

# Call-In Sub-Committee Agenda

**Date:** Wednesday 6 July 2022

**Time:** 6.30 pm

**Venue:** Council Chamber, Harrow Civic Centre, Station Road, Harrow, HA1 2XY

## Membership (Quorum 3)

---

**Chair:** Councillor Amir Moshenson

**Conservative Councillors:** June Baxter  
Govind Bharadia

**Labour Councillors:** Rashmi Kalu  
Jerry Miles

**Conservative Reserve Members:**

1. Vipin Mithani
2. Samir Sumaria
3. Vacancy

**Labour Reserve Members:**

1. Dean Gilligan
2. Antonio Weiss

**Contact:** Mwim Chellah; Tel.: 07761405966  
E-mail: [mwimanji.chellah@harrow.gov.uk](mailto:mwimanji.chellah@harrow.gov.uk)

Scan this code for the electronic agenda:



# Useful Information

## Joining the Meeting virtually

The meeting is open to the public and can be viewed online at [www.harrow.gov.uk/virtualmeeting](http://www.harrow.gov.uk/virtualmeeting)

## Attending the Meeting in person

Directions to the Civic Centre can be found at: [www.harrow.gov.uk/contact](http://www.harrow.gov.uk/contact). It is accessible to people with special needs, with accessible toilets and lifts to the meeting rooms. If you have specific requirements, please contact the officer listed on the front page of this agenda.

You will be admitted on a first-come-first basis and directed to seats.

Please:

- (1) Take a Covid 19 test before travelling and do not attend in person if you test positive.
- (2) Wear a face covering and use the provided hand sanitiser.
- (3) Stay seated.
- (4) Access the meeting agenda online at [Browse meetings - Call-In Sub-Committee](#)
- (5) Put mobile devices on silent.
- (6) Follow instructions of the Security Officers.
- (7) Advise Security on your arrival if you are a registered speaker.

## Filming / recording

This meeting may be recorded or filmed, and if you choose to attend, you will be deemed to have consented to this. Any recording may be published on the Council website.

**Agenda publication date: Monday 4 July 2022**

# Agenda - Part I

## 1. Attendance by Reserve Members

To note the attendance at this meeting of any duly appointed Reserve Members.

Reserve Members may attend meetings:-

- (i) to take the place of an ordinary Member for whom they are a reserve;
- (ii) where the ordinary Member will be absent for the whole of the meeting; and
- (iii) the meeting notes at the start of the meeting at the item 'Reserves' that the Reserve Member is or will be attending as a reserve;
- (iv) if a Reserve Member whose intention to attend has been noted arrives after the commencement of the meeting, then that Reserve Member can only act as a Member from the start of the next item of business on the agenda after his/her arrival.

## 2. Declarations of Interest

To receive declarations of disclosable pecuniary or non pecuniary interests, arising from business to be transacted at this meeting, from:

- (a) all Members of the Sub-Committee;
- (b) all other Members present.

## 3. Minutes (Pages 5 - 16)

That the minutes of the meeting held on 14 June 2021 be taken as read and signed as a correct record.

## 4. Appointment of Vice-Chair

To consider the appointment of a Vice-Chair to the Call In Scrutiny Sub Committee for the Municipal Year 2022-2023

## 5. Protocol for the Operation of the Call-In Sub-Committee (Pages 17 - 18)

## 6. Call In of the Cabinet Decision (23 June 2022) - Investment into Harrow's Tennis Infrastructure (Pages 19 - 51)

(a) Notice invoking Call In (pages 21-22)

(b) Minutes of the Cabinet meeting held on 23 June 2022 (pages 23-24)

(c) Report submitted to Cabinet on 23 June 2022 (pages 25-51)

# Agenda - Part II - NIL

## Reason for lateness and urgency

In accordance with the Local Government (Access to Information) Act 1985, this meeting is being called with less than 5 clear working days' notice by virtue of the special circumstances and grounds for urgency stated below:-

Under Committee Procedure Rule 46.6, a meeting of the Call-in Sub-Committee must be held within 7 clear working days of the receipt of a request for Call-in. This meeting therefore had to be arranged at very short notice and it was not possible for the agenda to be published 5 clear working days prior to the meeting.

This page is intentionally left blank



# Call-In Sub-Committee

## Minutes

### 14 June 2021

**Present:**

**Chair:** Angella Murphy-Strachan

**Councillors:** Dan Anderson James Lee  
Stephen Greek Norman Stevenson

**In attendance (Councillors):** Marilyn Ashton For Minute 13  
Peymana Assad For Minute 12  
Graham Henson For Minute 12, 13  
Paul Osborn For Minute 13  
Anjana Patel For Minute 13  
Natasha Proctor For Minute 13

**Apologies received:** Jeff Anderson Chloe Smith

**7. Attendance by Reserve Members**

**RESOLVED:** To note the attendance at this meeting of the following duly appointed Reserve Members :-

Ordinary Member

Councillor Jeff Anderson  
Councillor Chloe Smith

Reserve Member

Councillor Dan Anderson  
Councillor James Lee

**8. Declarations of Interest**

**RESOLVED:** To note that there were no declarations of interests made by Members.

## 9. Minutes

**RESOLVED:** That the minutes of the meeting held on 17 June 2019 be taken as read and signed as a correct record.

## Resolved Items

### 10. Appointment of Vice-Chair

**RESOLVED:** To appoint Councillor Stephen Greek as Vice-Chair of the Call-In Scrutiny Sub-Committee for the 2021/2022 Municipal Year.

### 11. Protocol for the Operation of the Call-In Sub-Committee

The Chair advised that two call-in notices had been received and drew attention to the document 'Protocol for the Operation of the Call-In Sub Committee'. She outlined the procedure to be followed at the meeting and the options open to the Sub-Committee at the conclusion of the process.

In accordance with Committee Procedure Rule 46.5, a notice seeking to invoke the call in procedure must state at least one of the following grounds in support of the request for a call-in of the decision:

- a) inadequate consultation with stakeholders prior to the decision;
- b) the absence of adequate evidence on which to base a decision;
- c) the decision is contrary to the policy framework, or contrary to, or not wholly in accordance with the budget framework;
- d) the action is not proportionate to the desired outcome;
- e) a potential human rights challenge;
- f) insufficient consideration of legal and financial advice.

Referring to paragraph 8 of the Protocol, the Chair stated that the Sub-Committee, having considered the grounds for the call-in and the information provided at the meeting, may come to one of the following conclusions:-

- (i) that the challenge to the decision should be taken no further and the decision be implemented;
- (ii) that the decision is contrary to the policy framework, or contrary to, or not wholly in accordance with the budget framework and should therefore be referred to the Council. In such a case the Call-in Sub-Committee must set out the nature of its concerns for Council; or
- (iii) that the matter should be referred back to the decision taker (i.e the Portfolio Holder or Executive, whichever took the decision) for reconsideration. In such a case the Call in Sub Committee must set

out the nature of its concerns / reasons for referral for the decision taker/Executive.

## 12. **Call-In of the Cabinet Decision (27 May 2021) - Harrow Town Centre Public Spaces Protection Order (PSPO)**

The Sub-Committee received the papers in respect of the call-in notice submitted by over 150 residents in relation to a decision made by the Cabinet on 27 May 2021 that the Public Spaces Protection Order (Harrow Town Centre) (Harrow Council) 2021 be approved.

The Chair sought clarification from the representative of the signatories for the call in notice in relation Harrow Town Centre Public Spaces Protection Order (PSPO) as to the grounds and it was confirmed as e).

**RESOLVED:** That the Call-In in relation to Harrow Town Centre Public Spaces Protection Order (PSPO) would be determined on the basis of the following grounds:

e) a potential human rights challenge.

The Chair invited the representative of the signatories to present the reasons for the call-in.

The representative, in presenting the call in, questioned and challenged the following aspects of the Cabinet decision:

- (i) Whether there had been any consultation with groups regularly in the town centre and should it be extended due to people having to stay at home due to the pandemic;
- (ii) Had there been any consideration as to whether there were sufficient bins in the town centre;
- (iii) In terms of section 2 of the Cabinet report, why not control the numbers in the town centre;
- (iv) It was unclear as to the cause of the problems in the town centre;
- (v) The reasonable adjustments, if any, that had been made for people with disabilities in terms of amplification and the distribution of leaflets;
- (vi) Made reference to the Government website in terms of those groups that were exempt from the Order;
- (vii) Whether the obstruction of an authorised officer was a civil or criminal matter;
- (viii) Were there issues with enforcement;
- (ix) Whether the Council would be allocating time for protests.

The Portfolio Holder for Community Cohesion, Crime and Enforcement advised the Sub-Committee that the purpose of the Order was to address anti-social behaviour in the town centre for a period of three years. She responded to the points made by the representative of the signatories as follows:

- (i) Consultation had been carried out with a wide range of businesses and residents. This had been done electronically due to the Covid 19 pandemic but there had also been posters in the town centre signposting how residents and businesses could get involved. The Business Improvement District (BID) had submitted a response on behalf of its 200 members. The Portfolio Holder outlined the statistics in the report and stated that she was confident that the consultation had been conducted correctly and been wide ranging. She added that there would be a review of the Order in six months;
- (ii) The Council had been receiving complaints in relation to litter in the town centre which was the reasoning for requesting that groups/ organisations seek the Council's permission if they wished to distribute leaflets and also outline the planned clear up following the activity;
- (iii) Residents/ Groups were asked to notify the Council if they were going to carry out leaflet distribution in order to better manage activity in the town centre;
- (iv) In terms of amplification, possible limitations on music were being considered as there had been multiple groups playing music resulting in competing noise and therefore the Council would look to arrange timeslots;
- (v) There would be adjustments for those people with disabilities and the Cabinet report included the Equality Impact Assessment;
- (vi) People could still assemble and protest and the Order did not prevent charities, religious or political groups from distributing leaflets. The Portfolio Holder stated that if the Sub-Committee felt that this matter should be addressed/ clarified she would action this and include it in the publicity communications;
- (vii) The police would be called if an individual/ group was aggressive but in terms of legal powers, the Cabinet report had been cleared by the legal officer but clarity could be sought as to whether an enforcement officer could demand that an individual provide his or her name.

