

Banyule City Council

Personal and Group

Training Guidelines 2010



Table of Contents

1. Introduction.....	3
2. Terms/Definitions.....	4
3. Aims and Objectives.....	4
4. Scope	5
5. Application and Assessment Criteria.....	6
6. Fees and Charges.....	10
7. Default in Payment	11
8. Insurance and Qualifications.....	13
9. Sports Field Availability	14
10. Session Times and Size of Groups	16
11. Lighting Facilities.....	16
12. Risk Management	18
13. Exclusion Zones	19
14. Permissible Fitness Activities.....	20
15. Excluded Activities.....	21
16. General Terms and Conditions	21
17. Banyule City Council Indemnity	22
18. Termination & Breaches Process	23
19. Review of Guidelines.....	24
20. Enquiries	24
21. Appendices.....	25

1. Introduction

The Banyule community has shown a growing interest in healthy living and lifestyles, which has led to an increase in the number of Personal and Group Trainers conducting health and fitness programs on Council public open spaces and sports reserves. While Council recognises the valuable service Personal and Group Trainers provide in maintaining the health and wellbeing of Banyule residents, Council also recognises the need to effectively manage the use of its public open space by Personal and Group Trainers.

It is essential for Council to manage open space areas and Personal and Group Trainers to ensure:

- Personal and Group Trainers conduct their commercial fitness activities in a safe and appropriate manner that does not reduce the amenity of Council public open spaces.
- Activities conducted by Personal and Group Trainers do not adversely affect the condition of public open space areas and sports fields i.e. increased training activities on sports fields may deteriorate surface conditions.
- Personal and Group Trainers apply to conduct their commercial fitness activities on public open space and formalise a use agreement with Council.
- Risk management and litigation issues are addressed in a formal use agreement between Council and Personal and Group Trainers.

The need to effectively manage the use of public reserves and open spaces by Personal and Group Trainers was identified in Banyule City Council's Recreation Strategy 2008 – 2013. The Personal and Group Training Guidelines responds to this need and provides a frame work for Council Officers to determine a suitable location for Personal and Group Trainers to conduct their activities. The Personal and Group Training Guidelines also sets the terms, conditions and fees and charges applicable to Personal and Group Trainers.

2. Terms/Definitions

The below terms are used throughout this document:

Personal and Group Trainer - A generic term used to describe individuals or professionals who instruct health and fitness activities or provide health and fitness services for one or more clients/people in public open space areas.

Commercial Fitness Group – Business that specialises in fitness training for groups.

Personal Trainer – Person who instructs fitness training and activities to individual or a small group of individuals.

Group Fitness Instructor – Person who instructs fitness training and activities for larger groups of individuals.

Boot Camp – Type of group training used to train soldiers conducted by personal trainers and Personal and Group Trainers.

Permit – A permit is issued to Personal and Group Trainers who have received formal approval from council to conduct their health and fitness business or instructional activities on Council owned land. A permit details the following information:

- Location to conduct activities
- Permitted activities
- Permitted times to conduct activities
- Specifies the permitted number of training sessions
- Any special conditions and requirements

3. Aims and Objectives

3.1 The Personal and Group Training Guidelines have been developed by Banyule City Council to establish an application process for Personal and Group Trainers to apply for the use of public open space and recreation reserves. These guidelines also define the conditions of use for Personal and

Group Trainers and provide the scope of activities permitted on public open spaces and recreational reserves.

3.2 By implementing these guidelines, Council aims to:

- Ensure equity of access to public open space and regulate the use of Council land by Personal and Group Trainers.
- Reduce the impact of commercial fitness activities on public open spaces and reserves including asset condition and maintenance.
- Ensure Personal and Group Trainers are appropriately covered by public liability insurance and professional indemnity insurance.
- Maintain the amenity of public open spaces and reserves.
- Formalise a use agreement between Council and the Personal and Group Trainer.
- Ensure orderly and proper conduct of activities within the municipality without nuisance or disturbance to other reserve users.

4. Scope

These guidelines apply to the following Personal and Group Trainers and locations:

- Personal trainers and/or other health and fitness related professionals including but not limited to group fitness instructors, yoga and pilates' instructors, etc. who instruct health and fitness activities or provide health and fitness services to one or more clients/people.
- Individual persons who instruct health and fitness activities or provide health and fitness services to one or more clients/people.

