

7.5 DRAFT ALLOCATION AND USE OF SPORTING FACILITIES, GROUNDS AND PAVILIONS POLICY

Director Community Eamonn Fennessy

Community Wellbeing

Officer Recommendation

That Council:

1. Notes the outcomes of Phase 1 and 2 consultation that has informed the Draft Allocation and Use of Sporting Facilities, Grounds and Pavilions Policy and thanks sports clubs, state sporting associations, residents and others involved for their participation.
2. Endorses the Draft Allocation and Use of Sporting Facilities, Grounds and Pavilions Policy for public exhibition for 15 business days.
3. Receives a further report and final Policy in December 2023.

REPORT

Executive Summary

Council's Allocation and Use of Sporting Facilities, Grounds and Pavilions Policy 2016 provides a framework for the annual and seasonal allocation of sporting grounds and pavilions to clubs through a tenancy agreement.

Annual and seasonal (Winter) allocations open in January, close in February, and are reported to the March Council Meeting for consideration annually. At the 9 March 2022 Council meeting, Council endorsed the proposed allocations and requested that a review of the existing policy be undertaken in 2022.

In August 2022, the Victorian State Government released the 'Fair Access Policy Roadmap' which includes requirements all Councils must adhere to in order to be eligible to receive grant funding. At its 14 September 2022 Council also resolved to review its policies regarding trans and gender diverse inclusion, anti-discrimination, and diversity and inclusion. These recent decisions and other factors have been considered in a review of the Allocations and Use of Sporting Facilities, Grounds and Pavilions Policy (the Policy).

At the 12 October 2022 Council Meeting, Council approved the release of a discussion paper on the allocation policy for stakeholder engagement. The discussion paper provided key points of consideration to ensure Council continues to meet obligations across various policy drivers and provides suggested policy conditions to be incorporated into a new policy.

Throughout November 2022 Council Officers engaged with sports club executives, members, State Sporting Associations, residents and Council committees and reference groups. Consultation highlighted the diversity in the community between club members and residents. Residents are sending a clear message that clubs need to value and work with the community and viewed many of the proposed policy conditions as non-negotiables for clubs to have the right to use facilities, whilst club members are not wanting Council to burden already overworked volunteers.

A further round of targeted engagement with Sporting Clubs occurred during June – early August 2023. Conversations Merri-bek remained open during this period for feedback.

In acknowledging the time, effort and resources required of volunteers and recognising that the Merri-bek sporting community is recovering from the many challenges faced throughout the pandemic, the Policy has been simplified and revised to focus on four policy objectives:

Promoting healthy and safe local environments.
Encouraging inclusivity of all people.

Championing gender equity and development pathways.

Demonstrating good governance.

Council officers will continue to work closely with clubs and associations with a core focus on providing training, support and resources for successful Policy implementation.

Previous Council Decisions

Draft Grounds and Pavilion Allocations Policy - 12 October 2022

That Council:

1. *Approves the release of the Allocation and Use of Sporting Facilities, Grounds and Pavilions Policy review discussion Paper (Attachment 2) for stakeholder engagement.*
2. *Notes that all sports club administrators were advised on 20 September 2022 that the review and engagement would be forthcoming and further details would be provided.*
3. *Note that engagement will include opportunities to provide feedback via an engagement survey, on Conversations Merri-bek, and at forums in person and online.*
4. *Requests stakeholders including sports clubs, State Sporting Associations, Sport and Recreation Victoria, residents, Council committees and reference groups (e.g., Human Rights Advisory Committee, LGBTIQA+ and Disability Reference Groups) be advised of forthcoming engagement opportunities and how they can provide feedback on the policy review.*
5. *Resolves a report be presented to the December 2022 Council meeting that outlines consultation findings and provides a new policy for Council consideration prior to the commencement of the 2023 Winter allocations process.*

2022 Annual and Winter Sports Facilities and Grounds Tenancy Allocations - 9 March 2022

That Council:

