

Sports Facility Hire, Licences and Leases Agreement Policy

February 2024

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Acknowledgements

Council respectfully acknowledges and recognises Wurundjeri and Bunurong peoples as the Traditional Custodians of this land and pays respect to their Elders past, present and future. Council acknowledges the legal responsibility to comply with the Charter of Human Rights and Responsibilities Act 2006 and the Equal Opportunity Act 2010. The Charter of Human Rights and Responsibilities Act 2006 is designed to protect the fundamental rights and freedoms of citizens. The Charter gives legal protection to 20 fundamental human rights under four key values that include freedom, respect, equality and dignity.

1 POLICY PURPOSE

The purpose of this policy is to:

- To provide direction for the ongoing allocation of community sporting facilities and reserves in Brimbank.
- To ensure the fair and equitable access and use of community sporting facilities and reserves to sports clubs within Brimbank in line with the Council's Community Vision, Council Plan and Municipal Health & Wellbeing Plan, Social Justice Charter.
- To ensure optimal use of sporting facilities to meet community needs.
- To facilitate a shared approach to the costs of managing and maintaining sporting facilities through fair and reasonable charges for use.

2 POLICY SCOPE

2.1 This policy covers

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.

2.2 This policy applies to

Council owned and managed facilities allocated to Brimbank Sports Clubs 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.

2.3 This policy does not cover

- a. The application/allocation process for new, acquired or vacated facilities will be managed in accordance with the Community Facilities and Reserves Allocation Policy.
- b. Council will not offer an agreement under this policy to any additional sporting clubs to operate Electronic Gaming Machines (EGM's) on Council land.
- c. This policy does not apply to non Brimbank owned or managed land (eg. Sports clubs on private land within Brimbank)

3 DEFINITIONS

For the purposes of this policy, Council adopts the following definitions:

Term	Definition
Community Sporting Facility or reserve.	Means any built facility or active sporting reserve that is used by the community for sports related activity to occur and covers: <ul style="list-style-type: none"> a. Sporting pavilions b. Sports grounds, courts, greens and active participation areas.

4 STATEMENT OF POLICY PRINCIPLES

- 4.1** 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.
- 4.2** The provision, allocation and management of these facilities and reserves must be consistent with Council's Vision and Values and in line with the Community and Council Plans.
- 4.3** The following themes are derived from Brimbank's Community Vision, Council Plan and Municipal Health and Wellbeing Plan, Social Justice Charter. These underpin the Sports Facility Hire, Licences and Leases Agreement Policy:
- a. **Affordability** – the policy and fee schedules ensure that sports facilities and activities are affordable so that all sectors of the Brimbank community can afford to participate in sporting activities.
 - 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 regardless of their gender, age, ability, disability, cultural background, sexual orientation/identity or any other differentiating factors that contribute to the diversity of our 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.

4.4 This policy will consider the Victorian State Governments Fair Access Policy and Principles to promote gender equality to create better and fairer outcomes.

1. Community sports infrastructure and environments are genuinely welcoming, safe and inclusive.
2. Women and girls can fully participate in all aspects of community sport and active recreation, including as a player, coach, administrator, official, volunteer and spectator.
3. Women and girls will have equal access to and use of community sport infrastructure.
4. Women and girls should be equitably represented in leadership and governance roles.
5. Encourage and support all user groups who access and use community sport infrastructure to understand, adopt and implement gender equitable access and use practices.
6. Prioritise access, use and support to all user groups who demonstrate an ongoing commitment to gender equitable access and use of allocated community sport infrastructure.

5 SPECIFIC REQUIREMENTS

- 5.1** 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 and Community Facilities. Each type of agreement (Hire, Licence or Lease) will clearly identify the responsibility of the allocated club for building and facility maintenance and management.
- 5.2** 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 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 Community Vision, Council Plan and Municipal Public Health & Wellbeing Plan, Social Justice Charter and Fairness, Equality and Respect Strategy.
- 5.3** 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.
- 5.4** Council will manage agreements to ensure that the terms and conditions of the agreements are being adhered to.
- 5.5** 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.
 - e. The club fails to provide participation opportunities to the wider community including females, juniors, Culturally and Linguistically Diversity Groups, LGBTQIA+, people with a disability, Indigenous Australians and older adults.
- 5.6 Licence Agreements**
- a. Seasonal Licences are to be offered for a period of 6 months and Annual Licences a period of 12 months.
 - b. 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.
 - c. 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	Licence Fee per annum
A	\$1,500
B	\$1,200
C	\$900
Defined Open Space	\$400

Table 2 - Pavilion categories

Category	Licence Fee per annum
A	\$3,000
B	\$2,400
C	\$1,800

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

- d. 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, fair access/gender equality and sports development objectives in accordance with the guidelines as amended from time to time.

5.7 Lease Agreements

- a. 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.
- b. Fees and charges for leased facilities will be calculated by a formula that allocates 0.8% of the depreciated pavilion asset value and adds this to an amount for each sports playing surface as outlined below in Table 3.

Table 3 - Playing Surface Fees

Playing Surface	Fee per surface
Tennis Court	\$150 per court
Bowls Greens	\$150 per green
Bocce Piste	\$75 per piste
Defined open space	\$400

- c. The fee will be set at the signing of the agreement and increase annually by CPI for the term of the agreement. The fees and how they are calculated will be reviewed by Council at the end of each 3 year term.
- d. Clubs are eligible for discounts up to a maximum of 80% on their fees and charges if they meet Council's community, fair access/gender equality and sports development objectives in accordance with the guidelines as amended from time to time.

5.8 Hire Agreements

- a. Hire agreements are to be offered for a defined activity/event and are on a casual basis.
- b. There will be no charge for Brimbank schools and not for profit organisations when hiring natural turf sports facilities in Brimbank.
- c. Any activity that derives income or requests a fee for use will be charged as per Council adopted fees and charges.

6 ROLES AND RESPONSIBILITIES

6.1 Chief Executive Officer

Chief Executive Officer is responsible for:

- 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.

6.2 Director Community Wellbeing

Director of Community Wellbeing is responsible for:

- Overseeing the implementation of this Policy and the related Sports Facility Development Plan.

6.3 Manager Leisure and Community Facilities

Leisure Community Facilities Manager is responsible for:

- Review decisions made in relation to agreement and tenure offered to Sports Clubs.

7 POLICY OWNERSHIP

Responsible Director: Director Community Wellbeing

Responsible Officer: Manager Leisure and Community Facilities

Directorate: Community Wellbeing

Unit: Sport and Recreation

8 APPROVAL

Approved by: Council

Date:

9 RELATED POLICIES & LEGISLATION

Community Facilities and Reserves Allocation Policy Community Consultation Policy

Sports Facility Development Plan

Community Facilities Capital Contributions Policy

Fairness, Equality and Respect Strategy

Fair Access Policy Roadmap and Principles (State Government Victoria)

INTERNAL USE ONLY

TIP: Record minor revisions as a new sub version (e.g. 1.2, 1.3, etc.) and record major revisions as a new version (e.g. 1,2,3, etc.).

Version	Version notes	Adopted	Review
1			
2			
3			

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