

# Call In Sub-Committee (of the Overview and Scrutiny Management Board) Agenda



**Date:** Tuesday, 26 June 2018

**Time:** 4.00 pm

**Venue:** A Committee Room - City Hall, College Green,  
Bristol, BS1 5TR

## **Distribution:**

**Councillors:** Geoff Gollop, Donald Alexander, Gary Hopkins, Olly Mead, Paula O'Rourke and Estella Tincknell

**Copies to:** Councillor Kye Dudd, Cabinet Member - Cabinet Member for Energy, Waste and Regulatory Services, Jacqui Jensen, (Executive Director: Adults, Children & Education), Patsy Mellor (Executive Director: Communities), Dr Susan Milner (Interim Director of Public Health), Nancy Rollason (Service Manager Legal) and Louise deCordova (Scrutiny Advisor)

**Issued by:** Louise deCordova, Scrutiny Advisor

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**Date:** Monday, 18 June 2018



# Agenda

## 1. Welcome, Introductions and Safety Information

(Pages 4 - 6)

## 2. Declarations of Interest

To note any declarations of interest from the Councillors. They are asked to indicate the relevant agenda item, the nature of the interest and in particular whether it is a **disclosable pecuniary interest**.

Any declarations of interest made at the meeting which is not on the register of interests should be notified to the Monitoring Officer for inclusion.

## 3. Public Forum

Up to 30 minutes is allowed for this item.

Any member of the public or Councillor may participate in Public Forum. The detailed arrangements for so doing are set out in the Public Information Sheet at the back of this agenda. Public Forum items should be emailed to [scrutiny@bristol.gov.uk](mailto:scrutiny@bristol.gov.uk) and please note that the following deadlines will apply in relation to this meeting:-

**Questions** - Written questions must be received 3 clear working days prior to the meeting. For this meeting, this means that your question(s) must be received in this office at the latest by **5 pm on Wednesday, 20 June 2018**.

**Petitions and Statements** - Petitions and statements must be received on the working day prior to the meeting. For this meeting, this means that your submission must be received in this office at the latest by **12.00 noon on Monday 25 June 2018**.

## 4. Call In Cabinet Decision - Enhancement of six of the Ardagh Tennis Courts

To review the decision (taken at 5 June 2018 Cabinet) as a result of the matter having been called in by the Proper Officer on behalf of the Council.

(Pages 7 - 8)



- a) **Procedure at the meeting** (Page 9)
- b) **Call In Proforma** (Pages 10 - 13)
- c) **Cabinet Decision Record** (Pages 14 - 15)
- d) **Cabinet Report** (Pages 16 - 37)
- e) **Officer Response to Call In** (Pages 38 - 41)



# Public Information Sheet

Inspection of Papers - Local Government  
(Access to Information) Act 1985

You can find papers for all our meetings on our website at [www.bristol.gov.uk](http://www.bristol.gov.uk).

You can also inspect papers at the City Hall Reception, College Green, Bristol, BS1 5TR.

Other formats and languages and assistance  
For those with hearing impairment

You can get committee papers in other formats (e.g. large print, audio tape, braille etc) or in community languages by contacting the Democratic Services Officer. Please give as much notice as possible. We cannot guarantee re-formatting or translation of papers before the date of a particular meeting.

Committee rooms are fitted with induction loops to assist people with hearing impairment. If you require any assistance with this please speak to the Democratic Services Officer.

## Public Forum

Members of the public may make a written statement ask a question or present a petition to most meetings. Your statement or question will be sent to the Committee and be available in the meeting room one hour before the meeting. Please submit it to [scrutiny@bristol.gov.uk](mailto:scrutiny@bristol.gov.uk) or Scrutiny, City Hall, College Green, Bristol BS1 5UY. The following requirements apply:

- The statement is received no later than **12.00 noon on the working day before the meeting** and is about a matter which is the responsibility of the committee concerned.
- The question is received no later than **three clear working days before the meeting**.

Any statement submitted should be no longer than one side of A4 paper. If the statement is longer than this, then for reasons of cost, only the first sheet will be copied and made available at the meeting. For copyright reasons, we are unable to reproduce or publish newspaper or magazine articles that may be attached to statements.

By participating in public forum business, we will assume that you have consented to your name and the details of your submission being recorded and circulated to the committee. This information will also be made available at the meeting to which it relates and placed in the official minute book as a public record (available from Democratic Services).

We will try to remove personal information such as contact details. However, because of time constraints we cannot guarantee this, and you may therefore wish to consider if your statement



contains information that you would prefer not to be in the public domain. Public Forum statements will not be posted on the council's website. Other committee papers may be placed on the council's website and information in them may be searchable on the internet.

### Process during the meeting:

- Public Forum is normally one of the first items on the agenda, although statements and petitions that relate to specific items on the agenda may be taken just before the item concerned.
- There will be no debate on statements or petitions.
- The Chair will call each submission in turn. When you are invited to speak, please make sure that your presentation focuses on the key issues that you would like Members to consider. This will have the greatest impact.
- Your time allocation may have to be strictly limited if there are a lot of submissions. **This may be as short as one minute.**
- If there are a large number of submissions on one matter a representative may be requested to speak on the groups behalf.
- If you do not attend or speak at the meeting at which your public forum submission is being taken your statement will be noted by Members.

### Webcasting/ Recording of meetings

Members of the public attending meetings or taking part in Public forum are advised that all Full Council and Cabinet meetings and some other committee meetings are now filmed for live or subsequent broadcast via the council's [webcasting pages](#). The whole of the meeting is filmed (except where there are confidential or exempt items) and the footage will be available for two years. If you ask a question or make a representation, then you are likely to be filmed and will be deemed to have given your consent to this. If you do not wish to be filmed you need to make yourself known to the webcasting staff. However, the Openness of Local Government Bodies Regulations 2014 now means that persons attending meetings may take photographs, film and audio record the proceedings and report on the meeting (Oral commentary is not permitted during the meeting as it would be disruptive). Members of the public should therefore be aware that they may be filmed by others attending and that is not within the council's control.

**NOTE FOR MEMBERS OF THE PUBLIC  
ON THE PURPOSE OF THIS MEETING**

This meeting is to consider a Call In for scrutiny from **Councillors Combley, Fodor, Denyer, Stevens, and Bolton** of the Cabinet's decision on **Enhancement of six of the Ardagh Tennis Courts** because they believe that they have evidence to suggest that Cabinet did not take that decision in accordance with Article 14 (decision taking) of the Council's constitution.

**Please note that this meeting cannot alter the Cabinet's decision. This is a matter for Cabinet alone.**

The function of the Call In Sub-Committee is to **review** the way in which Cabinet reached its decision and it will come to **one** of the following 3 conclusions;

- **to take no further action**
- **to refer the matter back to the Cabinet - with issues (to be detailed in the minute) for Cabinet to consider before taking a final decision.**
- **to refer the matter to Full Council for a wider debate (NB : Full Council may decide, either to take no further action or to refer the matter back to Cabinet with specific recommendations for them to consider prior to decision taking)**

You are welcome to make public forum submissions at this meeting but **please bear in mind that the purpose of the meeting is to review the way in which Cabinet reached its decision and as set out in the notice of Call In.** It is therefore a process review meeting.

Please note: If the Panel decides to refer the decision back to the Cabinet with recommendations or indeed, if the Panel refers the decision to Council, for a wider debate by councillors, then either of these could be a more appropriate forum for you to make further submissions.

Call In Sub-Committee  
(of the Overview and Scrutiny  
Management Board)

26 June 2018



**Title: Call In of the Cabinet's Decision on Enhancement of six of the Ardagh Tennis Courts**

**Ward: Bishopston & Ashley Down ward**

**Summary**

**To review the decision (taken at 5 June 2018 Cabinet) as a result of the matter having been called in by the Proper Officer on behalf of the Council.**

**Recommendation.**

The Panel must decide either:

- a. to take no further action
- b. to refer the matter back to Cabinet -with issues (to be detailed in the minute) for Cabinet to consider before taking a final decision.
- c. to refer the matter to Full Council for a wider debate (NB : Full Council may decide either to take no further action or to refer the matter back to Cabinet with specific recommendations for them to consider prior to decision taking.)