1. *Allocates sports grounds and pavilions for the 2022 annual and winter season to the nominated clubs shown in Attachment 1 to this report with the exception of Hosken Reserve EAST sports field, as its future use is to be decided at the April Council meeting, noting that the Pascoe Vale Soccer Club have used this field informally for many years.*
2. *Authorises the Director Community to make any changes necessary to the allocation of facilities for the 2022 annual and winter season.*
3. *Notes any club owing ground and pavilion fees from previous seasons, or owing any other debt to Council, as outlined in Confidential Attachment 2 to this report, will be informed that no ground allocation will be granted until payment is made, or a payment plan has been agreed to.*
4. *Notes clubs must provide all required documentation to Council prior to receiving an allocation of sports grounds and pavilions for the 2022 annual and winter season.*
5. *Notes current junior and female participation levels at sports clubs contained within this 2022 Annual and Winter Sports Ground Tenancy Allocations report.*
6. *Requests officers to undertake a review of the Allocations and Use of Sporting Facilities, Grounds and Pavilions Policy (February 2016) for Council consideration in 2022.*

1. Policy Context

The Allocation and Use of Sporting Facilities, Grounds and Pavilions Policy 2016 (the Policy), together with the Sporting Facilities, Grounds and Pavilions User Guide (the User Guide) provide a framework for the allocation for Council's sports facilities and outline the terms and conditions of use.

Council's Sport and Active Recreation Strategy 2020 guides the strategic intent of the Policy and is closely aligned to the Council Plan where it continues to have outcomes for increasing participation in sport and active recreation:

Theme 3: A Healthy and Caring Merri-bek

Strategy 3.3 "Ensure Merri-bek residents are more active more often at all stages of life by providing a diverse range of accessible and affordable recreation opportunities that reflect our diverse community and develop and maintain partnerships to enhance participation options"

2. Background

In 2009, Council began research and consultation to identify the key challenges in the provision of sport, leisure and active recreation for women and girls within the municipality. This resulted in the development of the 'Active Women and Girls Strategy' in 2009, subsequently updated in 2011 and 2015.

To address identified inequities and challenges, Council also introduced a Sportsground and Pavilion Allocation Policy in 2010. The policy required clubs to be inclusive of women, juniors, people with a disability and people from culturally diverse communities, or risk losing allocation of a ground.

In November 2012, Council reviewed the policy and renamed it the 'Allocation and Use of Sporting Facilities, Ground and Pavilions Policy'. The scope was broadened to include not only sports ground users but also sports leasing council facilities (e.g., tennis, lawn bowls and cycling). The requirement also stated clubs must offer:

junior sides and registered community sport development programs for juniors

girls and women sides and/or registered community sport development programs for females.

A policy review in March 2016 further strengthened Council's position, stating that leasing and allocation of council facilities will only be provided to clubs whose membership provides opportunities within the club's respective sporting codes for junior sides, female sides, female development programs and initiatives, and female representation on club committee and/or boards. Clubs had been granted a three-year phase-in period to work toward achieving the policy objectives.

Among many successful outcomes, since the Strategy and Policy has been in place female participation in Merri-bek community sport has increased from 8 per cent in 2009 to 21 per cent in 2016, 23 per cent in 2018, and 26 per cent in 2022.

Merri-bek was the first council in Victoria to prioritise the allocation and use of sporting grounds and pavilions to clubs which demonstrated proactive inclusion of women and girls. Merri-bek and its sporting clubs and associations have drawn significant praise across industry and the City is seen as a leader in female participation in sport.

At the 9 March 2022 Council meeting, Council resolved to endorse the proposed 2022 sporting allocations and requested that a review of the policy be undertaken for Council consideration in late 2022.

At the 12 October 2022 Council meeting, Council approved the release of a Discussion Paper for stakeholder engagement. The Discussion Paper was based on a comprehensive review of Council's existing policy for alignment to organisational objectives, benchmarked current practices against other Councils and provided key points of consideration to ensure Council continues to meet obligations across various policy drivers and provided suggested policy conditions to be considered in formulation of a new policy.

