

SEPARATE COVER

A116/2013

**MANAGEMENT AND MAINTENANCE OF
SPORTS AND RECREATION FACILITIES
POLICY (EDSSS) (10/1/B)**



***POLICY FOR MANAGEMENT &
MAINTENANCE OF SPORTS &
RECREATION FACILITIES***

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DEFINITIONS:

“Immovable Asset” means:

- [i] immovable property and real rights registered in the name of the Municipality;
- [ii] immovable property and real rights the Municipality is entitled to have registered in its name; and
- [iii] any other immovable property which, by law, vests in the Municipality.

“Constitution” means the Constitution of the Republic of South Africa Act, 1996 (Act No. 108 of 1996);

“Council” means a municipal council referred to in section 157 of the Constitution;

“Market value”, in relation to a property, means the amount a property would have realized if sold on the date of valuation in the open market by a willing seller to a willing buyer;

“Municipality” means the Matjhabeng Local Municipality;

“Municipal Manager”, means the Municipal Manager of the Municipality;

“Property” means-

- (a) immovable property in the name of Matjhabeng Local Municipality, including, in the case of a Sectional title scheme, a sectional title unit registered in the name of a municipality;
- (b) public service infrastructure;

“Social benefit” is defined as services provided by registered welfare, charitable, non-profit and Religious organisations.

“NSRC” means the National Sport and Recreation Act, (Act No. 110 of 1998);

“WPSR” means the White Paper on Sports and Recreation.

1. PREAMBLE

Matjhabeng Local Municipality's philosophy of sports and recreation is based on the recognition of the vital importance of sports in the holistic development of the individual and the community.

Sports and recreation are an important means of building and developing the character of the individual as well as the social cohesion of the community. It builds nurtures the spirit of friendly competition, it provides healthy entertainment, it exercises the body, it focuses the spirit, it creates a climate of achievement and it challenges the youth in particular to higher levels of endurance and attainment.

2. PURPOSE

The purpose of the Management and Maintenance Policy is the enhancement and maintenance of the sports and recreation facilities as well as to encourage a healthy life, uplifting the standard of living of residents, especially those in the disadvantaged communities and vulnerable groups, like youth.

3. AIMS & OBJECTIVES

- 3.1 To provide excellent sport facilities and meeting venues for Matjhabeng Local Municipality. To render an efficient and effective service to both Matjhabeng communities and the country as whole.
- 3.2 To promote the sports facilities as an income generating facility which is of the utmost importance to help offset the high maintenance expenditure by the Municipality.
- 3.3 To ensure that sports facilities are accessible to all regardless of their origin through the application of this policy.

- 3.4. To ensure that through its professional management the image of the Matjhabeng Local Municipality as a whole is held high.
- 3.5. To strive and ensure that the sports facilities standards are always kept high so as to offer a quality facility to the clientele.
- 3.6 To encourage participation of the members of the community and the youth in various sporting codes.
- 3.7 To provide personal, social economic benefits contributing to:
- Building self-esteem and a positive self-image;
 - Leading a balanced life, achievement of full potential and life satisfaction;
 - Prevention of certain physical diseases and ill-health, reducing the impact of the health budget;
 - Reduction in vandalism and criminal activities;
 - Reducing alienation and anti-social behaviours, promotes cultural harmony ;
 - Opportunity for community involvement, shared management and ownership of resources;
 - Improved social interaction.

4. LEGISLATIVE FRAMEWORK

There are various legislative framework regulating the management and maintenance of sports and recreation facilities, including but not limited to the following:

- ❖ Constitution of the Republic of South Africa. Act 108 of 1996.
- ❖ National Sport and Recreation Act, Act 110 of 1998.
- ❖ White Paper on Sports and Recreation.

5. POWERS

5.1 NECESSITY FOR A COMPREHENSIVE MANAGEMENT & MAINTENANCE OF SPORTS & RECREATION FACILITIES POLICY

5.1.1 Sections 151 of Chapter 7 of the Constitutions of the Republic of South Africa

Act 108 of 1996 ("the Constitution") prescribes that:

"a municipality has the right to govern, on its own initiative, the local government affairs of its community as provided for in the constitution".

5.1.2 Apparent from above provisions is that the government objectives are to:

- ❖ Promote social and economic development;
- ❖ Promote a safe and healthy environment;
- ❖ Encourage the involvement of communities and community organisations in the matters of local government.

6. LEGISLATIVE MANDATE

The municipality is responsible for the promotion and development of sport and recreation in the Matjhabeng Local Municipality. These responsibilities of the Municipality are mandated in terms of the following regulations:

6.1 The National Sports and Recreation Act (Act 110 of 1998)

The aforementioned act provides for:

- The promotion and development of sports and recreation and the co-ordination of the relationships between the Sports Commission, National and recreation federations and other agencies.

- Measures aimed at correcting imbalances and thus promote equity and democracy.
- Dispute resolution mechanisms in sport and recreation.

6.2 The White Paper on Sport and Recreation

The White Paper gives effect to stated government policy of a better life for all and to get the nation to play. Cognisance is taken of the imbalances which exist between the advantaged urban and the disadvantaged rural communities, the strategic vision and policy for the development of sport and recreation and the need for South Africa to take its rightful place in the global sporting community.

