

Council Policy

Sports Club Management Policy



MORNINGTON
PENINSULA
Shire

Objective Reference: A12499444

1.0 AUTHORITY

- *Local Government Act 2020*
- Council and Wellbeing Plan 2021-2025
- Climate Emergency Plan – *Ensuring Our Future 2020*
- Community Facilities Tenancies Policy 2005
- *Crown Land Act 1978*
- *Retail Leases Act 2003*

2.0 INTENT

To provide a framework for consistent, equitable and transparent management and use of sport facilities by clubs to maximise the benefit to the Mornington Peninsula community. The policy provides for:

- Inclusion and Equity - to encourage clubs to provide inclusive sports environments for community members of all genders, ages, abilities, backgrounds and identities.
- Best Practice Governance - to allocate sport facilities to clubs demonstrating good governance through all operations including financial, statutory and Council Licence Agreement compliance.
- Participation & Facility Usage - to foster lifelong participation in sport through club development opportunities and optimising multi-use and shared use of sport facilities and improving access to community infrastructure for women and girls.
- To allow new innovative sports to develop.
- Service Cost Contribution - recognising the benefits of participation in sport, the Shire and clubs will both contribute to the cost of facility use with:
 - The Shire subsidising the cost of facility use by clubs; and
 - Clubs contributing a fee based on the quality, standard and level of facility use.

3.0 SCOPE

This policy applies to:

- a) All eligible sports clubs and associations accessing Shire owned or managed Sport Facilities under a Licence Agreement or Sports Grounds under a casual Pre-Season or Practice Match booking.
- b) Shire officers responsible for the management, maintenance and development of Shire owned and managed sport facilities.

This policy does NOT apply to:

- a) Sports clubs and associations accessing Shire owned or managed sport facilities under a lease agreement, contract or terms of reference.
- b) Casual bookings for purposes other than preseason and practice matches.



4.0 GOVERNANCE PRINCIPLES

Under the *Local Government Act 2020*, Council must give effect to the following overarching governance principles:

- a) Council decisions are to be made and actions taken in accordance with the relevant law.
- b) priority is to be given to achieving the best outcomes for the municipal community, including future generations.
- c) the economic, social and environmental sustainability of the municipal district, including mitigation and planning for climate change risks, is to be promoted.
- d) the ongoing financial viability of the Council is to be ensured.
- e) the transparency of Council decisions, actions and information is to be ensured.

5.0 POLICY STATEMENT

5.1 Introduction

The Shire is committed to providing sport opportunities that foster connections and participation across generations, backgrounds, genders, identities and abilities and to improving access to and promoting sport opportunities in partnership with the community.

The Shire is the primary provider of sport facilities for the Mornington Peninsula and makes a significant investment into these facilities. The Shire has a responsibility to provide consistent, equitable and transparent management of its facilities and ensure that they are available for the whole community to participate in a range of sport activities.

The Shire recognises the significant role that sport clubs and associations make to the health and wellbeing of the community through their activities. This policy provides the strategic framework that will guide:

- Sport Facility Allocations
- Licence Agreements
- Fees & Charges
- Maintenance and Capital Works

at Shire owned or managed sport facilities accessed by sport clubs and associations under a Licence Agreement with the Shire.

5.2 Sport Facility Allocations

5.2.1 Types of Allocations

The following types of Sport Facility allocations are available to clubs meeting the relevant criteria:

- Annual
- Winter Season
- Summer Season



5.2.2 Criteria

To be considered for a seasonal or annual allocation of a Shire sport facility clubs must meet the following criteria:

- Be incorporated under the *Associations Incorporation Reform Act 2012*
- Be affiliated with the relevant State Sporting Association or peak body.
- Be based in the Mornington Peninsula Shire.
- No outstanding debt to the Shire or have an approved payment plan in place, with agreed repayment details and timelines.
- Provide Certificate of Currency for the required level of public liability insurance, and any other insurance requirements as stipulated in the Licence.
- Club history: clubs who have adhered to the following will be given priority:
 - This Policy and all Council policies listed in Section 7.0.
 - Previous Licence conditions of use.
 - Submission of Licence application and attachments on time.
 - Payment of fees and charges on time.
 - Cleanliness and care of facility/s.

