

# Investment in Leeds Parks Tennis Facilities

Date: 24<sup>th</sup> May 2024

Report of: Chief Officer, Climate, Energy and Green Spaces

Report to: Director of Communities, Housing and Environment and the Chief Officer, Financial Services.

Will the decision be open for call in?  Yes  No

Does the report contain confidential or exempt information?  Yes  No

## Brief Summary

Approval is sought from the Chief Officer, Financial Services to:

- Inject £513,326.65 into the Green Space's capital programme for the refurbishment of 42 tennis courts in 8 Leeds City Council parks noting that funding has been provided by the National Sporting Body, The Lawn Tennis Association (LTA).

And approval is sought from the Director of Communities, Housing and Environment to grant authority to:

- Spend £513,326.65 for the provision of the above.
- Procure the refurbishment works in accordance with the Council's Contracts Procedure Rule 9.5.
- Directly award a contract to Fosse Contracts Limited to refurbish 42 tennis courts at 8 of the Council's parks.
- Award a contract to CIA Fire & Security Limited to install a new gated system at the same tennis courts.
- Enter into the Individual Grant Agreement with LTA Tennis Foundation to secure funding obtained towards the works.

This investment will deliver significant improvements to the quality of public outdoor tennis courts in the city.

## Recommendations

It is recommended that:

- a) The Chief Officer, Financial Services approves the injection into the Green Space's capital programme of £513,326.65 for the refurbishment of 42 tennis courts in 8 Leeds parks.
- b) The Director of Communities, Housing and Environment authorises the spend of £513,326.65 for the provision of the above.

- c) The Director of Communities, Housing and Environment grants authority to undertake the proposed procurement strategy for the refurbishment works in accordance with the Council's Contracts Procedure Rule (CPR) 9.1.
- d) The Director of Communities, Housing and Environment grants authority to directly award a contract for £627,536.04 to Fosse Contracts Limited by calling-off from the LTA – Parks Improvement Programme - Contractors Framework to refurbish 42 tennis courts at 8 of the Council's parks and for £26,550 to directly award a contract to CIA Fire & Security Limited by calling-off from the LTA "Gate Locks Framework" to install a new gated system at the same tennis courts. The contracts will commence on 12 June 2024 and will terminate on 2 September 2024.
- e) The Director of Communities, Housing and Environment approves entering into the individual Grant Funding Agreement with LTA Tennis Foundation for the sum of £513,326.65 towards the renovation of the park tennis courts. The Grant Funding Agreement shall commence on 12 June 2024 and shall terminate on 2 September 2024.
- f) The Director of Communities, Housing and Environment grants the use of the General Exception Rule (section 2.5 of the Executive and Decision-Making Procedure Rules) in order to meet the time scales of the external funder (the Lawn Tennis Association), so that the project can go ahead.

### **What is this report about?**

- 1 This report seeks approval for the investment in 42 tennis courts at 8 of the Council's parks (as detailed in point 10 below).
- 2 The LTA has a mission to make tennis welcoming, enjoyable and inspiring to everyone and, as part of their work to achieve this aim, they are undertaking a programme of investment in tennis courts across the country.
- 3 The LTA has judged the tennis courts listed below in section 10 as being in a poor condition or in need of upgrading, and the Council have secured a funding contribution of £513,326.65 from them to raise them to a good standard.
- 4 The level and scope of works proposed at each court varies depending on their current condition, with planned improvements including resurfacing and re-colouring of courts, installation, replacement and repair of old fencing, installation of new nets and a new gated system.
- 5 Alongside the on-site improvements, an online booking system (that can be viewed [here](#)) will be established for the courts that don't already have one.
- 6 In support of the schemes proposed in their wards, match funding has been identified by ward members from various funding pots available to them, including Community Infrastructure Levy (CIL), CRIS, Section 106 contributions and WBI. This match funding is the subject of separate approvals as appropriate for each funding stream.
- 7 A condition of the funding by the LTA is that specialist contractors identified and compliantly procured by the LTA should be used to undertake the works so they can be sure of its quality. For the refurbishment/improvement of the tennis courts, the framework has been procured by the Football Foundation (as they are a contracting authority for the purposes of the Public Contracts Regulations 2015 and for which LTA Operations Limited is acting as agent for the Football Foundation). The framework is called the 'LTA - Parks Improvement Programme' and the Council will be utilising 'Lot 9 Yorkshire & Humber' which was awarded to Fosse Contracts Limited. For the new gated system, the Football Foundation procured another framework called 'LTA Gates Locks Framework' which was awarded to CIA Fire & Security Limited.

