

EXT 015: OUTDOOR PERSONAL TRAINING IN PUBLIC PLACES

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Objective

The policy provides an effective tool for regular commercial users of public open spaces by personal trainers and commercial fitness groups to minimise the impact on surrounding residents and other users of the public open space whilst recognising the increase in community demand for commercial fitness activities.

Scope

This policy covers all outdoor Personal Training and Commercial Fitness groups, including activities such as Bootcamps, Yoga, Tai Chi, Pilates and similar activities.

Policy

To ensure that all Personal Trainers and Commercial Fitness groups operate in a manner acceptable by the Shire of Esperance, all operators must:

- Make application for a venue through the Shire's External Services department;
- Permit issued by the Shire is to be held at all times and presented to an Authorised Officers upon request;
- Promptly pay all associated fees (if applicable) as approved by the Council;
- Take out and maintain in their name, for the duration of the term of the permit, approved public liability insurance for a minimum of \$10 million and provide documentary evidence of this at the time of application;
- Ensure that all commercial personal training promotional signage be approved by the Shire prior to its display. These will be assessed in accordance with relevant policies and procedures;
- Provide only activities for which they are suitably qualified and have been approved by the Shire;
- Manage the activities to minimise wear and tear on grassed areas (this includes rotating within the designated area and/or alternating activities);
- Comply with all reasonable directions of authorised Shire Officers;
- Ensure all hazards are made safe and reported to the Shire immediately;
- Permits issued are not transferable;

- Always conduct themselves in a proper and orderly manner and be considerate to other users and adjacent residents when conducting training in public open space;
- Ensure the training area is restored to the same condition it was at the commencement of the training;
- Not interfere with any Shire approved or booked activity including, but not limited to a wedding, birthday party, corporate BBQ, sport or sporting activity that is being carried out on park, reserve or public space or part thereof and the trainer acknowledges that such a booking has priority over trainers use;
- Take responsibility for satisfying all occupational health and safety legislation and regulations;
- Indemnify and hold the Shire harmless from and against all damages, sums of money, costs, charges, expenses, actions, claims and demands, which may be sustained or suffered or recovered or made against the Shire by any person for any loss of life or injury or damage any person may sustain during the conduct of a training session;
- Agree that, notwithstanding an implication or rule of law to the contrary, the Shire shall not be liable for any damage or loss that the trainer and their clients may suffer by the act, default or neglect of any other person or by reason of the Shire failing to do something on or prior to the public space being used;
- Not store fitness equipment in any Shire building or public open space. The erection of fixed structures for the storage of fitness equipment is not permitted;
- Must observe the closing of public open space areas due to wet weather and maintenance; and
- Not drive or park any vehicle on parks, reserves, public space or footpaths.

Definitions

Reserves means public open space within the Shire that can be utilised for fitness, health, sporting and recreation activities for both club, business and residential use.

Personal Trainer means a registered and accredited individual who conducts fitness and training sessions on a for profit basis.

Permitted Training Areas means an area as outlined in the Personal Training and Commercial Fitness Guidelines.

Commercial Activity means any activity which is on a “for profit basis”, and involves the exchange of money for goods and services.

Signage means the display of all relevant details of use in accordance with the Personal Training and Commercial Fitness Guidelines.

Relevant management practices/documents

Personal Training and Commercial Fitness Group Guidelines

Legislation / Local Law Requirement

Shire of Esperance Local Government Property Local Law 2009

Shire of Esperance Activities in Thoroughfares and Public Places and Trading Local Law 2016

Shire of Esperance Advertising Signage in a Thoroughfare or Public Place Policy

Shire of Esperance Trading in Public Places Policy

..... Policy Ends