

Decision Pathway – Report



PURPOSE: Key decision
MEETING: Cabinet
DATE: 04 September 2018

TITLE	Enhancement of six of the Ardagh Tennis Courts.	
Ward(s)	<i>The Ardagh is located in the Bishopston & Ashley Down ward, close to the boundary with Westbury-on-Trym & Henleaze ward and Horfield ward</i>	
Author:	Guy Fishbourne	Job title: Sport & Physical Activity Manager
Cabinet lead:	Cllr Kye Dudd	Executive Director lead: Jacqui Jenson
Proposal origin: <i>BCC Staff</i>		
Decision maker: Cabinet Member Decision forum: <i>Cabinet</i>		
Purpose of Report:		
<p>At the 5th June 2018 Cabinet it was agreed that Subject to a final decision being made on the CAT and its lease conditions:</p> <ol style="list-style-type: none"> 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. <p>Cllr Eleanor Combley subsequently requested a Call In of this Executive Decision on the basis that due consultation had not taken place and on the 26th June 2018 a Call In Sub-Committee convened to scrutinise the decision. The outcome of the Call In committee was to refer the matter back to Cabinet, with issues as detailed below, for Cabinet to reconsider before taking its final decision:</p> <p><i>Members firstly considered whether consultation was required in this case. It was recognised that consultation would not usually be required on matters relating to in principle investments to enhance local facilities, and that the Officers are guided by the Council’s consultation guidance to as to whether to consult and if so how to do so appropriately, on a case by case basis. However, it was also recognised by the majority of Members that there was a complexity to this specific case due to the ongoing discussions with the Ardagh Community Trust in respect of their business case for a Community Asset Transfer at the same site, and which the Majority of Members considered that a reasonable expectation of some level of consultation with key stakeholders, had been warranted.</i></p> <p><i>Members then went on to consider whether the consultation/engagement that had taken place was sufficient. Members considered that there had been a lack of evidence presented, to support the level of engagement that had taken place, in order to be able to assess its effectiveness; in particular there had been no noting of discussion outcomes or clarity that both sides had clearly understood the evolving positions in respect of the Ardagh tennis courts. Therefore the majority of Members considered that the level of engagement had been neither sufficient nor satisfactory. The majority of members raised concern that the Council could risk undermining future negotiations with community groups if a good faith and robust process of communication could not be relied upon. Members considered that good consultation led to good decisions and the lessons learned in this case should require that future processes maintain a clear record of consultation or engagement activity.</i></p> <p>Appendix B now includes information regarding a series of meetings that took place between the ACT, ward councillors and other stakeholders where issues concerning the tennis courts have previously been discussed. It is now the case that a subsequent meeting has taken place with the ACT who have now confirmed that with regards to the tennis offer they are satisfied with the current proposal.</p>		

In this respect the following report remains largely unchanged and proposes the same recommendation as the 5th June Cabinet report.

Therefore before a final decision is made on how many courts are included in the Community Asset Transfer (CAT) of the Ardagh facility –It remains important 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:

- c.£200,000 BCC funding: identified from Sports s106 funding and its sports capital programme budget
- c.£350,000 External funding : from the Lawn Tennis Association (LTA) and Sport England

Evidence Base:

- Revenue savings for the Council: 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.
- Tennis Offer: The LTA’s primary aim is to protect and develop as many courts as is possible at the Ardagh to ensure parks tennis has a long term, sustainable future in this part of the city. The Council sees tennis as a key part of the facility redesign and its sporting offer to the local community. In its business plan the Ardagh Community Trust (ACT) show its preferred option as retaining all eleven courts for multi-sport use. This option neither supports the city’s tennis offer nor that of the LTA’s strategy for tennis.
- Aspirations for the Ardagh to be considered within the parks tennis operating model: 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. Once redeveloped an operator for the six courts will be procured and should not discount the option of the Ardagh Community Trust (ACT) fulfilling this role. The inclusion of six tennis courts at the Ardagh will contribute towards a consistent and robust parks tennis operating model which supports Bristol’s sporting offer and equal provision of sustainable and high quality tennis provision across its Parks.
- Draft Built Sports Facility Strategy: 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 & Active Recreation Facility Strategy work which the Council has recently completed public consultation on.
- Time scales: 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)

Recommendations:

Subject to a final decision being made on the CAT and its lease conditions:

1. 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 as detailed in Appendix B

Revenue Cost	£ 0.00	Source of Revenue Funding	n/a
Capital Cost	Target £200,000	Source of Capital Funding	S106/Sports Capital Budget
One off cost <input checked="" type="checkbox"/>	Ongoing cost <input type="checkbox"/>	Saving Proposal <input checked="" type="checkbox"/>	Income generation proposal <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 - 15/8/18*

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

Where non-executive councillors have evidence which suggests that the executive did not take the decision in accordance with the principles set out in Article 14 of part 2 of the constitution, they may ask the proper officer to "call in" the decision for scrutiny. The call-in committee can decide either:

- (i) to take no further action in relation to the call-in; or
- (ii) to refer the decision back to the decision taker, setting out in writing, the nature of its concerns; or
- (iii) to refer the matter for debate at Full Council.

On 26th June the call in committee decided to refer the decision taken by Cabinet on 5th June back to the decision taker. The decision taker must then reconsider amending the decision or not, before adopting a final decision.

Legal Team Leader: Eric Andrews, Sarah Sharland – 08/08/18

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

ICT Team Leader: Ian Gale 15/08/18

4. HR Advice: Due to the nature of the request there are no anticipated HR implications.		
HR Partner: Lorna Laing HR Business Partner (Adults, Communities & Education)		
EDM Sign-off	Zoe Wilcox	24 th January 2018
Cabinet Member sign-off	Cllr Kye Dudd	5 th April 2018
CLB Sign-off	Jacqui Jenson	17 th April 2018
For Key Decisions - Mayor's Office sign-off	Mayor's Office	4 th May 2018

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