**Appendices:**

**A – Procedure at the meeting.**

**B – Call In Proforma**

**C – Cabinet Decision Record**

**D – Cabinet Report**

**E – Officer Response**

**LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985**

**Background Papers:**

Cabinet report dated 5 June 2018

## **CALL IN SUB-COMMITTEE - PROCEDURE AT MEETING.**

1. The Chair explains the purpose of the meeting and the decisions which the Sub-Committee is able to take.
2. Callers-in present their case, explaining reasons for calling in Cabinet's decision.
3. Members of the Panel ask questions and seek clarification from the callers in.
4. The Strategic/ Service Director and Mayor/Cabinet member will explain the background to the decision.
5. Members of the Panel ask questions and seek clarification from the Mayor/ Cabinet member and Strategic/Service Director.
6. General debate during which Panel members may ask questions of both parties with a view to helping them make up their mind.
7. The Chair sums up and identifies the key issues arising out of the debate.
8. The Panel resolves either;
  - to take no further action
  - to refer the matter back to Cabinet -with issues (to be detailed in the minute) for Cabinet to consider before taking its final decision.
  - to refer the matter to full Council for a wider debate (NB : full Council may decide either to take no further action or to refer the matter back to Cabinet with specific recommendations for them to consider prior to decision taking)



## Bristol City Council

### Call in of a decision taken by the Executive

Overview and Scrutiny Rule OSR17 states that where **non-executive councillors** have evidence which suggests that the executive did not take the decision in accordance with Article 14 (Decision Making) of part 2 of the Council's Constitution, at least **five non-executive members** may ask the proper officer to call-in a decision for scrutiny using the appropriate call-in form (attached). The decision making principles in article 14 are set out below and the members seeking the call-in should identify those principles in Article 14 of the Constitution which they believe have been breached.

<b>Proportionality</b>	The action must be proportionate to the desired outcome.
<b>Due consultation</b>	(a) It may be appropriate to consult with communities, businesses and other third parties who have an interest in the matter. In some cases minimum consultation requirements are prescribed in law. (b) The council is required to act in the interests of the public as a whole so the decision desired by consultees may not necessarily be the right decision to make.
<b>Taking of professional advice from others</b>	Professional advice from the council's legal, financial and other specialist staff is always essential for the executive.
<b>Respect for human rights</b>	The Human Rights Act 1998 is of great importance to local authorities. Any decision which may breach an article or protocol of the Act should be subjected to "anxious scrutiny" and professional advice sought.
<b>A presumption in favour of openness</b>	Decisions taken by executive members or officers should be taken under this presumption. Access to material contributing to a decision should be made available to anyone with a legitimate interest in it unless this would involve disclosing exempt or confidential information
<b>Clarity of aims and desired outcomes</b>	Decision makers must be clear as to what they are seeking to achieve and why. This will often require thoughtful consideration of other options.
<b>Due regard to public sector equality aims</b>	The Equalities Act 2010 requires that all decisions taken must have due regard to the need to (a) eliminate discrimination, harassment, victimisation and any other conduct which is prohibited under the Act; (b) advance equality of opportunity between equality groups and (c) foster good relations between equality groups.

### Procedure

1. Where a decision is made by the executive or a key decision is made by an officer with delegated authority from the executive, or under joint arrangements the decision will come into force, and may then be implemented on the expiry of five clear working days from the date the decision was taken unless the decision is called-in. The 5 clear working days run from 8.30am on the day **after** the decision was taken and exclude any day when the Council's offices are shut on weekends and bank holidays.

2. The proper officer will first satisfy themselves that the following requirements have been met:
  - (i) the call-in notice has been received within the prescribed timescales
  - (ii) the decision taker's decision has been properly identified and described
  - (iii) the members seeking the call-in have identified those principles of Article 14 of the constitution which they believe have been breached.
  
3. If the requirements are met the proper officer will call-in the item and within five working days of the request, give notice as to the date on which the call-in will be considered by a Call-In Sub Committee, which will be held within 5 days of the request for call-in being approved by the Proper Officer. If a debate at Full Council is decided by the Call-In Sub-Committee then this will be held within ten days at an extraordinary meeting of the full Council or at the Lord Mayor's discretion.

***The following points relate to established working practice in relation to call in:***

- The call-in procedure should not be abused or used to unduly delay decisions or slow down the process of decision making
  
- Members should try to avoid calling in matters which are already within the agreed work programme of a scrutiny commission
  
- To give notice of a call in, councillors **must use** the form attached to these notes. It should be detached and completed and **send to the Proper Officer (i.e. Shahzia Daya, Service Director – Legal and Democratic Services.)** Members are strongly recommended to deliver their notice in person, or to email the form
  
- The form must be filled in fully - members must explain in detail how in their view, the decision taken breaches any of the principles in Article 14 of the Constitution. They must also be meticulous in identifying which part of any executive decision they are referring to. Failure to do so could result in the suspension of a complex decision, when in fact the callers in only wish to object to a small part of it.
  
- The Proper Officer will review all call ins and may reject or refer back to members, any call in notice which does not fully meet the requirements specified in the Constitution

**Early submission of a call in is advised. This will maximise the time available to the executive to formulate a response and for arrangements to be made for appropriate representatives of an executive to attend the Call In Panel which will discuss the decision called in.**

## Bristol City Council

### Request to the Proper Officer to call in an Executive Decision

*This form should only be completed after the accompanying guidance notes have been read. It should be completed fully in order that the Proper Officer has an adequate basis upon which to call in the decision.*

*Please return the call-in form to Shahzia Daya, Proper Officer*

*Email [shahzia.day@bristol.gov.uk](mailto:shahzia.day@bristol.gov.uk)*

<b>Names of the non-executive members requesting the proper officer to call the decision in :</b>	Eleanor Combley
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<b>Date and time request submitted :</b>	12/06/2018 3pm
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<b>Details of Executive (or officer acting under delegated power)</b>	Councillor Kye Dudd, Cabinet Member for Energy, Waste and Regulatory Services
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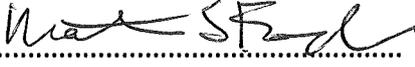
<b>Decision number and date</b>	Agenda item 8, 05/06/2018
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<b>Description of decision or part of decision</b> <i>(if you only quote the subject then everything in the decision could be suspended pending the Call In Sub meeting )</i>	<p>(d) 1. To provide an 'in principle' agreement that the Council approves expenditure funded through BCC (up to £200,000) and external partners (£350,000), of what is projected to be c.£550,000 in total towards the enhancement of six of the Ardagh tennis courts, for their inclusion in the parks tennis operating model.</p> <p>In particular, the decision to include 6 courts in the city wide offer.</p>
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<p><b>State which principle(s) in Article 14 of the Constitution you believe the executive has breached and set out any evidence to support this.</b></p>	<p>There has not been due consultation on this decision. The report presents as consultation discussion with ward councillors and trustees of the Ardagh Community Trust however discussion did not really take place. I was in a meeting where the opening gambit of the cabinet member present was that the six courts decision had been made by the Mayor's office so that was the only proposal on the table, and was not up for discussion.</p> <p>The consultation results on the city wide sports strategy have not been published which makes it difficult to gauge the extent to which that consultation supports this plan. There has been no consultation with local residents and users of Horfield Common and the Ardagh, and community consultation carried out by the trust indicates a high level of support for mixed use courts rather than exclusively tennis.</p> <p>It is also not clear that there has been sufficient transparency about the basis for insisting that 6 courts are included in the city-wide tennis offer.</p>
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Signed by Councillors .....

