

Report for: **Cabinet**

Date of Meeting:	17 th November 2022
Subject:	Information Report: Investment into Harrow's Tennis Infrastructure - Update
Key Decision:	No
Responsible Officer:	Dipti Patel, Corporate Director – Place; Mark Billington - Director Inclusive Economy, Leisure & Culture
Portfolio Holder:	Councillor Jean Lammiman - Portfolio Holder for Community and Culture Councillor David Ashton - Portfolio Holder for Finance and Human Resources
Exempt:	No
Decision subject to Call-in:	No as it is an information report.
Wards affected:	All
Enclosures:	Appendix 1: Equalities Impact Assessment Appendix 2: Results of the Public Consultation Questionnaire on Proposed Investment in Harrow's Tennis Courts Appendix 3: Public Consultation Feedback on Proposed Investment in Harrow's Tennis Courts

Section 1 – Summary and Recommendations

This report offers an update on the continuation of the proposed investment into Harrow's tennis courts and procurement of an operator to manage the courts following the results of the public consultation on the proposals.

Recommendations:

Cabinet is requested to:

1. Note the final outcome of the public consultation which followed the 'Investment into Harrow's Tennis Infrastructure' Cabinet Report of June 2022.

Reason: (for recommendations)

Cabinet in June 2022 agreed that a consultation strategy would be developed in relation to the renovation of the courts. The consultation on Investment into Harrow's Tennis Infrastructure showed a majority in favour of Harrow Council entering into an agreement with the Lawn Tennis Association to access capital funding to renovate Harrow's tennis courts.

Section 2 – Report

1. Introduction

1.1 This report sets out the details of the public consultation undertaken on the tennis investment proposals as detailed in the Cabinet report and appendices of 23rd June 2022 (Investment into Harrow's Tennis Infrastructure).

1.2 Following the results of the public consultation it is proposed to proceed with entering into a funding agreement with the Lawn Tennis Association (LTA) to renovate tennis courts in Harrow's parks and the procurement of an operator to manage the courts as detailed in the Cabinet report of June 2022. The tender process will be informed by the consultation.

2. Background

2.1 From the 1st 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. The funding is 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 the LTA do not require local authorities to introduce hire charges for using the courts, local authorities do need to confirm their agreement to fund a sinking fund and ongoing maintenance costs, as well as the ongoing costs associated with the access gates.

- 2.2 An assessment of the public tennis courts in all the Harrow's parks by the LTA identified that the majority of the courts 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 In June 2022 Cabinet approved the entering into a funding agreement with the LTA for grant funding to fund the renovation of 37 tennis courts in Harrow's parks. The LTA's Renovation Fund application process is in two stages. As detailed in the Cabinet Report of June 2022 the LTA has approved Harrow's Stage 1 application for this funding with the estimated costs for the renovations work to Harrow's courts being £445,675. The June 2022 Cabinet Report also proposed the introduction of a pricing strategy to ensure that the tennis courts could be maintained to a good standard and are financially sustainable in the long term. This would include pay and play sessions with the income generated being reinvested into maintaining the courts including a sinking fund. In local authorities that have already implemented a charging policy as well as gate access and a booking system the results have been very positive. In the London Borough of Richmond Upon Thames and the London Borough of Brent, for example, where all the tennis courts have been gated there has been a very high usage of the courts. Cabinet also approved the procurement of an operator to manage the refurbished tennis courts. In addition, Cabinet approved the development of a consultation strategy in relation to the renovation and management of the courts.

3. Current Situation

- 3.1 A public consultation was undertaken on the investment in the tennis courts from the 18th August 2022 to 27th September 2022. The consultation sought feedback from residents on the proposals via an online public consultation questionnaire. The online questionnaire was drafted with advice from the LTA, and further amendments were made following consultation with members of Harrow Park User Groups. The questionnaire was hosted on Harrow Council's website and could be accessed from links from several pages within the council's leisure pages. It was also added to the Council's consultation portal. Questions established current usage including which courts were used, by whom and frequency. Questions also asked about user awareness of the existence and condition of public tennis courts in Harrow. Respondents were asked whether they supported fees if it meant the tennis courts would be improved and also a tolerance level for what the fees should be. Questions also ascertained who should receive concessions, whether free coaching sessions and access to equipment would be welcomed, and at what time/day they would be most appropriate. There was also an open box for people to add their comments. A supporting webpage was created which set out the background of the Lawn Tennis Association application, the current state of tennis courts as assessed by the LTA, FAQs, and details of engagement events. The page received 1707 hits during the consultation period.

