

Sports Facility Hire, Licences and Leases Agreement Policy

July 2014

Major Policy

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1.0 Major Policy Aims And Objectives

- 1.1 To provide direction for the ongoing allocation of community sporting facilities and reserves in Brimbank.
- 1.2 To ensure the fair and equitable access and use of community sporting facilities and reserves to sports clubs within Brimbank in line with the Community Plan and Council Plan.
- 1.3 To ensure optimal use of sporting facilities to meet community needs.
- 1.4 To facilitate a shared approach to the costs of managing and maintaining sporting facilities through fair and reasonable charges for use.

2.0 Definition Of Terms Being Used

- 2.1. A community sporting facility and/or reserve is defined to mean any built facility or active sporting reserve that is used by the community for sports related activity to occur and covers:
 - a. Sporting pavilions
 - b. Sports grounds, courts, greens and active participation areas.

3.0 Major Policy Statement And Principles

Major Policy - Purpose

This policy is a Major Policy, in accordance with the Governance (Major Policy Consultation) Local Law No.3. Council considers this policy to be of major significance, and has committed to a public and transparent consultation process that provides an opportunity for people affected by a major policy, to address the Council.

Major Policy - Mandatory Consultation

As a Major Policy, Council will, as a minimum, undertake a community consultation process as set out in its Governance (Major Policy Consultation) Local Law No.3.

Major Policy - Additional Consultation

Council may, in addition to the mandatory process, consult individually with any person or group whose interests are likely to be materially affected by this policy.

- 3.1. The provision of Council facilities and reserves to community groups and sporting clubs is a key part of local government's role in meeting the community's need through sport, recreation, health and wellbeing activities.
- 3.2. The provision, allocation and management of these facilities and reserves must be consistent with Council's Vision, Mission and Values and in line with the Community and Council Plans.

- 3.3.** The following themes derived from the Brimbank Community and Council Plan underpin this Sports Facility Hire, Licences and Leases Agreement Policy:
- a. **Affordability** – the policy and fee schedules recognise the differing capabilities of users to pay.
 - b. **Standard/ Quality** – the fee schedules recognise the size, standard and/or quality of facilities.
 - c. **Priority of access** – the allocation processes and fee schedules give priority to local, community use above other users.
 - d. **Participation** – the allocation processes and fee schedules recognise user groups that are involved in community building and development activities and/ or engage people from disadvantaged or marginalised communities including females, people with a disability and newly arrived and culturally diverse communities.
 - e. **Time and frequency of use** – the fee schedules recognises the time, extent and frequency of use.
 - f. **Recognition** – Council acknowledges the significant and important community development role that sports clubs play in increasing the health and physical activity levels of the Brimbank community. Clubs recognise the significant role Council facilities and support contribute to the success of their activities. In recognition of these roles, Council fees are set at a subsidised level that recognises these contributions.
 - g. **Exclusive/ Non Exclusive Use** – the fee schedules recognise the degree to which facilities are exclusively used by the main tenant or are available for use by other groups.
 - h. **Clarity** – the processes in the policy and fee schedules are easily understood by users and Council Officers.
 - i. **Consistency** – the allocation process and fee schedules are consistently applied.
 - j. **Efficiency** – the policy and fee schedules are easy to administer.
 - k. **Partnership** – Both Council and clubs recognise the importance of the partnership they have in the delivery of sport and recreation opportunities to the Brimbank community.

4.0 Specific Requirements

- 4.1.** This policy is to be used in the ongoing allocation and management of Council owned and/or managed sportsgrounds, courts, active playing areas and sporting pavilions by sports clubs. Any agreements with sports clubs for non-sport related outcomes (e.g. Electronic Gaming Machines) will be referred to the relevant Council Department for consideration in line with the relevant current policy.

These facilities will be allocated under the following occupancy agreements:

- a. **Licence Agreements** – occupancy of a specified Council facility for a set period of time (e.g. seasonal or annual) that is not intended to grant exclusive use.

