

TENNIS IN PARKS: PRE-DECISION SCRUTINY

Purpose of the Report

1. To give Members background information to aid the scrutiny of the draft report to Cabinet titled '*Tennis in Parks*', which is due to be considered by Cabinet at their meeting on 22 June 2023.

Scope of Scrutiny

2. At their meeting on 22 June 2022, the Cabinet will consider a report that seeks approval to agree a Licence/ Management Agreement with Tennis Wales to operate six sites and to agree the introduction of the 'Club Spark' membership and management scheme, with associated pricing policy and incentives.
3. During this scrutiny, Members have the opportunity to explore:
 - a. The proposal received from Tennis Wales
 - b. The proposed licence/ management agreement approach
 - c. The proposed 'Club Spark' scheme
 - d. The likely impact on service delivery
 - e. The financial implications for the Council
 - f. Whether there are any risks to the Council
 - g. The timeline and next steps for delivering the proposals, and
 - h. The recommendations to Cabinet.

Background

4. Leisure Services are discretionary but contribute to the Council meeting statutory obligations set out in the Wellbeing of Future Generations Act (2015). Several of Cardiff Council's Parks have tennis courts that are available for use on a casual basis.

5. Tennis Wales is the governing body for tennis in Wales and works to grow the sport in Wales, undertaking data and insight studies and applying for Lawn Tennis Association and UK Government funding.

Background in the Cabinet Report

6. The draft report to Cabinet entitled '*Tennis in Parks*' is attached at **Appendix A** and has two appendices, as follows:
 - **Appendix 1:** Tennis at Heath Park
 - **Appendix 2:** Single Impact Assessment
7. In essence, the report to Cabinet sets out that the proposals in the report aim to secure and protect the future of tennis courts and tennis participation in Cardiff, by agreeing an investment programme proposal from Tennis Wales. This would cover the refurbishment of circa 30 tennis courts across 6 council park sites in Cardiff. It would also introduce an entry membership and management scheme, Club Spark.
8. The report to Cabinet includes the following main points:
 - a. many of the tennis courts in Cardiff Council Parks require investment or refurbishment work
 - b. the Council is constrained by competing demands within the Council's capital programme
 - c. there needs to be a mechanism to find, book or access a court, or find a group or individual to play with
 - d. Tennis Wales has approached the Council seeking to invest circa £750,000 with the ambition to improve the customer journey, grow tennis participation and create safe spaces
 - e. To secure the funding, Tennis Wales has to have a minimum 10-year management and maintenance arrangement with the Council, which can be via a licence to operate and a management agreement
 - f. Tennis Wales would introduce their Club Spark membership scheme, which will generate income that will be used to pay for the management of the site, with any surpluses ring-fenced for future maintenance of the sites

- g. The proposal includes an online booking portal and gate access technology installation to remotely manage courts
- h. This system is already in operation at Heath Park; **Appendix 1** of the report to Cabinet at Appendix A details the benefits.

Issues identified in the Cabinet Report

9. **Points 14-16** set out that:

- a. the Council has undertaken a review of its parks to identify those where Trust arrangements exist
- b. where the Council is the appointed Trustee, a separate decision will need to be taken by Cabinet in their capacity as Trustee
- c. Victoria Park, Rhymney Hill Gardens and Llandaff Fields are free of Trust issues and are put forward for inclusion in the Tennis Wales scheme, and
- d. the Council will work with Tennis Wales to identify a further 3 sites and seek separate Trust approval as required.

10. **Point 17** sets out that a stage one 'in principle' application was made in February 2023 for Lawn Tennis Association funding, in line with their deadlines. **Point 22** sets out the conditions of grant funding, including that there needs to be a free tennis offer included in the proposal. This could be a weekly free tennis session.

11. **Points 19-20** set out that historically, fees and charges applied to tennis court use and that in 2013/14, as part of budget savings, the free use of tennis courts in Cardiff Council parks was introduced.

12. **Points 23- 26** set out the benefits of the proposed tennis court management and maintenance, gate access, online booking, and pricing policy, including coping with reduced local authority staff resource and:

- a. Guaranteed income levels through a coaching programme
- b. Marketing support – promotion of courts and playing offer
- c. Safe spaces
- d. Insight into usage and demographics of players
- e. Range of prices – including free sessions, open days and coaching.

