



## London Borough of Enfield

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<b>Report Title</b>	Lawn Tennis Association (LTA) investment into tennis courts across eleven parks in Enfield
<b>Report to:</b>	<i>Executive Director</i>
<b>Date of Meeting:</b>	<i>17 March 2023</i>
<b>Directors:</b>	<i>Simon Pollock</i>
<b>Report Author:</b>	<i>Tim Harrison <a href="mailto:tim.harrison@enfield.gov.uk">tim.harrison@enfield.gov.uk</a></i>
<b>Ward(s) affected:</b>	All
<b>Key Decision Number</b>	<i>KD 5564</i>
<b>Implementation date, if not called in:</b>	<i>As soon as call in expires we will progress the project with the LTA</i>
<b>Classification:</b>	Part II Private
<b>Reason for exemption</b>	<i>Commercial sensitivity of annual payment by tennis operator</i>

### Purpose of Report

1. The purpose of this report is to seek approval for an investment of £539,056.70 by the Lawn Tennis Association (LTA) across eleven tennis court sites in Enfield's parks. The aim of the investment is to improve the tennis court's quality and as a result of their improved quality to increase grass roots participation in tennis across the borough.
2. It was agreed the decision should taken by the interim Director of Customer Experience in agreement Cllr Anyanwu at a Cabinet Member meeting on 14 March 2023. Cllr Anyanwu was briefed at this meeting and approved the way forward.
3. In order to be awarded the investment from the LTA to refurbish the tennis court sites, the LTA requires there to be sufficient ongoing levels

of income generated by the tennis courts to keep them in good condition on an ongoing basis. In practice, this will be achieved by the following methods;

- introducing a payment to book and use the courts at certain times of the week. This model is already in place at the two other tennis court sites in the borough that have been improved recently (Firs Farm Recreation Ground and Broomfield Park). Courts are free of charge to use Monday to Friday 9am to 5pm, payment is required at evenings and weekends as approved in the Delegated Authority Report of 17 May 2019 for the tennis courts at Firs Farm Recreation Ground. As per the two tennis courts sites that have previously been improved, it is expected that usage of the eleven sites would increase due to the higher quality facilities. Some of the courts are currently in poor condition and others better. The current cost for a one hour booking to use a tennis court after 5pm midweek and during weekends at Broomfield Park and Firs Farm Recreation Ground is £5.00 per hour plus an additional cost if floodlights are required. None of the courts relating to this report are floodlit or would have floodlights introduced.
- procuring tennis operators to provide coaching and to operate and maintain the courts (litter picking, leaf sweeping, moss removal, jet washing and minor repairs to nets, courts and perimeter fencing) across the eleven improved sites. The appointed operator will pay the Local Authority an annual fee to be agreed as part of the procurement process for the benefit of operating the courts. The tennis operator will be able to generate sufficient income to provide an annual rental to the Local Authority by providing tennis coaching opportunities, developing recreational tennis leagues and setting up tennis holiday clubs. This payment would be retained in a Council managed sinking fund and spent on capital works such as court resurfacing and replacing or renewing perimeter fences when required.
- committing to continue to use the online booking system Clubspark which is already in place across all tennis courts in the borough, provided through the LTA. This enables residents to easily book tennis courts online. A resident books and, if required, pays for the court via the Clubspark website and receives a four-digit pin code which is inputted at the court gates to access the courts. This pay and play income would be retained by the tennis operator and they would be responsible for resolving any booking issues. Pin code access gates will be installed at all eleven sites to enable this method of access. Sites will also be listed on LTA Rally, a website which helps people find their nearest court.