3.2 An A5 leaflet was produced to promote the consultation, containing a QR code link and the web address, as well as the closing date. Posters were placed in parks and leaflets circulated to sites including libraries, leisure centres, Harrow Arts Centre, and Headstone Manor and Museum. Four events were held across the borough during the six-week period. These were as follows:

Venue	Date/Time
Headstone Village Show	Bank Holiday Monday 29 th August 2022, 12.00-17.00
Chandos Recreation Ground	Wednesday 7 th September 2022, 10.00-11.00
Byron Park	Tuesday 13 th September 2022, 18.00-19.00
Montesole Playing Fields	Saturday 24 th September 2022, 10.00-11.00

Three pre-consultation events were also held as follows:

Venue	Date/Time
Harrow Weald Recreation Ground	Thursday 29 th June, 10.00-11.00
Roxeth Recreation Ground	Saturday 2 nd July, 10.00-11.00
Harrow Recreation Ground	Monday 4 th July, 18.00-19.00

There was targeted communication by email to a range of community groups and organisations including the park user groups, tennis clubs and other sports clubs and organisations, youth groups and schools. The consultation was also included in two editions of MyHarrow, which is emailed to 70,000 users. The public were also invited to feedback by email to sportandleisure@harrow.gov.uk. A total of nine emails were received. This included a response to the consultation by Harrow Recreation Ground stakeholders and park users. A meeting was also held with the Council's Labour Group during the consultation.

3.3 Social media was also used to promote the consultation. There were 12 posts (24 in total) on Facebook and Twitter posted by the Council during the consultation period. These ensured a reach of more than 21,000 during the six weeks. There was a combined total of around 1500 reactions, comments or shares. The most engaged post, on 26 August, saw activity three times higher than the average for a Harrow Council Facebook post. The majority of comments on social media were against charging being applied or referred to the courts being 'privatised'. Some who were actively against the proposals used the posts as an opportunity to signpost to an online petition.

3.4 A petition against the Council's proposals on Change.org has been submitted to the Council <https://www.change.org/p/keep-harrow-s-parks-free-to-use>. The petition says: "We the undersigned, call on Harrow Council to halt its plans to charge for the use of tennis courts, and commit to ensuring our parks and the facilities within them remain free for all to enjoy." Signed by over 2,000 people the petition will be responded to in accordance with the Council's Petition Scheme.

3.5 There was a total of 714 completed responses to the online public consultation questionnaire. The full results of the questionnaire are detailed in Appendix 2. A summary of responses to some of the questions is detailed below:

Question	Response
<p>1. Which of these statements do you agree with?</p> <p>a. Yes, I am in favour of the Council's plans for investment in the tennis courts and for an external operator to run the courts understanding that this will mean charges for tennis court users.</p> <p>b. No, I don't want the Council to pursue the grant to renovate the tennis courts. I understand that this will mean they will not be renovated as other funding sources have not been identified and some sites will remain closed/unplayable.</p>	<p>57% In favour 43% Not in favour</p> <p>Those living near courts assessed as unplayable responses:</p> <p><i>Byron Recreation Ground – 47 responses</i></p> <ul style="list-style-type: none"> ○ For – 35 (74%) ○ Against – 12 (26%) <p><i>Centenary Park – 64 responses</i></p> <ul style="list-style-type: none"> ○ For – 54 (84%) ○ Against – 10 (16%) <p><i>Headstone Manor Recreation Ground – 78 responses</i></p> <ul style="list-style-type: none"> ○ For – 56 (72%) ○ Against – 22 (28%) <p>Those living near courts assessed as very good or good courts responses:</p> <p><i>Rayners Mead – 22 responses</i></p> <ul style="list-style-type: none"> ○ For – 9 (41%) ○ Against – 13 (59%) <p><i>Pinner Village Gardens – 93 responses</i></p> <ul style="list-style-type: none"> ○ For – 55 (59%) ○ Against – 38 (41%) <p><i>West Harrow Rec – 91 responses</i></p> <ul style="list-style-type: none"> ○ For – 26 (29%) ○ Against – 65 (71%)
<p>2. Do you currently use the tennis courts in the parks to play tennis?</p>	<p>Yes – 51% No – 49%</p>
<p>3. If the condition of all the tennis courts in Harrow's parks was improved would your usage increase, remain the same, or decrease?</p>	<p>Remain the same - 41% Increase – 50% Decrease – 1% Not sure – 8%</p>
<p>4. If the Council proceeds with the investment, what would you be prepared to pay for the hire of a tennis court in Harrow?</p>	<p>49.1% of respondees indicated charging levels they would be happy with as detailed below:</p> <p>£3-5 per hour – 26.7% £5-7 per hour – 13.7% £7-10 per hour – 7.0% £10-12 per hour – 1.7% I don't think there should be any charges – 50.9%</p>
<p>5. What are your thoughts about paying for the hire of tennis courts via the online booking system?</p>	<p>I would be in favour if the courts were improved, and I could book a court at a time that suits me – 47%</p>