 CLR E. COMBLEY

 CLR M. FODOR

 CLR C. DENYER

 CLR C. STEPHENS

 CLR C. BOLTON

# Decision Recording Form

Decision determined at Cabinet meeting on 5 June 2018



**Cabinet members present:**

Councillor Nicola Beech, Cabinet Member for Spatial Planning and City Design

Councillor Craig Cheney, Designated Deputy Mayor with responsibility for Finance, Governance and Performance

Councillor Kye Dudd, Cabinet Member for Energy, Waste and Regulatory Services

Councillor Helen Godwin, Cabinet Member for Women, Children and Young People, and Lead Member for Children's Services

Councillor Helen Holland, Cabinet Member for Adult Social Care

Councillor Anna Keen, Cabinet Member for Education and Skills

Councillor Paul Smith, Cabinet Member for Housing

Councillor Mhairi Threlfall, Cabinet Member for Transport and Connectivity

**Apologies:**

Marvin Rees

Asher Craig, Deputy Mayor with responsibility for Communities, Equalities and Public Health

*Deadline date for Call-in referral 12 June 2018*

<b>(a)</b>	<b>Subject:</b>	Enhancement of Ardagh Tennis Courts (agenda item 8)
<b>(b)</b>	<b>Ward:</b>	Bishopston and Ashley Down
<b>(c)</b>	<b>Declarations of interest:</b>	None



<b>(d)</b>	<p><b>Decision taken</b></p> <p>Subject to a final decision being made on the CAT and its lease conditions, Cabinet agreed:</p> <ol style="list-style-type: none"> <li>1. To provide an 'in principle' agreement that the Council approves expenditure funded through BCC (up to £200,000) and external partners (£350,000), of what is projected to be c.£550,000 in total towards the enhancement of six of the Ardagh tennis courts, for their inclusion in the parks tennis operating model.</li> <li>2. That authority is delegated to Executive Director: Communities in consultation with the Cabinet Member for Sport to initiate a procurement process and award the contract for construction works for the Ardagh tennis courts.</li> </ol>
<b>(e)</b>	<p><b>Exempt Information?</b></p> <p>Open</p>
<b>(f)</b>	<p><b>Decision made in exempt session?</b></p> <p>No</p>
<b>(g)</b>	<p><b>Additional information at the meeting/documents taken into account:</b></p> <ol style="list-style-type: none"> <li>1) One Councillor Statement</li> <li>2) Eleven questions from six members of the public (a verbal reply was given by the Cabinet Member at the meeting or a written reply will be sent if the questioner was not in attendance)</li> <li>3) Consultation responses set out in the report</li> <li>4) The equalities impact assessment, as amended and circulated prior to the meeting and displayed on the screen.</li> </ol>
<b>(h)</b>	<p><b>Reason for decision:</b></p> <p>As set out in the report.</p>

Signed : ..... Date : .....

**Councillor Kye Dudd, Cabinet Member for Energy, Waste and Regulatory Services**



# Decision Pathway – Report

**PURPOSE:** Key decision

**MEETING:** Cabinet

**DATE:** 05 June 2018

<b>TITLE</b>	<b>Enhancement of six of the Ardagh Tennis Courts.</b>	
<b>Ward(s)</b>	The Ardagh is located in the Bishopston & Ashley Down ward.	
<b>Author:</b>	<b>Guy Fishbourne</b>	<b>Job title: Sport &amp; Physical Activity Manager</b>
<b>Cabinet lead:</b>	<b>Kye Dudd</b>	<b>Executive Director lead: Alison Comley</b>
<b>Proposal origin:</b> BCC Staff		
<b>Decision maker:</b> Cabinet Member		
<b>Decision forum:</b> Cabinet		
<p><b>Purpose of Report:</b> To get an ‘in principle’ agreement that the Council approves a likely expenditure of c£550,000 towards the enhancement of six of the Ardagh tennis courts to be retained by the Council and for their inclusion into the parks tennis operating model, from a combination of:</p> <ul style="list-style-type: none"> <li>• c.£200,000 BCC funding: identified from Sports s106 funding and its sports capital programme budget</li> <li>• c.£350,000 External funding : from the Lawn Tennis Association (LTA) and Sport England</li> </ul>		
<p><b>Evidence Base:</b></p> <ul style="list-style-type: none"> <li>- <u>Revenue savings for the Council:</u> BCC currently pays for repairs/maintenance of tennis courts, across its Parks and is in the process of developing a new parks tennis operating model which is based on a fee paying model and will include a tennis operator being responsible for the management and operation of the courts. Under this model, repair and maintenance will be the responsibility of the tennis operator and the equivalent of £1200 per court or £2400 if floodlit shall be paid to a tennis court sinking fund for their lifecycle and resurfacing costs.</li> <li>- <u>Aspirations for the Ardagh to be considered within the parks tennis operating model:</u> as part of the CAT conditions the Council is seeking to retain six of the current eleven tennis courts to be incorporated into the parks tennis operating model. The inclusion of six tennis courts at the Ardagh contributes towards a more robust parks tennis operating model which supports the equal provision of sustainable and high quality sports provision across Bristol’s Parks.</li> <li>- <u>Draft Built Sports Facility Strategy:</u> there is an identified need to work with LTA to enhance existing courts in areas of the city with low participation rates to encourage the use of existing publicly accessible stock and to increase informal play using an LTA fob access system. Priority should be given to making better use of existing facilities to enhance tennis participation via a grass roots development programme. The renovation of outdoor tennis courts at the Ardagh is identified through the draft Sports &amp; Active Recreation Facility Strategy work which the Council has recently completed public consultation on.</li> <li>- <u>Time scales:</u> A decision is required before further progress can be made on any project related to Council retained tennis courts at the Ardagh. Work on enhancing six of the tennis courts is dependent on securing external funding and agreeing which parts of the site will be included as part of the Community Asset Transfer (CAT) to the Ardagh Community Trust (ACT)</li> </ul>		
<p><b>Recommendations:</b></p> <p>Subject to a final decision being made on the CAT and its lease conditions:</p> <ol style="list-style-type: none"> <li>1. To provide an ‘in principle’ agreement that the Council approves expenditure funded through BCC (up to £200,000) and external partners (£350,000), of what is projected to be c.£550,000 in total towards the enhancement of six of the Ardagh tennis courts, for their inclusion in the parks tennis operating model.</li> </ol>		

2. That Authority is delegated to Executive Director: Communities in consultation with the Cabinet Member for Sport to initiate a procurement process and award the contract for construction works for the Ardagh tennis courts.

**Corporate Strategy alignment:**

- 1) Making Culture and Sport accessible to all. Promoting opportunities, attracting funding, protecting our city investment in culture and facilitating others much of the time, whilst continuing to offer good quality services which attract visitors.  
 2) In which services and opportunities are accessible to all.

**City Benefits:**

- 1) The inclusion of six tennis courts at the Ardagh contributes towards a more robust parks tennis operating model which supports the equal provision of sustainable and high quality sports provision across Bristol’s Parks.  
 2) The inclusion of six of the Ardagh courts in the parks tennis operating model will provide greater financial support for sites across the city with higher concessionary users and/or potential lower throughput.  
 3) Improved tennis courts in Bristol’s Parks will increase participation and contribute towards a high quality and sustainable Parks infrastructure.  
 4) A fee paying parks tennis operating model mitigates the Council from future repair, maintenance and lifecycle expenditure.

**Consultation Details:**

This proposal has been discussed with ward councillors, trustees of the Ardagh Community Trust, Lawn Tennis Association, Sport England, Parks Department and Property.

