) categories of usage have been established defining the type of use, length of agreement and criteria for allocation.

### 6.1 Seasonal/Annual Tenancy & School/Casual Usage Agreements

Allocating usage of Council's sports fields and pavilions will occur by way of an occupancy agreement. Usage will be given in the following order of priority:

1. Events and activities conducted by Council.
2. Sport or recreational groups within Knox (seasonal usage fees apply).
3. Schools or school sport associations based within Knox.
4. Schools or school sport associations located outside Knox (casual usage fees apply).
5. Private organisations (casual usage fees apply).

#### (a) Seasonal/Annual Tenancy Agreements

This type of use is non-exclusive and allocated on a seasonal or annual basis, as highlighted below:

- Winter Tenancy Period (1 April to 31 August, plus potential finals);
- Summer Tenancy Period (1 October to 28 February, plus potential finals); and
- Annual Tenancy Period (1 October to 30 September).

Typical use would be evening usage on weeknights for training and weekend usage for competition. This allocation may also include club events and representative matches.

To be eligible to enter into a seasonal or annual tenancy agreement for use of Council's sports fields and pavilions, user groups must:

- Be an incorporated identity, as per the Associations Incorporated Reform Act 2012, whilst also ensuring all relevant and required paperwork has been lodged with Consumer Affairs Victoria in a timely manner;
- Have public liability insurance to the value of \$20,000,000 or as otherwise determined by Council's insurers;
- Not be in arrears with Council's fees and charges or with payments stipulated in an agreed repayment plan; and
- Be registered with, and have a team/s competing within a sporting association which is officially recognised by the respective sports' governing body. This registration must be consistent with the year in which the application for seasonal tenancy is submitted to Council.
- Be able to demonstrate its inclusive nature and support for women's participation in sport. To achieve this, clubs are encouraged to fill leadership positions upon its committee with women, including the roles of President, Vice President, Treasurer, or Secretary. Council encourages clubs to have at least two of these positions filled by women female members. Clubs are also required to have policies and plans in place which demonstrate a commitment towards fielding female teams.
- Be able to demonstrate a commitment to increasing junior participation. To achieve this, the club must field junior teams or have a formal partnership in a place with a stand-alone junior club. Evidence of pathways from junior sport to senior sport are encouraged.
- Be able to demonstrate a commitment to club development and sustainability. To achieve this, clubs are required to undertake their own club education programs (i.e. SALT, Sports Community, Leading Teams, etc.) or regularly attend Council's quarterly Club Development Program workshops.

Council understands that on rare occasions, multiple user groups request access to the same Council facility for use at the same time. Should this occur, Council Officers will work together with the applicants to determine a shared usage outcome. If an agreement shared usage outcome is not possible, the following criteria will be used by Council to determine which applicant is granted usage.

<b>Ranking Criteria</b>		<b>Points</b>
1	How long (consecutive years) has the applicant been granted seasonal tenancy of the facilities being requested?	New Club – 0 1-4 years – 3 5-9 years – 6 10-14 years – 9 15-19 years – 12 20+ years – 15
2	How many participants will benefit from the applicant's requested usage?	<75 – 3 75 -149 – 6 150-224 – 9 225-299 – 12 300+ – 15
3	How much has the applicant invested financially into the requested facilities within the past twenty years? This includes permanent assets at the facility (i.e. floodlighting, nets, pavilion improvements etc.), not equipment.  * Documentation to support this may be required.	<\$1k – 0 \$1k-\$19k – 3 \$20k-\$39k – 6 \$40k-\$59k – 9 \$60k-79k – 12 \$80k+ – 15
4	What percentage of applicant's participants live within the City of Knox?  * Documentation to support this may be required.	<20% – 0 20-39% – 3 40-59% – 6 60%-79% – 9 80%-94% – 12 95%+ – 15
5	Does the applicant's requested usage directly relate to any of the following targeted groups? (i.e. Teams wholly consisting of Juniors, Females, All-abilities, Vets/Masters and CALD participants).	Females – 3 Juniors – 3 Vets/Masters – 3 All Abilities – 3 CALD – 3
6	How many Breach of Seasonal Tenancy Agreement Demerit Points has the applicant received in last three years?	11+ points – 0 6-10 points – 5 1-5 points – 10 0 points – 15
7	How long has the applicant been based in the City of Knox?	Never – 0 1-4 years – 2.5 5-9 years – 5 10-14 years – 7.5 15-19 years – 10 20+ years – 12.5
8	Is the applicant "Not-for-profit"?	No – 0 Yes – 12.5
9	What percentage of Council's Club Development Program seminars has the applicant been represented at in the last three years?	<25% – 0 25-50% – 3 51-77% – 6 76-99% – 9 100% – 12
10	Is the applicant registered and/or accredited with the Good Sports Program?	No – 0 Level 0 - 2.5 Level 1 – 5 Level 2 – 7.5 Level 3 – 10
11	Has the applicant implemented its own club development initiatives in the last three years? (i.e. SALT Program, Educational Training, etc.)	No – 0 Yes - 10

