



## Executive Director/Director Non-Key Executive Decision Report

**Author/Lead Officer of Report:** Alan Williams, Green Space Project Officer

**Tel:** 0114 2736218

**Report to:** Paul Billington

**Date of Decision:** 22<sup>nd</sup> December 2016

**Subject:** Parks Tennis LTA Investment

Which Cabinet Member Portfolio does this relate to? Place

Which Scrutiny and Policy Development Committee does this relate to? Economic and Environmental Wellbeing Scrutiny and Policy Development Committee

Has an Equality Impact Assessment (EIA) been undertaken? Yes ☒ No ☐

If YES, what EIA reference number has it been given? 1168

Does the report contain confidential or exempt information? Yes ☐ No ☒

If YES, give details as to whether the exemption applies to the full report / part of the report and/or appendices and complete below:-

*"The (**report/appendix**) is not for publication because it contains exempt information under Paragraph (**insert relevant paragraph number**) of Schedule 12A of the Local Government Act 1972 (as amended)."*

### Purpose of Report:

This report seeks approval to enter into a funding agreement with the Lawn Tennis Association (LTA) for funding in respect of the project to refurbish courts at Graves Park and Millhouses Park. This is part of wider LTA investment and assistance in the development of Parks Tennis Sites across the City. The LTA have offered funding of £84,684 for the development of the project- to resurface five macadam courts at Graves Park and resurface 6 of the same at Millhouses Park, which will support the Sheffield Parks Tennis Programme. There is potential for a further £200,000 funding from the LTA for additional sites, which fit the criteria of the Programme.

This report seeks approval to accept the LTA Terms and Conditions and accept the funding for this

project.

SCC are providing Partnership Funding on this project in the amount of £68, 317.

This report also seeks approval to enter into a 5 year contract (with an option to extend by a further 5 years) with an operator to manage and maintain the parks tennis sites on behalf of the Local Authority.

## Recommendations:

It is recommended that the Director of Culture and Environment:

1. Approve the acceptance of £84,684 grant funding from the Lawn Tennis Association (LTA) for refurbishments at Graves Park and Millhouses Park and also to provide the partnership funding detailed within the report.
2. Approve the acceptance of further funding from the LTA, up to a limit of £200k for investment in additional sites, subject to approval from the Executive Director of Resources.
3. Approve the acceptance of the Offer Letter and the Terms and Conditions (the 'Funding Agreement') from the LTA grant funding, as detailed within the report.
4. Approve that work is commissioned to deliver the Parks Tennis refurbishment work.
5. Approve a tendering exercise to commission a provider for Parks Tennis Programme from April 2017 onwards (subject to appropriate Procurement Strategy sign off).
6. Gives approval to take such steps as they deem appropriate to achieve the outcomes set out in this report.

## Background Papers:

Parks Tennis Offer Letter (Appendix 1)



Offer Letter dated  
21.10.16.pdf

Lead Officer to complete:-		
1	I have consulted the relevant departments in respect of any relevant implications indicated on the Statutory and Council Policy Checklist, and comments have been incorporated / additional forms completed / EIA completed, where required.	Finance: <i>Paul Schofield</i>
		Legal: <i>Nadine Sime</i>
		Equalities: <i>Annemarie Johnston</i>
	Legal, financial/commercial and equalities implications must be included within the report and the name of the officer consulted must be included above.	
2	Lead Officer Name: <i>Alan Williams</i>	Job Title: <i>Green Space Project Officer</i>
	Date: 9 <sup>th</sup> December 2016	

## **1. PROPOSAL**

- 1.1 Parks tennis has been in long term decline with the deterioration and loss of many parks courts over recent years. The City has now reached the point where without additional investment and resources tennis would be lost within our parks.

The City Council has had to make £350 million of savings over the last 5 years and has shed over 1000 jobs and, with further cuts on the horizon, does not have the resources to maintain and invest in park tennis facilities on an on-going basis.

The decline in parks tennis has however started to be addressed in the last two years following the establishment of a strong working relationship between the LTA and Sheffield City Council.

A ground breaking parks pilot tennis programme was launched in Sheffield in June 2015, which was the result of a four way partnership between SCC, the LTA, Premier Tennis and Places for People.

This proposal seeks to build on the success of the partnership approach by commissioning a long term operator for the provision of parks tennis and parks tennis coaching. This will be supported by the funding from the LTA to improve the standard of the parks tennis facilities in the city to allow those sites to be utilised for the tennis programme.

Sheffield City Council and the LTA are strongly committed to growing participation in tennis and making the sport accessible to all sections of the community. The appointed operator will be expected to deliver affordable tennis programmes across the city that promotes participation among under-represented groups.

This is an exciting opportunity to for tennis in the city and will offer an innovative solution to safeguard the future of parks tennis in the United Kingdom's greenest city.