Having heard from both the representative of the signatories and the Portfolio Holder, the Sub-Committee asked questions and sought clarification on a number of points:-

- In terms of the Equalities Impact Assessment (EQiA), the Chair questioned whether any consideration had been given to religious groups that distributed leaflets in the town centre as some might be more significantly impacted and was advised that a template had been

followed. The Portfolio Holder sought to reassure the Sub-Committee that the intention was not to prevent free speech, rather it was to prevent noise nuisance as amplification was not required;

- A Member challenged whether the strength of responses to the consultation justified the decision and was advised that prior to the PSPO there had been a large number of complaints. The Portfolio Holder indicated that she was confident that the decision was justified given the 93 responses to the consultation plus the response from the BID;
- A Member expressed the view that, given the Portfolio Holder's comments that this was a legacy report, the report should have been withdrawn from the Cabinet agenda. In response, the Portfolio Holder advised that the report was, in her view, straightforward and that the Council wanted to be able to better manage the town centre in terms of activities, hence the request that individuals, groups and organisations provide notification in advance;
- In response to a question as to how Members could be reassured that enforcement officers would have a measured response to any breach of the Order, the Portfolio Holder stated that it was a not for profit system and that all officers from Kingdom were professionally trained and experienced. There were regular meetings between the enforcement officers and managers with reports back to the Council. All of the officers wore body cameras, the footage of which could be reviewed. The aim was to educate, promote and enforce;
- A Member expressed concern that, as staff were paid in accordance with the number of Fixed Penalty Notices (FPN) issued, there might be overzealous staff. The Sub-Committee were reassured that the issue of FPNs would be monitored;
- In response to a Member's comments that the Council appeared to be creating a complicated structure and the request for details as to who would make the decision on the requests to carry out activities received by the Council, the Portfolio Holder advised that such requests would be considered by a Panel involving the BID and the Council within three working days of receipt.

The Portfolio Holder concluded that freedom of speech was not impacted by the PSPO as legislation precluded it, but this could be made more explicit in the Order. The borough wide PSPO had given rise to positive changes in behaviour and she referenced the improvements at Wealdstone Square. The Leader of the Council added that the purpose of the report was to deal with low level crime and to save police time but did not override other legislation in place.

The Chair thanked the representative of the signatories, the Portfolio Holder and Leader of the Council for their attendance, participation, questions and

responses and advised that, as there was a second call-in to consider, the signatories would be advised of the decision the following day.

Having adjourned from 7.09 pm to 7.54 pm for deliberations it was

**RESOLVED (unanimously):** That

- (1) the challenge to the decision of Cabinet should be taken no further and the decision be implemented;
- (2) the Portfolio Holder for Community Cohesion, Crime and Enforcement be requested to provide clarification as to what was required in terms of exceptions by virtue of existing legislation (religious and political groups, charities) and that
  - (i) this be made clear in any publicity;
  - (ii) any leaflet made it clear how the Council would determine applications/ requests;
  - (iii) and that it also be recognised that the Order would be subject to review.

**13. Call-in of the Cabinet Decision (27 May 2021) - The Council's Accommodation Strategy and the Harrow New Civic Centre**

The Sub-Committee received the papers in respect of the call-in notice submitted by six Members of the Council in relation to a decision made by the Cabinet on 27 May 2021 on the Council's Accommodation Strategy and New Harrow Civic Centre.

The Chair advised the Sub-Committee that as the Cabinet report contained confidential appendices, if there were any questions in relation to that part of the report the meeting would need to move into private session. The representative of the signatories confirmed that he did not intend to raise any questions on the confidential appendices.

The Chair invited the representative of the signatories to present his reasons for the call-in. The representative referred to the call-in notice which set out six grounds for the call-in of the Cabinet decision and went on to emphasise a number of points in relation to each of the grounds as follows:

**Inadequate consultation with stakeholders prior to the decision**

There had been no meaningful consultation with Harrow residents as to where the Council would operate from or with those residents that lived in proximity of the Forward Drive site.

With reference to Council staff, there had been no mention of the proposed move to Forward Drive in either of the two staff Pulse surveys. There now appeared to be an expectation that staff would work 50% at home and 50% in the office which was a shift from the previous proposal. There had been no

examination of where staff would be based, how they would travel to the office or the impact of the reduction of car parking spaces.

In terms of partners, for example the Multi Agency Safeguarding Hub (MASH), there was no evidence of consultation on the proposals. The representative stated that there had been no consultation with councillors in terms of where Council meetings would be held or details of how it was envisaged that Members, staff and residents would travel to and from meetings safely as they often ended late in the evening.

### **The absence of adequate evidence on which to base a decision**

A key dependency of the Accommodation Strategy was the 'flexible futures' scheme which had not been agreed. There was no evidence in the Cabinet report of the parking requirements for either the new Civic Centre or the Forward Drive site. There had been no consideration of where staff travelled to work from or whether they were required to travel around the borough as part of their role.

The concerns in relation to the safety of Members, staff and residents at the end of late evening meetings had not been addressed in the Accommodation Strategy. There had been a suggestion that Committee meetings be held during the day, but this was not a suitable option as many councillors worked.

In terms of the Strategy for the new Civic Centre, no business plan had been presented and the representative questioned how the Cabinet made the decision without this in place.

### **The action is not proportionate to the desired outcome**

Members were reminded that the desired outcome of the new modern Civic Centre, which would accommodate most Council staff, had been the regeneration of the Wealdstone area. This no longer appeared to be the case as it would not, by definition, be a Civic Centre at Peel Road and, due to a planning error in relation to the Forward Drive site, the top two floors of which would now accommodate staff.

It was emphasised that the scheme was no longer cost neutral.

### **Potential Human Rights Challenge**

The Equality Impact Assessment did not provide any analysis of the staff who had classified themselves as having a disability and so the effect of the Strategy was unknown. The Cabinet report was inaccurate in that there were 24 disabled parking bays at the Civic Centre with an additional 500 spaces that could be used if the bays were occupied or a staff member chose not to advise the Council of their disability. The Strategy would reduce the overall amount of parking by over 70%.

### **Contrary to the Policy Framework**

During the last six years all corporate documents had indicated that the Council would have one main site. This change in the way of working had not been referenced in the Borough Plan agreed by Council in February 2021. In addition, the Council Delivery Plan had not yet been approved by Cabinet.

### **Contrary to, or not wholly in accordance with the budget framework**

Members had been assured that the new Civic Centre would be cost neutral, but the cost of the Forward Drive site had not been included. The top two floors of that site and the fit out, should be included in the costings. Further, the Registrars team had not been consulted in terms of where they would be located.

The Leader and Deputy Leader of the Council responded to the points raised both in the call-in notice and the presentation by the representative as follows:

- The Cabinet report recognised the significant amount of work done and it was clear that a large Civic Centre was no longer required but services would continue to be delivered. There had been a reduction in the number of residents visiting the Civic Centre with many transactions now done online;
- In relation to the Peel Road site, there had been cross party discussions since 2016 and the Cabinet report set out the considerable benefits for staff;
- The Strategy would enable the Council to build houses;
- Access points for residents to Council services across the borough, such as libraries, were being considered;
- The location of staff accommodation was a matter for the Chief Executive;
- The general feedback from staff in relation to homeworking had been positive but it was recognised that some had concerns. There had been discussion with staff groups and risk assessments for homeworking would require updating. The Civic Centre was currently being remodelled as a Civic Hub and, from September, staff would be able work more agilely;
- In terms of parking and the EQIA, the Cabinet report made it clear that demand and take up for disabled parking would be reviewed. The Duty of Care was taken seriously, and any additional parking would be secured by design;
- Wealdstone was a high PTAL area and the Cabinet report indicated that the Strategy would have a positive impact. Members were encouraged to visit Wealdstone to see the improvements that had taken place;

- The Strategy had been fully costed in the budget and reported to Cabinet.

In accordance with Committee Procedure Rule 4.1, the Sub-Committee agreed that two Members, who were also signatories to the call-in notice, be permitted to speak. The Sub-Committee then asked questions, made comments and sought clarification as follows:

- Concern was expressed at the proposed reduction in parking spaces and the Leader advised that both the London Plan and Development Plan looked to reduce parking across London. The representative of the signatories stated that the purpose of the call-in was to ask Members to consider the way the Cabinet decision had been made as there was no evidence of the demands for parking or the effect on those with disabilities;
- A member of the Sub-Committee advised that the safety of Councillors, staff and residents late at night following meetings had been raised at the Overview and Scrutiny Committee and he questioned the impact of the Strategy on those individuals with protected characteristics. The Leader reminded Members that the Council already had policies in relation to lone working and out of hours working in place and that officers would be undergoing training in order to make proper assessments. If necessary, the Council would meet the cost of a member of staff's travel home late at night. A Member emphasised that there would be a greater number of individuals leaving the new Civic Centre on foot and there would therefore be financial implications for the Council in meeting that cost;
- In response to a Member's comments that there appeared to be an issue with the process in making the Cabinet decision and the request for an assurance from the Leader that there had been meaningful consultation with staff, the Sub-Committee were advised that staff consultation had started a couple of years ago and it was clear that staff did not want to go back into the office 9-5; they wanted a modern working environment and flexible working. A collaborative space would be provided but there would also be room for those staff members that struggled to work from home, subject to the agreement of the relevant line manager;
- The representative of the signatories asked what percentage of staff lived within one hour of the new Civic Centre by public transport and was advised that due to staff turnover it was not possible to provide this figure;
- A Member, who was a signatory to the call-in notice, reminded the Sub-Committee that the Council would be applying for planning permission and that the Peel Road site might be too constrained; evidence was needed. It appeared that Cabinet were trying to correct the error in relation to planning permission at Forward Drive;

- In response to the concerns in relation to safety and accessing the Peel Road site, the Deputy Leader advised that Harrow was the safest borough in London and that Wealdstone was well connected in terms of transport links;
- Clarification was sought from Leader as to why it was felt that the decision was proportionate, and the Member also questioned the possible alternatives to the Strategy that had been approved by Cabinet. The Sub-Committee were advised that report addressed whether the size of the Civic Centre was commensurate with the needs of the Council and that the money being saved as a result of a smaller building would enable more affordable housing to be built and also improve the infrastructure across Harrow. The Avison Young report had, pre-pandemic, been optimistic in terms of lettings opportunity in relation to the new Civic Centre building in Wealdstone but it was now clear that Covid 19 had damaged the lettings market;
- In response to questions from the Sub-Committee on the costs of the Accommodation Strategy and the level of savings arising from having a smaller Civic Centre, the Deputy Leader provided the figures and the Director of Finance confirmed that these were correct and included in the capital programme;
- A question was asked as to whether interaction with the public would be reduced as a result of a smaller Civic Centre. It was confirmed that the intention was that the new Civic Centre be the 'front door' to the Council and that consideration was being given as to how interaction with residents could take place, for example, at libraries and the Arts Centre. There would also be rooms bookable for meetings at the new Civic Centre;
- A member of the Sub-Committee challenged the figures in that the Cabinet report indicated (page 127) that the total forecast for the Accommodation Strategy was £44,194m which contrasted considerably from the £14m agreed by Council as part of the Capital budget;
- Concerns were expressed about the lack of business plan and an officer clarified that references to the business plan related to the Harrow Strategic Development Partnership.