4.1 *Locations*

Council owned land including:

- Parks and Reserve
- Ovals and Sporting grounds
- Walking trails
- Car parks, roads and footpaths

4.2 ***Groups excluded from the Personal and Group Training Guidelines***

These guidelines do not apply to the following groups who apply and qualify as a not for profit organisation conducting health and fitness activities:

- Individuals in groups of 3 or less undertaking recreational fitness activities within the municipality
- Community groups conducting recreational activities i.e. walking groups, scout groups or mothers groups.
- Local school groups conducting interschool sports and activities under the supervision of a teacher. Schools groups that have an approved sports ground booking.
- Local sporting clubs and sports associations partaking in sporting competition and training activities for their respective sports. This includes sporting clubs that have an approved ground allocation/booking.

5. Application and Assessment Criteria

5.1 Personal and Group Trainers are required to apply for the use of a reserve or area of public open space by completing the Application for Permit - Personal and Group Training Form and submitting all other relevant documents outlined below.

5.2 The applicant must be appropriately qualified, hold adequate public liability and professional indemnity insurance. Evidence of the following must be provided at the time of application:

Essential

- Current public liability insurance which indemnifies Council to a minimum of \$10 million – (See Section 2 for insurance requirements).
- A registered professional membership with Fitness Australia, Kinect Australia or other recognised peak body.
- First Aid Certification (minimum standard for fitness industry).
- Current professional indemnity insurance that is appropriate to the needs of the Personal and Group Trainer. The amount of coverage should be

determined by the Personal and Group Trainers risks and exposure. All insurance requirements can be discussed with the insurer for advice and direction.

5.3 Applications are subject to the following eligibility criteria:

- Applicants have submitted an Application for Permit - Personal and Group Training Form and are appropriately qualified as detailed above.
- Availability and suitability of requested reserve or public open space.
- Open space previously occupied by the Personal or Group Trainer.
- The Personal or Group Trainer does not have any outstanding debts to Council.
- The Personal or Group Trainer's compliance history in meeting the terms and conditions outlined within these guidelines or compliance history within other municipalities.
- The purpose of use for the requested reserve i.e. one on one personal training or group fitness training.
- The number of participants.

5.4 The number of permit applications to be approved will be determined by Council Officers taking into account the following criteria:

- Usage demand, intensity of use of the area and times requested (10% weighting).
- Number of approved trainers already using the area (15% weighting).
- Other activities (passive and active) being undertaken in the area (10% weighting).
- Type of activities to be undertaken and the potential impact on other users and neighbouring residents during the times requested (15% weighting).
- Management of the natural and built assets to preserve and protect the environment (5% weighting).
- Whether the activities will contribute to increasing congestion or user conflict in the area requested (10% weighting).

- Whether the ground can sustain additional use and traffic (20% weighting).
- Whether the activities conducted by Personal and Group Trainers exceeds the recommended hours of use for sports field surfaces as detailed in Banyule City Council's Active Reserves Study (10% weighting).
- Suitability of the requested reserve or area (2.5% weighting).
- Special events that may be occurring in the area (2.5% weighting).

5.5 Permit applications are processed in the following order of events:

- The Personal or Group Trainer must complete and submit an application for Permit - Personal and Group Training. All supporting documentation i.e. insurances, fitness registration details etc. must be submitted with the application.
- Applications are assessed by the Leisure and Cultural Services Department against the eligibility criteria detailed in section 5.3 and 5.4.
- Applications are approved when the Personal and Group Trainer has met all eligibility and assessment criteria outlined in the Personal and Group Training Guidelines.
- Applicants will be informed in writing about the outcome of their application. Successful applicants will be requested to make payment and will then be issued with a permit. The permit will detail the terms and conditions the Personal and Group Trainer must follow.

5.6 Each approved Personal or Group Trainer will be issued a permit in the name of the applicant (person or business name) that will detail the terms of the permit. The following information will be outlined in the permit letter:

- Type of activities to be undertaken.
- Location these activities can take place.
- The number and size of groups.
- Number of sessions per week.

- Permission to use sports ground floodlights (where applicable).
- Date and session times.

5.7 When an applicant receives a permit from Council the applicant is authorised to use a specified sports ground, reserve or area for fitness activities in accordance with these terms and conditions outlined in this document on a non-exclusive basis.