- 8 The tennis courts will remain free to use in daylight hours (there will be a small charge for use of the floodlights at Springhead Park).
- 9 Once the work is complete, the tennis courts will continue to be maintained by the Council's Green Spaces team.

### What impact will this proposal have?

10 The sites identified for investment are as follows:

Park	Ward	Number of courts to be refurbished at the site.
Beckett Park	Weetwood	4
Burley Park	Kirkstall	3
Chapel Allerton Park	Chapel Allerton	3
Grove Road Recreation Ground	Temple Newsam	2
Harehills Park	Gipton and Harehills	4
Roundhay Park	Roundhay	16
Springhead park	Rothwell	4
The Hollies	Weetwood	6

- 11 This amounts to 42 tennis courts being improved following a total investment of £654,086.04. Of this, the LTA are contributing £513,326.65 and ward members providing match funding of £140,759.39.
- 12 Improving the tennis courts as described in section 4 above should make them more welcoming and attractive and easier and safer to use.
- 13 Research by the LTA in 2016 found that one of the key barriers to participation in tennis is finding and booking a court, someone to play with, or a tennis lesson/session. Therefore, they are also funding gate access technology and provision of a free [online booking system](#) to help make accessing a good quality court, tennis lessons and other tennis-related activities easier for anyone who wants to. The gated access booking system also reduces the likelihood of anti-social behaviour and vandalism on the courts which is an issue in some locations.
- 14 This approach has been delivered successfully in other locations across the UK over the last three years (in fact, 250 other local authorities including Manchester, Sheffield and Bradford, have been involved) and the evidence the LTA have collected suggests that investing in public tennis courts as described increases participation in tennis.

### How does this proposal impact the three pillars of the Best City Ambition?

Health and Wellbeing       Inclusive Growth       Zero Carbon

- 15 This scheme will contribute to the Best City goal of '*providing somewhere to be active and to play, helping to improve mental and physical health across all ages*'.
- 16 It will improve park tennis courts which are available for people of all ages and abilities to use for free, throughout the year. Evidence shows that better quality facilities are more popular and so more people will benefit from them in future as a result of the investment.

- 17 Public park tennis courts are considered particularly important by funders, the LTA, as they are where most people first play the game and they have higher participation rates amongst women and girls, and disadvantaged communities than other tennis facilities.
- 18 The tennis courts identified for investment through the scheme are based right across the city which means they can be easily accessed by a large number of residents. Two of the parks (Burley and Harehills) are in wards that are among the 10% most deprived in the UK.

### What consultation and engagement has taken place?

Wards affected: Gipton & Harehills, Chapel Allerton, Temple Newsam, Kirkstall, Rothwell and Weetwood

Have ward members been consulted?       Yes       No

- 19 Ward members have been consulted and are supportive of this project.
- 20 Friends of Groups at Springhead Park, Burley Park, Beckett Park and The Hollies have been informed of the proposals and site meetings were held with the Friends of Beckett and Burley parks at their request to discuss the plans there (the other parks involved in the scheme don't have Friends groups).
- 21 The local community were consulted for the development of a *Plan on a Page* for Burley and Harehills Parks in 2023 and the proposal to improve the tennis courts was supported by the majority of people who responded to that suggestion at both sites.
- 22 Over 11,000 current tennis players from the online bookings mailing list (currently used at Roundhay park, Springhead park, Chapel Allerton park and The Hollies of those parks involved in this scheme) were informed of the proposals by email. Responses were received from 16 people with 10 expressing support for the proposals, 3 objecting to the requirement for users to book online and the others making comments that weren't specifically related to this proposal e.g. asking for the addition of floodlighting or requesting improvements to other courts in the city.
- 23 In terms of general feedback from members of the public, concerns have previously been raised to the Council about the condition of the playing surface at some of the sites (for example, at Roundhay park and The Hollies), evidencing the need to improve the courts to ensure they are safe and accessible for current and potential players.
- 24 In addition to this local consultation, the LTA consulted widely across the UK in 2016 and developed the national tennis court improvement programme based on the outcomes of that consultation with over 18,000 people, that showed that the poor condition of tennis courts is a barrier to participation. In addition, just 16% of park players in Britain were satisfied with their ability and opportunity to book local park tennis courts or had confidence that the court would be available for them when they turned up. Gated access, therefore, was identified as a key technological intervention that would address these barriers to play. 80% of park players they surveyed said online booking and gated technology would make getting on court easier and nearly half of park players said online booking and linked gated technology would help them play tennis more often.