13. **Points 27 - 29** highlight the Council's Procurement team are satisfied with the proposed procurement route and that the Council will need to ensure it includes VAT liability into account when specifying works to ensure total cost does not exceed the grant available.
14. Financial Implications are set out in **Points 34 – 39** and include:
- a. Prior to the finalisation of any interim agreements between the parties, any VAT, trust and covenant implications of the proposed arrangements must be clearly identified and resolved with no financial detriment to the Council
 - b. The report and appendices do not identify any additional Council revenue or capital investment requirements and any future budget implications are assumed to be managed within existing resources.
15. Legal Implications are at **Points 40-51** and include:
- a. The Council's legal powers to provide recreational facilities
 - b. That entering into a licence or a management or an operation agreement does not transfer ownership nor grant exclusive possession
 - c. That separate reports and determinations will be needed for recreation grounds subject to charitable trusts so that it is clear the authority is making a decision in these matters as a trustee
 - d. the need for the Council to consider its duties with regard to the Equality Act 2010, Socio-Economic Duty, the Well- Being of Future Generations (Wales) Act 2015, Welsh Language Measure (Wales) 2011 and Welsh Language Standards.
16. Property Implications are at **Points 52 – 54** and clarify that it is anticipated that the Council will grant a management agreement for the operation of the tennis courts.
17. There are no HR Implications identified.

Proposed Recommendations to Cabinet

18. The report to Cabinet contains the following recommendations:

- 1) *Approve the proposed agreement with Tennis Wales as set out in this report.*
- 2) *Approve the 3 tennis court sites identified in this report to be included in the agreement.*
- 3) *Delegate authority to the Director of Economic Development in consultation with the Cabinet Member for Culture, Parks and Events and the Legal Officer to:*
 - a. *identify a further 3 tennis court sites to be included in the agreement subject to appropriate due diligence and governance relating to any Trust arrangements and/or restrictive covenants;*
 - b. *enter into Licence Agreements/Management Agreements as required for the sites included in the scheme.*
- 4) *Note further reports will need to be presented back to Cabinet as Trustee to approve the inclusion of any sites subject to Charitable Trusts.*

Previous Scrutiny

19. This Committee has not undertaken previous scrutiny specifically on Tennis in Parks. However, since 2014, this Committee has undertaken regular scrutiny of the Joint Venture between Cardiff Council and Cardiff Metropolitan University to deliver sports services in the city, including scrutiny of the Local Sports Plan, the impact of Sport Cardiff, the work to increase meaningful engagement, boosting grassroots community sport, increasing participation, strengthening partnership working, and work to mitigate the impact of reduced funding.
20. In January 2022, Members undertook pre-decision scrutiny of the report to Cabinet on approving the Physical Activity and Sport Strategy 2022-2027. In April 2023, this Committee received a progress report on the implementation of the Strategy.
21. This Committee has undertaken regular scrutinies of the parks service, including a 'Funding of Parks' Inquiry (April 2018). In February 2023, Members of this Committee were invited to a briefing update on progress with delivering the '*Let's Make Cardiff Greener, Healthier and Wilder*' Motion to Council that was agreed in May 2021; subsequently, the update presentation was shared by email with all Committee Members.

Way Forward

22. Councillor Jennifer Burke (Cabinet Member – Culture, Parks and Events) will be invited to make a statement. She and Steve Morris (Operational Manager – Sport, Leisure and Development) will be available to answer Members' questions.

Legal Implications

23. The Scrutiny Committee is empowered to enquire, consider, review, and recommend but not to make policy decisions. As the recommendations in this report are to consider and review matters, there are no direct legal implications. However, legal implications may arise if and when the matters under review are implemented with or without any modifications. Any report with recommendations for decision that goes to Cabinet/Council will set out any legal implications arising from those recommendations. All decisions taken by or on behalf of the Council must (a) be within the legal powers of the Council; (b) comply with any procedural requirement imposed by law; (c) be within the powers of the body or person exercising powers on behalf of the Council; (d) be undertaken in accordance with the procedural requirements imposed by the Council e.g. Scrutiny Procedure Rules; (e) be fully and properly informed; (f) be properly motivated; (g) be taken having regard to the Council's fiduciary duty to its taxpayers; and (h) be reasonable and proper in all the circumstances.

Financial Implications

24. The Scrutiny Committee is empowered to enquire, consider, review, and recommend but not to make policy decisions. As the recommendations in this report are to consider and review matters, there are no direct financial implications at this stage in relation to any of the work programme. However, financial implications may arise if and when the matters under review are implemented with or without any modifications. Any report with recommendations for decision that goes to Cabinet/Council will set out any financial implications arising from those recommendations.

RECOMMENDATION

The Committee is recommended to:

- i) Consider the information in this report, its appendices and the information presented at the meeting
- ii) Determine whether they would like to make any comments, observations or recommendations to the Cabinet on this matter in time for its meeting on 22 June 2023; and
- i) Decide the way forward for any future scrutiny of the issues discussed.

DAVINA FIORE

Director of Governance & Legal Services

14 June 2023