5.8 Permits will only be issued in the name of the applicant and/or business and are not transferable. A company can nominate a trainer(s) that will operate under their company. All trainers must be insured and eligible to operate under the permit in accordance with the eligibility conditions detailed above.

5.9 Council Officers will inspect Personal and Group Trainers conducting their activities and programs to ensure they are complying with the conditions outlined in their permit and adhere to the terms and conditions outlined in this document.

5.10 A company at the time of application must provide evidence of each trainer(s) professional membership registration, public liability insurance coverage and/or professional indemnity insurance.

5.11 Personal and Group Training Applications are processed on a seasonal basis according to the below dates:

- Winter – 1 April to 30 September
- Summer – 1 October to 31 March

5.12 Alternatively, applications can be submitted during the summer or winter season for a specific period of time and will be assessed within 3 weeks from Council's receipt of the application. Applicants must specify the period of requested use in their application. Approved applicants are invoiced as per the fees and charges applicable to Personal and Group Trainers.

6. Fees and Charges

6.1 Personal and Group Trainers are required to pay a standard fee to conduct their health and fitness business or program activities on Council land. The fees and charges applicable to Personal and Group Trainers have been developed to be fair and equitable and to ensure Personal and Group Trainers continue to provide their valuable service to Banyule residents and the wider community. The standard fees have been confirmed by industry comparison; please refer to section 6.3 for the fee categories.

6.2 The fees and charges applicable to Personal and Group Trainers are subject to the below conditions:

- Fees and charges payable are subject to a 10% Goods and Services Tax (GST). All fees quoted in the Personal and Group Training Guidelines are GST inclusive.
- Fees and charges will be reviewed annually in accordance with CPI.
- Should the Application for Permit - Personal and Group Trainers be approved, all amounts owed to Council in accordance with the fees outlined in the Personal and Group Training Guidelines must be paid in full to Council.

6.3 The fees and charges for the use of Councils public open space or sports grounds are detailed below:

Category	Permit Fee	Comments
Seasonal Fee: (from 1 April – 30 September) (from 1 October – 31 March)	\$425	Ideal for Personal and Group Trainers that operate their business or program throughout the entire year. Personal and Group Trainers must reapply every 6 months.
Monthly	\$85	Ideal for Personal and Group Trainers that operate their business or program for a shorter period than 6 months.
Weekly	\$22	Ideal for Personal and Group Trainers that

		operate their business or program for short period. i.e. 6 week personal or group training program.
--	--	---

6.4 Personal and Group Trainers must make payment of their fees by the due date indicated on their invoice. Personal and Group Trainers that default in any payments will be subject to the conditions outlined in the following section.

6.5 The fees and charges applicable to Personal and Group Trainers that have less than two clients will be determined upon application.

7. Default in Payment

7.1 Personal and Group Trainers that have defaulted in the payment (fees not paid to Council by the due date) of fees and remain in default will be subject to the following conditions:

- Immediate cancellation of the Personal and Group Trainers permit.
- The Personal and Group Trainer will not be permitted to conduct any activities on Council property until they have made payment of their outstanding debts to Council.
- Council will not to approve an application request from a Personal and Group Trainer that has a poor payment history with Council.
- Personal and Group Trainers that default in payment will be subject to the terms and conditions outlined in section 18 (Termination, breaches and appeals process)

7.2 Unless a mutually agreed payment plan is reached the following process will be followed if an Personal and Group Trainers fails to pay monies owed to Council:

Period Overdue	Action
15 days	A reminder letter is issued requiring immediate payment of the outstanding amount. Or a phone call is made to the Personal and Group Trainer.
30 days	A 2 nd reminder is issued inferring legal action may be taken. Penalty: Council may charge interest in accordance with the Penalty Interest Act on the whole of the debt.
45 days	The account is referred to Council's collection agency for action. A demand letter will be issued for the outstanding debt.
55 days and over	If payment is not received or a mutually agreed payment plan is not reached legal action will proceed. Should legal action be necessary the incorporated body or business will be liable for all costs incurred for the recovery of the debt. All prior correspondence will be used as evidence of prior pursuit of the debt.
	Council reserves the right to withdraw a Personal and Group Trainers permit at any point during this process.

