



# Allocation and Use of Sporting Facilities, Grounds, and Pavilions Policy

Date authorised by Council: 6 December 2023

Commencement Date: March 2024

Review Date: March 2034

Responsible Department: Recreation Services

Associated Documents: Sporting Facilities, Grounds and Pavilions User Guide

# 1. Introduction

The Allocation and Use of Sporting Facilities, Grounds and Pavilions Policy ('Policy') outlines the commitments and expectations placed upon Council and Sporting Organisations ('Organisations') to encourage the creation of a welcoming and inclusive culture, whilst enabling Council to provide fair and equitable use of its resources.

The Policy applies to leases, seasonal and annual tenancy agreements for sporting facilities, grounds, and pavilions managed by Council. It does not include tenancy agreements that currently sit outside, such as Community Centres or other community assets managed by Council.

## 2. Objective

The core objective of the Policy is to ensure Merri-bek residents are more active more often at all stages of life, by encouraging sporting organisations to continue to create a welcoming and inclusive culture, whilst enabling Council to provide fair and equitable use of its resources. In doing so, Council seeks to specifically increase participation in sport and physical activity for:

- Aboriginal and Torres Strait Islander Communities;
- People with Disability;
- LGBTIQA+ Communities;
- Migrants and Refugees
- Women, Girls, and Gender Diverse Communities
- Young people
- Older Adults (65+)

Council will do this by partnering with tenants in:

- Promoting healthy and safe local environments
- Encouraging inclusivity of all people
- Championing gender equity and fair access pathways
- Demonstrating good governance and accountability.

## 3. Values

Merri-bek's core principles and philosophical ideals are represented through this policy's values. These include:

**Inclusion:** Providing opportunities for individuals and groups to meaningfully take part in community life.

**Equity:** Consciously addressing the barriers faced by disadvantaged groups and individuals.

**Impact:** Taking a purposeful and strategic approach to the allocation of resources that delivers social impact.

**Recognition:** Acknowledging the time, effort, and resources required of volunteers and the value provided to the community.

**Capacity:** Supporting individuals and groups to develop practice, skills, and resilience to shape their futures.

**Collaboration:** Fostering a genuine 2-way relationship and encouraging networks and partnerships to deliver exceptional strategic outcomes together.

**Transparency:** Delivering an allocations framework that is transparent and accountable in all processes and decisions.

**Respect:** Being mindful that sporting facilities are community assets that are often located in residential areas and used by both formal sporting tenants and residents for recreation. Promoting appropriate conduct and being respectful and courteous to all users.

## 4. Context

Council recognises the importance and value of sport and active recreation in the lives of our community. We understand that there are more than just physical health benefits - improved mental health and wellbeing, environmental and economic benefits, and stronger communities are just some of the benefits of sport and active recreation.

Merri-bek City Council ('Council') has a strong commitment to providing its diverse community with active sport and recreation opportunities and offers a wide range of facilities, programs, and support for residents and visitors to the municipality.

Council is committed to seeing clubs thrive and flourish, including fostering strong relationships with local recreation clubs, associations, peak bodies, and government agencies to achieve positive outcomes for all. Council also recognises that clubs are run by committed but often time-poor volunteers and want to work collaboratively to ease that burden where possible.

A key objective of the policy is to provide principles to inform Council decision-making, guide partnerships and prioritise the allocation of Council resources for the greatest community benefit. Council's approach is supported by evidence including community consultations with clubs and other community users who have shared their needs and aspirations.

This policy aims to foster the provision of the same access to services and resources for all members of the Merri-bek community, continue to address discrimination, meet legislative requirements, and promote community cohesion.

The policy will also ensure more accessibility and equity of opportunity and choice for individuals interested in participating by working with clubs and associations to improve the culture and structure of sports.

## 5. Alignment to Policy

### [Sport and Active Recreation Strategy](#)

The Strategy sets the foundation and priorities for 'Increasing participation by Merri-bek residents in sport and active recreation and fostering strong relationships with local recreation clubs, associations, peak bodies, and government agencies.'

### [Human Rights Policy](#)

Council's Human Rights Policy recognises the following priority groups: "Aboriginal and Torres Strait Islander communities, LGBTIQA+ communities, migrant and refugee communities, people with disability, women and/ or girls, people experiencing socio-economic disadvantage, gender diverse people, young people (minors), older people (65 years+), homeless people" are at greater risk of exclusion from social, economic and political life because of access barriers and discrimination.

## 6. How we will assess an allocation – Minimum Eligibility Requirements

The following minimum criteria apply to the allocation and use of Merri-bek sporting facilities,

grounds, and pavilions. Additional interpretation and implementation details are provided in the User Guide which includes further explanations for each criterion. It identifies the supporting evidence that can be provided in support of applications.