### What are the resource implications?

- 25 The total cost of the tennis court improvement scheme is £654,086.04
- 26 The Council have secured funding of £513,326.65 from the LTA towards the scheme.
- 27 Ward members are contributing to the scheme from various funding streams (S106, CIL, CRIS, WBI and Housing Growth) for the parks in their wards and this amounts to a total of £140,759.39 match funding towards the scheme. This funding is already within the capital programme so does not require approval or injection as part of this report and is the reason why

this report seeks authority to spend £513,326.65 rather than the full cost of the project which is £654,086.04.

28 The table below shows the total project costs by site (which is based on the number of courts at each site and works required).

<b>Park</b>	<b>Ward</b>	<b>Project costs</b>
Beckett Park	Weetwood	£104,449.16
Burley Park	Kirkstall	£106,976.39
Chapel Allerton Park	Chapel Allerton	£26,202.53
Grove Road Rec	Temple Newsam	£27,098.61
Harehills Park	Gipton & Harehills	£105,880.20
Roundhay Park	Roundhay	£141,500.39
Springhead Park	Rothwell	£27,566.20
The Hollies	Weetwood	£114,412.57
<b>Total Costs</b>		<b>£654,086.04</b>

29 The tennis courts will continue to be maintained by the Green Spaces Operations team as before.

30 As a condition of the LTA funding there is an annual servicing and maintenance fee for the gates which is payable to CIA Fire and Security for a minimum period of 5 years from installation. This service will be free in year 1 and then funded through Green Space's revenue from year 2.

31 The fee will be £536 per gate for all the parks except Springhead, where the fee will be £601.40 (for a 'premium' gate linked to the floodlights there). Each site has one gate on the system (with the exception of Roundhay which, in proportion to the number of courts there, will have two). Therefore, the anticipated direct additional ongoing revenue cost is estimated to be under £5,000 per annum from year 2 onwards, and will be managed through the existing revenue budget.

32 The Council will be responsible for delivering any required resurfacing works that may emerge through wear and tear, but this is not expected to be for 10-15 years from the date of this investment.

### 33 Capital funding and cash flow table.

Previous total Authority to Spend on this scheme	TOTAL £000's	2024/25	2025/26	2026 on
		£000's	£000's	£000's
LAND (1)	0.0			
CONSTRUCTION (3)	0.0			
FURN & EQPT (5)	0.0			
INTERNAL DESIGN FEES (6)	0.0			
OTHER FEES / COSTS (7)	0.0			
<b>TOTALS</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>
<b>Authority to Spend required for this Approval</b>				
	TOTAL £000's	2024/25	2025/26	2026 on
		£000's	£000's	£000's
LAND (1)	0.0			
CONSTRUCTION (3)	513.3	513.3		
FURN & EQPT (5)	0.0			
INTERNAL DESIGN FEES (6)	0.0			
OTHER FEES / COSTS (7)	0.0			
<b>TOTALS</b>	<b>513.3</b>	<b>513.3</b>	<b>0.0</b>	<b>0.0</b>
<b>Total overall Funding (As per latest Capital Programme)</b>				
	TOTAL £000's	2024/25	2025/26	2026 on
		£000's	£000's	£000's
LCC Prudential Borrowing	0.0			
Revenue Contribution	0.0			
Capital Receipt	0.0			
Insurance Receipt	0.0			
Lottery	0.0			
Gifts / Bequests / Trusts	0.0			
European Grant	0.0			
Health Authority	0.0			
Private Sector	0.0			
Section 106 / 278	0.0			
Government Grant (Specify)	0.0			
Departmental Borrowing	0.0			
Any Other Income (LTA)	513.3	513.3		
<b>Total Funding</b>	<b>513.3</b>	<b>513.3</b>	<b>0.0</b>	<b>0.0</b>
<b>Balance / Shortfall =</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