In summary, the representative of the signatories reiterated that the reason for the call-in was due to the way the Cabinet decision had been made and the lack of evidence. The Council's capacity to be flexible was being removed, there had been no analysis in terms of the amount of parking required, many of the figures were out of scope or not included and significantly more was being spent than had been planned for. He challenged the decision in terms of the adequacy of the consultation, the EQIA, the budget and policy framework and stated that the Strategy was not going to be cost neutral. He reminded Members that the original intention of the Strategy was to regenerate Wealdstone.

The Leader of the Council, in summary, stated that the decision was about the size of the new Civic Centre in Wealdstone and whether the Forward Drive site was used.

The Chair thanked the Leader and Deputy Leader of the Council and the signatories to the call-in notice for their attendance, participation and responses to questions.

The Sub-Committee adjourned from 7.09 pm to 7.54 pm for deliberations.

**RESOLVED:** That the challenge to the decision should be taken no further and the decision be implemented.

[Councillors Stephen Greek and Norman Stephenson requested to be recorded as having voted against the above resolution].

(Note: The meeting, having commenced at 5.00 pm, closed at 7.59 pm).

(Signed) Councillor Angella Murphy-Strachan  
Chair

This page is intentionally left blank

## Protocol for the operation of the Call-In Sub-Committee

1. Call-in is the process whereby a decision of the Executive, Portfolio Holder or Officer (where the latter is taking a Key Decision) taken but not implemented, may be examined by the Overview and Scrutiny Committee prior to implementation. The Overview and Scrutiny Committee has established the Call-in Sub-Committee to carry out this role. Committee Procedure Rule 46 sets out the rules governing the call-in process.

### The process for Call-in

2. Six of the Members of the Council can call in a decision of the Executive which has been taken but not implemented. In relation to Executive decisions on education matters only, the number of Members required to call in a decision which has been made but not implemented shall be six Councillors or, in the alternative, six persons comprising representatives of the voting co-opted members and at least one political group on Overview and Scrutiny Committee. Only decisions relating to Executive functions, whether delegated or not, may be called in.

150 members of the public (defined as anyone registered on the electoral roll of the Borough) can call in a decision of the Executive, which has been taken but not implemented.

3. Decisions of the Executive will not be implemented for 5 clear working days following the publication of the decision and a decision can only be called in within this period (this does not apply to urgent decisions - Committee Procedure Rule 46 refers). The notice of the decision will state the date on which the decisions may be implemented if not called in.
4. Call-in must be by notification to the Monitoring Officer in writing or by fax:
  - (i) signed by all six Members and voting co-optees requesting the call-in. A request for call-in by e-mail will require a separate e-mail from each of the six Members concerned.
  - (ii) signed by all 150 members of the public registered on the electoral roll, and stating their names and addresses.
5. In accordance with Committee Procedure Rule 46.5, a notice seeking to invoke the call-in procedure must state at least one of the following grounds in support of the request for a call-in of the decision:-
  - (a) inadequate consultation with stakeholders prior to the decision;
  - (b) the absence of adequate evidence on which to base a decision;
  - (c) the decision is contrary to the policy framework, or contrary to, or not wholly in accordance with the budget framework;
  - (d) the action is not proportionate to the desired outcome;
  - (e) a potential human rights challenge;
  - (f) insufficient consideration of legal and financial advice.

## **Referral to the Call-in Sub-Committee**

6. Once a notice invoking the call-in procedure has been received, the decision may not be implemented until the Chair and nominated member have considered the guidance outlined in Appendix 1 to the Committee Procedure Rules and, if required, the Call-in Sub-Committee has considered the decision. The Monitoring Officer shall in consultation with the Chair arrange a meeting of the Call-in Sub-Committee to be held within seven clear working days of the receipt of the request for call-in.
7. The Call-in Sub-Committee will consider the decision and the reasons for call-in. The Sub-Committee may invite the Executive decision-taker and a representative of those calling in the decision to provide information at the meeting.
8. The Sub-Committee may come to one of the following conclusions:-
  - (i) that the challenge to the decision should be taken no further and the decision be implemented;
  - (ii) that the decision is contrary to the policy framework or contrary to or not wholly in accordance with the budget framework, and should therefore be referred to the Council. In such a case the Call-in sub-committee must set out the nature of its concerns for Council; or
  - (iii) that the matter should be referred back to the decision taker (i.e the Portfolio Holder or Executive, whichever took the decision) for reconsideration. In such a case the Call-in sub-committee must set out the nature of its concerns for the decision taker/Executive.

Dear Democratic Services Officer

**In accordance with Committee Procedure Rule 46.2, we the undersigned, hereby give notice that we wish to call-in the Executive decision – Investment into Harrow’s Tennis Infrastructure - made on Thursday 23<sup>rd</sup> June 2022 by Cabinet – and the decision to outsource operation of the Tennis Courts to an external provider and introduce charging, without any prior consultation.**

The cabinet outsourcing decision is set out in Recommendation 3 of the Cabinet Report:-

*Approve the commencement of a procurement to identify and contract with a supplier for the provision of a tennis court operator and delegate authority to the Corporate Director of Place and the Director of Finance, following consultation with the Portfolio Holder for Community and Culture and the Portfolio Holder for Finance and Human Resources to enter into a contract between Harrow Council and the successful contractor. The responsible Officer leading on the procurement will be the Head of Service – Culture and Leisure. Approval in this regard to include delegating to explore and decide the best contract model between the council and the operator, which model may include a straight/conventional contract, a works concession contract or any other model that will be most effective and also yield value for money to the council*

In accordance with Committee Procedure Rule 46.5, we the undersigned, hereby give notice that we wish to call-in the Executive decision with the following reasons.

**1. Inadequate consultation with stakeholders prior to the decision;**

- a) There has been no consultation with ward councillors prior to cabinet making the decision to outsource the running of the publicly owned tennis courts within our parks in Harrow for profit
- b) There has been no consultation with the Park User Groups prior to cabinet making the decision to outsource the running of the tennis courts as per the contract set out in the **Park User Groups – Operational Framework**.
- c) Lack of adequate consultation with current users of the tennis courts in Harrow and whether they support or oppose the role out of charging and outsourcing to an external provider.
- d) The cabinet report ignores and does not take into account the COMPACT agreement with the voluntary and community sector regarding consultation prior to a decision being made that would impact the sector -
- e) Lack of consultation with debt advice charities who have more relevant data on Harrow residents and their ability to, or not, pay.
- f) The lack of consultation with way the decision was made contradicts the Nolan Principles; in particular; openness and personal judgement. For example the decision to outsource had been made prior to consultation therefore ignored any views that may be made .
- g) The lack of communication or consultation has damaged future partnership working and relationships with residents and community groups.

**2. The absence of adequate evidence on which to base a decision;**

The cabinet report had insufficient information on the risks associated with the decision to outsource; particularly the potential impact on youth services and groups, spontaneous play, ability to pay, Park User Groups and schools.

Insufficient attention had been paid to potential “unintended consequences” of outsourcing the running of the service;

- There is no evidence base or pricing structure to support the decision. It is noted that the tennis operator would be responsible for the pricing strategy
- There are no contract limits on profits by the provider.
- Free play will be forced into non-prime times so will exclude weekends and evenings.

### **3. The decision is contrary to the policy framework, or contrary to, or not wholly in accordance with the budget framework;**

The decision contradicts Council agreed policies that ensure there is free access to sports facilities through a joined-up, cross-sector approach to delivery.

Harrow Physical Activity and Sports Strategies, and the Public Health Policies, which are currently being updated, are quite clear that free access to sport is key for healthier lifestyles. By introducing charges to be set by an unknown provider, prior to any consultation, undermines the basic principle of free access to sports.

### **4. The action is not proportionate to the desired outcome;**

- a) There is no mention within the report as to how the decision is proportionate to achieving the Councils agreed vision and priorities as set out in the agreed Borough Plan.
- b) We fervently believe that sports facilities provided in parks should not be used to raise money or profit.

### **5. A potential human rights challenge;**

As part of their PSED, cabinet are required to take due regard of equality implications when making decisions.

- The EQiA does not respond to the growing cost-of-living crisis and longer-term inflation predictions, which will have a socio-economic impact on accessibility for an increasing number of residents for many years.
- The EQiA does not reference the economic data accessible to the council, which is highlighted within the Young Harrow Foundation HAY report:-
  - that the number of younger people living in poverty was much higher than ONS were stating –
  - Cost is a growing barrier for many to access gyms and sports facilities – with over 50% saying they do not go to a gym, sports or exercise club at least once a week, and therefore introducing costs would be a further barrier to access these facilities.

*Signed by:*

*Councillor David Perry (Lead)*

*Councillor Natasha Proctor*

*Councillor Antonio Weiss*

*Councillor Graham Henson*

*Councillor Krishna Suresh*

*Councillor Nitin Parekh*

# Cabinet

## Minutes

### 23 June 2022

Record of decisions taken at the meeting held on Thursday 23 June 2022.