To be eligible for the allocation and/or use of sporting facilities, grounds, and pavilions organisations must:

#### **Demonstrate good governance and accountability**

- a) Be a registered legal entity
- b) Have a name that is representative of Merri-bek and does not reference any ethnicity, religion, brand, sponsor, or business
- c) Be a member of a recognised State or National sporting body
- d) Maintain adequate Public Liability insurance
- e) Have no outstanding debts to Council
- f) Provide requested financial statements, organisational reports, and other supporting documentation outlined in the Sporting Facilities, Grounds and Pavilions User Guide ('User Guide')
- g) Acknowledge, sign, and adhere to relevant Council, State, and Commonwealth government legislation and policy outlined in the User Guide

#### **Champion gender equity and fair access pathways**

- h) Have Junior Teams/sides and Female teams/sides in their respective sporting codes.
- i) Demonstrate equitable scheduling of training for all participants **(to be implemented for Summer Season allocations - September 2024)**

## **7. Concessions on Fees - Subsidies**

Clubs and Organisations are eligible to obtain concessions on their fees and charges up to a maximum of 25% total subsidy for the following items to encourage thriving and flourishing organisations:

- a) Club participation in Council's Club Development workshops and Council's club forums (5%)
- b) Engagement with community initiatives and registered charities such as but not limited to, Pride Round, Indigenous Round, Cancer awareness rounds, Movember initiatives, Mental Health Awareness, 16 Days of Activism against gender-based violence (5%)
- c) Working towards the [Sport4All Program](#) (10%)
- d) Providing programs for the participation of the following priority groups identified in the Council's Human Rights Policy (10%)
  - Aboriginal and Torres Strait Islander Communities;
  - People with Disability;
  - LGBTIQA+ Communities;
  - Migrants and Refugees;
- e) 50% or above representation of women, girls, or gender diverse people on Committee/Board and/or Leadership roles, **and** at least one being an elected office-bearer position (20%)
- f) An active community program or a recognised State Sporting Association development program (5%)

## **8. Prioritising grounds that have competing requests**

In the event of **competing requests** for the allocation of particular sporting facilities, grounds,

and pavilions, organisations will also be assessed upon the following criteria.

#### Encourage inclusivity of all people

a) Provision of participation opportunities to priority groups identified in the Council's Human Rights Policy

- Aboriginal and Torres Strait Islander Communities;
- People with Disability;
- LGBTIQ+ Communities;
- Migrant and Refugee

#### Promote healthy and safe local environments

b) Historical usage of the facility

c) History of participation in Council run development programs and initiatives

d) History of participation in non-Council run development programs and initiatives

## 9. Surplus and New Facilities

In the event that there is newly developed and/or surplus availability at existing sporting facilities, grounds, and pavilions a competitive expression of interest process will apply with priority access of allocations given to clubs who can demonstrate the involvement of new and/or developing clubs that specifically support or represent 'priority groups'

## 10. Use of Sporting facilities, grounds, and pavilions

Clubs need to be mindful that many facilities are located in residential areas and used by residents for passive recreation. Clubs must ensure that all members are aware of appropriate conduct, respectful and courteous, towards members of the public.

Upon being allocated a ground/pavilion, the club agrees to abide by The User Guide which forms the basis for the terms and conditions of the Agreement governing the use of Council facilities. It is important for users to fully read and ensure they understand all sections of the User Guide. Any breach of one or more of these conditions may, at the discretion of Council, result in the use of the facility being withdrawn and no refund in fees and charges or security bond.

## 11. Non-compliance with this policy

A breach of policy may be identified directly by Council and/or reported to Council by an external party. In the event of a breach of policy, the following guidelines apply.

#### Process

- Breach of policy identified by or reported to Council
- Allegation of breach is reported to the Director of Community (Council)
- Council conducts objective investigations into any reported breaches
- Findings reviewed and determination made by Director of Community (Council)
- Outcome reported to Councillors as delegated decision-makers
- Action undertaken should this be required.

#### Procedural fairness

Procedural fairness embraces three key 'rules':

- the 'hearing' rule – which requires that persons whose interests or rights may be adversely affected by a decision will be given an opportunity to be heard.
- the 'no bias' rule – which requires a decision maker to act without bias or self-interest; and
- the 'evidence' rule – which requires that a decision be based upon compelling

evidence that is relevant to the matter being determined.