7.3 At any point in the default in payment process the Personal and Group Trainer may negotiate a payment plan with the exception of a Wind up/Bankruptcy order being issued. If this order is issued payment is required in full. Payment plans must be achievable (i.e. the Personal and Group Trainer must be able to meet the repayments) and ensure that the current fees can

be honoured. Once the account has reached the legal action stage the only payment plan available is via direct debit. Legal action will be placed on hold until all monies owed are paid in full. Action will not be closed until the debt is paid in full.

- 7.4 Upon default of a payment plan all monies owed will be payable in full immediately and legal action will begin or recommence immediately.
- 7.5 Any application request made by a Personal and Group Trainer that has outstanding Council debt will not be approved

8. Insurance and Qualifications

- 8.1 The permit holder shall at all time during the agreed term, be the holder of a current Public Liability Policy of Insurance ("The Public Liability Policy"). The Public Liability Policy must be in the name of the permit holder providing coverage for a minimum sum of \$10 million. The Public Liability Policy shall be affected with an insurer acceptable to Council. The Public Liability Policy shall cover such risks and be subject only to such conditions and exclusions as are approved by Council.
- 8.2 The permit holder shall, at all times during the agreed term, be the holder of a current Professional Indemnity Policy of Insurance ("the Professional Indemnity Policy"). The Professional Indemnity Policy must be in the name of the permit holder and must be appropriate to the needs of the Personal and Group Trainer. The Professional Indemnity Policy shall be affected with an insurer acceptable to the Council.
- 8.3 The Personal and Group Trainer must be appropriately qualified and have relevant first aid certification and certificates. The Personal and Group Trainer must be a member of Kinect Australia, Fitness Australia or other recognised peak body association/s as outlined in section 5.

- 8.4 The Personal and Group Trainer is required to provide evidence to the satisfaction and approval of the Council of insurances effected and maintained at the time of application or when requested by Council in writing.
- 8.5 A Certificate of Currency/Insurance of the Public Liability Insurance policy stating the level of cover, period of cover, and exclusion clauses must be provided to Council as part of these terms and conditions. Should the Personal and Group Trainer's insurance fall due during the allocation period, proof of renewal of the insurance must be provided by the Personal and Group Trainer.
- 8.6 If the Personal and Group Trainers fitness registration or first aid certification lapse during the course of the issued permit, Council will request evidence of the renewed registration and first aid certification. If the Personal and Group Trainer fails to produce evidence of their renewed registration and first aid certification the permit will be revoked.

9. Sports Field Availability

- 9.1 In the past Council sports grounds have been heavily allocated with sports clubs, particularly with the growth in junior sport. The high volume of ground use by sports clubs coupled with the continued drought has placed all sports grounds under immense stress. This has presented Council with a difficult challenge to manage the surface condition of sports fields. Therefore, it is Councils preference for Personal and Group Trainers to conduct their commercial fitness activities on public open space areas rather than using sporting field surfaces.
- 9.2 All applications are subject to ground conditions, carrying capacity and ground availability as stated in section 5.
- 9.3 Council may consider application requests for the use of sports fields for personal and group training activities. However, the use of sports fields is not

Councils preferred option for personal and group training activities, particularly if the activities will lead to a decline in the condition of the requested sports field.

- 9.4 Council will not approve application requests for sports fields if the requested personal and group training activities exceed the recommended hours of ground use detailed in Councils Active Reserves Study. Council will recommend an alternative reserve or public open space area if the use of a sports field is not appropriate.
- 9.5 Most sporting grounds in Banyule City Council are allocated to cricket, football, baseball and soccer clubs throughout the year. Personal and Group Trainer's using a sporting reserve must ensure all fitness sessions are conducted off-field when a sports club is conducting training and competition.
- 9.6 Current tenant sports clubs have priority of use if there is any conflict with scheduled use of the grounds. The sports clubs priority of use only applies when:
- The tenant sports club(s) and the Personal and Group Trainer wish to occupy the same sporting reserve at the same time.
- 9.7 Officers from the Leisure and Cultural Services Department will make the final decision on any conflict with the scheduled use of grounds. The respective sports club and Personal and Group Trainer will receive written notification from Council detailing the scheduled ground use times. Both groups must adhere to the ground use times specified by Council.
- 9.8 Due to the current drought conditions, Council's grounds cannot be presented to the standard of previous years. Personal and Group Trainers must reduce wear and tear on grounds during fitness sessions by modifying training and rotating areas of ground use. Personal and Group Trainers are required to use an alternative ground location or rotate their training activities to alternative areas if requested to do so by Council.