Throughout November 2022 Council Officers engaged with sports club executives, members, State Sporting Associations, residents and Council committees and reference groups. This report summarises the outcomes of the consultation and how these have informed the development of the revised Policy.

A further round of targeted engagement occurred during June to August 2023. This involved each of the 68 sporting clubs and associations being contacted. The purpose was to ensure each club/association was aware of the draft policy and the impact of changes. They were invited to attend an in-person conversation, a 1:1 conversation with Council officers and/or provide feedback via the Conversations Merri-bek page.

3. Issues

Community impact

Discussion Paper

The Discussion Paper included a comprehensive review of Council's existing Policy, benchmarked current practices against other Councils and identified several issues and opportunities for the improvement of the next Policy iteration.

The Discussion Paper culminated in proposing over 30 individual policy criteria. Following this a draft policy was developed taking into account feedback and conversations during the November 2022 workshops and online feedback.

Consultation Outcomes

A core focus of the community engagement was to hear from stakeholders about what a flourishing club looks like and determine how best the allocations policy can help clubs succeed, whilst enabling Council to be a good steward of its resources.

Flourishing Clubs

Synthesising responses from across the engagement process, a flourishing club holds to values such as inclusion, equal access, connection, acceptance of all skill levels, sharing of resources, holistic, being more than compliant, demonstrating active welcome, universal design, and being person-centred.

However, sporting clubs are often a microcosm of the broader community and for a club to live these values means it will be inviting to all interested community members, no matter their background.

The Role of the Policy

Council needs to be a good steward of its resources and ensure clubs are using the facilities well. The policy can provide minimum standards in safety, respect, inclusion, compliance, human rights, and efficient use of facilities.

During the engagement phase, clubs made it clear that guidelines need to be transparent and were concerned about the apparent burden of providing extra information to ensure an allocation is successful. Definitions of the criteria need to be clear, showing how different criteria will be assessed.

Overall, clubs are sensitive to the expected workload on volunteers and the complexity of processes.

Changes to the Policy

Overall, consultation highlighted the diversity in views between club members / executives and residents. Residents are sending a clear message that clubs need to value and work with the community and viewed many of the proposed policy conditions as non-negotiables for clubs to have the right to use facilities, whilst club members / executives are not wanting Council to burden already overworked volunteers.

In acknowledging the time, effort and resources required of volunteers and recognising that the Merri-bek sporting community is still recovering from the challenges faced with many volunteers not returning to sport since the pandemic the Policy has been simplified to focus on four objectives:

Promoting healthy and safe local environments,

Encouraging inclusivity of all people,

Championing gender equity and development pathways and

Demonstrating good governance.

Minimum Eligibility Requirements

The number of policy criteria has been kept to nine eligibility criteria. Eight are existing criteria requested as per the 2016 Policy. In line with the Office for Women's Sport Fair Access Policy Roadmap, *Principle 3 - Women and girls will have equitable access to and use of community sport infrastructure*, specifically in relation to the most convenient and best training times, the additional criteria of demonstrating equitable scheduling of training for all participants will be implemented in the 2024 Summer allocations request (September 2024).

Concessions on Fees - Subsidies

Six policy criteria have been identified as actions that take precedence in encouraging clubs to be thriving and flourishing organisations. These have been extended beyond the existing four subsidy criteria in the 2016 policy in recognition of clubs striving to provide a welcoming and accessible environment. Fee subsidies can be requested up to a maximum of 25 per cent total subsidy.

Over the next three years Council will support and encourage clubs to strengthen women, girls and gender diverse people to participate in leadership positions. The program will be co-designed by the participants (club members) and facilitators and will include areas such as governance, funding and program development.

The revised Policy has provided improvements in the terminology used to enhance clarity and transparency in decision making.

Council officers will continue to work closely with clubs and associations with a core focus on providing training, support, and resources for successful Policy implementation.