**Present:**

**Chair:** Councillor Paul Osborn

**Councillors:** David Ashton  
Marilyn Ashton  
Stephen Greek  
Hitesh Karia  
Mina Parmar  
Anjana Patel  
Pritesh Patel  
Norman Stevenson

**Non-Executive  
Cabinet  
Member:** Thaya Idaikkadar  
Ameet Jogia  
Kanti Rabadia  
John Higgins

**Non-Executive  
Voluntary  
Sector  
Representative:** John Higgins

**In attendance  
(Councillors):** Simon Brown For Minute 12  
David Perry For Minute 14  
Natasha Proctor For Minute 14

**Apologies  
received:** Councillor Jean Lammiman

## 18. Investment into Harrow's Tennis Infrastructure

**RESOLVED:** That

- (1) an agreement with the Lawn Tennis Association (LTA) for capital funding to renovate courts in Harrow's parks from the LTA's Renovation Fund be entered into, and the Corporate Director of Place be authorised to finalise the details of the funding agreement and take any further actions necessary to complete it;
- (2) the Corporate Director of Place and the Director of Finance, following consultation with the Portfolio Holder for Community and Culture and the Portfolio Holder for Finance and Human Resources, be authorised to enter into a works contract between Harrow Council and the successful contractor for the renovation of the courts;
- (3) the commencement of a procurement to identify and contract with a supplier for the provision of a tennis court operator be agreed and the Corporate Director of Place and the Director of Finance, following consultation with the Portfolio Holders for Community and Culture and Finance and Human Resources, be authorised to enter into a contract between Harrow Council and the successful contractor, noting that the responsible Officer leading on the procurement would be the Head of Service – Culture and Leisure and that approval included authority to explore and decide the best contract model between the council and the operator, which model might include a straight/conventional contract, a works concession contract or any other model that would be most effective and also yield value for money to the Council); and
- (4) the Corporate Director of Place following consultation with the Portfolio Holder for Community and Culture, be authorised to agree a consultation strategy in relation to the renovation of the courts.

**Reason for Decision:** To enable the tennis courts in Harrow's parks to be renovated to a playable standard, increasing participation in tennis in Harrow, and ensuring that the courts were maintained in the long term by being financially sustainable.

**Alternative Options Considered and Rejected:** As set out in the report.

**Conflict of Interest relating to the matter declared by Cabinet Member/Dispensation Granted:** None.

**Report for: Cabinet**

---

<b>Date of Meeting:</b>	23 <sup>rd</sup> June 2022
<b>Subject:</b>	Investment into Harrow's Tennis Infrastructure
<b>Key Decision:</b>	Yes – affects more than two wards
<b>Responsible Officer:</b>	Dipti Patel - Corporate Director – Place; Mark Billington - Director Inclusive Economy, Leisure & Culture
<b>Portfolio Holder:</b>	Councillor Jean Lammiman - Portfolio Holder for Community and Culture  Councillor David Ashton - Portfolio Holder for Finance and Human Resources
<b>Exempt:</b>	No
<b>Decision subject to Call-in:</b>	Yes
<b>Wards affected:</b>	All
<b>Enclosures:</b>	Appendix 1: Equalities Impact Assessment

## **Section 1 – Summary and Recommendations**

This report seeks approval to enter into an agreement with the Lawn Tennis Association (LTA) for the renovation of tennis courts in Harrow's Parks and to then proceed with the procurement for restoration and renovation of the courts and for an operator to manage the courts.

### **Recommendations:**

Cabinet is requested to:

1. Approve entering into an agreement with the Lawn Tennis Association (LTA) for capital funding to renovate courts in Harrow's parks from the LTA's Renovation Fund, and to delegate to the Corporate Director of Place the authority to finalise the details of the funding agreement and to take any further actions necessary to complete the funding agreement. The supplier that will renovate the tennis courts will be procured by the LTA through the LTA National Framework.
2. Delegate authority to the Corporate Director of Place and the Director of Finance, following consultation with the Portfolio Holder for Community and Culture and the Portfolio Holder for Finance and Human Resources to enter into a works contract between Harrow Council and the successful contractor for the renovation of the courts.
3. Approve the commencement of a procurement to identify and contract with a supplier for the provision of a tennis court operator and delegate authority to the Corporate Director of Place and the Director of Finance, following consultation with the Portfolio Holder for Community and Culture and the Portfolio Holder for Finance and Human Resources to enter into a contract between Harrow Council and the successful contractor. The responsible Officer leading on the procurement will be the Head of Service – Culture and Leisure. Approval in this regard to include delegating to explore and decide the best contract model between the council and the operator, which model may include a straight/conventional contract, a works concession contract or any other model that will be most effective and also yield value for money to the council
4. Delegate authority to the Corporate Director of Place following consultation with the Portfolio Holder for Community and Culture to agree a consultation strategy in relation to the renovation of the courts

### **Reason: (for recommendations)**

To enable the tennis courts in Harrow's parks to be renovated to a playable standard, increasing participation in tennis in Harrow, and ensuring that the courts are maintained in the long term by being financially sustainable.

## **Section 2 – Report**

### **1. Introduction**

1.1 Entering into a funding agreement with the Lawn Tennis Association (LTA) for grant funding to fund the renovation of tennis courts in Harrow's parks and the procurement of an operator to manage the courts will help to deliver the Council's objective to address health inequality by increasing the opportunity for more people of all ages to play tennis in Harrow. Harrow currently has physical activity levels that are below the London and national averages.

### **2. Current Situation**

2.1 The public tennis courts in Harrow's parks are currently available on a turn up and play basis with no booking facility available and are free to use at all times.

2.2 An assessment of the public tennis courts in all the Harrow's parks by the Lawn Tennis Association (LTA) identified that the majority of the courts as detailed in section 3.1 below were either in an unplayable, very poor, or poor condition. The only parks where the tennis courts were identified as being in a good or very good condition were Pinner Village Gardens, Rayners Mead, and West Harrow Recreation Ground.

2.3 Sport England's Active Lives data published in November 2021 for the period May 2020 to May 2021 showed that the percentage of inactive people in Harrow (less than 30 minutes activity a week) was 37.2% compared to 26.7% for London, and 27.5% for England.

2.4 From the 1<sup>st</sup> of April 2022 local Authorities are able to apply for capital funding from the LTA and Department Digital, Culture, Media and Sport (DCMS) Renovation Fund to renovate tennis courts in parks. Total funding of £30 million is being made available until 2024 to bring courts up to a playable standard and to increase the number of people playing tennis and to provide more tennis coaching and competitive tennis opportunities. Local Authorities can apply for funding to repair and resurface the courts, repair fencing, and to install gate access technology. The funding programme also enables the introduction of an online booking system. Whilst local authorities can include match funding as part of their application there is no requirement to do so. Local authorities need to confirm their agreement to fund a sinking fund, ongoing maintenance costs, as well as the ongoing costs associated with the access gates. The introduction of pay and play will ensure that the courts can be maintained to a good standard with the income generated being reinvested into the courts. The sinking fund would be funding that would be kept aside by the Council each year so that when the courts need resurfacing at the end of their life (usually 10-15 years, depending on their usage) there will be

funding available for this. The LTA requires local authorities to maintain a sinking fund of £1,200 per court per annum.

### 3. Why a Change is Needed

3.1 The tennis courts in several of Harrow's parks are in an unplayable, very poor or poor condition. The Council does not have the capital funding available to bring these courts up to a playable standard, and limited maintenance budget available to maintain all the courts to their present condition. The tennis courts (37 in total) in Harrow identified as forming part of an application for investment from the LTA's renovation fund are as follows:

Park	Number of Courts	Current Condition
Byron Recreation Ground	3	Unplayable
Centenary Park	2	Unplayable
Chandos Recreation Ground	3	Average
Harrow Recreation Ground	4	Very Poor
Harrow Weald Recreation Ground	4	Average
Headstone Manor Recreation Ground	6	Unplayable
Kenton Recreation Ground	2	Average
Montesole Playing Fields	2	Average
Pinner Village Gardens	2	Good
Queensbury Recreation Ground	2	Disappeared except old fence parts and posts
Rayners Mead	2	Very Good
Roxeth Recreation Ground	2	Average
West Harrow Recreation Ground	3	Very Good

3.2 The tennis courts at Harrow Weald Recreation Ground, Kenton Recreation Ground, Pinner Village Gardens, Rayners Mead, Roxeth Recreation Ground, and West Harrow Recreation Ground would just require the installation of a gate to enable gate access control to the courts as the courts are already in a playable condition. The pricing strategy to be introduced for the tennis courts at West Harrow Recreation Ground will be dependent on the current grant agreement in place with the London Marathon Trust Fund for these courts.

3.3 The LTA's penetration rates (which identify the potential number of users of the tennis courts in the parks) have established that the courts at all the proposed parks would have a high level of demand from the resident population in the local areas, with all having penetration rates of over 1000. The penetration rates have been calculated from the number of people who live within a 10-minute drive from the park who have been identified as being likely to play tennis if they had the opportunity to do so.

3.4 The public will be able to book a court in advance, using the LTA's preferred 'Clubspark' booking system, so that they know they will be able to use a court at a specific time and that the court will be to a good standard. A separate online platform 'Rally' enables members of the public to find out where courts are available locally. Through the online booking app members of the public of all ages can also sign up for coaching sessions or participate in a tennis programme. The LTA will also assist in the setting up of a competitive tennis offer in the borough by the creation of a local tennis league. This will enable the public to play matches against players of a similar ability.

3.5 In order to ensure that the tennis courts can be maintained to a good standard and are financially sustainable in the long term a pricing strategy would be introduced. This would include pay and play periods with the income generated being reinvested into maintaining the courts including a sinking fund. A benchmarking exercise of hourly charge rates currently in place in other London boroughs for pay and play hours has been undertaken. In boroughs neighbouring Harrow the charge for peak hours (weekday evenings and weekends) varies from £4 per hour to £8 per hour. Most authorities have different pricing for peak and off-peak periods (weekdays – daytime), and some authorities have concessionary rates for those under 16, those with disabilities, and those aged 65+. Some authorities have introduced season tickets for those who want to play more regularly at an affordable rate. To maximise take up and to address income inequality the council can set aside free weekly tennis sessions at a minimum of 30% of the parks involved. This is in accordance with the LTA's criteria for usage and will help drive up activity levels and will enable residents to play tennis regardless of income. Free sessions can include the rental of tennis rackets and tennis balls to ensure that the whole community are able to play tennis.

