

THE LEASE OF THE DISTRICT COUNCIL'S TENNIS COURTS IN BEACON PARK TO BEACON PARK TENNIS CIO



Report of Cllr Elizabeth Little, Cabinet Member for Recycling and Leisure

Date: 10 September 2019
Agenda Item: 5
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Key Decision? NO
Local Ward Cllr Checkland, Eadie and Smith
Members

CABINET

1. Executive Summary

- 1.1 Lichfield District Council owns and manages 4 tennis courts in Beacon Park.
- 1.2 Beacon Park Tennis (BPT) Charitable Incorporated Organisation (CIO) is a not-for-profit constituted group with the ambition of developing opportunities, accessible to the entire community, for tennis playing and coaching within the district.
- 1.3 BPT are willing to take on the management and maintenance of the tennis courts from LDC and promote and increase the opportunities and use of the tennis courts for the benefit of Lichfield district residents.
- 1.4 This provides the council with an opportunity that enhances its existing facility with continued access.

2. Recommendations

- 2.1 That Cabinet agree to a 21 year lease arrangement with Beacon Park Tennis Charitable Incorporated Organisation for the tennis courts in Beacon Park.

3. Background

- 3.1 Beacon Park Tennis (BPT) is registered in England and Wales as a Charitable Incorporated Organisation. It has no paid staff and a volunteer management team consisting of 5 trustees with varied complementary backgrounds. The team met through the coaching programme offered on the courts and formed a strong bond with a desire to see the continued use of the facilities for the general public.
- 3.2 Since its inception BPT has been in dialogue with LDC to bring forward a new arrangement for the management of the tennis courts in Beacon Park, which was predicated on BPT securing sufficient funding to deliver a renovation project for the tennis courts.
- 3.3 The trustees have worked with a steering group of stakeholders on the regeneration proposal, including Lichfield District Council Leisure Team, local schools (Erasmus Darwin Academy and Lichfield Cathedral School) and the Lawn Tennis Association in a bid to facilitate this project. Current users of the facilities are all in support of BPT taking on a leasehold arrangement and have worked with them to raise funds for a regeneration project.
- 3.4 BPT are aiming to provide the local community and surrounding areas with a first-class public park tennis and netball facility by creating a professional and safer playing surface that this will attract more

players including families and visitors. This supports the delivery of ambitions in the councils Physical Activity and Sports Strategy and Health and Well-being Strategy.

- 3.5 BPT's project is to raise sufficient funds to resurface Lichfield's four public tennis courts which are used for tennis, netball and school PE and add new floodlighting to extend play throughout the year. By installing usable floodlights they aim to extend both the playing time in the summer and the ability to play in late afternoons and evenings during the winter months.
- 3.6 The total regeneration project will cost £208,000 and BPT have already secured this in donations and funding from organisations such as the Lawn Tennis Association and Sport England. The project has a sustainable business plan generating revenue from 'pay as you go' usage, school bookings and annual passes, as well a regular income stream from the Spires Netball club. Their P&L projections demonstrate that they will have sufficient funds in ten years' time to cover the costs of future resurfacing work.
- 3.7 The resurface project will also include an LTA approved online booking facility with PIN entry access to the courts. This will allow easier management of the courts via a 'pay and play' system. In addition, BPT will work in collaboration with TFF to provide funding for free tennis coaching in Lichfield and Burntwood.
- 3.8 BPT have a planning application logged – reference 19/00762/FUL with an expectation to go to Planning Committee on 30th September. BPT has received letters of support for the regeneration project from the following partners: Lichfield Cathedral School, MircoSport (tennis coaching) and the Lichfield Spires Netball club. Additionally, Lichfield Spires Netball Club now have a Trustee position on the BPT Charity.
- 3.9 Draft Heads of Terms (Appendix A) have been prepared between LDC and BPT for a 21-year lease for the tennis courts so that BPT can carry out the regeneration project and provide low-cost tennis and multi-sport services on the site.
- 3.10 The draft Heads of Terms outline the continued requirements from LDC for the operational support of the council for court cleaning, refuse collection and ensuring access to the courts. The financial cost of this support from the council is de minimis because it forms part of a much wider work programme.
- 3.11 The timing for delivery of BPTs renovation project means that they will need to start work in the winter of 2019. (The playing surface will not last into 2020). The timescales for delivering a lease arrangement can take several months which could ultimately frustrate BPTs ability to deliver the regeneration project this winter. In order to facilitate the works in a timely manner, it would make sense to offer BPT a license to occupy (Appendix C) Beacon Park's tennis courts and ensure that the works can be completed.
- 3.12 Beacon Park has featured tennis courts in one way or another for over 80 years. The current facility's condition has been deteriorating for some time and in 2014 was subject to a quick fix to extend the lifespan of the courts for a few more years. This consisted of a tarmac bonding and repaint which tried to bond the fragile and eroding tarmac surface material together and then paint over it. The life expectancy of the courts from this project was for up to 5 years.
- 3.13 At the time of the fix, LDC sought indicative costs for a re-surfacing of the 4 tennis courts and initial estimates put this at approximately £60,000. This was to resurface the existing courts in the current layout with no improvement to lighting or improvements based on Lawn Tennis Association (LTA) national standards for space between courts.
- 3.14 The Council's H&S Manager has inspected the courts and determined that without some form of remediation the courts will soon become unplayable and will need to be closed. In order to make the courts playable, due to their condition, resurfacing would be the minimum requirement. Alternatively the courts would need to be closed in the not too distant future and the tennis and netball facilities would be removed from public use.