Community impact

Merri-bek was the first Council in Victoria to prioritise the allocation and use of sporting grounds and pavilions to clubs which demonstrate inclusiveness of women and girls in particular. Among many successful outcomes, the Policy has contributed to female participation in community sport in Merri-bek increasing from 8 per cent in 2009 to 21 per cent in 2016, 23 per cent in 2018 and 26 per cent in 2022.

Climate emergency and environmental sustainability implications

Council works closely to monitor the hours of use of sports fields to manage the sustainability and fit for purpose use of each sports field.

Council, in partnership with clubs, has adopted proactive sustainability initiatives including several reserves having rainwater tanks in place to reduce the consumption of water for irrigation programs and several pavilions having solar panels installed through club initiative and grants programs to support renewable energy.

Economic sustainability implications

The Policy recommends the implementation of a small number of new policy conditions that are expected to be manageable for club administration. Many of the suggested reporting functions are current requirements of the existing policy. However, it is acknowledged that any policy and operational change can at times be challenging, particularly for predominantly not-for-profit, volunteer run organisations like sporting clubs.

Importantly, the Policy also recommends changes to the subsidies available to sporting clubs to reduce applicable fees and charges through their commitment to implementing a range of actions and/or outcomes that are beyond the Policy's core principles but still desirable outcomes for Council and the community.

Legal and risk considerations

A key component of the suggested policy criteria in the Policy seeks to encourage a commitment to good governance practices through various activities including, but not limited to, maintaining adequate Public Liability insurance, being aligned to a recognised State Sporting Association or other relevant governing body and being a registered legal entity. This ensures appropriate legal and risk management is embedded in club practices. For example through the requirement for incorporation State Sporting Association insurance policies would deny indemnity to clubs that have allowed their incorporation to lapse. This incentivises clubs to remain incorporated, reducing the risk to Council regarding injury claims.

Human Rights and Gender Impact Consideration

The implications of this report have been considered in accordance with the requirements of the Charter of Human Rights and Responsibilities. Access to sport and physical activity reflects Sections 12 and 18 of the Human Rights Charter which relate to freedom of movement and taking part in public life. Under the Gender Equality Act 2020 local councils and public sporting bodies are obliged to apply a gender lens and conduct gender impact assessments (GIA) to understand how policies, programs and services can impact people of different genders in different ways, and ensure inequalities aren't being reinforced. A GIA has been completed which highlights the positive impact that Council's proactive policy is expected to have on Gender Equality.

4. Community consultation and engagement

Communications

Council authorised the release of the Discussion Paper for public exhibition with a series of engagement opportunities afforded to stakeholders in November 2022.

The strategy involved four workshops (Merri-bek staff, State Sporting Associations, and two x club leadership), the Conversations Merri-bek page asking for community feedback and one survey to club members.

The State Sporting Associations were invited to a separate workshop.

The leadership of Merri-bek sporting clubs were invited to attend one of two workshops focusing on how the allocations policy can be used to help clubs flourish as well as enable Merri-bek Council to be a good steward of its resources.

Following the November workshops a draft policy was developed taking into account feedback heard. Through June to August Clubs were then invited to comment on this first draft.

Club members were provided with an opportunity to have their say through face to face and online engagement via Conversations Merri-bek including phone or in person meetings with Council Officers. The online forum provided the broader community with an opportunity to provide input into the allocations policy.

5. Officer Declaration of Conflict of Interest

Council officers involved in the preparation of this report have no conflict of interest in this matter.

6. Financial and Resources Implications

The revised Policy recommends changes to the subsidies available to sporting clubs which may decrease costs to clubs depending on their application and classification.

7. Implementation

Subject to Council approval, it is intended that the revised Draft Allocation and Use of Sporting Facilities, Grounds and Pavilions Policy is publicly exhibited for 15 business days via the Conversations Merri-bek page. All clubs will be provided with the Draft policy via email allowing for further feedback and responses via the Conversations Merri-bek page.

Attachment/s

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| 1 | Draft Allocation and Use of Sporting Facilities Grounds and Pavilions Policy 2023 | D23/404605 |
| 2 | Allocations Policy - Second Phase Engagement Report Aug 2023 | D23/410496 |