Previous tenant club of the facility will receive preference over:

- A new applicant; and
- New requests from tenant clubs at other Shire facilities.

5.2.3 Prioritisation of Allocations – Multiple Requests for the Same Facility

Where two or more applications are received for the same sport facility at the same time/s the following criteria will be utilised to determine allocations:

- Shared Use options.
- Traditional user of that facility.
- Each club's history of adherence to Criteria outlined in Section 5.2.2.
- The suitability of the activity at the requested facility.

5.2.4 Pre-season Training & Practice Matches

Pre-Season Training and Practice Match Allocations are not included in the Seasonal allocation. The Shire will endeavour to provide access to sportsgrounds, courts and practice facilities for pre-season training and practice matches, however access is not guaranteed and will be subject to maintenance, installation and removal of cricket pitch covers and / or goal posts, ground conditions and finals training and matches for in-season sports.

Allocation periods will apply.

Sports Clubs will have access to public toilet facilities and limited equipment storage for pre-season training. Full pavilion access will not be available.



Application process

Sports Clubs must follow the application process for Pre-season and Practice Matches provided by the Shire each season to be granted access to the sportsgrounds outside of the seasonal licence.

Sports Clubs applying for Pre-season and/or Practice Matches must meet the criteria detailed in 5.2.2.

Unauthorised Pre-season Training and Matches

A club who accesses a sportsground, court or practice facilities for pre-season training or practice match/s without written approval from the Shire:

- Will be liable for any accident that may occur.
- Will be responsible for the cost of any reinstatement, maintenance or repair works required for damage to the sportsground, court or practice facilities.
- Will be liable for the applicable pre-season fees and charges.
- May not be granted future pre or season licences, or casual bookings, at the discretion of Council.

5.2.5 Use of Sport Facilities for Finals

A tenant club, association or league must seek approval from Community Sport Development to host finals matches at any of the Shire's sport facilities. Approval for hosting finals is determined in consultation with the relevant leagues and associations.

The hosting of finals matches is subject to the criteria listed in a club's licence agreement.

Fees may be applicable as detailed in the Council's annual budget.

The permitted times of use will be detailed in the licence or hiring agreement.

5.3 Licence Agreement

The type of Licence that may be offered to a tenant club are:

Seasonal Use Licence:

- Winter season
- Summer season

Annual Licence:

- One-year term

Future consideration of a three-year Licence may be guided by:

- Criteria as specified in Section 5.2.2.
- Minimum length of tenancy at the facility of:
 - Seasonal Use Licence - four (4) consecutive seasons
 - Annual Use Licence - four (4) consecutive years.
- Other criteria as determined by the Community Facilities Tenancies Policy that may be applicable at a specific facility.



5.3.1 Sub-licencing

Tenant clubs are not permitted to sub-licence or permit any other group or persons to use or occupy any area of the sport facility including the sportsground, court, pavilion or social room allocated to the club.

The Shire may explore shared use of facilities outside licence times to maximise community use of Council assets. Management of shared use is guided by the Community Facilities Hire and Community Tenancies Policies.

Where a group or community member requests casual use of the facility, the request should be referred to the Community Sport Development team for actioning directly with the requestor.

5.3.2 Policy & Licence Breaches – Process & Club Sanctions

If Shire officers receive a complaint or information that a club may have breached this Policy, their Licence or participated in unsatisfactory conduct, a Licence Breach Process, detailed in the Licence Agreement, will be followed.

5.3.3 Penalties and Sanctions

Any penalty or sanction will be determined by the Manager responsible for Community Sport Development in consultation with Shire officers. Potential penalties and sanctions are detailed in the Licence Agreement.

If following the Licence Breach Process, the recommended penalty or sanction is termination of the club's Licence, the matter is to be referred to a Council Briefing prior to actioning the Licence termination process.

5.4 Fees & Charges

5.4.1 Sportsgrounds

Fees will be determined annually in accordance with the Shire's Annual Budget and Schedule of Fees & Charges. Community and clubs will have the opportunity to provide Council with feedback on the Fees and Charges annually.