- 9.9 There may be occasions when sporting grounds are unable to be accessed during the year due to poor ground conditions or scheduled maintenance work. Personal and Group Trainers will be notified should their allocated ground or reserve be unusable for a period of time.
- 9.10 Personal and Group Trainers must ensure that all fitness sessions are conducted off-field if requested to do so by Council. Should a ground/reserve not be made unavailable, Council Officers will assist the Personal and Group Trainer, where possible to locate an alternative ground/reserve, subject to the availability of an alternative site.

10. Session Times and Size of Groups

- 10.1 Council Officers will determine the maximum number of persons permitted per training session depending on the nature of the activity, equipment used and area requested. However, a permit will not be issued for groups that have more than 20 participants.
- 10.2 Training sessions must not commence prior to 6am and must finish by 9pm.
- 10.3 The maximum number of training sessions permitted per week is dependant on the requested reserve or sports ground. However, Council will not approve an application request for more that 20 training sessions per week.
- 10.4 The Personal and Group Trainers permit will specify the maximum number of training sessions permitted per week.

11. Lighting Facilities

- 11.1 Personal and Group Trainers require Council approval in writing to use and operate sports ground floodlighting. The following conditions apply for the use of sports field lighting facilities:
- Council is not obliged to provide access to lighting facilities.

- Council will only permit the use of lighting facilities that are operated directly from the light tower.
- Under special circumstances Council may approve alternative arrangements to access lighting facilities where applicable.
- Personal and Group Trainers who have received written approval to use sports ground floodlights are required to share the utility costs with the tenant sports club. Please see the below formula to assist Personal and Group Trainers calculate shared electrical utility costs.
- *Example*

Bill cost for lights:	\$140.00	
Weeks of bill:	14 weeks	
Total hours of use per week:	24hrs	
Club "x" use:	9hrs	
Personal and Group Trainer "y" use:		15hrs

Bill Cost / weeks of bill = weekly service charge

Weekly service charge / hrs of use = hourly service rate

$$\$140 / 14 = 10$$

$$10 / 24 = 0.41c$$

$$\text{Club "x"} = 9 \times 0.41c = 3.69 \text{ (1 week)}$$

$$3.69 \times 14w \text{ (for total bill period)} = \$51.66$$

$$\text{Personal and Group Trainers "y"} = 15 \times 0.41c = 6.15$$

$$6.15 \times 14w = \$86.10$$

- 11.2 Council will charge the Personal and Group Trainer a proportion of the electrical utility cost if the utility account is under Council's name. The cost of the electrical utility will be based on the hours of light usage by the Personal and Group Trainer.

- 11.3 Personal and Group Trainers that have approval to use sports field lights must share any incurred maintenance costs of the sports field lights with the tenant sports club. These costs may include but not limited to:
- Electrical Utilities
 - Replacement of globes or upgrades to old light fittings
 - Repair of damaged light fittings
 - Re-directing of light fittings
- 11.4 The contribution required for incurred maintenance costs must be determined between the Personal and Group Trainer and the tenant sports club. If agreement cannot be made on the appropriate contribution required for incurred maintenance costs, Council will determine the contribution required based on the total costs incurred and the proportion of hours sports field lights are used by the Personal and Group Trainer.

12. Risk Management

- 12.1 Personal and Group Trainers are required to adhere to the risk management and occupational health and safety requirements as outlined below:
- The Personal and Group Trainer should ascertain and implement risk management programs and procedures that are considered acceptable practice by their insurer and/or recognised peak body.
 - The Personal and Group Trainer is required to acknowledge that the Council reserves the right, following consultation with the Personal and Group Trainer and/or anybody representing the Personal and Group Trainer, to withdraw the ground allocation, or any part thereof from use and to cancel their permit if Council considers the sporting reserve or allocated space is unsafe and/or is unsuitable for use by the Personal and Group Trainer.
 - Should Council exercise its rights pursuant to the above clause hereof, Council will use its best endeavours to find an alternate venue for the

Personal and Group Trainer to use, however the Personal and Group Trainer agrees to hold the Council harmless if an alternative venue is not available/ cannot be found.