Apparent from above provisions the local authorities are therefore in direct contact with the sites of delivery of sport and recreation with primary functions as follows:

- Develop a policy framework for the governance of sport at local level that is in concern with the national and provincial sport and recreation policy
- Make sport and recreation accessible to all people in the local area.
- Create the infrastructure required for the delivery of sport and recreation given that the club is the basic unit of sport and recreation, the; local authorities are an important link in the value chain.
- Ensure the existence of programmes that develop the human resources potential in sport and recreation.
- Effect international agreements in concern with DSR's (Department of Sport and Recreation), as reached by the national DSR's, for the purpose of sharing technology, skills transfer and the development of sport and recreation.

7. PROCEDURE

The use of the sport and recreational facilities will be categorised as follows:

- Rental
- Lease

7.1 RENTAL

The tariff will be levied for the use of sport and recreation facilities, at a rate to be determined by the Council from time to time.

Exemption from paying rental will be considered only under the following circumstances:

7.1.1 Where an activity or programme is presented in co-operation with the municipality e.g HIV campaign by the Provincial Government, Road Safety Awareness, Sport Development etc. Activities by the Provincial Government, not relating to municipal matters will be charged the normal fee.

7.1.2 Where a team of choir, dance group etc has been selected or qualified to represent Matjhabeng at a recognised Provincial or national competition or event, the facility can be made available for practise purposes. Council reserves the right to change permission for practise should a person/organisation book and pay for the facilities.
(Groups, teams, choir etc. Mentioned 9.1.2 above, will be charged a refundable deposit and must also be liable to clean the facilities after they used same)

7.1.3 To Councillors for report back meetings to their constituencies and other official municipal matters.

(Councillors must book well in advance to ensure that a facility is available, as bookings already made and being paid for by the community will not be cancelled to accommodate them and the necessary forms must be completed for the facility to be used, before the date of use)

7.1.4 For the registration and paying of social grants.

7.1.5 Any other application that cannot be handled in terms of the abovementioned guidelines be referred to the Mayoral Committee for consideration.

7.1.6 Any breakage or any other additional costs incurred by the municipality shall be to the costs of the User.

7.1.7 Subject to Council Resolution pertaining to rentals of sports facilities the rental thereof shall be governed as follows:

- Occupational rent to be determined by the value of the facility.
- No- refundable deposit to be paid prior to occupation.

7.2 LEASE

Sport and Recreation facilities can be leased to recognised sporting bodies, Subject to the signing of Service Level Agreement and under the following terms and conditions.

❖ **CONTRACT RENTALS- THREE (3) YEARS**

- Occupational Rent to be determined by the value of the facility.
- The escalation costs to be calculated at 10% per annum.
- The annual rental to be reviewed after every twelve months to match the valuation fluctuation.
- The lessee is not permitted to sub-let the facilities.
- Representative from Lessor will serve in the Main Club Management Board.
- The Lessee will provide the Lessor with the annual activities program.
- The Lessor will provide the Lessee with the activities program.

❖ **MAINTENANCE**

BUILDINGS:

- Water and Electricity at the building will be metered.
- Payment for fresh water for irrigation will be at cost price and in case of Bore-hole, will pay the same tariff for effluent water.
- Flood Lights to be metered.
- Flood lights maintenance- the lessee will provide with bulbs and the lessor will be responsible for the cable maintenance.

SPORT FIELDS:

➤ **Responsibility of Lessee:**

- Cut grass
- Irrigation
- Marking of fields
- General maintenance of the commodities (equipment and other sporting apparatus).

➤ **Responsibility of Lessor:**

- Water network maintenance (repair and maintenance).

➤ **Other standard principles :**

- Matjhabeng Municipality will not be charged when using the facility.
- Facilities will remain the property and responsibilities of the municipality.
- A facility must be open and accessible to everybody.
- The municipality must be represented in the management of the lessee.
- Regular inspections by officials should be undertaken to ensure compliance.
- All federations to affiliate with the Matjhabeng Sports Council.
- Council can offer land at a normal /special price or let the club or body lease the land at normal fees where sport clubs or bodies need to develop the facility on its own.

8. CATEGORY A FACILITIES – Municipal Service Partnership where the partner practice a formal sport and recreation related business or franchise

The rent will be calculated as follows:

- ❖ Bar and restaurant facilities: R35.00 per square meter per month
- ❖ Offices and recreational areas R 35.00 per square meter per month

9. CATEGORY B FACILITIES – Municipal Service Partnership where the partner practice a sporting code with membership fees as an only income

The rent will be calculated as follows:

❖ NB UNDERNEATH CALCULATIONS TO BE REVIEWED!!

Clubhouse and indoor facilities R 5.00 per square meter per month

Outdoor facilities R0.50 per square meter per annum where the partner does the maintenance.

Outdoor facilities R 1.00 per square meter per annum where the Municipality do the maintenance.

10. CATEGORY C FACILITIES

Renting of sport and recreation facilities – DAILY USE

Renting of sport and recreation facilities will be determined by the current tariff structure of the financial year.

11. REVIEW PROCESS

The policy is subject to annual review, unless the Council deems it necessary to revisit specific provisions of the policy at any given time.