Sportsground Classifications

Sportsgrounds are classified based on an assessment and classification of each sportsground for athletics, Australian rules football, baseball, cricket and soccer according to a set of criteria for each sport.

Sportsground Fees

- A fee per sportsground according to classification and usage will apply based on recovering a set percentage of maintenance costs.
 - The Shire will subsidise at least 85% of the annual cost of sportsground maintenance.
 - The Shire will recover up to 15% of the annual cost of sportsground maintenance from users.
 - For seasonal usage, winter season clubs will be responsible for 60% of the cost and summer season clubs will be responsible for 40% of the cost, reflecting the different wear and tear on the playing surface.
 - Where a sportsground is graded at a different classification level for winter versus summer usage, each user will pay the fee for the relevant classification level for that sport.



- Usage Component:
 - A usage component will be applied to sportsground fees which will be based on the number of hours allocated per sportsground per week:
 - Level One – less than 15 hours
 - Level Two – 15 hours up to 26 hours
 - Level Three – more than 26 hours.

Pre-season Sportsground Fees

- A fixed fee for pre-season usage (training and practice matches) will be applied for the appropriate classification level for the sportsground.

5.4.2 Netball Courts

A fee per court will apply based on court surface and level of usage.

The court surface categories are:

- Asphalt
- Acrylic

Usage Component: three fees for usage levels based on number of hours allocated per court per week:

- Level One – less than 15 hours
- Level Two – 15 hours up to 26 hours
- Level Three – more than 26 hours.

5.4.3 Pavilions

- The sport pavilion fee will be based on a percentage of the pavilion written down value. A higher quality and standard pavilion will incur a higher fee, while a lower quality and standard pavilion will incur a lower fee. These fees and charges will be adopted by Council as part of the annual budget process.
- Where a pavilion is shared within a season or annually each club is responsible for a percentage of the sport pavilion fee based on each club's level of usage.
- Clubs using multiple sport facilities will receive a discount off the fee for the relevant pavilion category at the non-home facility pavilion.
- Where the club(s) have self-funded additions to sports facilities (through the Community Capital process) which directly increase female participation in male-dominated sports, the value of the addition will not be added to the Pavilion Fee for at least 2 years post project completion.
- Where the club(s) have self-funded additions to sports facilities (through the Community Capital process) which directly increase male participation in female-dominated sports, the value of the addition will not be added to the Pavilion Fee for at least 2 years post project completion.

5.4.4 Incentives & Discounts

Incentive-based discounts are available to clubs who provide access to a range of sport participation opportunities, programs, or club development initiatives where the Shire has provided the facilities to do so. The available incentive-based discounts are detailed in Appendix A.



- Incentive-based discounts are NOT applicable to Pre-season nor Practice Match Fees and Charges.
- Clubs who hold a Liquor Licence must be Good Sports Accredited to be eligible for incentives and discounts.
- Incentive-based discounts will not be applicable to:
 - Clubs with a debt to the Shire
 - Clubs that receive revenue from gaming machines, gambling or betting.
- Clubs who meet the eligibility criteria can submit a claim up to the maximum specified percentage off the total actual seasonal or annual fee amount as follows:
 - Junior only club (under 18 years) is eligible for a maximum 60% discount.
 - Combined junior and senior club with 40% or more of registered participants juniors (under 18 years) is eligible for a maximum 30% discount.
 - Eligible clubs not included in points above can claim up to a maximum of 20% discount.
 - No fees are charged for approved State Sporting Association junior development programs (such as Auskick, Cricket Blast, NetSetGO and MiniRoos).
- The available incentive-based discounts are detailed in Appendix A.
- The Shire may make further enquiries to relevant organisations to confirm evidence supplied by clubs. Any club found supplying misleading or false information, will be ineligible for any incentives for that and the subsequent fiscal year.
- Evidence for incentives and discounts from the previous year must be provided with the seasonal or annual allocation application.
- The discount will be deducted from the following season / year's pavilion and sportsground / court fees. A club which disbands or re-locates to another municipality will forfeit the discount.
- A club who receives a discounted fee is required to acknowledge that assistance in promotional materials.