3.6 The LTA's Renovation Fund application process is in two stages. An LTA Funding Panel will assess applications based on the estimated costs that have been identified from the LTA's Technical Surveys. The estimated costs for the renovations work to Harrow's courts is £445,675. The LTA has approved Harrow's Stage 1 application for this funding. The costs will then be finalised by the procurement process that would be undertaken by the LTA using their National Framework. The LTA Funding Panel would then make a final decision as to whether to approve the funding based on the bidders' submitted prices via the LTA's National Framework. It would be after this second stage that the Council would enter into the funding agreement with the LTA. There is no requirement for match funding from local authorities and the Council will only proceed with the funding agreement if the full capital cost of the renovation works is met from the grant award. The LTA also considers in its assessment of funding applications areas which are identified as having high levels of deprivation – relevant Harrow parks would include Byron Recreation Ground, Harrow Recreation Ground, Harrow Weald Recreation Ground, Headstone Manor Recreation Ground, and Roxeth Recreation Ground. The contract for the tennis courts' renovation works will be between the Council and the

contractor procured through the LTA's National Framework. There will be a separate agreement between the LTA and the Council for the grant funding awarded to the Council for the renovation works subject to a successful funding application.

3.7 Once renovated the tennis courts can either be managed in-house or outsourced to an operator following a procurement process. The preferred option is to enter into a contract with a tennis operator procured using a competitive tender process. If outsourced the operator would retain the income generated from the use of the courts. The procurement strategy for appointing an operator to manage the courts would detail the exact financial arrangements to be included as part of the contract, but there would be a requirement for the operator to pay the Council £42k annually for the sinking fund requirement. As part of the procurement process for a tennis operator, bidders will be required to propose a pricing strategy that meets the following requirements:

- Promotes the principles of equality of access and sustainability
- Includes pricing for pay and play for peak and off-peak periods (peak periods are defined as weekends and after 5pm Mondays to Fridays)
- Generates an income that ensures the management of tennis courts is financially sustainable and enables future reinvestment into the tennis courts
- Provides some free weekly coach led sessions at a minimum of 30% of the parks included in the contract. This is to include the courts at West Harrow Recreation Ground which have received grant funding from the London Marathon Trust Fund (LMTF). The LMTF have stipulated that there must continue to be some free coach led sessions at the site.
- Includes concessionary rates for those aged under 16, 65+, and those with a disability.

## 4. Options Considered

4.1 **Option A: To enter into a funding agreement with the Lawn Tennis Association (LTA) for capital funding to renovate Harrow's tennis courts at several Harrow parks, if the Council's application to the LTA's Renovation Fund is successful, to increase participation in tennis. To introduce a booking system and pricing strategy for use of the courts, and to appoint an operator to manage the renovated tennis courts following the completion of a tendering process.** This option will ensure that there is investment in the courts at 13 of Harrow's parks to bring them up to a playable standard with the introduction of pay and play ensuring that there is sufficient funding generated so that the courts can be maintained in the future. Procuring a specialist tennis operator to manage the courts will ensure that the tennis offer benefits from the operator's expertise, including coaching sessions, and that the Council benefits from their economies of scale, and will mean that the financial risk will lie with the operator and not the Council. There would also be the potential for there to be profit share in operation that could then be invested in the parks. The tennis operator would be responsible for the pricing strategy, but

the LTA would require as a condition of their funding that there is an operator led free weekly tennis offer in a minimum of 30% of the parks to ensure that tennis is accessible to all. Most other London boroughs who have introduced a booking system with pay and play also have concessionary rates in operation.

#### **Option A is recommended**

- 4.2 **Option B: To enter into a funding agreement with the Lawn Tennis Association (LTA) for capital funding to renovate Harrow's tennis courts at several Harrow parks, if the Council's application to the LTA's Renovation Fund is successful, to increase participation in tennis. To introduce a booking system and pricing strategy for use of the courts, and the renovated tennis courts to be managed in-house by the Council.** This option will ensure that there is investment in the courts at 13 of Harrow's parks to bring them up to a playable standard with the introduction of a pay and play ensuring that there is sufficient funding generated so that the courts can be maintained in the future. Whilst pay and play would be introduced the LTA would require as a condition of their funding that there is operator led free weekly tennis offer in a minimum of 30% of the parks to ensure that tennis is accessible to all. Most other London boroughs who have introduced a booking system with pay and play also have concessionary rates in operation.
- 4.3 Managing the courts in-house would mean that Harrow's tennis offer would not benefit from a specialist operator's expertise or economies of scale and would require additional staff resources to manage and maintain the courts. A contractor would need to be engaged just to operate the coaching sessions, and all the financial risk would lie with the Council.

Option B is not recommended

- 4.4 **Option C: To not enter into a funding agreement with the Lawn Tennis Association (LTA) for capital funding from the LTA's Renovation Fund to renovate tennis courts in Harrow's Parks. No booking system will be introduced, and the courts will remain free to use at all times. There will, however, be no investment in the tennis courts many of which are currently in a poor condition and no identified future maintenance funding for the courts.** This option would result in the condition of the tennis courts in Harrow's parks continuing to deteriorate and mean that they all become increasingly unplayable. This would result in a reduction in participation in tennis rather than an increase. The public will not be able to book a good standard court in advance, and there would not be an improved coaching and competitive tennis offer.

Option C is not recommended.

## **5. Ward Councillors' comments**

- 5.1 The recommendations in this report would affect all wards. There will be consultation with Ward Councillors through the consultation process.

## 6. Risk Management Implications

6.1 Risks included on corporate or directorate risk register? **No**

6.2 Separate risk register in place? **Yes**

6.3 The relevant risks contained in the register are attached/summarised below. **Yes**

6.4 The following key risks should be taken into account when agreeing the recommendations in this report:

Risk Description	Mitigations	RAG Status
1. Harrow Council's application to the Lawn Tennis Association (LTA)'s Renovation Fund is not successful.	<ul style="list-style-type: none"> <li>▪ The Council will work closely with the Lawn Tennis Association (LTA) on the funding application to ensure that it meets all the necessary criteria.</li> <li>▪ If the application is not successful, the renovation of the tennis courts will not proceed meaning that there is not financial risk to the Council.</li> </ul>	Green
2. There are delays in completing the refurbishment of the courts and/or in procuring a tennis contractor to then manage the courts resulting in the LTA's deadline for completing the project not being met.	<ul style="list-style-type: none"> <li>▪ The Council will engage with the LTA at any early stage and work closely with them on completing the refurbishment works via the LTA's National Procurement Framework</li> <li>▪ There will be early engagement with the Council's Procurement team regarding the tendering process to appoint a tennis contractor to manage the tennis courts once refurbished.</li> <li>▪ The LTA has until 2024 to ensure that all the budget for refurbishing tennis courts has been spent.</li> </ul>	Amber

Risk Description	Mitigations	RAG Status
3. There is a rise in costs for refurbishing the courts	<ul style="list-style-type: none"> <li>▪ The costs for the various aspects of the refurbishment has been confirmed by the LTA as part of the application process, and the refurbishment work will be undertaken by a contractor from the LTA's National Procurement Framework. The Council would not therefore be responsible for any increase in costs.</li> </ul>	Amber
4. Insufficient income is generated from the use of the refurbished courts to offset the ongoing maintenance costs.	<ul style="list-style-type: none"> <li>▪ A financial analysis has been undertaken of the minimum income required to be generated from the tennis courts with ongoing annual costs confirmed by the LTA. This includes a benchmarking of the charges in place by other London boroughs for play and play and an analysis of occupancy levels that would be required to generate sufficient income at different charging levels</li> <li>▪ It is proposed to procure for a tennis operator to manage the courts once refurbished who will be experienced in managing tennis courts with the financial risk lying with the tennis operator rather than the Council.</li> </ul>	Green

## 7. Procurement Implications

7.1 The procurement of a contractor for the construction works would be completed via the LTA's National Procurement Framework. This is a compliant procurement route through which the LTA would procure the contractor on behalf of the Council. Following the procurement, the Council

will enter into a contract with the selected supplier who will undertake the works.

7.2 The procurement of a tennis operator would be undertaken using a competitive tender process to maximise quality and value of the services to be delivered. The council's procurement team will engage service commissioners to advise on and agree suitable evaluation criteria and weightings and agree the term of the proposed contract. The council will explore and decide the best contract model between the council and the operator. This may include a straight/conventional contract, a works concession contract or any other model that will be most effective and also yield value for money to the council.

## **8. Legal Implications**

8.1 The respective approvals sought in this report are consistent with one another and with the underlying council objective to renovate the tennis courts and maintain them at a playable standard. To this extent the objective of the council and the means to achieve these are lawful.

8.2 The council will remain the Contracting Authority in relation to the procurement of the renovation works contract, while employing LTA to manage the process and this is in order.

8.3 The Procurement of a specialist tennis operator to manage the courts is also in line with the council's best value obligations in law.

8.4 Therefore, the approvals sought are lawful, consistent with the council's legal obligations regarding fairness, transparency, equality, and value for money. They are also in line with and adhere to the provisions of the Public Contract Regulations 2015 and of the Council's Contract Procedure Rules.

## **9. Financial Implications**

9.1 Lawn Tennis Association (LTA) and Department Digital, Culture, Media, and Sport (DCMS) have launched the Renovation Fund to renovate tennis courts in parks. Funding applications open in April 2022. 37 tennis courts in 13 parks have been identified as suitable to be included in the funding application. Technical survey has been undertaken by LTA to inform the detailed renovation works required and estimated costs. Harrow's funding application has been approved at this Stage 1 of the process. The works will now be procured via the LTA's National Framework, and this will confirm the final costs. The LTA would then complete the final stage of the funding process to confirm the grant award. There is no capital match funding requirement from the Council. In order to ensure that there is no net cost impact in the Capital Programme, the Council would only enter into a funding agreement with the LTA should the full costs of renovation be met from their capital grant.

9.2 Under the terms and conditions of the grant, there is a requirement to set aside a sinking fund for future replacement of the courts. This is set at £1,200

per court per annum. With 37 tennis courts in the funding application, the total sinking fund requirement is £44,400 per annum.

9.3 Other on-going running costs include cleaning & litter picking, general repairs, maintenance, and other costs associated with access gates. This is estimated at £30k per annum.