	I would not be in favour – 45% I do not currently play or intend to play tennis, so it does not affect me - 8%
6. If the Council proceeds with the investment which groups do you think should be offered discounted court hire?	Children under 18 – 29% Adults over 65 – 21% Disabled People – 22% Those claiming Universal Credit – 17% Other – 11%
7. If the Council proceeds with the investment, would you be in favour of some free coach led sessions targeted at specific groups?	Yes – 63% No – 19% Not sure – 18% Which would be of interest? Children under 18 – 39% Adults over 65 – 19% Disabled people – 19% Those claiming Universal Credit – 14% Other – 9%

3.6 A summary of the additional verbal and written feedback by theme from the public questionnaire, in-person engagement sessions and meetings, and email submission is detailed in Appendix 3. Responses have also been provided and this information will be added to the Council website following the Cabinet meeting.

3.1 As detailed above 57% of those who responded to the questionnaire were in favour of the plans for the tennis courts. The consultation feedback included comments about the need for tennis courts to be renovated which will help to increase usage and the benefits of having a booking system in helping to ensure everyone has the opportunity to use the tennis courts. The introduction of pay and play sessions was, however, split more evenly with 50.9% of respondees not in favour of any charging. Of the 49.1% who did support the requirement for some charges the majority (26.7%) specified £3-5 per hour. As a result of this feedback the Council would specify that the maximum court hire is £5 per hour including during peak periods (weekday evenings and weekends). This level of the charging is the same or less for pay and play sessions for adults that are charged by neighbouring London Boroughs. The London Borough of Hillingdon, for example, charges £5 per hour and the London Borough of Brent charges £8 per hour. Concessionary rates for court hire would also be stipulated for children under 18, adults over 65, disabled people, and those claiming universal credit. In response to the concerns raised regarding hire charges being unaffordable for some residents the Council would use the tender process to maximise the number of coach-led free sessions that would be offered by prospective tennis operators. The exact 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. The public consultation also identified that several of the tennis courts in the parks have been used for other purposes such as for football for several years. There was also some feedback, however, that the courts shouldn't be used for other sports as it can cause damage to the courts. Whilst all the courts will eventually become unusable for any purpose if they are not renovated/maintained,

the council is developing a new Indoor and Outdoor Sports Facility Strategy which will support our ability to secure future funds to invest in other sporting activities in the parks.

3.2 A Neighbourhood Community Infrastructure Levy (NCIL) Fund application was submitted in February 2022 by two Edgware Ward Councillors to convert two of the tennis courts at Chandos Recreation Ground into a basketball court and MUGA. This application was submitted prior to the LTA courts renovation funding becoming available. The application also had the support of the Chandos Park User Group and the need for basketball and football facilities at Chandos Recreation Ground was reiterated during the consultation. As it is necessary to get the agreement of the National Governing Body (NGB) and Sport England to change the use of a facility from one sport to another the Park User Group then consulted with the LTA and Sport England on their plans. Subsequently the LTA agreed that one of the courts could be converted. The number of tennis courts at Chandos Recreation Ground to be included in the funding agreement will, therefore, now be reduced, from 3 courts to 2 courts, meaning that now a total of 36 courts across 13 parks would be included in the application. The number of courts per park will now be as follows:

Park	Number of Courts	Current Condition
Byron Recreation Ground	3	Unplayable
Centenary Park	2	Unplayable
Chandos Recreation Ground	2	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

Newton Park West has not been included in the parks to have their tennis courts renovated because the LTA will only renovate courts where there is an existing hard tarmac area to renovate.