## **2. HOW DOES THIS DECISION CONTRIBUTE ?**

- 2.1 The project fits with the 'Invest to Save' model that has been adopted to protect usage and investment in sporting and recreational facilities across the City.

The project will support the Councils priorities for Thriving Neighbourhoods and Communities and Better Health and Wellbeing by encouraging greater

participation, particularly from underrepresented groups.

The investment in facilities will enhance the customer experience and help to build increased participation.

### **3. HAS THERE BEEN ANY CONSULTATION?**

- 3.1 Consultation has taken place with the Cabinet Member and all ward Councillors. Further consultation has also been undertaken with all of the affected 'Friend of Parks' groups within the City

The proposal has been agreed by all Councillors consulted and is widely supported by the friends groups and the wider community.

### **4. RISK ANALYSIS AND IMPLICATIONS OF THE DECISION**

#### **4.1 Equality of Opportunity Implications**

- 4.1.1 An Equality Impact Assessment has been completed for this project (ref 1168). No significant negative impacts were identified.

#### **4.2 Financial and Commercial Implications**

- 4.2.1 This project seeks approval to accept £84,684 funding from the LTA. With up to a further £200,000 potential investment of funding in the future.

In accepting the funding from the LTA the Council are committing to provide a life cycle replacement fund (up to £36,000 per year). This will be funded from a combination of Culture and Environment revenue budget and payment received from the operator concession contract linked to this project.

This project also seeks approval to undertake a tender exercise to engage a parks tennis operator who will manage and maintain the parks tennis sites over the next ten years. The tender exercise will be supported by a procurement strategy that will be signed off by professionals in the Commercial Services department of the Council.

#### **4.3 Legal Implications**

- 4.3.1 The Local Government (Miscellaneous Provisions ) Act 1976 permits the Council to provide such recreational facilities as it thinks fit which includes:
- (a) indoor facilities consisting of sports centres, swimming pools, skating rinks, tennis, squash and badminton courts, bowling centres, dance studios and riding schools; .
  - (b) outdoor facilities consisting of pitches for team games, athletics grounds, swimming pools, tennis courts, cycle tracks, golf courses, bowling greens, riding schools, camp sites and facilities for gliding; .

- (c) facilities for boating and water ski-ing on inland and coastal waters and for fishing in such waters;
- (d) premises for the use of clubs or societies having athletic, social or recreational objects;
- (e) staff, including instructors, in connection with any such facilities or premises as are mentioned in the preceding paragraphs and in connection with any other recreational facilities provided by the authority;
- (f) such facilities in connection with any other recreational facilities as the authority considers it appropriate to provide including, without prejudice to the generality of the preceding provisions of this paragraph, facilities by way of parking spaces and places at which food, drink and tobacco may be bought from the authority or another person.

To the extent the proposals are not covered in this piece of legislation, power to proceed is also provided through the General Power of Competence in Part 1 of Localism Act 2011. It also has the power to deliver the project, to which the grant applies, under s.111 of the Local Government Act 1972.

SCC must have security of tenure over the facilities or land on which they are built by way of Freehold or Uninterruptible Leasehold, before any funding will be paid, for the Clawback period, which is 21 years.

The project and facilities will be monitored for the duration of the Clawback period. SCC will not be allowed to mortgage, lease, licence, dispose or change the use of the facilities during the Clawback period, without the prior consent of LTA Operations. There are Clawback situations for recovery of the grant if SCC is in breach of the funding agreement; there are also repayment requirements under this agreement. A relevant policy of insurance will also need to be maintained.

SCC must reimburse the LTA for legal expenses incurred; on demand £1,500 and £350 per legal charge and restriction of title respectively, whilst reserving the right to increase these fees. SCC shall also pay any costs relating to any application to consent or approval or enforcement of the funding agreement and any other professional fees the LTA deem appropriate.

SCC will be tied into the obligations of this agreement and the decision maker needs to be happy that the Council can comply with these obligations. SCC will provide partnership funding on this project of £68,617.

Procurements under this Agreement will be subject to Procurement Rules and SCC will need to comply with these. SCC will also have to ensure it is State Aid law compliant throughout the programme. Procurement of the works to refurbish sites must also comply with EU and UK procurement law and the Council's own standing orders.

## **5. ALTERNATIVE OPTIONS CONSIDERED**

- 5.1 An option to do nothing and retain the status quo in parks tennis was considered. However, this would eventually lead to the complete demise of tennis facilities in parks across Sheffield due to the Councils ongoing budget pressures and inability to invest any significant funding.

**6. REASONS FOR RECOMMENDATIONS**

- 6.1 This programme offers an innovative solution to providing, growing and sustaining tennis in Sheffield's parks.

This programme is seen by the LTA and Sport England as a national example of good practice. It is a model that other core cities across the country will seek to adopt.