<b>Revenue Cost</b>	<b>£ 0.00</b>	<b>Source of Revenue Funding</b>	n/a
<b>Capital Cost</b>	<b>Target £200,000</b>	<b>Source of Capital Funding</b>	S106/Sports Capital Budget
<b>One off cost</b> <input checked="" type="checkbox"/>	<b>Ongoing cost</b> <input type="checkbox"/>	<b>Saving Proposal</b> <input checked="" type="checkbox"/>	<b>Income generation proposal</b> <input type="checkbox"/>

**Required information to be completed by Financial/Legal/ICT/ HR partners:**

**1. Finance Advice:** This report requests the Council’s agreement to retain 6 of the Ardagh tennis courts for inclusion in the next phase of parks tennis operating model and to contribute up to £200k towards the redevelopment of these tennis courts.

This £200k would come from S106 sports funding and from capital programme funding (sports scheme - NH05). It would be incurred only in conjunction with additional funding, projected to be up to £350k, to be secured with the support of Council partners the Lawn Tennis Association and Sport England.

The existing operating model is currently self-funding and, after the incorporation of these 6 courts and this initial investment, it is assumed that the next phase of this operating model will continue to be self-funding.

It has been advised that if the total investment costs are to exceed £500k then this request should follow the formal decision pathway for a key decision.

**Finance Business Partner:** Jemma Prince, Finance Business Partner - 29/1/18

**2. Legal Advice:** At this time all that is being requested is cabinet approval, in principle, to earmark £200k (from the S106 sports funding/capital programme) for enhancement of 6 Council tennis courts at the Ardagh. This commitment being conditional on securing £350k from LTA/Sport England. This raises no particular legal issues. Further decisions on the future operation and management of these courts, and the remaining 5 (identified for the CAT), have yet to be finalised. Third party operational arrangements for all 11 courts will require involvement of legal services. Consideration will need to be given to any conditions attached to LTA/SE funding before proceeding. The refurbishment works themselves will need to comply with the usual procurement rules

**Legal Team Leader:** Eric Andrews, Team Leader – 11/4/18

**Implications on ICT:** There are no identifiable IT implications in this initiative.

<b>ICT Team Leader:</b> Ian Gale 28/03/18		
<b>4. HR Advice:</b> Due to the nature of the request there are no anticipated HR implications.		
<b>HR Partner:</b> Celia Williams, HR Business Partner (Communities)		
<b>EDM Sign-off</b>	Zoe Wilcox	24 <sup>th</sup> January 2018
<b>Cabinet Member sign-off</b>	Cllr Kye Dudd	5 <sup>th</sup> April 2018
<b>CLB Sign-off</b>	Jacqui Jenson	17 <sup>th</sup> April 2018
<b>For Key Decisions - Mayor's Office sign-off</b>	Mayor's Office	4 <sup>th</sup> May 2018

<b>Appendix A – Further essential background / detail on the proposal</b>	<b>YES</b>
<b>Appendix B – Details of consultation carried out - internal and external</b>	<b>YES</b>
<b>Appendix C – Summary of any engagement with scrutiny</b>	<b>NO</b>
<b>Appendix D – Risk assessment</b>	<b>NO</b>
<b>Appendix E – Equalities screening / impact assessment of</b>	<b>YES</b>
<b>Appendix F – Eco-impact screening/ impact assessment of proposal</b>	<b>YES</b>
<b>Appendix G – Financial Advice - see page 2</b>	<b>NO</b>
<b>Appendix H – Legal Advice – see page 2</b>	<b>NO</b>
<b>Appendix I – Combined Background papers</b>	<b>No</b>
<b>Appendix J – Exempt Information</b>	<b>NO</b>
<b>Appendix K – See page 3</b>	<b>NO</b>
<b>Appendix L – ICT</b>	<b>NO</b>

## Further Background Information

### Parks Tennis Operating Model

1. The Lawn Tennis Association (LTA) is working with Bristol City Council to introduce a sustainable tennis operating model for the city. The tennis facilities at the Ardagh are not currently part of this initiative but the LTA and Council are keen that six courts are brought into the scheme. If this is agreed, the LTA can provide some match funding for the capital investment required. The Council would need to agree to support this with its own capital funding. The (LTA) have surveyed all eleven courts at the Ardagh identifying a need for around £800,000 of investment. This would be reduced for just six. Projected to be c.£550,000
2. So far the current parks tennis model includes Canford, Eastville and St George, and includes facility improvements of £140,000. £50,000 contribution from Bristol City Council has already been committed across these three parks. This is taken from a reserved tennis court fund set up specifically under terms of a previous LTA grant and funded purely through income generated from courts. The Lawn Tennis Association (LTA) has also awarded £90,000 towards the project. All ongoing costs for the operation including lifecycle and maintenance will be the responsibility of a new operator appointed through a tender process.
3. The parks tennis court proposal focusses on how parks tennis courts are managed and funded in the future, and looking into a sustainable way to maintain good quality tennis provision in the city, mitigating budget pressures for Bristol City Council in the future.
4. The more courts across Bristol Parks which are included in the model the more sustainable and robust it is likely to be. It is envisaged some courts will have a higher throughput than others.
5. The benefit of a parks tennis model is that courts with a higher throughput and hence higher income generation will cross subsidise those courts with lower throughput or with higher concessionary users. This means quality of provision can be maintained across the city rather than only in those areas which can afford to pay.
6. The project includes re-surfacing and installation of key fob technology at park sites to encourage increased usage through improved facilities.
7. The project includes the appointment of a tennis court operator, who will manage the courts on behalf of BCC. The operator will be responsible for maintaining court technology and bookings systems, promotion of the courts, tennis coaching opportunities plus lifecycle and ongoing maintenance of the courts. A fob/code system on court gates will allow residents to buy one fob per household, which will provide access to all parks tennis courts included in the model for a low fee of c.£35p.a; alongside an online booking system to register courts through either the fob system or on a pay and play basis at c.£5 per court per hour.

8. The online booking system will be on a city wide web page and enables technology such as smart phones to be used to book the courts, making it easier for people to book. The system allows for people wanting to turn up and play or book via their computer if they want to book in advance.
9. The proposal takes into consideration those on lower incomes with concessionary prices alongside a number of free play sessions where people can turn up and play for free. The court technology system will be supplemented by coaching, free play opportunities and competitive opportunities to provide a wide ranging programme of tennis offers in the city.
10. Under the current number of courts (15 excluding the Ardagh) in the model the tennis court operator will be required to pay the council a sum of £18,000 per annum to create a sinking fund, which will be maintained to resurface the courts in the future and for other maintenance work as required. This will relieve any budget pressure currently covered by the Parks department and secure the long term future of the tennis offer within Bristol Parks.

#### **Inclusion of the Ardagh Tennis Courts**

11. Inclusion of six courts at the Ardagh adds to strengthen the citywide model and will support the Council in the ongoing provision of high quality and sustainable parks tennis across the city.
12. Inclusion of six of the Ardagh courts will mean the model is more appealing for operators to bid for as the model will generate more income opportunities.
13. The rationale for Council (sports) capital funding to be invested on the Ardagh tennis courts is subject to them being part of the wider parks tennis operating model as their inclusion will contribute strongly towards a high quality and sustainable parks tennis provision for the whole city.

## **Ardagh Tennis Courts**

### **Internal**

Discussions internally with Parks and Property have been held.

1. Parks are supportive of retaining six of the tennis courts for inclusion in the wider parks tennis operating model, acknowledging they have a commercial value in support of the ongoing sustainability of high quality tennis courts across the city.
2. Property acknowledge that six courts are to be retained by the Council

### **External**

Discussions have been held with the Lawn Tennis Association (LTA)

3. The LTA support the Council retaining six of the tennis courts at the Ardagh site for their inclusion in the wider parks tennis operating model.

Discussion have been held with the Ardagh Community Trust (ACT)

4. The ACT's preference is to retain all 11 courts for inclusion in their community asset transfer, however on the basis the Council wants to retain six for inclusion in the wider parks tennis model the ACT are willing to compromise on their position.