#### What are the key risks and how are they being managed?

- 34 If approval for the scheme is given, work on the tennis courts is proposed to take place between the 12 June 2024 and 2 September 2024 but there is a risk that bad weather could delay some of the works. We are, however, confident that there is enough time scheduled into the programme to get all the work completed in the given time scale.
- 35 Given the financial challenges the Council faces, there is a risk that in 10 -15 years funding to resurface the courts will not be available. However, failure to invest in the courts now will increase the greater risk of the surfaces becoming unplayable in a much shorter time scale and of the tennis courts becoming a general eyesore in the park which could put people off visiting and increase vandalism and anti-social behaviour.
- 36 Due diligence has been completed regarding the proposed contractors for award of contract with relevant vetting carried out on their health and safety, insurance, and financial information. Records are stored on file for audit purposes.
- 37 There is a risk of unforeseen works (and, thus costs) arising once the contractors are on the ground. If the LTA agree that the works are necessary for the delivery of the project, they have confirmed that in they will instruct the additional works and most likely cover the cost.

## **What are the legal implications?**

- 38 Given the costs related to these investment requirements are over £500,000 this was placed on the List of Forthcoming Key Decisions on the 8<sup>th</sup> May 2024 and therefore this decision report is a Key Decision and is eligible for call in. There are no grounds for keeping the contents of this report confidential under the Access to Information Rules.
- 39 In accordance with section 2.5 of the Executive and Decision-Making Procedure Rules, this decision is being made under General Exception provisions. This is due to the time sensitive nature of the decision because a decision to go ahead with the scheme must be made by 7 June 2024 for the external funding of £513,326.65 to be secured from the LTA to fit with their project delivery schedule. If the decision were to be made in accordance with standard Key Decision rules (which require 28 clear calendar days between publication in the List of Forthcoming Key Decisions and the decision being taken), the funder's time scales for delivery of the project would not be met so the external funding would not be provided. As such, to not approve this decision under the General Exception provisions would risk the loss of funding and related investments in parks tennis courts. Therefore, this decision may still be taken provided the delegated decision notice has been forwarded to the chair of the relevant Scrutiny Board, a copy of the delegated decision notice is published on the Council's website and at least 5 clear days have elapsed since compliance with these requirements.
- 40 As the Council is calling-off from third-party frameworks, CPR 12.2 requires the terms and conditions of such frameworks to be reviewed and approved for use in writing by the Procurement and Commercial Services (PACS) Legal Team.
- 41 The PACS Legal Team have reviewed the LTA – Parks Improvement Programme – Contractors Framework and LTA “Gate Locks Framework”, in addition to the corresponding call-off contracts and is content that the Council can call-off the frameworks and has given advice on how the call-offs will operate. It should be noted the frameworks operate as direct award only, there is no ability to run a mini competition and therefore the contract can only be awarded to Fosse Contracts Ltd and CIA Fire & Security Ltd.
- 42 The Council's PACS Legal team and the Finance Business Partner for Climate, Energy & Green Spaces have both reviewed and are satisfied with the Individual Grant Funding Agreement with LTA Tennis Foundation.
- 43 Due to the total contract value, the Director of Communities, Housing and Environment should be satisfied that this procurement is being conducted in accordance with the Council's CPRs and the Public Contracts Regulations 2015 and represents best value for money for the Council.
- 44 Planning have been consulted and confirmed the proposals are permitted development with the exception of the fences at Roundhay park, for which planning permission is being sought. As such, the scheme at Roundhay is subject to planning permission.

## **Options, timescales and measuring success**

### **What other options were considered?**

- 45 The option not to accept the offer of funding from the LTA was considered, but rejected because failure to invest in the tennis courts would lead to many of them becoming unplayable and other funding options are not currently available.

### **How will success be measured?**

- 46 Success will be measured by the number of tennis courts improved and by the number of tennis players and games played at each site which will be monitored and reported by the LTA through the online booking system.

## **What is the timetable and who will be responsible for implementation?**

- 47 Work is due to commence in early June 2024 and be completed early September 2024 (though some elements of the work are weather dependent).
- 48 The Parks Technical Team will oversee delivery of the project working with colleagues in Finance and PACS, the LTA and the contractors Fosse Contract Limited and CIA Fire & Security Limited.

## **Appendices**

- None

## **Background papers**

- None