- Notwithstanding the above, it is agreed that the Personal and Group Trainer must ultimately determine whether the allocated reserve or space is safe for use by the Personal and Group Trainer and their participants at the time of any personal and group training activity. Council does not warrant that the allocated reserve or space is fit and suitable for Personal and Group Trainers intended uses (this includes, but is not limited to, all types of health and fitness training activities).
- Further to the above, Council acknowledges that unless Council formally withdraws the premises for use, the Personal and Group Trainer - in accordance with any regulations that relevant peak or regulatory bodies have in place covering the Personal and Group Trainer – has responsibility to determine suitability for activities to commence.

12.2 Council does not, and will not, accept liability for any activities associated with the permit holder and Council shall not be in any way responsible for any property of the permit holder or any other person associated with the activities of the permit holder.

12.3 Before commencement of activities on each occasion, all approved Personal and Group Trainers are required to complete and retain a formal checklist assessing their allocated area and immediate surrounds to determine suitability for sessions and activities to commence. Council may make requests to see evidence of completed checklists throughout the allocation period. Upon request Council can provide an example assessment checklist.

13. Exclusion Zones

13.1 No fitness training will be permitted in high activity areas and / or areas of cultural, environmental or natural significance. Specific areas where these activities are prohibited include but are not limited to the following:

- Picnic and barbecue facilities.
- Playgrounds or play equipment.
- 50 metres from any neighbouring residential property.
- Any designated sports field or facility without a specific booking.
- Trees, garden beds and vegetation.
- Park furniture, buildings and structures.
- Environmentally sensitive areas such as bushland.
- Socially or culturally sensitive areas, including memorials, shrines and public art works.
- Stairways within open spaces and public footpaths. These may only be used for transit but not used for training activity.
- Any other areas that may be nominated by Council at any time.
- Any areas that may be temporarily closed by Council.
- Sporting Pavilions or any other sporting facilities managed by Council. I.e. tennis courts, bowling green's, sports club rooms/pavilions etc.

13.2 Personal and Group Trainers are only permitted to use the ground/location as specified in their permit from Council. Council will terminate a trainer's permit if they are found using areas not specified in their permit.

14. Permissible Fitness Activities

14.1 Fitness training is limited to the following activities:

- Gym Sessions (with or without weights, fitball, skipping ropes etc).
- Boxing and pad training.
- Organised aerobic activity.
- Yoga, Tai Chi and Pilates classes and like activities
- Circuit training.
- Other appropriate cardio – vascular and muscular skeletal programs that are of benefit to a person's fitness including warm up and cooling down exercises.
- A combination of any of the above

15. Excluded Activities

15.1 The following activities are not permitted:

- Aggressive or intimidating activities including combat/ fighting training.
- Amplified music or use of amplified audio (voice) equipment.
- The setting up of gymnasium type equipment (e.g. weight benches, weight stacks, stationary bikes, treadmills, steppers etc).
- Personal and Group Trainers shall not suspend boxing or kickboxing bags from trees and / or structures in the public reserves.

16. General Terms and Conditions

Each Personal and Group Trainer approved by Banyule City Council is required to comply with the following terms and conditions:

- 16.1 Shall not assign their rights under agreement with Council or attempt in any other manner to transfer their rights under agreement with Council to any other person or business, it being clearly understood that the permit is issued to a particular person and/ or business is not transferable.
- 16.2 When conducting training on Council reserves shall always conduct themselves in a proper and orderly manner and be considerate to other reserve users and adjacent residents.
- 16.3 Personal and Group Trainers are not permitted to conduct their activities so not to dominate, monopolise and / or obstruct any stairways or pathways.
- 16.4 Personal and Group Trainers must not create any noise from training activities that unreasonably disturb other users and adjacent residents. Furthermore, no sounds such as music, loud speakers or mega phones are not to be used throughout a training session. The noise from a personal training session should not be heard from outside of the reserve proximity.
- 16.5 Personal and Group Trainers are only authorised to provide the training sessions specified in their permit.