Applicants may be required to provide additional documentation to support their application (i.e. evidence of investment into the facility etc.).

In the event of two user groups having tied scores after the ranking process has been applied, the allocation of the requested facilities will be based on the following process:

- 1.) Removal of the scores from Ranking Criteria 10 to see whether a higher scoring applicant can be identified.
- 2.) If the scores are still tied, the next step will be the removal of the scores from Ranking Criteria 9 to see whether a higher scoring applicant can be identified.
- 3.) This process of removing the scores will continue in numerical order, from the lowest Ranking Criteria (criteria 10) to the highest Ranking Criteria (criteria 1) until the scores are no longer tied and a higher scoring applicant can be identified.

### **Additional Information**

Subject to suitability of the facility for the level of sport being played, should there be multiple facilities at a venue which are shared by different user groups (i.e. Llewellyn Reserve, Lewis Park Reserve), the highest ranking user group will have the right to choose which facility it uses.

### **Appeals Process**

If a Club wishes to appeal the allocation of sporting facilities decision, a review panel consisting of three (3) Senior Council Officers and one member of Council's Recreation & Leisure Liaison Group, as an independent third party, will re-assess the ranking criteria scores attributed to each club. This panel will be chaired by the Manager of Governance and will not include any Officers who were involved in the original decision making process. All relevant clubs will be notified of the outcome of the appeal.

#### **6.1.2 School Usage**

School usage refers to use of Council's sports fields and pavilions by schools or school sporting associations located within or external to the City of Knox. Schools must hold current public liability insurance to the value of \$20,000,000 or as otherwise determined by Council's insurer. Priority will be given to schools or school sporting associations located within or servicing the City of Knox. Applications for school usage will be assessed on a case-by-case basis against Council's Use of Active Reserves Policy.

#### **6.1.3 Casual Usage**

Casual use applicants must hold current public liability insurance to the value of \$20,000,000 or as otherwise determined by Council's insurer. When allocating casual usage of Council's sports fields and pavilions, the following criteria will be considered:

- Applicant's history within the municipality;
- Applicant's history of use and treatment of requested facilities; and
- Not-for-profit organisations will have preference above commercial agencies.

Applications for casual usage will be assessed on a case-by-case basis.

### **6.2 Licence Agreements**

Allocation of facilities under lease and licence agreements will be agreed by negotiation. Typically, lease and licence agreements will apply to facilities that are specific to a type of sport or recreational activity. Licence agreements may be arranged for a period of one to five years. Lease agreement terms will vary and are subject to approval by Council.

To be eligible to enter into a licence agreement for use of Council's sporting reserve facilities user groups must be a registered business or incorporated identity, as per the Associations Incorporated Reform Act 2012 and have public liability insurance to the value of \$20,000,000 or as otherwise determined by Council's insurer.