9.4 The introduction of a pay and play scheme will ensure that income is generated to fund on-going costs of the tennis courts. This report recommends the use of a third-party operator to run the tennis courts via a competitive procurement process, therefore pay and play prices are to be determined by the successful bidder. However, the pricing strategy will set out parameters within which the operator needs to follow.

9.5 In order to meet the sinking fund requirement and direct running costs, a minimum income of £74k would be required. For illustration purpose, this level of income could be achieved if around 11% of the operating times of all tennis courts were paid for at an average price of £5 per hour. The table below provides a sensitivity analysis to illustrate the potential income level.

No of courts	Available hours per year	Income @ 50% chargeable hours	Income @ 25% chargeable hours	Income @ 12.5% chargeable hours	Income @ 11% chargeable hours	Income @ 10% chargeable hours	Income @ 7.5% chargeable hours	Income @ 6.5% chargeable hours
37	141,414	£353,535	£176,768	£88,384	£77,778	£70,707	£53,030	£45,960

9.6 Other sources of income include annual membership subscriptions and coaching sessions. The exact delivery model will be the responsibility of the third-party operator.

9.7 The proposed procurement strategy will be that the third-party operator is required to provide a fixed guaranteed income per annum at a minimum level of £44,400 (equivalent to the sinking fund requirement) and propose a profit share arrangement for surpluses achieved from the management of the tennis courts. The operator will also be responsible for the on-going running costs of the courts. The scheme must operate on the basis of self-financing and does not result in any revenue burden, otherwise would create a financial risk to the Council.

9.8 The sinking fund will be held in an earmarked reserve for future replacement of the tennis courts, ensuring a long-term sustainability of the facility. This will ensure that funding is available when capital investment is required in future, avoiding the reliance on capital borrowing.

9.9 The option of appointing a third-party operator will minimise the financial risks to the Council. Should the tennis courts be managed in-house, there would be customer support, administrative and other back-office costs.

## **10. Equalities implications / Public Sector Equality Duty**

10.1 An Equalities Impact Assessment (EqIA) has been conducted (Appendix 1). The EqIA identified that the recommended option would not have an adverse impact on any of the protected characteristics. The proposals, which will bring all the tennis courts up to a playable standard, will improve access to tennis for the community and will have a positive impact for people of all ages, for those with a disability (with specific sessions for this target group to be held), and for all race/ethnic groups. There would still be some free tennis sessions available at some of the parks and the Council would work with the tennis operator to ensure that the charging rates for the play and play sessions are affordable for all including for children and older people. Tennis operators would be expected to detail in a tennis development plan what types of coaching sessions they would provide, including for people with disabilities, as part of the procurement process for a tennis operator. The operator would also be expected to offer competitive tennis opportunities.

## **11. Council Priorities**

11.1 This decision will support the Council priority of addressing health Inequalities by providing all residents with playable tennis courts that can be booked in advance, coaching sessions for all ages, and the opportunity to play competitive tennis against others of a similar ability. There would be pay and play sessions in place with the income generated ensuring that the courts can be maintained to a good standard, but there would also continue to be some free sessions available.

## **Section 3 - Statutory Officer Clearance**

**Statutory Officer:** Jessie Man  
Signed on behalf of the Chief Financial Officer  
**Date:** 20/05/22

**Statutory Officer:** Nhlanhla Mahlangu  
Signed on behalf of the Monitoring Officer  
**Date:** 13/05/22

**Chief Officer:** Dipti Patel  
Signed off by the Corporate Director - Place  
**Date:** 06/06/2022

**Head of Procurement:** Marzuki Haji  
Signed on behalf of the Head of Procurement

**Date:** 16/05/22

**Head of Internal Audit:** Susan Dixon

Signed by the Head of Internal Audit

**Date:** 24/05/22

## **Mandatory Checks**

**Ward Councillors notified:** NO - impacts on all Wards

**EqIA carried out:** YES

**EqIA cleared by:** Micah McLean

## **Section 4 - Contact Details and Background Papers**

**Contact:** Tim Bryan – Head of Service, Culture and Leisure. Tel: 07917076800. Email: [tim.bryan@harrow.gov.uk](mailto:tim.bryan@harrow.gov.uk)

**Background Papers:** None

**Call-in waived by the Chair of Overview and Scrutiny Committee**

**NO**

This page is intentionally left blank

### You will need to produce an Equality Impact Assessment (EqIA) if:

- You are developing a new policy, strategy, or service
- You are making changes that will affect front-line services
- You are reducing budgets, which may affect front-line services
- You are changing the way services are funded and this may impact the quality of the service and who can access it
- You are making a decision that could have a different impact on different groups of people
- You are making staff redundant or changing their roles

Guidance notes on how to complete an EqIA and sign off process are available on the Hub under Equality and Diversity. You must read the [guidance notes](#) and ensure you have followed all stages of the EqIA approval process (outlined in appendix 1). Section 2 of the template requires you to undertake an assessment of the impact of your proposals on groups with protected characteristics. Equalities and borough profile data, as well as other sources of statistical information can be found on the Harrow hub, within the section entitled: [Equality Impact Assessment](#) - sources of statistical information.

Equality Impact Assessment (EqIA)		
Type of Decision:	<input checked="" type="radio"/> Cabinet <input type="radio"/> Portfolio holder <input type="radio"/> Other (state)	
Title of Proposal	Investment into Harrow's Tennis Infrastructure	Date EqIA created 12/04/22
Name and job title of completing/lead Officer	Tim Bryan – Head of Service, Culture and Leisure	
Directorate/ Service responsible	Place/Inclusive Economy, Leisure and Culture	
Organisational approval		
EqIA approved by Equality, Diversity and Inclusion Team	<b>Name: Micah McLean</b> <b>Policy Officer – equality, Diversity and Inclusion Team</b>	<b>Signature</b> <i>mmclean</i> <input checked="" type="checkbox"/> <b>Tick this box to indicate that you have approved this EqIA</b>  <b>Date of approval</b> 06/05/2022

## 1. Summary of proposal, impact on groups with protected characteristics and mitigating actions

(to be completed after you have completed sections 2 - 5)

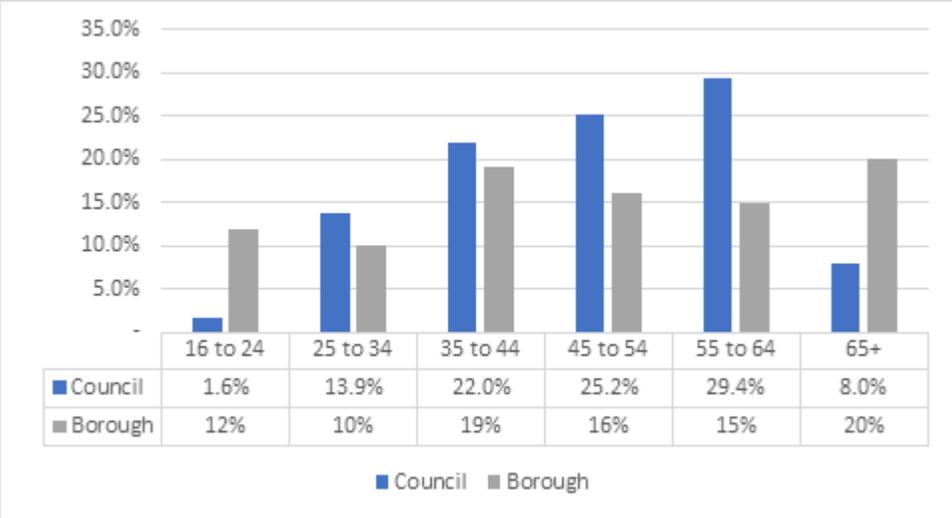
**a) What is your proposal?** To enter into a funding agreement with the Lawn Tennis Association (LTA) if the Council's application to the LTA's Renovation Fund is successful for capital funding to improve tennis facilities at a number of Harrow's parks that are currently in a poor condition to increase use of the courts and improve levels of physical activity in Harrow. This will include the resurfacing of the courts, repairs to fences, as well as the introduction of gate access technology and an online booking system. A pay and play system would be in operation with the introduction of charging for members of the public to hire the courts per hour. There would, however, be a free weekly tennis session at some of the courts. This would be in accordance with the LTA's criteria for usage that there is a free weekly tennis session at a minimum of 30% of the parks involved to address income inequality and maximise take up. The income generated will be reinvested into maintaining the courts to a high standard ensuring that the courts are sustainable going forwards. It is proposed that the courts would be operated by a tennis operator who will also deliver coaching sessions to help increase the number of people playing tennis and to enable players to develop their skills.

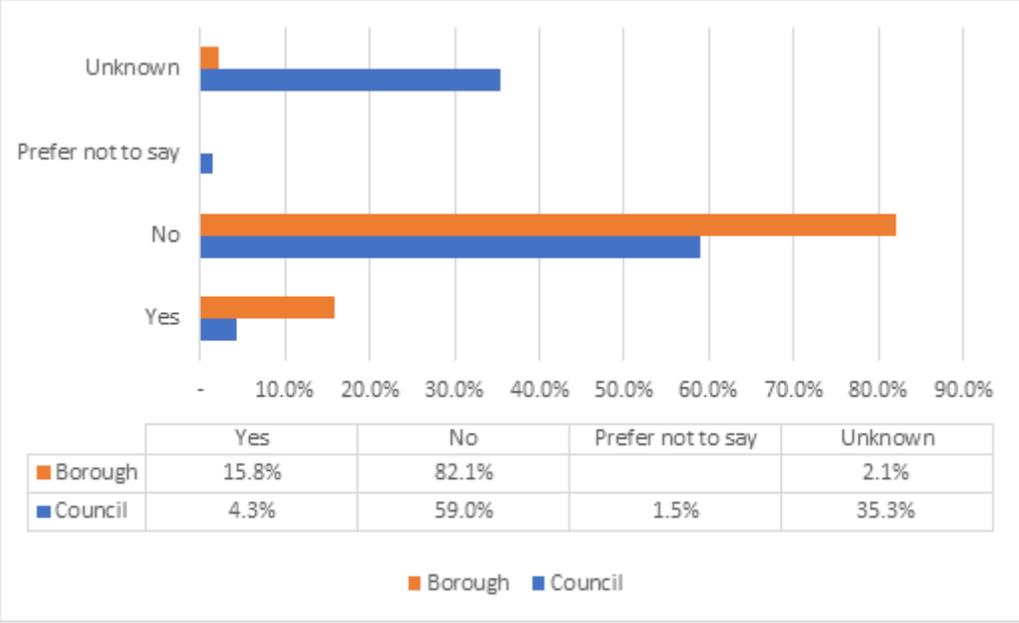
### **b) Summarise the impact of your proposal on groups with protected characteristics**

No protected characteristic would be adversely affected by these proposals. Renovating the tennis courts to a playable standard and introducing a pricing strategy for usage that will ensure the courts can be maintained in the future will improve access to tennis for the whole community. There will still be some free weekly session at some of the courts to ensure that there is a maximisation of usage and to address income inequality. A tennis operator will be procured to manage the refurbished courts and will provide coaching sessions and the opportunity for the public to play competitive tennis if they wish to so. This will have a positive impact for people of all ages, for those with a disability with specific sessions for this target group to be held by the operator, and for all race/ethnic groups. The new access gates will be fully accessible being the required width for wheelchair users and the gate keypad located at a height accessible to all. There would be an online booking system introduced to improve the customer's journey to hiring a court making the process simpler and easier, but the tennis operators would also be expected to detail how the courts could be booked for those with limited access to a computer or who have limited digital skills.