**Bristol City Council Equality Impact Assessment Form**

(Please refer to the Equality Impact Assessment guidance when completing this form)

Name of proposal	Ardagh Tennis Operator Proposal
Directorate and Service Area	Neighbourhoods – Public health
Name of Lead Officer	Guy Fishbourne

**Step 1: What is the proposal?**

Please explain your proposal in Plain English, avoiding acronyms and jargon. This section should explain how the proposal will impact service users, staff and/or the wider community.

<p><b>1.1 What is the proposal?</b></p> <p>The proposal for the Ardagh will support the tennis operation model soon to be implemented in 2018 at three venues; Canford, Eastville and St George parks. We will be appointing a tennis operator to run a new booking scheme where residents pay an annual fee of £35 (with concessions available for those on low income and on benefits). The tennis court will be code and fob controlled, so those who purchase the fob can get in any time they book. People who do not want to join the scheme can pay and play and be given a code to access the courts. Free tennis opportunities will be incorporated into the scheme, with allocated free coaching and free court time available.</p> <p>We are looking to include six of the courts at the Ardagh into the wider parks tennis operating model which are currently free of charge but in poor condition. Prior to implementation of the booking scheme we will refurbish the courts to a good standard, and through the charging scheme generate income to cover future maintenance costs as set out in guidance by the Lawn Tennis Association.</p> <p>Ultimately we aim to increase participation by providing high quality tennis courts though improving the current condition of the courts and ensuring their future sustainability is secured through implementation of the charging model.</p>
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## Step 2: What information do we have?

Decisions must be evidence-based, and involve people with protected characteristics that could be affected. Please use this section to demonstrate understanding of who could be affected by the proposal.

### 2.1 What data or evidence is there which tells us who is, or could be affected?

The people affected by the proposal are the users of the site and communities around the venue who use the site and those who could potentially use the site to participate in tennis.

The Horfield Ward demographics are mostly reflective of those for Bristol overall however:

- 19.6% of citizens are Black and Minority Ethnicity, compared to 16% for Bristol overall
- 18.1% of citizens were born outside UK and 10.2% speak English as an additional language.
- There are a relatively high number of older adults receiving a community based social care service.

### 2.2 Who is missing? Are there any gaps in the data?

We do not have detailed demographic information about the people who currently use the tennis facilities at this and other sites. In the new operation model the service provider will be required to provide equalities monitoring reports.

### 2.3 How have we involved, or will we involve, communities and groups that could be affected?

The community around the Ardagh have been involved through a number of processes. Firstly a park consultation was carried out around the proposed parks to gain views on introducing the charging model and proposals to improve the courts. A total of 467 responses were recorded citywide and responses were overall positive for the improvements and proposed charging model. Responses were received from tennis players and wider park users through online and face to face surveying techniques to ensure all were able to feedback on the proposal.

BCC and the Lawn Tennis Association have also been communicating with the friends of Horfield Common group, with representatives from the local community. Ongoing dialogue is also being held with the Horfield Community Trust representatives, who are looking to take on the Community Asset Transfer of the site.

### Step 3: Who might the proposal impact?

Analysis of impacts on people with protected characteristics must be rigorous. Please demonstrate your analysis of any impacts in this section, referring to all of the equalities groups as defined in the Equality Act 2010.

3.1 Does the proposal have any potentially adverse impacts on people with protected characteristics?

The introduction of the charging model is a change to the current 'free to play' courts and this could be seen as a negative impact. The charging model will be set at an affordable £35 per annum per household, which will cover access to all courts in the city under this model.

Under this model the access system will stop people from walking directly on to the courts without having previously booked. Mitigations for this will be highlighted below.

Raising awareness of the scheme and how to access the courts is important. If members of the community are unable to understand the process they will be unable to play tennis in the park.

The change in court access could also impact upon disabled people as court access will no longer be free. The scheme must enable disabled users to access the courts.

The scheme could also potentially impact school children who turn up to play after school without parental supervision.

The scheme could also negatively impact those with no internet access.

3.2 Can these impacts be mitigated or justified? If so, how?

To mitigate the impact for those on low incomes, concessions will be available for those on benefits or a low income, providing affordable access to the courts all year round. Pay and play opportunities are also included with the key code access, allowing those who only play infrequently to pay when they play instead of having to join the scheme. For those unable to pay, a number of free tennis days and organised free court time will be provided to allow those unable/unwilling to pay to still access the courts.

The operator will also be responsible for the promotion of the tennis venue in the local community and online, providing all the citizens of Bristol with one central point of contact and ongoing promotion of the tennis opportunities that they may not currently be aware of. The citywide tennis website will promote all tennis venues in one place and the Ardagh will be more widely promoted through the website allowing more people to access the courts.

To mitigate any lack of awareness of the scheme, the operator will be responsible for the promotion of the tennis venue in the local community and online, providing all the citizens of Bristol with one central point of contact and ongoing promotion of the tennis opportunities that they may not currently be aware of. The citywide tennis website will promote all tennis venues in one place and the Ardagh will be more widely promoted through the website allowing more people to access the courts. The operator will also be required to offer all information about the scheme in community languages to allow all access to the scheme.

To mitigate the impact on disabled people a number of mitigations will be ensured. All court access gates will be suitably wide to accommodate wheelchair access to enable wheelchair users to have equal access. The court code locks will also have brail next to each number on the access code to enable full access.

To mitigate the impact on young people who are unable to drop in and play for free or whose parents are unable/unwilling to pay for the access a number of requirements have been made in the specification to the operator. The pay and play opportunity will allow young people to book by the hour, with either booking online or by phone. The operator will also be offering a number of free court hours at advertised times as part of the specification which will allow free play for those unable to join the scheme.

To mitigate the issue of people having no access to the internet the operating scheme will also provide a phone contact service, so for the first time people who do not have access to the internet will have the opportunity to speak to the court operator and access court booking in this way.

3.3 Does the proposal create any benefits for people with protected characteristics?

Firstly the condition of the tennis courts would be significantly improved. The

courts are currently in poor condition and are likely to become unusable in the future if they are left to deteriorate. This will benefit the citizens of Bristol as they will have access to high quality tennis provision that currently is not available in this area.

The tennis operation would allow for an improved booking system, currently there is no booking system and the operation will allow people to choose when they play tennis on the courts. Currently all the courts are turn up and play, so you are not guaranteed a court if they are all being used. This system will allow booking at any point in time, allowing better choice of court time and preventing people turning up and being unable to play.

The operator will also provide a series of promotional events at the venues, in community locations and at large scale events. This will enable people to try tennis from casual play to tennis coaching taster sessions that have not previously been able to do so. The promotion will also target raising awareness of the public tennis facilities in the city. A recent LTA study suggested many residents are currently not aware of all the public tennis facilities, the operators publicity will help raise the profile of the public offering for tennis in the city.

Free tennis times will be a key feature of the operation, there will be certain sessions and days where the operator is required to offer a number of free tennis courts. This will enable people who do not want to join the scheme or are very occasional players to still be able to play tennis for free.

#### 3.4 Can they be maximised? If so, how?

All of the benefits will be maximised through the terms of the operator's contract, with continual improvement specified throughout. Indicators will be recorded on a monthly and annual basis and be contract managed to ensure the maximum benefit is being provided. Equalities measurements will be recorded to ensure equalities groups are being sufficiently targeted with the operator's promotion and awareness campaign. With the appointment of the correct operator through the tender process we will ensure that a proactive organisation is given the award to run the service appropriately and for the benefit of members of the public. The effective operator will also create the required income to provide the required sinking fund, which will mean the courts are resurfaced appropriately at the end of the lifespan of 10-12 years of the court surface, to maintain the high quality courts for the public to use.

**Step 4: So what?**

The Equality Impact Assessment must be able to influence the proposal and decision. This section asks how your understanding of impacts on people with protected characteristics has influenced your proposal, and how the findings of your Equality Impact Assessment can be measured going forward.