## **Recommendations**

- I. It is recommended the Council approves the investment of £539,056.70 from the LTA.
- II. It is recommended that approval be given to procure a tennis operator to manage, operate, and maintain the tennis courts across all eleven improved sites and pay an annual management fee paid to the Local Authority for a period of five years.
- III. It is recommended that the Local Authority retains the management fee paid into a sinking fund for items of future major expenditure such as re-surfacing courts and replacing perimeter fencing. The procured tennis operator will be responsible for all day to day maintenance requirements as part of the agreement in place.
- IV. It is recommended that a pricing model be introduced to the eleven courts which is in line with the current model in place at Firs Farm Recreation Ground and Broomfield Park. These prices are currently free of charge Monday to Friday 9am to 5pm and £5.00 per hour during evenings and weekends.
- V. For booking tennis courts, the Local Authority must commit to utilising the online booking system Clubspark, provided through the LTA, this will enable residents to easily book courts and other activities such as tennis coaching sessions online. Sites will also be listed on LTA Rally, a tennis court booking website which helps people find their nearest tennis court. The Clubspark booking system and LTA Rally are already advertised and in use across all tennis courts in the borough.
- VI. Free tennis – a minimum of 30% of the refurbished sites must have a free coach led tennis session available to residents which includes the provision of tennis equipment to participants if required. This will ensure access to tennis coaching for residents regardless of ability to pay. This free coaching will be provided by the appointed tennis coach and included as part of the requirements of their agreement. We will ensure the majority of free coach led tennis sessions are offered on tennis courts in the most deprived parts of the borough.

### **Background and Options**

4. The LTA has introduced a £30million fund, the Renovation Fund, to improve the quality of tennis courts in parks across the country. It is unlikely that that any further investment will be available from the LTA after the completion of this two year project.
5. Apart from the tennis courts at Firs Farm Recreation Ground and Broomfield Park which are in good condition, the remaining thirteen tennis court sites in Enfield's parks were initially inspected by the LTA to check their current condition and to establish if any courts were in such poor condition they

would incur such high refurbishment costs it would not be considered financially realistic or prudent to carry out improvements.

6. A calculation was also carried out by the LTA for each site regarding rates of likely usage at refurbished courts. This calculation is carried out to ensure there will be sufficient residents wishing to play tennis on the refurbished courts to make the courts financially sustainable.
7. The thirteen sites under consideration were;
  - Albany Park - Bell Lane Enfield Middlesex EN3 5PA
  - Arnos Park - Waterfall Road Southgate Enfield Middlesex N11 1AP
  - Bush Hill Park – Lincoln Road Enfield EN1 1JX
  - Craig Park - Craig Park Road London Middlesex N18 2HG
  - Durants Park – Hertford Road, Enfield EN3 5AJ
  - Grovelands Park – Queen Elizabeth’s Drive, Enfield N14 6RD
  - Hazelwood Rec – Hedge Lane Enfield N13 5BS
  - Jubilee Park – Galliard Road Edmonton N9 7NU
  - North Enfield Rec – Myrtle Grove Enfield EN2 0DZ
  - Oakwood Park – Oakwood Park Road, Enfield N14 6QA
  - Ponders End Rec – Sedcote Road, Enfield, EN3 5BE
  - Pymmes Park – Victoria Road, Edmonton N18 2UG
  - Town Park - Enfield Town Park Essex Road Enfield Middlesex EN2 6HA
8. Following LTA analysis on expected usage of the courts, all thirteen tennis court sites reached the required levels of likely participation in tennis by residents to be included in the proposed funding. However on grounds of cost, two sites, Pymmes Park and Bush Hill Park were considered to be prohibitively expensive to be included in the refurbishment project by the LTA. This is because there is considerable tree root damage to the surface of the courts caused by trees surrounding the courts at Pymmes Park (see photo of damage to courts below), in addition the LTA also expressed concerns that it might not be possible to remove the tree roots on the Pymmes Park courts without causing stress to the trees or make them unstable. At Bush Hill Park there are ten tennis courts some of which are in very poor condition and haven’t been playable for several years, the cost of refurbishing the courts could be in the region of £150,000 to £200,000. Therefore the LTA is not able to provide funding to refurbish the tennis courts at these two sites.