- 16.6 The display of any signage (promotional or business signage) must comply with the Council Outdoor Advertising Policy February 2010. Please refer to the policies for further details about signage requirements.
- 16.7 Personal and Group Trainers shall be liable for any other fees or levies required by any other public authority or statutory body.
- 16.8 Personal and Group Trainers must make good any damage to Council assets that have occurred as result of the activities of the Personal and Group Trainer and will be liable for all costs incurred by Council.
- 16.9 In the event that the following incidents occur, Council will not be held responsible for any loss of income or earning related to the Personal and Group Trainer's operations:
- Lighting facilities fail to work.
 - Council terminates the Personal and Group Trainers permit for any breach of these terms and conditions.
 - The Personal and Group Trainer is relocated to another location or area.
 - Ground conditions are deemed to be unsafe or unusable.
 - Council temporarily closes a sporting reserve or area in an effort to conserve ground conditions as stated in section 9 of this policy.

17. Banyule City Council Indemnity

- 17.1 The permit holder (Personal and Group Trainer) agrees to indemnify and to keep indemnified, the Council, its servants and agents, and each of them from and against all actions, costs, claims, charges, expenses, penalties, demands and damages whatsoever which may be brought or made or claimed against them, or any of them, in connection with the permit holder's performance or purported performance of its obligations under this application and be directly related to the negligent acts, errors or omission of the applicant. The permit holder's liability to indemnify the Council shall be

reduced proportionally to the extent that any act or omission of the Council, its servants or agents, contributed to the loss or liability.

18. Termination & Breaches Process

- 18.1 Council reserves the right to cancel an Personal and Group Trainer's permit without further notice if in its sole opinion it has determined that the permit holder has:
- Failed to comply with the reasonable direction of an authorised Council Officer.
 - Breached the terms outlined in their permit.
 - Breached the terms outlined in Banyule City Councils Personal and Group Training Guidelines.
 - Breached the terms outlined contained within the application form.
 - Any overdue payments or outstanding debts to Council.
- 18.2 Should Council receive numerous or serious complaints about a particular group/trainer or site; Council reserves the right to restrict or cancel the permit. Council will advise the Personal and Group Trainer in writing of the nature of the breach, the conditions of the restriction or cancellation of the permit and effective date.
- 18.3 Personal and Group Trainers must provide a copy of their permit if requested by a Council Officer. If a Personal and Group Trainer fails to provide a copy of an issued permit or does not have a permit confirming Council approval to conduct activities on Council owned land, the Personal and Group Trainer will be advised on the first occasion to cease activities and to apply for a permit. On any subsequent occasions the trainer will be asked to cease activities immediately and may be issued with a penalty notice in accordance with the Local Law No. 1 (2005) General Local Law.
- 18.4 If a Personal and Group Trainer continues to conduct training activities on Council owned land when their permit has been suspended or cancelled, the trainer will be advised on the first occasion to cease activities. On any

subsequent occasions the trainer will be asked to cease activities immediately and may be issued with a penalty notice in accordance with the Local Law No. 1 (2005) General Local Law.

19. Review of Guidelines

The Personal and Group Training Guidelines should be reviewed within two years of its adoption. The review should include a consultation process with Personal and Group Trainers, feedback from relevant Council Officers from across Council and a review of the fees and charges.

20. Enquiries

For application enquiries and general enquiries regarding the Banyule City Council – Personal and Group Training Guidelines please contact Banyule City Council on 9490 4222 or visit www.banyule.vic.gov.au.

21. Appendices

21.1 Personal and Group Training Application Evaluation Matrix

Criteria	Score out of 10	Weighting	Weighted Score
Usage demand, intensity of use of the area and times requested		10.00%	0
Number of approved trainers already using the area		15.00%	0
Other activities (passive and active) being undertaken in the area		10.00%	0
Type of activities to be undertaken and the potential impact on other users and neighbouring residents during the times requested		15.00%	0
Management of the natural and built assets to preserve and protect the environment		5.00%	0
Whether the activities will contribute to increasing congestion or user conflict in the area requested		10.00%	0
Whether the ground can sustain additional use and traffic.		20.00%	0
Whether the activities conducted by Personal and Group Trainers exceeds the recommended hours of use for sports field surfaces as detailed in Banyule City Council's Active Reserves Study.		10.00%	0
Suitability of the requested reserve or area		2.50%	0
Special events that may be occurring in the area		2.50%	0
		TOTAL	0