4.1 How has the equality impact assessment informed or changed the proposal?
The equalities impact assessment has informed the specification for the appointment of the operator, with all equalities issues raised addressed within the specification and monitoring requirements of the contract management.
4.2 What actions have been identified going forward?
<p>The tendering of the operator will involve specified requirements and response questions to ensure that an equitable service is provided across the courts in Bristol.</p> <p>The monitoring of the contract will include specific indicators of equalities groups' participation. The operator will also be required to work with the Lawn Tennis Association and Tennis foundation on initiatives to develop the tennis offer to the wider community.</p>
4.3 How will the impact of your proposal and actions be measured moving forward?
Contract management will include indicators such as the number of people using the scheme, attendances through the scheme. This will include specific measurements of equalities groups and their attendance. The contract will also be supported by the Lawn Tennis Association, who will support the operator and set specific measurements for tennis development across all groups.

<p>Service Director Sign-Off:</p> 	<p>Equalities Officer Sign Off:</p>  <p>Duncan Fleming</p>
<p>Date:</p> <p>11/04/18</p>	<p>Date:</p> <p>10/4/2018</p>

## Bristol City Council Equality Impact Assessment Form

(Please refer to the Equality Impact Assessment guidance when completing this form)



Name of proposal	Ardagh Tennis Operator Proposal
Directorate and Service Area	Neighbourhoods – Public health
Name of Lead Officer	Guy Fishbourne

### Step 1: What is the proposal?

Please explain your proposal in Plain English, avoiding acronyms and jargon. This section should explain how the proposal will impact service users, staff and/or the wider community.

#### 1.1 What is the proposal?

The proposal for the Ardagh will support the tennis operation model soon to be implemented in 2018 at three venues; Canford, Eastville and St George parks. We will be appointing a tennis operator to run a new booking scheme where residents pay an annual fee of £35 (with concessions available for those on low income and on benefits). The tennis court will be code and fob controlled, so those who purchase the fob can get in any time they book and for people who do not want to join the scheme, they can pay and play and be given a code to access the courts. Tennis for free will be incorporated into the scheme, with allocated free coaching and free court time available. The aim of this proposal is to enable more people to play tennis, enhance the current condition of the courts and ensure the long term future of the courts is sustained with the charging model.

We are looking in this proposal to extend this to six of the courts at the Ardagh which are currently free of charge but in poor condition. Part of the project is prior to the installation of the booking scheme to improve the courts to a good standard, and utilise the charging scheme to generate enough to cover future maintenance costs as set out in guidance by the Lawn Tennis association.

The aim of this proposal is to enable more people to play tennis, enhance the current condition of the courts and ensure the long term future of the courts is sustained with the charging model.

## Step 2: What information do we have?

Decisions must be evidence-based, and involve people with protected characteristics that could be affected. Please use this section to demonstrate understanding of who could be affected by the proposal.

### 2.1 What data or evidence is there which tells us who is, or could be affected?

The people affected by the proposal are the users of the site and communities around the venue who use the site and those who could potentially use the site to participate in tennis.

The Horfield Ward demographics are mostly reflective of those for Bristol overall however:

- 19.6% of citizens are Black and Minority Ethnicity, compared to 16% for Bristol overall
- 18.1% of citizens were born outside UK and 10.2% speak English as an additional language.
- There are a relatively high number of older adults receiving a community based social care service.

The Bishopston & Ashley Down ward demographics show:

- 10.6% of the population are BME – Lower than the Bristol average of 16%
- 12% residents born outside the UK and 5.3% speak English as an additional language.
- There are a relatively low number of older adults receiving a community based social care service compared to the Bristol average.

The Westbury On Trym ward demographics show:

- 7.7% of residents are BME – lower than the Bristol average of 16%
- 11% of people were born outside the UK and 4.5% speak English as an additional language
- There is a lower than average number of older people receiving community care services in comparison to Bristol and a higher than average number of residents in a care home.

### 2.2 Who is missing? Are there any gaps in the data?

We do not have detailed demographic information about the people who currently use the tennis facilities at this and other sites. In the new operation model the service provider will be required to provide equalities monitoring

reports.

2.3 How have we involved, or will we involve, communities and groups that could be affected?

The community around the Ardagh have been involved through a number of processes. Firstly a park consultation was carried out around the proposed parks to gain views on introducing the charging system and improvement of the courts. A total of 467 responses were recorded citywide and responses were overall positive for the improvements and charging scheme being introduced. Responses were received from tennis players and wider park users through an online and face to face surveying techniques to ensure all were able to feedback on the proposal.

BCC and the Lawn Tennis Association have also been communicating with the friends of Horfield Common group, with representatives from the local community. Ongoing dialogue is also being held with the Ardagh Community Trust representatives, who are looking to take on the Community Asset Transfer of the site.

### **Step 3: Who might the proposal impact?**

Analysis of impacts on people with protected characteristics must be rigorous. Please demonstrate your analysis of any impacts in this section, referring to all of the equalities groups as defined in the Equality Act 2010.

3.1 Does the proposal have any potentially adverse impacts on people with protected characteristics?

The introduction of the charging system which is a change to the current free to play courts and this could be seen as a negative impact. The charging system will be set at an affordable £35 per annum per household, which will cover access to all courts in the city under this system.

The access system will not allow people to walk onto the courts as they currently so as they will need to get in through the access system and mitigations for this will be highlighted below.

Potential impact will also be seen on the awareness of the scheme and how to access the courts to people with protected characteristics. If members of the community are unable to understand the system then they will be unable to play tennis in the park.

The change in court access could also impact upon disabled people as the court access will not be free of charge and the scheme will need to be able to enable

disabled people to access the courts.

The scheme could also potentially impact upon school children who turn up to play after school without parental supervision.

The scheme could also negatively impact upon those with no internet access.

### 3.2 Can these impacts be mitigated or justified? If so, how?

To mitigate the impact upon those on low incomes, concessions will be available for those on benefits or a low income, providing affordable access to the courts all year round. Pay and play opportunities are also included with the key code access, allowing those who only play infrequently to pay when they play instead of having to join the scheme. For those unable to pay, a number of free tennis days and organised free court time will be required of the operator to allow those unable/unwilling to pay to still be able to access the service. The level of older people receiving community care is Higher in the Horfield Ward than the Bishopston & Ashley down wards and Westbury on Trym and Henleaze wards but this mitigation will support those across all three wards.

The operator will also be responsible for the promotion of the tennis venue in the local community and online, providing all the citizens of Bristol with one central point of contact and ongoing promotion of the tennis opportunities that they may not currently be aware of. The citywide tennis website will promote all tennis venues in one place and the Ardagh will be more widely promoted through the website allowing more people to access the courts.

To mitigate any lack of awareness of the scheme, The operator will be responsible for the promotion of the tennis venue in the local community and online, providing all the citizens of Bristol with one central point of contact and ongoing promotion of the tennis opportunities that they may not currently be aware of. The citywide tennis website will promote all tennis venues in one place and the Ardagh will be more widely promoted through the website allowing more people to access the courts. The operator will also be required to offer all information about the scheme in community languages to allow all access to the scheme. The community languages will benefit the 10.2% of people who live in Horfield ward who speak English as a second language as well as the 5.3% in Bishopston & Ashley Down Ward and 4.5% in Westbury on Trym and Henleaze wards.

To mitigate the impact upon disabled people a number of mitigations will be ensured. All court access gates will be suitably wide to accommodate wheelchair access to enable wheelchair users to have equal access. The court code locks will also have brail next to each number on the access code to enable full access.

To mitigate the impact on young people who are unable to drop in and play for free or who's parents are unable/unwilling to pay for the access a number of requirements have been made in the specification to the operator. The pay and play opportunity will allow young people to book by the hour, with either booking online or by phone. The operator will also be offering a number of free court hours at advertised times as part of the specification which will allow free play for those unable to join the scheme.

To mitigate the issue of people having no access to the internet the operating scheme will also provide a phone contact service, so for the first time people who do not have access to the internet will have the opportunity to speak to the court operator and access court booking in this way.

