

Sport and Recreation Facilities – Licence, Lease and Hire Agreements Policy

Draft Policy for Public Exhibition
September 2017



1. Introduction

The **Sport and Recreation Facilities – Licence, Lease and Hire Agreements Policy** has been established as a framework to establish occupancy agreements with eligible groups for the use of Council's sport and recreation facilities.

The allocation and management of sport and recreation facilities is a fundamental role of Council. This policy identifies the criteria that will be used to determine which groups are eligible to enter into an occupancy agreement for the use of Council's sport and recreation facilities. This policy establishes a framework for Council to allocate sport and recreation facilities to eligible groups and for determining the conditions under which an occupancy agreement will be offered.

2. Background

The Sport and Recreation Strategy 2014 identified the need to review and update policies relating to the occupancy of Council's sport and recreation facilities. This policy has been developed in conjunction with the Capital Development of Sport and Recreation Facilities Policy.

3. Policy Objectives

To provide a consistent, transparent and efficient approach to the allocation and management of Council's sport and recreation facilities.

To ensure fair and equitable access is provided to Council's sport and recreation facilities to meet community needs.

To provide clarity regarding responsibilities for the use of Council's sport and recreation facilities.

To ensure the optimal use of Council's sport and recreation facilities.

4. Definitions

Club: A community group or association that operates primarily for sport and recreation purposes.

Hire Agreement: A short term agreement entered into between Council and another party for a one-off defined activity, event or function.

Lease: An agreement entered into between Council and a club for the exclusive use of a nominated Council sport and recreation facility for an agreed period of time.

Licence: An agreement entered into between Council and a club for non-exclusive use of a nominated Council sport and recreation facility for an agreed period of time.

Occupancy agreement: Licence, lease or hire agreement.

Pre-season: The period prior to the start of the official winter or summer season.

Season(al): The standard 6 month period seasonal sporting competitions operate within being; April to September (winter season) and October to March (summer season).

Sport and recreation facilities: Facilities such as pavilions, sportsgrounds, tennis and netball courts, floodlighting, cricket nets and other related infrastructure used primarily by clubs to support formal and informal sport and recreation. Does not include aquatic or indoor recreation centres.

5. Policy and Principles

5.1 Occupancy Agreements

- Council will allocate access to its sport and recreation facilities under licence, lease and hire agreements.
- Council has prepared standard licence, lease and hire agreements for the use of its sport and recreation facilities. Council may, at its sole discretion, negotiate additional terms and conditions to an agreement as required.
- A licence or lease agreement will be used when access to a sport and recreation facility is required by a club on a seasonal or annual basis.
- A hire agreement will be used when a sport and recreation facility is booked for a defined activity, event or function. A hire agreement may also be used for a one off casual or regular booking such as pre-season training.
- Legislative requirements must be adhered to when entering into occupancy agreements.
- Council will manage occupancy agreements to ensure the terms and conditions are being adhered to.
- Council will not enter into occupancy agreements under this policy for non-sport and recreation related outcomes, including the operation of electronic gaming machines and other commercial activities.

5.2 Eligibility Criteria

- To be eligible to be offered an occupancy agreement, groups must:
 - Be legally incorporated;
 - Carry the level of public liability insurance cover specified in an agreement;
 - Have met its obligations under previous agreements with Council.
- To be eligible to be offered a licence or lease agreement clubs must be affiliated with their State Sporting Association or Peak Body.
- Council will not offer an occupancy agreement where a group has a history of substantiated complaints regarding its behaviour from local residents, State Sporting Associations, other user groups or Council officers.

- Council may not offer an occupancy agreement where a group has an outstanding debt with Council or is in arrears with an agreed repayment plan.

5.3 Allocation of Sport and Recreation Facilities

- The allocation of sport and recreation facilities to eligible groups will be undertaken in accordance with Council's strategic priorities and identified needs.
- Council aims to optimise the use of its sport and recreation facilities through the shared use of its facilities by multiple groups.
- Requests for annual, seasonal, pre-season, regular and casual use of Council's existing sport and recreation facilities must be submitted through a formal application process. Applicants will be required to provide all information specified as part of the application process.
- Council will consider the following issues when determining which groups will be allocated access to a sport and recreation facility:
 - The availability and suitability of the facility for the intended use;
 - Council's long-term plans for the facility or site;
 - The groups past history;
 - The requirements of the sport.
- Where more than one application is received for a particular facility, the following issues will be considered when determining priorities:
 - Groups which primarily serve the needs of the local community over other use;
 - Groups which are inclusive, welcoming and provide a safe and respectful environment for all members of the community;
 - Groups that are well governed, responsive and sustainable;
 - Groups which make a positive contribution to the facilities they use;
 - Groups which participate in programs that promote club development and social responsibilities;
 - Groups which are willing to share access to the facilities with other groups;
 - Where Council considers that allocating a facility to a particular group is in the best interests of the community and Council;
 - Groups which derive revenue from gambling activities, including sponsorships, will be considered a lower priority than groups which do not derive revenue from these sources;
 - Seasonal and annual allocations will be prioritised over pre-season and casual hire.

5.4 Licence and Lease Agreements

- Licence rather than lease agreements are Council's preferred form of agreement. Facilities operating under a licence will, where practicable, be made available for casual use by Council to other user groups.
- Leases will only be considered at facilities which are not shared with another group and where providing exclusive use is in the best interests of the community.
- Seasonal licences will be offered for a period of 6 months.
- Annual licences will be offered for a period of 12 months. A further two years may be offered at Council's sole discretion.
- Leases will be offered for a minimum period of 3 years. A further two 3 year options may be offered at Council's sole discretion.
- Clubs must provide evidence of incorporation, public liability insurance, updated contact details and participation information on an annual basis. Clubs must also provide all other information specified within a licence or lease agreement as required.
- Council reserves the right to suspend or terminate a licence or lease agreement if it has good cause including, but not limited to:
 - The club has breached the terms and conditions of the agreement;
 - The club has failed to pay their fees or bills;
 - The club has refused or ignored reasonable requests to share the facilities.
- Council will inspect the condition of sport and recreation facilities each season.

5.5 Hire Agreements

- Council reserves the right to decline requests to hire its sport and recreation facilities.
- Requests for hire will be declined where a facility is unavailable or unsuitable for the intended use.
- Fees for hiring sport and recreation facilities will be determined as part of Council's annual budget process and specified in Council's Annual Fees and Charges Schedule.

6. Policy Implementation

This policy will be implemented using the Operational Guidelines (Attachment A).

7. Related Documents

Sport and Recreation Strategy (2014)

Attachment A: Operational Guidelines

Capital Development of Sport and Recreation Facilities Policy

8. Document Control

Responsible Officer:	Manager, Active Communities	Policy Name: Sport and Recreation Facilities - Licence, Lease and Hire Agreements Policy
Review Date:	12 months from adoption	
Adopted:	TBC	Date: TBC

Attachment A: Operational Guidelines

To be developed following public exhibition.