- 3.15 Shortly after the improvements works were completed, the Tennis For Free (TFF) initiative began in February 2016 and was introduced to increase participation in tennis for all ages. Since its launch there has been 1072 unique users of the facility with 162 unique users since March 2019. The total attendances since the launch in February 2016 is 5574 (average 41 per week) and attendance since March 2019 is 630 (average 27 per week).
- 3.16 The legacy figures since the TFF launch are impressive especially because the facility has not been promoted this year due to the condition of the courts, but an average of 27 per week is still well above the national average. These are mainly made up of regular players.
- 3.17 The success of the TFF Scheme has led to extended use of the courts during the last three and a half years with an increase of over 5000 attendances since this time and many of the TFF members now having increased their playing time by joining a local tennis league and/or a tennis club. In addition to TFF, Lichfield and Burntwood Tennis League runs 4 competitions per year on the courts, with between 6 to 16 people in each competition.
- 3.18 Netball began in Beacon Park in 2013 via funding from Sport England’s Sportivate programme, led by the councils Sports Development Team, the success was so astonishing that the Sports Development Team and England Netball supported the making of Lichfield Spires Netball Club. The club has since gone from strength to strength with its current membership at:
- 32 Adults playing with 2 leagues teams
 - 91 new adults players registered through back to netball and 2 new league teams
 - 50 older ladies registered with walking netball
 - 110 girls attending 5 weekly junior netball sessions
 - The club has also upskilled 2 level two coaches and 2 level one coaches.
 - The club has a wealth of volunteers including a treasure, welfare officer and club secretary.
- 3.19 Lichfield Cathedral School use the tennis courts for its sports curriculum and has approximately 400 pupils who use the court on a weekly basis to play netball and tennis. It would struggle to find alternative arrangements for these activities if Beacon Park’s tennis courts were to close.
- 3.20 The district council has 3 options all detailed below, with option 3 being the recommended option:
- 1) To keep the tennis courts open and for the council to refurbish them at its own cost.
 - 2) To continue to make the tennis courts available for public use until they have to be closed for health and safety reasons.
 - 3) To transfer the courts to BPT on a 21-year lease so that they can significantly improve the courts using externally funded grants.

1)	To keep the tennis courts open and for the council to refurbish them at its own cost.	
	Advantages	Disadvantages
	<ul style="list-style-type: none"> • Control of the facility remains with the council. • Those using Tennis for Free or similar future offer will continue to be able to use this facility. • The netball club will still be able to use Beacon Park to play its home matches and practice sessions. • Lichfield Cathedral School will continue to use Beacon Park for its curriculum sports activities linked to tennis and netball. 	<ul style="list-style-type: none"> • The facility is refurbished to a basic standard with no enhancements. • The council will need to use its own reserves to deliver the capital improvements.

<ul style="list-style-type: none"> This reflects positively when considering the council's health and wellbeing strategy and physical activity and sports strategy. 					
		Operational Costs			Total
Capital Investment	Sub Total	Income		Sub Total	
£60,000	£60,000	(£1300)		(£1300)	£58,700