### 3.3 Does the proposal create any benefits for people with protected characteristics?

Firstly the condition of the tennis courts would be significantly improved. The courts are currently in poor condition and are likely to become unusable in the future if they are left to deteriorate. This will benefit the citizens of Bristol as they will have access to high quality tennis provision that currently is not available in this area.

The tennis operation would allow for an improved booking system, currently there is no booking system and the operation will allow people to choose when they play tennis on the courts. Currently all the courts are turn up and play, so you are not guaranteed a court if they are all bring used, this system will allow booking at any point in time allowing better choice of court time and preventing people turning up and being unable to play.

The operator will also provide a series of promotional events at the venues, in community locations and at large scale events. This will enable people to try tennis from a casual play to tennis coaching taster sessions that have not previously been able to do so. The promotion will also target raising awareness of the public tennis facilities in the city. A recent LTA study suggested many residents are currently not aware of all the public tennis facilities, the

operators publicity will help raise the profile of the public offering for tennis in the city.

Free tennis times will be a key feature of the operation, there will be certain sessions and days where the operator is required to offer a number of free tennis courts. This will enable people who do not want to join the scheme or are very occasional players to still be able to play tennis for free.

#### 3.4 Can they be maximised? If so, how?

All of the benefits will be maximised with the terms of the operators contract, with continual improvement built into the contract. Measurements will be recorded on a monthly and annual basis and be contract managed to ensure the maximum benefit is being provided. Equalities measurements will be recorded to ensure equalities groups are being sufficiently targeted with the operators promotion and awareness campaign. With the appointment of the correct operator through the tender process we will ensure that a proactive organisation is given the award to run the service appropriately and for the benefit of members of the public. The effective operator will also create the required income to provide the required sinking fund, which will mean the courts are resurfaced appropriately at the end of the lifespan of 10-12 years of the court surface, to maintain the high quality courts for the public to use.

### **Step 4: So what?**

The Equality Impact Assessment must be able to influence the proposal and decision. This section asks how your understanding of impacts on people with protected characteristics has influenced your proposal, and how the findings of your Equality Impact Assessment can be measured going forward.

#### 4.1 How has the equality impact assessment informed or changed the proposal?

The equalities impact assessment has informed the specification for the appointment of the operator, with all equalities issues raised addressed within the specification and monitoring a requirement of the contract management.

#### 4.2 What actions have been identified going forward?

The tendering of the operator will involve specification requirements and response questions to ensure that an equitable service is provided on the courts in Bristol.

The monitoring of the operation contract will include specific measurements of equalities groups participation. The operator will also be required to work with the Lawn Tennis Association and Tennis foundation on initiatives to develop the tennis offer to the wider community.

4.3 How will the impact of your proposal and actions be measured moving forward?

The contract management of the operation will include measurements such as the number of people using the scheme, attendances through the scheme. This will include specific measurements of equalities groups and their attendance. The contract will also be supported by the Lawn Tennis Association, who will support the operator and set specific measurements for tennis development to all groups.

<p>Service Director Sign-Off:</p> 	<p>Equalities Officer Sign Off:</p>  <p>Duncan Fleming</p>
<p>Date: 5/6/18</p>	<p>Date: 5/6/18</p>

## Eco Impact Checklist

<b>Title of report: Ardagh Tennis Courts</b>				
<b>Report author: Guy Fishbourne</b>				
<b>Anticipated date of key decision</b>				
<b>Summary of proposals: Six tennis courts at the Ardagh will be improved and managed by a parks tennis operator. The operation will be part of a citywide offer where residents pay c.£35 per household to use the courts all year round, able to book one off courts or play tennis when free courts are available through promotions. A refurbishment works programme of tennis courts will include reconstruction and re-surfacing of six existing tennis courts and the introduction of floodlights to four courts to enable year round play.</b>				
Will the proposal impact on...	Yes/No	+ive or -ive	If Yes...	
			Briefly describe impact	Briefly describe Mitigation measures
Emission of Climate Changing Gases?	Yes	-ive/+ive	<p>Travel is a key contributor to the emission of climate changing gases.</p> <p>Increase in number of people accessing the site will increase travel.</p> <p>Ensure waste material from existing courts is recycled rather than going to landfill.</p> <p>Ensure low distance for supply of materials to reduce carbon emissions</p>	<p>Consider travel implications when promoting the courts.</p> <p>Attendees at the courts currently predominantly cycle or walk to the site, this is to be encouraged in promotion of the courts.</p> <p>It will be a requirement of the specification for the court works that waste material is recycled where possible.</p> <p>Require in the specification that locally sourced materials where possible to be used in the building of the courts.</p>
Bristol's resilience to the effects of climate change?	Yes	+ve	Improvement of the court construction to allow better drainage of the courts.	The improvements of the courts will create a more permeable surface allowing better water flow through the site.
Consumption of non-renewable resources?	Yes	+ve	Use renewable materials and reuse materials from current courts as part	The specification will encourage the recycling of materials and where appropriate use recycled

			of the refurbishment	materials in the building of the courts.
Production, recycling or disposal of waste	Yes	-ve	Production of waste materials from the reconstruction of the tennis courts.	<p>Waste creation kept to a minimum due to recycling of used materials.</p> <p>Ensure waste contractor used are registered in line with waste legislation.</p> <p>During construction materials to be used are kept in a secure compound to avoid spoilage.</p>
The appearance of the city?	Yes	+ve/-ve	<p>Improvement of the tennis area with new courts improving the view of the site.</p> <p>Introduction of floodlights on four courts to ensure year round play.</p> <p>Reduce the potential for fly tipping/vandalism</p>	<p>The new courts will be more aesthetically pleasing and positive for the image of the city.</p> <p>The introduction could be seen as a negative impact with increased light pollution. The specification will ensure the minimum impact for the appropriate level of use with correct column height and bulb use.</p> <p>The redevelopment of the site will encourage greater use year round, it will reduce the likelihood of vandalism or fly-tipping.</p>
Pollution to land, water, or air?	Yes	+ve/-ve	<p>Allow for greater water runoff with porous construction of the courts.</p> <p>Increased noise of movement of plant and materials during construction.</p>	<p>Ensure better drainage through porous court construction as part of the specification.</p> <p>Materials and staff to construct within reasonable times to reduce noise pollution on neighbours. Materials to be delivered during</p>

				daytime to avoid noise impact on residents early morning and late evenings.
Wildlife and habitats?	Yes	+ve/-ve	Encourage appropriate planting to support biodiversity.  Introduction of floodlighting will create more light during the winter hours which may impact wildlife.	Encourage in the works specification planting of appropriate planting to protect the court play and encourage wildlife.  Court floodlighting to be on a timer and only on when being used on an appropriate court.

**Consulted with:**

**Summary of impacts and Mitigation - to go into the main Cabinet/ Council Report**

The significant impacts of this proposal are... the reconstruction works and installation of flood lighting.

The proposals include the following measures to mitigate the impacts... to ensure waste produced is dealt with according to the waste hierarchy and as much material is recycled as is possible. To use local contractors and resources where possible. Ensure flood lights are well managed and are only on when needed.

The net effects of the proposals are mixed; there will be positive effects in flood resilience and the cities appearance. As long as construction is well managed the negative impacts can be minimised.