3.3 The planned timescale for renovating the tennis courts and beginning a contract with a tennis operator to manage the refurbished courts would be by Spring 2023.

4. Options Considered

1. To note the outcome of the consultation on the Investment in Harrow's Tennis Court Infrastructure. To proceed with the proposals approved in the

'Investment in Harrow's Tennis Infrastructure' Cabinet Report of June 2022 with a majority of respondents to the public consultation being in favour of the proposals. The total number of tennis courts to be included will now be 36. This will involve entering into a funding agreement with the Lawn Tennis Association (LTA) for capital funding to renovate Harrow's tennis courts at several Harrow parks. To introduce a booking system and pricing strategy that is informed by the consultation (in respect of charging, concessions and free coach led access for use of the courts) and appointing an operator to manage the renovated tennis courts following the completion of a tendering process.

This option is recommended

2. To ignore the results of the Public Consultation.

This option is not recommended.

5. Ward Councillors' comments

5.1 The recommendations in this report would affect all wards. Ward Councillors were consulted as part of the consultation process.

6. Risk Management Implications

6.1 There are no decision risks as this is an information report.

7. Procurement Implications

7.1 The procurement process for a tennis courts operator will be carried out in accordance with the Council's Contract Procedure Rules. This will be treated as a service concession (sub-threshold) contract. The service concession contract award will still be subject to the procurement principles of fairness, transparency, non-discrimination, proportionality, and contestability.

7.2 The Council will follow an Open Procedure route. The proposed top level evaluation criteria will be:

- Price 40%
- Quality 50% (including 5% allocated to Carbon Reduction)
- Social Value 10%

8. Legal Implications

8.1 Section 19 of the Local Government (Miscellaneous Provisions) Act 1976 empowers the Council to provide recreational and leisure facilities, including indoor and outdoor tennis courts and ancillary facilities and services.

8.2 The Council can also charge for the use of the facilities as it thinks fit.

- 8.3 The Council can tender the management of facilities for sports and leisure and must do so in compliance with public procurement rules where applicable and the Council's Contract Procedure Rules.
- 8.4 The Council can enter into a funding agreement with the Lawn Tennis Association under section 1 of the Localism Act 2011 and all other enabling powers.
- 8.5 Legal advice should be sought on the terms of the funding agreement and on then terms of the services concession contract with the operator, and any improvement works contracts.

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. 36 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 funding allocation based on the technical survey is £446K. The works will be procured via the LTA's National Framework, and the procurement exercise 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 36 tennis courts in the funding application, the total sinking fund requirement is £43,200 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 take into consideration the outcomes of the public consultation on prices that users are prepared to pay and on the provision of free coach led sessions targeted at specific groups.
- 9.5 In order to meet the sinking fund requirement and direct running costs, a minimum income of £73k 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	Income @ 5% chargeable hours
36	137,592	£343,980	£171,990	£85,995	£75,676	£68,796	£51,597	£44,717	£34,398

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 £43,200 (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 it 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 the 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. The Council would use the tender process to maximise the number of coach-led free sessions that would be offered by prospective tennis operators., and the maximum hourly charge rate for the play and play sessions would be £5, with concessionary rates also in place for children under 18, adults over 65, disabled people, and those claiming universal credit. Tennis operators would be expected to detail in a tennis development plan what types of coaching sessions they would provide to meet the needs of the whole community, including some single sex sessions, and sessions 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.

Section 3 - Statutory Officer Clearance

Statutory Officer: Jessie Man
Signed on behalf of the Chief Financial Officer
Date: 21/10/22

Statutory Officer: Stephen Dorrian
Signed on behalf of the Monitoring Officer
Date: 25/10/22

Chief Officer: Dipti Patel
Signed off by the Corporate Director - Place
Date: 03/11/22

Head of Procurement: Marzuki Haji
Signed on behalf of the Head of Procurement
Date: 17/10/22

Mandatory Checks

Ward Councillors notified: NO - impacts on all Wards

EqlA carried out: Yes

EqlA cleared by: Jennifer Rock

Section 4 - Contact Details and Background Papers

Contact: Tim Bryan – Head of Service, Culture and Leisure. Tel: 07917076800. Email: tim.bryan@harrow.gov.uk

Background Papers: None

Call-in waived by the Chair of Overview and Scrutiny Committee – NOT APPLICABLE