5.4.5 Outstanding Fees to the Shire

Non-Payment of Fees

- Should a club fail to meet an agreed repayment plan, the Shire's Debt Collection Policy will apply.
- Clubs with outstanding fees or without an agreed repayment plan will not be allocated Shire sport facilities and will be ineligible for Shire grant programs until outstanding payments are finalised.

Debt to Council

- If a club has been in arrears for two consecutive seasons / years, this may result in application of Council's Debt Collection Policy.
- Where a club has an outstanding debt to Council refer to Council's Debt Collection Policy for process to be undertaken.

Hardship Provisions

- Clubs experiencing Hardship may be eligible for support around fees and payments including the implementation of a payment plan.



- Financial hardship discounts or fee waivers are available for a maximum of three consecutive seasons / years.
- Clubs will be required to sign an agreement with the Shire that specifies the discount or fee waiver conditions including any management and operational changes to be implemented by the club as well as any payment plan.

5.5 Maintenance & Capital Works

5.5.1 Maintenance at Shire Reserves & Facilities

Shire and club maintenance responsibilities are provided in the Licence. Clubs are not permitted to:

- Undertake any maintenance of Shire facilities outside of the scope of maintenance responsibilities specified in the club's Licence without prior written approval of the Shire.
- Engage any contractors to undertake work at the facility without prior written approval of the Shire.

Clubs are responsible for the costs of the repair / replacement of all damage caused through club misuse including that caused by visiting clubs.

5.5.2 Infrastructure Projects at Shire Reserves & Facilities

The replacement, refurbishment, extension or upgrading of an existing asset or creating a new infrastructure asset at a Shire owned or managed reserve including installation of any plant or equipment (e.g. heating / cooling devices) on or in relation to the Licensed Area including works being funded by the club, requires the Shire's prior written approval and must be undertaken as a Community Capital Infrastructure Project and will be guided by the *Community Capital Infrastructure Policy* and identified asset management priorities.

All works must be carried out strictly in accordance with Shire approved plans and specifications.

5.5.3 Capital Works - Asset Ownership

All facility improvements to any fixed infrastructure, and any new fixed assets installed at a Shire reserve partly or fully funded by a Club becomes an asset of the Shire and cannot be removed in part or in full by the Club without the written consent of the Shire.

5.5.4 Infrastructure Works without Shire Approval

If any works are undertaken by clubs without prior written approval of the Shire, the club may be asked to:

- Remove the works and reinstate the facility; or
- Complete the works or make safe to satisfaction of the Shire.

Clubs will be responsible for the costs of any required remedial or further works and may not be eligible for future licenses as per the Licence Conditions of Use.

6.0 HUMAN RIGHTS CHARTER COMPATIBILITY



This policy has been assessed as being compatible with *the Charter of Human Rights and Responsibilities Act 2006 (Vic)*.

This policy is compatible with the *Gender Equality Act 2020*.

7.0 ASSOCIATED DOCUMENTS

Community Capital Infrastructure Policy
Debt Collection Policy

8.0 DEFINITIONS

Allocation	Permitted access to a facility under a Licence Agreement.
Capital works	Any works that replace, refurbish, extend or upgrade an existing asset or creates new infrastructure assets. ¹
Certificate of Currency	A document issued by insurance providers that confirms the currency of the insurance policy including policy type, the sums insured, the date the policy was issued, and the expiry date.
Club	A reference to a club includes a club or association.
Club Development	Council run training and education programs that support clubs to operate effectively and efficiently, to build capacity, wellbeing, diversity, and inclusion.
Facility / facilities	Includes sportsgrounds, sports courts and all buildings on the Land, pavilions, infrastructure and any fixtures, fittings and chattels contained on the Land, and as installed from time to time.
Hardship	Clubs claiming Hardship as a reason to request the waiver of a debt to Council must demonstrate, through the provision of 3 years of financial statements, the club's inability to continue operations if the debt was serviced.
Licence	Provides a licensee (e.g. club or association) with non-exclusive access to the specified Council property for a specified purpose, at specified dates, days and times and under specified conditions.
Maintenance	Any activity performed on an asset with a view to ensuring that it is able to deliver an expected level of service until it is scheduled to be renewed, replaced or disposed of. ²
Multi-use	A sportsground, sports court or sport practice facility that caters for more than one sport.