**Checklist completed by:**

Name:	Guy Fishbourne
Dept.:	Public Health
Extension:	9224968
Date:	12/04/18
Verified by Environmental Performance Team	Nicola Hares

**Officer Response to Call In by Councillor Combley, Councillor Fodor, Councillor Denyer, Councillor Stevens and Councillor Bolton**

**Response of Dr Susan Milner, Interim Director City Wellbeing, Resilience and Strategic Partnerships (DPH)**

**Call In - Enhancement of six of the Ardagh Tennis Courts Cabinet Decision 5 June 2018 : Agenda Item 8**

**Call In: Paragraph 1**

*There has not been due consultation on this decision. The report presents as consultation discussion with ward councillors and trustees of the Ardagh Community Trust however discussion did not really take place. I was in a meeting where the opening gambit of the cabinet member present was that the six court decision had been made by the Mayor's office so that was the only proposal on the table, and was not up for discussion.*

**Officer Response:**

The Cabinet report (Appendix B) states that:

*External*

*Discussion have been held with the Ardagh Community Trust (ACT)*

- 1. The ACT's preference is to retain all 11 courts for inclusion in their community asset transfer, however on the basis the Council wants to retain six for inclusion in the wider parks tennis model the ACT are willing to compromise on their position.*

Whilst not explicitly referred to in the Cabinet report officers have met representatives from the ACT and ward councillors, including consultants from Sporting Assets appointed by ACT, on a number of occasions to discuss the Council's preference to retain the courts as part of a proposed wider parks tennis model. During various discussions with the ACT and ward Councillors, officers were advised that the ACT were only accepting of the Council retaining a maximum of four courts for tennis.

The date of those meetings is as follows:

**City Hall: 31<sup>st</sup> July 2017, 8.30-9.15am**

Attendees: Kevin Slocombe, Guy Fishbourne, Councillor Eleanor Combley, Councillor Tom Brook

**City Hall: 18<sup>th</sup> October 2017, 1-2.00pm**

Attendees: Kevin Slocombe, John Bos, Guy Fishbourne, Councillor Tom Brook, Councillor Eleanor Combley, Emma Reffold, Simon Cowley, Sam Thompson (ACT), Rob Savage (ACT), Julie Jones (Lawn Tennis Association (LTA)),

**City Hall: 17<sup>th</sup> November 2017, 11.15 -12.15pm**

Attendees: Nicky Roche ( Sporting Assets), Guy Fishbourne

**City Hall: 19<sup>th</sup> December 2017, 12-1.30pm** – (At this meeting a potential compromise of 6 courts was first discussed)

Attendees: Steve Strong (ACT) Rob Savage (ACT) Julie Jones (Lawn Tennis Association) James Deem (Lawn Tennis Association) Guy Fishbourne, Councillor Asher Craig

**Ardagh: 11<sup>th</sup> January 2018, 5.00pm**

Attendees: Kevin Slocombe, Sam Thompson (ACT)

**City Hall: 8<sup>th</sup> February 2018, 2-3.00pm**

Attendees: Guy Fishbourne, Councillor Asher Craig, Richard Fletcher, Julie Jones (LTA), James Deem (LTA)

**City Hall: 27<sup>th</sup> April 2018, 11-12 noon**

Attendees: Guy Fishbourne, Councillor Eleanor Combley

**City Hall: 2<sup>nd</sup> May 2018, 5-6.15pm**

Attendees: Steve Strong (ACT), Sam Thomson (ACT), Rob Savage (ACT) Hilary Sudbury, Fiona Wright, Gemma Dando, Richard Fletcher, Guy Fishbourne, Asher Craig, John Bos

### **Call In Paragraph 2**

*The Consultation results on the citywide strategy have not been published which makes it difficult to gauge the extent to which that consultation supports this plan. There has been no consultation with local residents and users of Horfield Common and the Ardagh, and community consultation carried out by the trust indicates a high level of support for mixed use courts rather than exclusively tennis.*

### **Officer Response:**

Publication of the responses to the Sport & Active Recreation Facility Strategy (SARFS) coincided with this Call In. In total 139 pages of public consultation responses has now been published. In total there were 461 responses to the SARFS but only four specific responses related to outdoor tennis. Out of these four responses three respondents did not think there are enough outdoor tennis courts in the city. All four respondents perceive outdoor courts to be in poor condition, those who responded felt courts were in the wrong location and that availability was poor.

In relation to outdoor tennis the SARFS highlights that:

1. There is an opportunity to enhance existing courts in areas of the city with low participation rates. Project underway to encourage the use of existing publicly accessible stock and to increase informal play but with LTA fob access.
2. No additional facilities are required. Priority should be given to making better use of existing facilities to enhance tennis participation via a grass roots development programme and that a project is underway to encourage the use of existing publicly accessible stock and to increase informal play but with LTA fob access.

The consultation received 461 responses where the overarching response was that respondents neither agreed nor disagreed with the contents of the strategy document. Public consultation has not resulted in any significant change to the direction of the draft strategy.

In September 2016 Council officers undertook consultation on the proposed wider parks tennis model in the form of a distributed questionnaire which explained the following:

*Bristol City Council are looking to understand more about the use of Park tennis courts and to assess levels of interest in using them. To sustain a high quality tennis provision in the city a proposal has been put forwards to re-surface the courts within the parks, through joint funding from the Lawn Tennis Association and Bristol City Council. The resurfacing of the courts would see gate access technology installed, allowing the sale of fobs to access all courts in Bristol which would be sold on a household basis at an affordable cost. There would also be the facility for pay and play tennis and free play, alongside mass participation events. The proposal would ensure that sufficient funding was generated to maintain high quality, sustainable tennis courts for the future. There are a few short questions below that will help us gauge interest in tennis and ideas around the proposal, which should only take a few minutes to answer.*

The above consultation was done on the proposed future fee paying model for tennis and targeted at the sites the model could be applied to which included users and residents near the Ardagh facility.

On September 30<sup>th</sup> 2016 the questionnaire was shared on the Friends of Horfield Common Facebook page.

Throughout September & October 2016 - Information and notice of the questionnaire was handed out at each of the neighbourhood partnership meetings where the courts are located. ( Canford Park: Neighbourhood partnership meeting 26th September; The Ardagh: Neighbourhood partnership meeting 5th October; Eastville: Neighbourhood Partnership meeting 6th October; St George: neighbourhood partnership meeting 12th October; Redcatch: partnership meeting 21st September ).

A presentation on the proposed parks model was also given to the Parks Forum.

The tennis court consultation had an overall response of 467 completed surveys. The survey was carried out in two main ways, through an online survey and through face to face surveys at the tennis court locations.

From the Ardagh 14 out of 75 responses were concerned about charging – 19% of all respondents

### **Call In Paragraph 3**

*It is not clear that there has been sufficient transparency about the basis for insisting that 6 courts are included in the city wide tennis offer.*

### **Officer Response:**

On numerous occasions, in meeting with the ACT and ward councillors the basis for retaining six has been explained.

As the National Governing Body (NGB) for tennis the LTA has a role to ensure that public tennis facilities are protected across the country and to find solutions to their long term retention and sustainability. There is recognition that councils who own such facilities are under significant financial pressure and the LTA endeavours to work with council's in all cases too:

- Reduce the liability that the council has to maintain courts by introducing sustainable operating models.
- Ensure tennis is a prominent choice for local people to take part in physical activity.

The LTA recognise that the site at the Ardagh is in a significant state of dis-repair. Nevertheless, it is committed to finding a solution to the site. The concept of having community building Café / facilities is something the LTA support and sees as successful in case studies in other places around the country.

The LTA and Council recognise it will be a challenge to retain and sustain all 11 courts and that there would also be some local demand for a multi-sport hard court space. In the ACT's preferred CAT terms all 11 courts are highlighted as being mixed use. In other options the ACT has stated they would be willing only to lease back 4 courts exclusively for tennis to the Council. This is not a position the LTA can support as this would mean a permanent loss of 7 at the site where tennis is concerned.

As such the LTA position was to retain 8 courts on the current site. Acknowledging the ACT's position was at best to agree only to a maximum of four courts being leased back to the Council, a compromise on six courts seemed reasonable. Six is a sufficient number to provide suitable programming opportunities, and the provision of leagues etc and provides sufficient robustness to the wider proposed tennis model to support an ongoing programme of sustainable parks tennis.

Signed:



Date: 18/06/2018

Interim Director City Wellbeing, Resilience and Strategic Partnerships (DPH)