### **c) Summarise any potential negative impact(s) identified and mitigating actions**

No specific negative impact has been identified for any of the protected characteristics from these proposals as detailed in b) above.

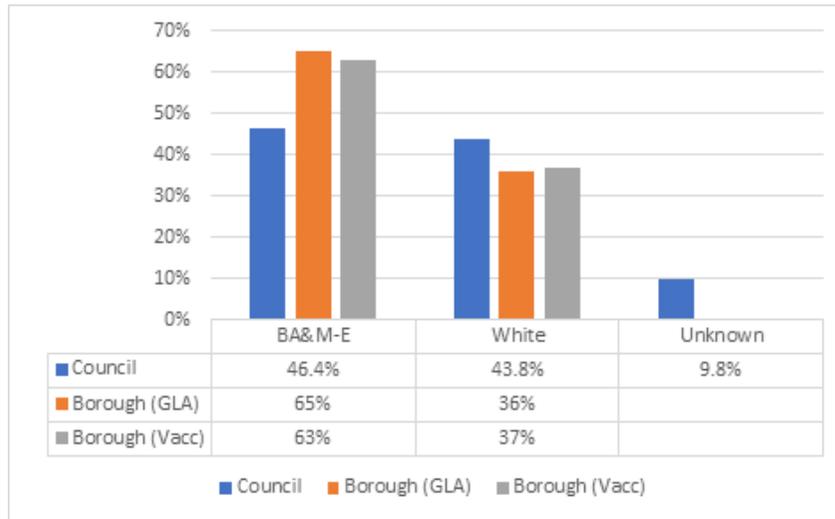
2. Assessing impact																										
Protected characteristic		What does the evidence tell you about the impact your proposal may have on groups with protected characteristics? Click the relevant box to indicate whether your proposal will have a positive impact, negative (minor, major), or no impact																								
Age		For each protected characteristic, explain in detail what the evidence is suggesting and the impact of your proposal (if any). Click the appropriate box on the right to indicate the outcome of your analysis.																								
		Positive impact																								
		Negative impact		No impact																						
		Minor	Major																							
Age	<p>The resident population of Harrow according to the 2020 mid-year population estimates was 252,338. According to the Annual Workforce Equalities Report 2020- 2021 the age demographic of our resident population is as demonstrated below:</p>  <table border="1" style="margin-left: auto; margin-right: auto;"> <thead> <tr> <th></th> <th>16 to 24</th> <th>25 to 34</th> <th>35 to 44</th> <th>45 to 54</th> <th>55 to 64</th> <th>65+</th> </tr> </thead> <tbody> <tr> <td>■ Council</td> <td>1.6%</td> <td>13.9%</td> <td>22.0%</td> <td>25.2%</td> <td>29.4%</td> <td>8.0%</td> </tr> <tr> <td>■ Borough</td> <td>12%</td> <td>10%</td> <td>19%</td> <td>16%</td> <td>15%</td> <td>20%</td> </tr> </tbody> </table> <p>Bringing all the tennis courts up to a playable standard will benefit people of all ages as it will make tennis more accessible and provide opportunities for people of all ages to attend coaching sessions and also to participate in competitive tennis with people of a</p>		16 to 24	25 to 34	35 to 44	45 to 54	55 to 64	65+	■ Council	1.6%	13.9%	22.0%	25.2%	29.4%	8.0%	■ Borough	12%	10%	19%	16%	15%	20%	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	16 to 24	25 to 34	35 to 44	45 to 54	55 to 64	65+																				
■ Council	1.6%	13.9%	22.0%	25.2%	29.4%	8.0%																				
■ Borough	12%	10%	19%	16%	15%	20%																				

	<p>similar ability if they wish to do so. Whilst the charge rates for the pay and play sessions will be set by the tennis operator, the Council will work with the operator to ensure that the charging rates are affordable for all. There would be an online booking system, but tennis operators would be expected to detail how the courts could be booked for those with limited access to a computer or who have limited digital skills.</p>																			
<p><b>Disability</b></p>	<p>According to the Annual Workforce Equalities Report 2020- 2021, 15.8% of the borough's population discloses a disability. This is indicated below:</p>  <table border="1" data-bbox="470 909 1444 1013"> <thead> <tr> <th></th> <th>Yes</th> <th>No</th> <th>Prefer not to say</th> <th>Unknown</th> </tr> </thead> <tbody> <tr> <td><span style="color: orange;">■</span> Borough</td> <td>15.8%</td> <td>82.1%</td> <td></td> <td>2.1%</td> </tr> <tr> <td><span style="color: blue;">■</span> Council</td> <td>4.3%</td> <td>59.0%</td> <td>1.5%</td> <td>35.3%</td> </tr> </tbody> </table> <p>Bringing all the tennis courts up to a playable standard will benefit people with a disability. The specification for the procurement of a tennis operator would include a requirement to ensure that there are sessions aimed at people with disabilities, and there will be some free tennis sessions available at some of the parks to address income inequality.</p>		Yes	No	Prefer not to say	Unknown	<span style="color: orange;">■</span> Borough	15.8%	82.1%		2.1%	<span style="color: blue;">■</span> Council	4.3%	59.0%	1.5%	35.3%	<p><input checked="" type="checkbox"/></p>	<p><input type="checkbox"/></p>	<p><input type="checkbox"/></p>	<p><input type="checkbox"/></p>
	Yes	No	Prefer not to say	Unknown																
<span style="color: orange;">■</span> Borough	15.8%	82.1%		2.1%																
<span style="color: blue;">■</span> Council	4.3%	59.0%	1.5%	35.3%																

	Whilst the charge rates for the pay and play sessions will be set by the tennis operator, the Council will work with the operator to ensure that the charging rates are affordable for all. New accessible gates will be installed to enable access for everyone. The new gates will be the required width for wheelchair users and the gate keypad will be at a height which is accessible to all.				
<b>Gender reassignment</b>	The only data Harrow currently has on Gender Reassignment is via the Analysis of demand from housing applicants (via Locata): 1 (0.02%) housing applicant has indicated that they are transgender.(Data as of April 2014).  No specific impact has been identified for this protected characteristic from these proposals	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>Marriage and Civil Partnership</b>	Census data: Harrow has a very high percentage of married couples, with 53.7% of residents aged 16 and older declaring they were in a marriage in 2011. This is above the national level of 46.6%. There was a 27% increase in the number of married people living in Harrow between 2001 and 2011 (Office for National Statistics, 2001 and 2011). Between their inception and January 2012, 107 civil partnership ceremonies took place in Harrow.  No specific impact has been identified for this protected characteristic from these proposals	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>Pregnancy and Maternity</b>	The 2020 mid-year estimates showed a decrease of 37 births (3,506 births in total) over 2019 mid-year estimates, a 1% decrease. There was a consistent increase from 2001/02 to 2012/13.  No specific impact has been identified for this protected characteristic from these proposals	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Race/  
Ethnicity**

According to the Annual Workforce Equalities Report 2020- 2021 the race demographic of our resident population is as demonstrated below:



Black, Asian and Multi-Ethnic residents make up around 65% of our borough's population followed by White groups at 36%. Bringing all the tennis courts up to a playable standard will benefit people from all ethnic groups. There will be some free sessions and concessionary rates targeted towards residents from different ethnicities from disadvantaged socio-economic backgrounds.