2)	To continue to make the tennis courts available for public use until they have to be closed for health and safety reasons.				
Advantages			Disadvantages		
<ul style="list-style-type: none"> The council doesn't need to invest its capital into the facility. There will be a revenue saving in terms of maintenance. 			<ul style="list-style-type: none"> At some point in the future, the facility will no longer be available for public use. There would be a £1300 budget pressure if the facility closes. Those using Tennis for Free will not have access to this facility. The Netball club will need to find an alternative site to play its home matches and practice sessions. Lichfield Cathedral School will need to make alternative arrangements for its curriculum sports activities linked to tennis and netball. This doesn't reflect positively when considering the council's health and wellbeing strategy and physical activity and sports strategy. Many of those affected are within our strategic plan target group's for instance young females, the elderly and those on low income. The condition of the courts means that the closure is imminent and therefore the facility would not be available beyond the next few months. The equalities impact assessment suggests that closing the courts will impact on hard to reach groups such as teenage girls and women, disability sports users, the school and affordable activities through TFF. 		
Capital Investment		Sub Total	Income		Total
£0		£0	(£1300)		(£1300)

3)	To transfer the courts to BPT on a 21-year lease so that they can significantly improve the courts using externally funded grants.				
Advantages			Disadvantages		
<ul style="list-style-type: none"> LDC doesn't need to invest in the courts as it would in option 1, but gets the benefit of having one of its assets significantly improved. 			<ul style="list-style-type: none"> LDC passes control of a public facility to a third party. LDC would still contribute £5000 towards the regeneration works. This would be funded through Beacon Park's revenue budget for the 		

<ul style="list-style-type: none"> Those using Tennis for Free or similar future offer will continue to be able to use this facility. The netball club will still be able to use Beacon Park to play its home matches and practice sessions. Lichfield Cathedral School will continue to use Beacon Park for its curriculum sports activities linked to tennis and netball. This reflects positively when considering the council's health and wellbeing strategy and physical activity and sports strategy. 		<p>relevant year and a sink fund held to support transition within LOPS.</p> <ul style="list-style-type: none"> LDC would contribute up to £1500 towards BPTs legal costs for the lease. This would be funded through Beacon Park's revenue budget for the relevant year and a sink fund held to support transition within LOPS. 			
Capital Investment	Sub Total	LDC Contribution	Legal Costs	LDC Sub Total	Total
(Externally funded) £203,000	£203,000	£5000	£1500	£6500	£209,500
Budget pressure of £1300 per year for loss of income to be contained through existing budgets.					

Alternative Options	There are three options that have been considered in paragraph 3.20 above.
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Consultation	The Council has discussed the proposals with Ward Members from Leomansley and the Friends of Historic Parks who are supportive of the proposals.
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Financial Implications	<p>The maintenance cost associated with the tennis courts is de minimis because it forms part of a much wider work programme.</p> <p>Total income from the tennis courts over the past 5 years:</p> <p>2014/15 £696 2015/16 £1674 2016/17 £1320 2017/18 £1427 2018/19 £2865</p> <p>Any financial pressures emerging will be contained in existing budgets.</p> <p>LDC capital requirements to keep tennis courts open. (i.e. basic resurfacing) £60,000</p> <p>Based on a £208k refurbishment project, BPT has all the funding agreed in principle through grants, loans, donations and income already generated.</p>
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Contribution to the Delivery of the Strategic Plan	<p>The provision of well-maintained publicly accessible sports facilities helps achieve the following:</p> <ul style="list-style-type: none"> The creation of safe, strong and proud communities The improvement of people's health and wellbeing.
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	The lease of the tennis courts will protect and enhance them because BPT is looking to invest significantly to raise the standard of the playing facility.
Equality, Diversity and Human Rights Implications	An equality Impact assessment has been completed which suggests that closing the courts will impact on hard to reach groups such as teenage girls and women, disability sports users, the school and affordable activities through TFF. (See Appendix B).
Crime & Safety Issues	Sport is a diversionary activity that helps to reduce anti-social behaviour.
GDPR/Privacy Impact Assessment	A Privacy Impact Assessment has been undertaken

	Risk Description	How We Manage It	Severity of Risk (RYG)
A	The district council cannot agree terms with BPT.	Negotiations and discussions have taken place at an appropriately senior level with both parties and HOTs for a lease have been agreed in principle.	Green
B	Adverse reaction from users and residents	A communications plan will be prepared and implemented to explain why these proposals are in the best interests of the sites, users and taxpayers.	Green
C	The other party fail to manage the sites properly and associated reputational issues	The lease agreements will commit BPT to maintain the tennis courts to a decent standard.	Green
D	BPT cease to exist within the next 21 years.	The tennis courts would revert back to LDC, in better condition than at present. LDC would generate income from that point.	Green

Background documents:
Appendix A – HOTs for a 21 year lease.
Appendix B – Equalities Impact Assessment
Appendix C – License to occupy for renovation project

Relevant web links