**Photo of Pymmes Park tennis courts with tree root damage**



9. In relation to the root damage to the tennis courts in Pymmes Park, the Local Authority's arboriculture team was commissioned to carry out an inspection of the tennis courts to ascertain if it might be possible to remove the roots which are damaging the tennis courts without destabilising the trees or causing levels of stress which may damage them. The Local Authority's arboricultural team has confirmed that removing the roots is allowable without damaging the trees. Following removal of tree roots from the courts, works for which are due to take place by the end of March 2023, the courts will need to be re-surfaced and re-lined and would then be at a good standard for playing tennis. The cost for re-surfacing and re-lining the courts at Pymmes Park has been confirmed as £55k including all overheads. The Parks Team has confirmed it will be able pay for the works at Pymmes Park using 2023/24 budgets
10. Moving forward, the tennis courts at Bush Hill Park, the only site that wouldn't currently be improved as part of this project either by LTA funding or internal Local Authority budgets, could be improved using the annual fee paid by the tennis operator. It is estimated that, subject to the annual management fee agreed with the preferred operator which will be determined as part of the tender process for the operation of the courts, it would take three years of annual payments to have sufficient funds in place to be able to refurbish the courts at Bush Hill Park.
11. Except for Pymmes Park and Bush Hill Park, the eleven other tennis court sites in Enfield's parks were approved for funding by the LTA funding panel.
12. The cost of introducing pin code access gates which will be introduced as part of the online booking process also forms part of the overall costs. Pin code access gates are in place at the tennis courts at Firs Farm Recreation Ground and Broomfield Park. They are also used at the artificial grass sports pitch on Enfield Playing Fields and widely used at non-staffed sporting facilities.

13. The costs of renovation works which have been approved by the LTA funding Board are provided in Appendix 1.

### **Tennis court management models**

14. There are two options for the way in which the tennis courts could be operated and managed, both of which are already in existence in Enfield:

#### **Full outsourcing of tennis court operation**

15. In this model of operating, a tennis court provider takes full responsibility for the tennis courts, the tennis operator operates, manages and maintains the courts. This means the tennis operator is responsible for all aspects of the site including:

- Promotion and marketing
- Responding to queries
- Court bookings
- day to day maintenance
- Organising and carrying out tennis coaching
- Organising recreational tennis leagues
- Organising tennis programmes during holidays

16. The tennis operator retains all income in relation to the courts and pays the Local Authority an annual fee agreed as part of the procurement process to appoint an operator. This procurement process to appoint an operator would be carried out by the Local Authority. The Local Authority has experience of procuring tennis operators at Broomfield Park and Firs Farm Recreation Ground. This is the model used for the operation of the tennis courts at Firs Farm Recreation Ground. It has resulted in high numbers of people playing tennis on the courts and the operator has kept the courts in good condition.

#### **Outsourcing of tennis coaching**

17. This is the operating model in which a tennis operator can use the tennis courts for the purpose of running coached tennis sessions for an agreed number of hours each week in return for an agreed annual payment to the Local Authority. All other aspects of the courts remain the responsibility of the Local Authority such as responding to queries, promotion and marketing, overseeing court bookings and maintenance. This is the operating model in place at Broomfield Park. This operating model was chosen for Broomfield Park because the courts are used for both netball and tennis. To ensure maximum utilisation for both sports it was decided it would be more appropriate if the Local Authority retained management and operation of the courts.

#### **Advantages and disadvantages of each operating model**

18. The key advantages of full outsourcing of the operation of the tennis courts is that all risk in relation to maintenance costs and income generation pass to the tennis operator and the Local Authority is still guaranteed to receive an annual payment from the tennis operator. The tennis operator also takes on responsibility for any risks in relation to health and safety. From an operational point of view a tennis operator will often have more time and focus on promoting usage of the courts than the Local Authority has the capacity to do. It also has more knowledge and expertise than the Local Authority in developing tennis leagues and tennis programmes. With full outsourcing the tennis operator retains all income from court bookings. There were over 7,000 hours of court bookings at Firs Farm in the most recent year.
19. In the coaching outsourcing model, the Local Authority retains all maintenance risks and risks in relation to income generation, but it retains all income from online bookings. There is less knowledge and expertise on the part of the Local Authority to develop programmes of activity such as recreational tennis leagues and coached tennis sessions which is the key advantage of either method of outsourced operation. The Local Authority receives a guaranteed annual payment from the tennis coaching provider for the benefit of the coach running coached tennis courses on the courts.
20. The option to fully outsource the operation of the courts is recommended because evidence from Firs Farm Recreation Ground has shown it leads to high levels of usage, well maintained facilities and a variety of ways to take part in tennis including informal use, recreational leagues, group coaching, personal coaching and holiday clubs. It is suggested the chosen operator receives a lease of a minimum of 5 years to operate, manage and maintain the tennis courts.

#### **Procurement of the renovation works**

21. A procurement process for carrying out the refurbishment works will be carried out by the LTA using the LTA's procurement framework. The works will be delivered through an approved contractor framework and all works managed and overseen by the LTA.