In practical terms, procedural fairness means that the organisation whose interest may be adversely affected by a decision will:

- be informed by Council (in writing) of the allegations against them in as much detail as possible to enable them to understand what the allegation is
- be provided with reasonable time (usually 7 working days) to respond in writing
- have their response taken into account in the decision-making process.
- Have a right of reply

### Disclosures

Only people with a genuine 'need to know' are made aware of a report of a suspected breach of the Policy. These include:

- the organisation against whom the complaint has been made
- the Director of Community (Council)
- witnesses to the alleged breach (if applicable)
- the Councillors, as delegated decision-makers in the matter should action be required.

### Outcomes

In the event of a breach of policy being identified and confirmed, the respective organisation may have its allocation revoked. Repeat breaches of policy may result in the organisation being deemed ineligible for future allocations.

## 12. MONITORING, EVALUATION, AND REVIEW

### Monitoring

All applications for the allocation and use of sporting facilities, grounds, and pavilions will be assessed by the Unit Manager, Recreation Services, and/or a Council Officer within the Recreation Services Unit under delegation.

Applications will be assessed as per sections 6 and 7, and where applicable, section 8 of the Policy. Additional interpretation and implementation details are provided in the User Guide. The User Guide will be reviewed and updated as required before the commencement of each allocation period.

Annual and Winter seasonal allocations open in January, are assessed in February, and reported to the March Council Meeting annually.

Summer seasonal allocations open in August, are assessed in September, and reported to the October Council meeting annually.

Council will ultimately determine a resolution on the allocation and use of sporting facilities, grounds, and pavilions. An allocation may be withdrawn by the Director of Community if a club breaches any element of the Policy.

### Evaluation

An evaluation plan will guide seasonal reviews and reports to Council outlining increasing participation in organised sports. The plan will include key indicators, data sources, roles and responsibilities, timeframes, and resources needed to effectively monitor progress against the policy objectives. This policy will be evaluated on a yearly basis. The evaluation will seek to identify the longer-term impacts that are generated by this policy.

### Review

Amendments to the Policy and/or User Guide may occur if:

- Legislative requirements alter
- Legal issues highlight a need for change
- Insurance and risk management issues arise
- Other Council policy changes impact the administration and management of sporting facilities, grounds, and pavilions

### 13. ROLES AND RESPONSIBILITIES

Party/parties	Roles and responsibilities	Timelines
Recreation Services	<b>Release of the allocations applications process</b>	December / July
	<b>Assessment of allocations applications</b>	February / September
	<b>Provision of training and support to organisations</b>	Ongoing
Property Services	<b>Administration and management of tenancies</b>	Ongoing
Councillors	Consideration and endorsement of allocations	March / October

### 14. DEFINITIONS

Term	Definition
<b>Seasonal and Annual Tenancy Allocations</b>	<p>A tenancy allocation is an agreement that provides seasonal or annual use of a Council sporting ground, facility, or pavilion.</p> <ul style="list-style-type: none"> <li>• <i>Annual allocations:</i> 1 April to 31 March</li> <li>• <i>Seasonal summer allocations:</i> 1 October to 29 February</li> <li>• <i>Seasonal winter allocations:</i> 1 April to 31 August</li> </ul>
<b>Lease agreement</b>	<p>A Lease is an agreement that provides exclusive or long term occupation of a Council sporting ground, facility, or pavilion. Council places a greater expectation on clubs in terms of maintenance and management where use is under the terms of a lease.</p>
<b>Physical activity</b>	<p>Any movement produced by skeletal muscles that requires energy expenditure It includes sport, fitness, play, and active transport. Physical activity is also gardening, dancing, or throwing a Frisbee in the park.</p>
<b>Priority groups</b>	<p>Council's <a href="#">Human Rights Policy 2016-2026 (revised 2022)</a> recognizes priority groups: including: Aboriginal and Torres Strait Islander Communities; People with Disability; LGBTIQ+ Communities; Migrant, Refugee and Faith Communities; and Women, Girls and Gender Diverse Communities.</p>
<b>Sport</b>	<p>A human activity involving physical exertion and skill as the primary focus of the activity, with elements of competition where rules and patterns of behaviour governing the activity exist formally through organisations and is generally recognised as a sport.</p>

## **Sporting Organisations**

Sporting organisations are not-for-profit entities that support the provision, conduct and management of sport. For the purposes of this Policy this includes:

- *Clubs* – most community local sporting clubs are established as incorporated associations for the purposes of playing sports (either individually or as teams), generally within a local suburb and/or region.
- *Leagues and Associations* – normally established as entities for the conduct and management of competitions within a defined region, for which clubs are participating members
- *State Sporting Organisations (SSOs)* – sometimes also called State Sporting Associations (SSAs), they are responsible for representing and developing their sport from community participation to high performance levels in Victoria, are normally required to be affiliated with the recognised national governing body for the sport and meet required governance standards.
- *Associations* – Community sports clubs who have combined with one governing committee/board overseeing a number of sports codes in one area