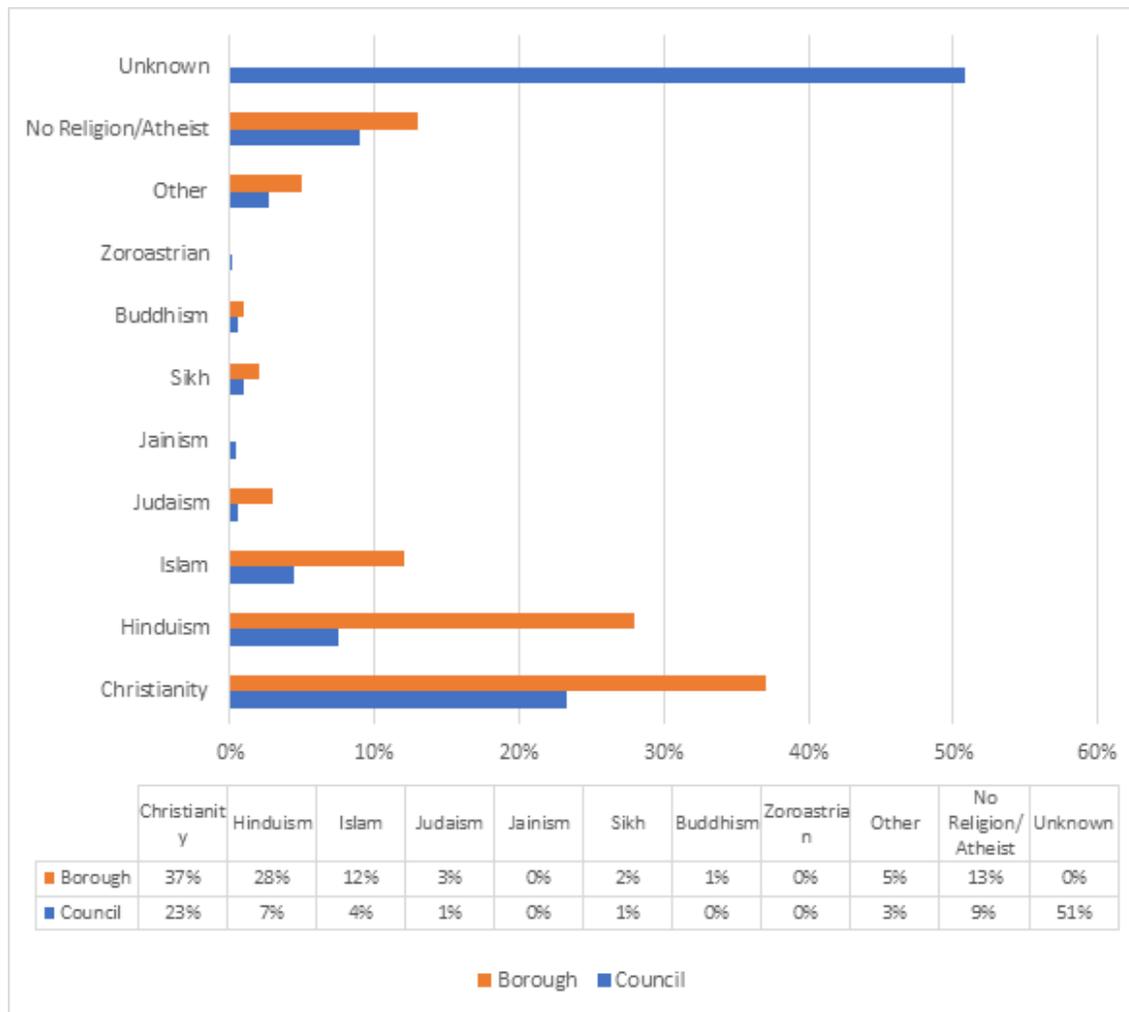


At economic backgrounds.  
**Religion or belief**

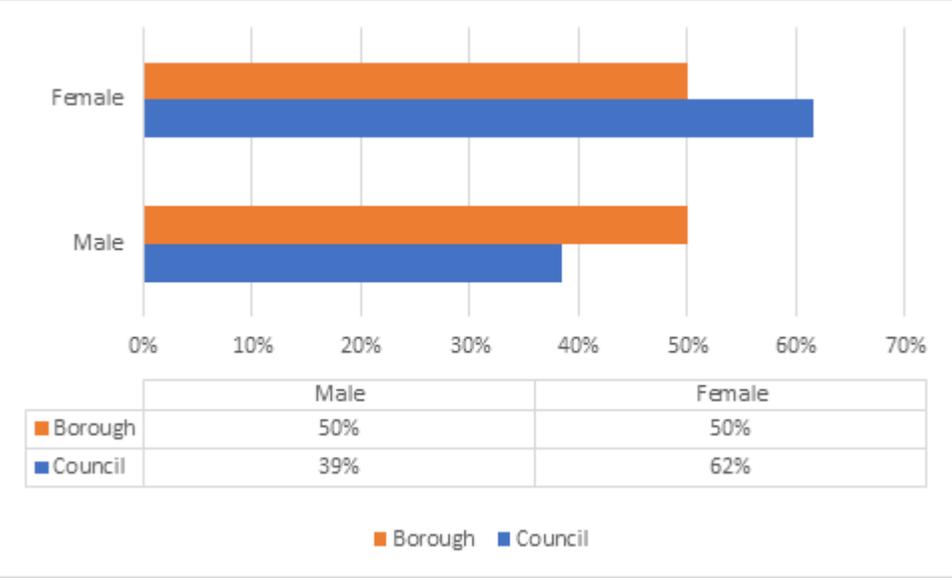
The Annual Workforce Equalities Report mentions that Christianity (37%), Hinduism (28%), No religion/ Atheist (13%) and Islam (12%) are the four biggest religious demographics in Harrow. Residents that are of the Jewish faith is 3% of the borough population.

The graph below illustrates this data in more detail:

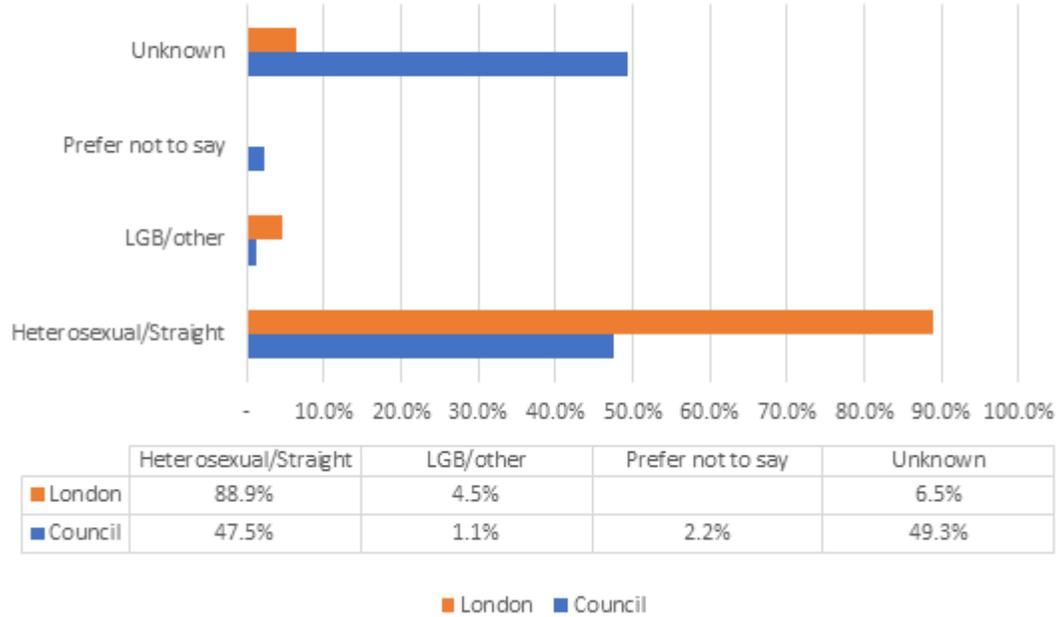




No specific impact has been identified for this protected characteristic from these proposals

<p><b>Sex</b></p>	<p>The Annual Workforce Equalities Report 2020-2021 indicates that the percentage of residents within Harrow that are male and female is split evenly at 50%. As shown below:</p>  <table border="1" data-bbox="472 675 1375 783"> <thead> <tr> <th></th> <th>Male</th> <th>Female</th> </tr> </thead> <tbody> <tr> <td>Borough</td> <td>50%</td> <td>50%</td> </tr> <tr> <td>Council</td> <td>39%</td> <td>62%</td> </tr> </tbody> </table> <p>No specific impact has been identified for this protected characteristic from these proposals</p>		Male	Female	Borough	50%	50%	Council	39%	62%	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	Male	Female												
Borough	50%	50%												
Council	39%	62%												
<p><b>Sexual Orientation</b></p>	<p>The Annual Workforce Equalities Report 2020-2021 indicates that the percentage of LGBTQIA+ residents within London is 4.5%. See below:</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>									

Sexual orientation - Council



No specific impact has been identified for this protected characteristic from these proposals

**2.1 Cumulative impact – considering what else is happening within the Council and Harrow as a whole, could your proposals have a cumulative impact on groups with protected characteristics?**

Yes       No

If you clicked the Yes box, which groups with protected characteristics could be affected and what is the potential impact? Include details in the space below

**2.2 Any other impact - considering what else is happening nationally/locally (national/local/regional policies, socio-economic factors etc), could your proposals have an impact on individuals/service users, or other groups?**

Yes                      No   

If you clicked the Yes box, Include details in the space below

**3. Actions to mitigate/remove negative impact**

**Only complete this section if your assessment (in section 2) suggests that your proposals may have a negative impact on groups with protected characteristics. If you have not identified any negative impacts, please complete sections 4 and 5.**

In the table below, please state what these potential negative impact (s) are, mitigating actions and steps taken to ensure that these measures will address and remove any negative impacts identified and by when. Please also state how you will monitor the impact of your proposal once implemented.

State what the negative impact(s) are for <b>each</b> group, identified in section 2. In addition, you should also consider and state potential risks associated with your proposal.	Measures to mitigate negative impact (provide details, including details of and additional consultation undertaken/to be carried out in the future). If you are unable to identify measures to mitigate impact, please state so and provide a brief explanation.	What action (s) will you take to assess whether these measures have addressed and removed any negative impacts identified in your analysis? Please provide details. If you have previously stated that you are unable to identify measures to mitigate impact please state below.	Deadline date	Lead Officer

49

#### 4. Public Sector Equality Duty

How does your proposal meet the Public Sector Equality Duty (PSED) to:

1. Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Equality Act 2010
2. Advance equality of opportunity between people from different groups
3. Foster good relations between people from different groups

#### **Include details in the space below**

The proposal to apply for funding to bring the tennis courts up to a playable standard in several of the parks and introduce a pricing strategy with a weekly free session at some of the parks to address income inequality and maximise usage will enable sustainable greater participation in tennis in the borough for all ages and abilities. Coaching sessions will also be introduced and there will also be the opportunity for people to play competitive tennis if they wish to do so. This will help to meet the sport and physical exercise needs of the whole community and bringing different communities together.

#### 5. Outcome of the Equality Impact Assessment (EqIA) click the box that applies

**Outcome 1**

**No change required: the EqIA has not identified any potential for unlawful conduct or disproportionate impact and all opportunities to advance equality of opportunity are being addressed**

**Outcome 2**

**Adjustments to remove/mitigate negative impacts identified by the assessment, or to better advance equality, as stated in section 3&4**

**Outcome 3**

**This EqIA has identified discrimination and/ or missed opportunities to advance equality and/or foster good relations. However, it is still reasonable to continue with the activity. Outline the reasons for this and the information used to reach this decision in the space below.**

Include details here

This page is intentionally left blank