#### **Procurement of a tennis operator**

22. The Local Authority will carry out a procurement process to appoint a tennis operator to manage, operate and maintain the courts. This procurement process would be led by the Active Enfield Team. The Active Enfield Team carried out the procurement processes to appoint a tennis operator to manage, operate and maintain the tennis courts at Firs Farm Recreation Ground and to appoint a tennis operator to provide coaching at Broomfield Park. Support was provided by the LTA to assist with making tennis operators aware of the opportunity and with procurement documentation. The LTA will provide support for this project. The usual length of agreement offered to tennis operators to manage, maintain and operate tennis courts is in the region of five years. It is suggested a five year agreement is offered to tennis operators as part of the agreement.

23. The chosen operator will be required to pay an annual management fee, agreed as part of the procurement process, which will be allocated to sinking fund and used to carry out larger scale maintenance works such as court re-surfacing to keep the courts in a good state of repair. The LTA has advised there is very likely to be interest from tennis operators in the opportunity because there will be considerable opportunity to generate income via coaching sessions, holiday clubs, tennis leagues and the income from pay and play usage via the Clubspark website.

### **Preferred Option and Reasons For Preferred Option**

24. Approval of this report will allow investment into the borough's tennis courts by the Lawn Tennis Association. It is unlikely that comparable funding to improve the quality of the tennis courts would be possible via Local Authority budgets, or alternative sources of grant funding. The funding from the LTA is a two year project with a £30million investment into tennis courts in parks across Great Britain. It is unlikely that that any further investment will be available from the LTA for the foreseeable future after the completion of this two year project.

### **Relevance to Council Plans and Strategies**

25. The health of residents is a key aspect of the Corporate Plan.

#### *Safe, healthy and confident communities*

By improving the quality of tennis courts across the borough, more residents will be encouraged to take part in tennis meaning they will become more physically active and as a result have improved levels of physical and mental health.

The courts will be free of charge to use during the day meaning that all residents will have the opportunity to play tennis regardless of ability to pay. Free of charge tennis coaching will also be offered across all sites.

By tendering out the opportunity to manage operate and maintain the refurbished tennis courts, we will be supporting tennis coaches into employment along with local businesses whose services will be used in maintaining the tennis courts.

### **Financial Implications**

26. The funding to cover the cost of the works will be forwarded by the LTA to the Local Authority on a site by site basis when works are completed. The



Local Authority will need to transfer these funds to the LTA's appointed framework contractor which is carrying out the works.(Chiltern Sports Contractor Ltd)

27. The condition of the LTA £funding of 539,056.70 is the development of income streams to keep the courts in good condition on an ongoing basis. (i.e. the re-surfacing and relining of courts and renewing perimeter fences). This will be done by charging an annual fee to the appointed tennis operator. The annual fee will be retained in a budget reserve (sinking fund) and drawn down as and when required for works. The anticipated annual fee expected from interested tennis operators and required for keeping the tennis courts in good condition on a sustainable basis is included in Part 2 to this report.

### **Legal Implications**

28. The Council is required as a best value authority under section 3 of the Local Government Act 1999 to make arrangements to secure continuous improvement in the way in which its functions are exercised, having regard to a combination of economy, efficiency and effectiveness.
29. The Council also has a general power of competence under section 1(1) of the Localism Act 2011 to do anything that individuals may do, provided it is not prohibited by legislation. This includes, pursuant to section 1(4):
- (a) power to do it anywhere in the United Kingdom or elsewhere,
  - (b) power to do it for a commercial purpose or otherwise for a charge, or without charge, and
  - (c) power to do it for, or otherwise than for, the benefit of the authority, its area or persons resident or present in its area.
30. The Council may exercise the general power of competence for its own purpose, for a commercial purpose and/or for the benefit of others. The Council, moreover, has power under s.111 Local Government Act 1972 to do anything which is calculated to facilitate, or is conducive or incidental to, the discharge of any of its functions (which would include childcare functions). The recommendations within this report are in accordance with these powers.
31. The Council has statutory powers in relation to parks and open spaces, and the maintenance of pleasure grounds under the Local Government (Miscellaneous Provisions) Act 1976, including wide powers to provide recreational facilities. Pursuant to the Open Spaces Act 1906 the Council shall hold and administer open space in trust to allow the enjoyment of it by the public and shall maintain and keep the open space in a good state.
32. The Council has a general duty under section 149(1) of the Equality Act 2010 (the Equality Act) to have due regard, in the exercise of its functions, to the need to:
- Eliminate unlawful discrimination, harassment, victimisation and any conduct prohibited by the Equality Act;

- Advance equality of opportunity between people who share a protected characteristic and people who do not share it ; and
- Foster good relations between people who share a protected characteristic and people who do not share it.