- b. **Lease Agreements** – occupancy of a specified Council facility for a set period of time that grants exclusive use.
- c. **Hire Agreements** – issued for the use of a Council facility for a defined activity or event, over a defined regular or one off booking, but predominantly on a casual basis.
- 4.2. The application/allocation process for new, acquired or vacated facilities will be managed in accordance with the Community Facilities and Reserves Allocation Policy.
- 4.3. Clubs will be offered an appropriate agreement and tenure based on their past history, the requirements of the sport and Council's plans for the facilities. Clubs have the right to request a review of this decision by the Manager Leisure Services. Each type of agreement (Hire, Licence or Lease) will clearly identify the responsibility of the allocated club for building and facility maintenance and management.
- 4.4. Applicants will be required to provide information as a part of their application that will allow Council officers to make an assessment using the following set criteria as to the suitability and sustainability of the applicant group:
 - a. History of tenancy.
 - b. Capacity of the facility.
 - c. All information and supporting documents submitted.
 - d. Ability to provide sporting activities that benefit and engage with the community.
 - e. Applicant's alignment with Council's Vision, Mission and Values.
- 4.5. Licence and Lease Agreements will only be offered to clubs that meet set operational criteria in accordance with the guidelines including being affiliated with their respective State Sporting Association or Peak Body, being debt free to Council and being Incorporated.
- 4.6. Council will not offer an agreement under this policy to any additional sporting clubs to operate Electronic Gaming Machines (EGM's) on Council land.
- 4.7. Council will manage agreements to ensure that the terms and conditions of the agreements are being adhered to.
- 4.8. Council reserves the right to suspend or terminate an occupancy agreement if it has good cause including, but not limited to:
 - a. The club has breached the terms and conditions of the occupancy agreement.
 - b. The club has failed to pay their fees or utility bills.
 - c. The club has refused or ignored a reasonable request to share their facility.
 - d. The club fails to provide information requested by Council by the designated timeframe.

Licence Agreements

- 4.9. Seasonal Licences are to be offered for a period of 6 months and Annual Licences a period of 12 months.

- 4.10.** Playing fields and pavilions operated on licences will, where practical, be available for casual use via a Hire Agreement by schools and other not for profit groups located in Brimbank.
- 4.11.** Fees and charges for use of Council sporting pavilions and playing fields operated via a licence will be calculated annually according to a formula linked to the standard of facilities identified below and as outlined in the guidelines.

Table 1 - Playing field categories

Category	Definition	Licence Fee per annum
A	Field which has been upgraded/ extensively renovated in the last 3 years and/or Field that has sports ground lighting upgraded in the last 5 years .	\$1000
B	Field which was upgraded/extensively renovated between 3-5 years ago and/or Field that has sportsground lighting upgraded more than 5 years ago	\$800
C	Field which has not been upgraded/extensively renovated in the past 5 years and/or Field with no sportsground lighting	\$500
Defined Open Space	Defined open space used by a club to support its activities	\$250

Table 2 - Pavilion categories

Category	Definition	Licence Fee per annum
A	New building or building which has been significantly upgraded by Council in the last 5 years	\$2000
B	Building which was built or extensively upgraded by Council between 5-7 years ago	\$1500
C	Building which was built or last upgraded more than 7 years ago	\$1000

Note: Licence Fees detailed in Table 1 and Table 2 above will be increased by CPI on an annual basis

- 4.12.** Clubs will generally be charged for the amount of time they are allocated a facility and are eligible for discounts up to a maximum of 80% on their fees and charges if they meet Council's community and sports development objectives in accordance with the guidelines as amended from time to time.

Lease Agreements

- 4.13.** Leases are to be offered for a period of three (3) years, with a further two three (3) year options at Council's sole discretion.
- 4.14.** Fees and charges for leased facilities will be calculated by a formula that allocates 0.4% of the depreciated pavilion asset value and adds this to an amount for each sports playing surface as outlined below. The fee will be set at the signing of the agreement and increase annually by CPI for the term of the agreement.

Table 3 - Playing Surface Fees

Playing Surface	Fee per surface
Tennis Court	\$100 per court
Bowls Greens	\$100 per green
Bocce Piste	\$50 per piste
Defined open space	\$250

- 4.15.** Clubs are eligible for discounts up to a maximum of 80% on their fees and charges if they meet Council's community and sports development objectives in accordance with the guidelines as amended from time to time.

Hire Agreements

- 4.16.** Hire agreements are to be offered for a defined activity/event and are on a casual basis.
- 4.17.** There will be no charge for Brimbank schools and not for profit organisations when hiring natural turf sports facilities in Brimbank.

5.0 Policy Implementation

- 5.1** This policy will be implemented using the Sports Facility Hire, Licences and Leases Agreement Policy Guidelines as approved by the Chief Executive Officer, which may be reviewed from time to time.

6.0 Related Council Policy:

Community Facilities and Reserves Allocation Policy
Community Consultation Policy

Amendment of Major Policy

This Major Policy can only be made, amended, modified or revoked, in accordance with the requirements of the Governance (Major Policy Consultation) Local Law No. 3

Rev	Reviewed Date	Reason for Amendment	Next Review Date
A	8 July 2014	Reviewed and Updated	

Date Designated by Council as Major Policy - 8 July 2014

Brimbank
Language link



Interpreter

9209 0140

Local call costs apply

*This policy is designated as a Major Policy,
and is subject to the provisions of the
Governance (Major Policy Consultation)
Local Law No.3.*

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