¹ Source: The Local Government and Municipal Knowledge Base, <http://www.lgam.wikidot.com>

² Source: The Local Government and Municipal Knowledge Base, <http://www.lgam.wikidot.com>



Peak body	The pre-eminent governing body responsible for the development of a sport in Victoria, usually the state sporting association. If no state body for a sport, this may be the national sporting organisation. Authority or responsibility in certain circumstances may be devolved to a regional sporting association or league.
Pre-season	The period of time that the club has been allocated use of the sportsground, sports courts or sport practice facilities prior to the Season commencement.
Season	The period of time that the club has been allocated use of the facility between the agreed dates for “home and away” matches.
Shared use	Where a facility is shared within a season or annually by more than one club. Shared Use does not include a Club sub-licencing the facility or ground to another party – sub-licencing is not permitted.
Sport	a human activity capable of achieving a result requiring physical exertion and/or physical skill which, by its nature and organisation, is competitive and is generally accepted as being a sport. ³
Sports club	An incorporated body who provides sport activity for the community and is affiliated with the relevant regional, state or national governing body for the sport.
Sportsground	An area of open space provided for the purpose of conducting formal or informal sport. It includes ovals, fields, courts, and any supporting infrastructure provided by Council.
Training	Activity undertaken to improve performance and to teach and prepare participants for a sport.

9.0 POLICY SPONSOR

The Manager, Community Facilities and Precincts is responsible for overseeing the application and review of the Sports Club Management Policy.

10.0 DOCUMENT CONTROLS

Council will review this policy within four years or earlier as required.

Administrative Updates

It is recognised that, from time to time, circumstances may change leading to the need for minor administrative changes to this document. Where an update does not materially alter this document, such a change may be made administratively. Examples include a change to the name of a Council department, the change to an existing policy or document referred to in this policy, and minor updates to legislation and the like which does not have a material impact. However, any change or update which materially alters the document must be by resolution of Council.

³ Source: SportAus: https://www.sportaus.gov.au/recognition_of_national_sporting_organisations.



Appendix A Fees & Charges Incentive-based Discounts

Category	Item	Discount	Supporting Information to be Provided
Category One - Participation			
1. Junior Participation	a. Junior only club (under 18 years).	40%	Written evidence from league / association
	b. Combined junior and senior club with 40% or more of registered participants juniors (under 18 years).	20%	
2. Female Participation ¹	a. Club or association with 30% or more of registered participants female (male dominated sport)	15%	
	b. Increase in number of female teams at club compared to previous year / season	10%	
3. Male Participation ²	a. Club or association with 30% or more of registered participants male (female dominated sport)	10%	
	b. Increase in number of male teams at club compared to previous year / season (female dominated sport)	5%	
Category Two – Club Development			
4. Preventing Alcohol Related Harm	Good Sports Accreditation Level 3.	5%	Copy of Accreditation Certificate
	No Liquor Licence.	15%	Nil
5. Club Development	100% attendance at Council Community Sport Development Programs or meetings (only available if programs / meetings conducted in financial year).	10%	Nil
	75% attendance at Council Community Sport Development Programs or meetings (only available if programs / meetings conducted in financial year).	5%	Nil
Category Three – Governance			
6. Financial Planning	Adopted Annual Budget	5%	Copy of Adopted Annual Budget and End of Year Financial Report
7. Women in Leadership	Club or association with 40% or more of Committee of Management (or equivalent) female.	10%	Most recent AGM Minutes



¹ *For Category One No 2 - Female Participation:*

- a) Incentive Category 2a is only applicable to male dominated sports, currently Australian rules football, baseball, cricket and soccer.
- b) Clubs can only claim either Incentive Category 2a or 2b in this category.
- c) Associations or leagues are not eligible for Incentive Category 2b.
- d) For a football netball club to be eligible for Incentive Category 2a or 2b, the female participants are registered female football players / teams only. Netball participants are not to be included in numbers.

² *For Category One No 3 – Male Participation*

- a) Only applicable to female dominated sports, currently netball.
- b) Clubs can only claim either Incentive Category 3a or 3b in this category.
- c) Associations or leagues are not eligible for Incentive Category 3b.