Relevant protected characteristics are: age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, sexual orientation.

33. The procurement of works and professional services should be carried out in compliance with the Council's Contract Procedure Rules (CPR), the public procurement regime and the Council's obligations relating to the obtaining of best value under the Local Government (Best Value Principles) Act (1999).
34. When commissioning public services, the Public Services (Social Value) Act 2012 requires the Council to think about how it can also secure wider social, economic, and environmental benefits.
35. The Council will need to ensure that all funding received under the LTA grant is managed and utilised in accordance with subsidy control law and in accordance with the terms and conditions of the grant agreement.
36. The Council must ensure that all guidance available to it regarding this scheme is adhered to at all times and it must further ensure that all legal agreements entered into in consequence of the approval of the proposals set out in this report must be approved by Legal Services on behalf of the Director of Law and Governance.

### **Equalities Implications**

37. There will be opportunities to use the courts free of charge meaning the tennis courts will be available to all residents to use them. Please also see separate Equality Impact Assessment.
38. The tennis courts will be free of charge to use Monday to Friday 9am – 5pm so that all residents are able to play tennis. Charges for using the courts will be introduced after 5pm during the week where daylight allows and during weekends.
39. In line with the terms of the agreement with the Lawn Tennis Association, a minimum of 30% of the refurbished sites must have free coach-led sessions available to residents which includes the provision of tennis equipment to participants if required.
40. All use of the courts whether free or paid for must be booked, meaning it will be possible to monitor who uses the courts and therefore understand any protected groups who are not using the facilities and encourage them to do so.

**Environmental and Climate Change Implications (if any, delete if not relevant)**

41. An assessment of the tree roots causing damage to the courts at Pymmes Park has been carried out by the Council's arboriculture team to ensure it is safe to remove them without de-stabilising or stressing the trees. It has been advised it is fine to remove them

**Public Health Implications (if any, delete if not relevant)**

42. Improvements to the tennis courts will result in increased participation in tennis (as shown by increased usage of the courts at Firs Farm Recreation Ground and Broomfield Park) and a resulting improvement in physical and mental health.
43. Free coaching will be provided at 30% of sites, the free coaching will be targeted at those people who would benefit from increasing their levels of physical activity to improve their health.

**Property Implications (if any, delete if not relevant)**

44. As the tennis operator is only going to operate, manage and maintain the tennis court sites, this nature of arrangement does not require a lease to be put in place. This being the case, there are no property implications arising from the proposals in this report.

**Safeguarding Implications (if any, delete if not relevant)**

45. The chosen tennis operator would be required to carry out DBS checks for all coaches carrying out tennis sessions on the tennis courts.

**Other Implications**

**Workforce Implications**

46. All tennis coaches would be hired and employed by the appointed tennis operator and there would be increased opportunities for local tennis coaches to be hired by the appointed operator.

**Procurement Implications**

47. It is expected that any procurement to implement for the Investment in Tennis Facilities will be undertaken in accordance with the Council's Contract Procedure Rules (CPR's) and the Public Contracts Regulations (2015). As the procurement of an Operator is proposed with income elements this must also comply with the Concessions Contract Regulations 2016.

48. At the end of the sourcing process, authority to award the contract will be sought in line with the CPR's and Council's Governance. The Service Area shall ensure this procurement activity takes place via the Council's e-Tendering portal and will be promoted to the Council's Contract Register, and the upload the executed contracts/agreements.
49. All awarded projects must be promoted to Contracts Finder to comply with the Government's transparency requirements.
50. As this contract will be over £100,000 the CPR's state that the contract must have a nominated contract owner in the Council's e-Tendering portal and ensure that the contract is managed effectively to deliver outcomes and VFM.

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## **Appendices**

### **Appendix 1**

Renovations works to be carried out at each of the 11 tennis courts sites and their costs.

### **Appendix 2**

Equality impact assessment

### **Part 2.**

Anticipated annual payment following a procurement process to appoint a tennis operator to manage, maintain and operate the tennis courts.

## **Background Papers**

N/A