

Title: Outdoor Sports Review – Proposed Revised Delivery Models for Council Owned Facilities

Lead Officer: Debbie Cole, Project Officer, Cultural Services 01926 456205, Rose Winship, Head of Leisure, Tourism and Culture

Portfolio Holder: Councillor Liam Bartlett

Wards of the District directly affected: All of Warwick District

Summary

This report seeks approval of revised management arrangements and delivery models for the Council owned tennis, athletics and football facilities.

Following the completion of an Outdoor Sports Options Appraisal undertaken by Strategic Leisure Limited (SLL), officers have considered the options and have developed proposals to reduce the management costs to the Council and to support and increase use of the facilities.

Recommendation(s)

- (1)** That the principle of charging for tennis courts in Christchurch Gardens and Abbey Fields be agreed.
 - (2)** That subject to Recommendation One being approved, Cabinet delegate authority to Head of Leisure, Tourism and Culture in consultation with Portfolio Holder for Leisure, Tourism and Culture to work up and recommend the pricing framework for Christchurch Gardens and Abbey Fields for 2022 to Council at the appropriate time.
 - (3)** That the installation of a booking and gate access system for all Council owned tennis courts be agreed, subject to funding being awarded from the Lawn Tennis Association (LTA).
 - (4)** That a procurement exercise is undertaken to appoint one or more tennis operators to run community-based tennis programmes at the Council's four tennis venues.
 - (5)** That subject to negotiation with Everyone Active that results in a cost saving for the Council, Cabinet delegate responsibility to the Head of Leisure, Tourism and Culture in consultation with the Portfolio Holder for Leisure, Tourism and Culture to agree a variation to the 2017 Everyone Active leisure services contract to enable Everyone Active to manage the Edmondscote athletics facility on a temporary basis, until a permanent solution is identified for the provision of an athletics facility.
 - (6)** That further work is undertaken by officers to identify the optimum model for service delivery of the grass and synthetic football pitches on a site-by-site basis. Officers to bring a further Cabinet report for consideration when proposals are defined.
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1 Background/Information

- 1.1 The Council commissioned an Outdoor Sports Options Appraisal from SLL to look at the preferred delivery models for the Council owned sporting facilities of tennis, athletics and football, with the aim of reducing the costs to the Council in running the facilities, providing an optimum financial return and also increasing resident participation. See Appendix One
- 1.2 The report identified recommendations for each sport. This Cabinet report focuses on the development of tennis and athletics proposals, informed by the SLL recommendations.
- 1.3 With regard to the recommendations for tennis, the Council is working closely with the LTA to develop and implement proposals.
- 1.4 Recommendations one and two: The principle of charging for tennis courts be agreed at Christchurch Gardens and Abbey Fields.
 - 1.4.1 The current costs to the Council to run its four tennis venues (21 courts) far outweigh the income generated. In 2019/20 (last pre-pandemic year of operation) £2,922 of income was received, whilst the expenditure totalled £57,871, resulting in a deficit of £54,949.
 - 1.4.2 At present court charges only apply at Victoria Park and at St Nicholas Park.
 - 1.4.3 Both the SLL options appraisal and the LTA recommend the introduction of charging for court usage at Christchurch Gardens and Abbey Fields to ensure the long-term sustainability of the tennis facilities.
 - 1.4.4 The LTA have produced a feasibility tool to support Local Authorities in developing sustainable business models for managing tennis venues. The feasibility tool suggests, that charging from Christchurch Gardens and Abbey Fields could generate an additional annual income of £26,566 from court hire and annual passes. If the same charging model is applied to all four sites this could generate an annual income of £60,010. These figures exclude income from coaching or other tennis activities (e.g. holiday clubs).
 - 1.4.5 Subject to approval of recommendation one, further work will be undertaken with the support of the LTA to work up a pricing policy to ensure that the pricing will be sufficient to generate an appropriate sinking fund to finance future maintenance of the courts and to ensure that court hire is also affordable to local residents to encourage increased participation.
 - 1.4.6 The charging scheme would include: -
 - A percentage of bookings to be retained for free access
 - Concessionary rates
 - Setting of affordable pricing to include annual family passes and hourly chargesThese measures are important and will reduce the risk of the charges being unaffordable for residents. (See also Section 5 - Risks.)
 - 1.4.7 Whilst officers are yet to work through the detail of the charges, it is anticipated that charges would also need to be agreed in consultation with any future operators (see recommendation four) with the emphasis on affordability. The Council may wish to set a small number of key charges for certain target groups as it does in the main leisure contract.

- 1.4.8 It is proposed that charging at Abbey Fields will not be introduced until after the planned improvements to the courts in 2023 have been completed.
- 1.5 Recommendation three: Installation of booking and gate access systems at all four tennis venues
- 1.5.1 At present there is no facility for residents to book courts at Christchurch Gardens or Abbey Fields. This means residents do not know if courts will be available on arrival at the venue.
- 1.5.2 It is proposed that the LTA's booking and gate access system is installed at each of the Council's four tennis venues. The booking system (ClubSpark) allows customers to pre-book courts, and enables the operator to control the programming of the courts for different tennis activities, e.g., coaching, court hire, school camps etc.
- 1.5.3 The ClubSpark system also provides a tool for customers to make payments for court hire, where hire charges are applied
- 1.5.4 The gate access system is linked to ClubSpark and allows access to the courts to booked customers. On booking a court, customers receive a 4-digit code which is keyed into a courtside keypad, which releases the gate lock and allows access to the court.
- 1.5.5 The booking and gate access installation will allow for a uniform approach to tennis across the District and improve how people can find, book and pay for Council courts. LTA data shows that 87% of players, where booking and gate access systems have been installed, are satisfied with the online booking system. The booking system will also provide customer data about court usage which will be valuable for service planning.
- 1.5.6 It should be noted that the basketball court within Christchurch Gardens will be retained for basketball and bookable using the ClubSpark system. A nominal charge will be applied, in recognition that the court is used primarily by young people.
- 1.5.7 The installation of these systems is dependent on a funding application to the LTA. An application for £25,670 for the booking and gate access system has been submitted to the LTA and the outcome of the bid is expected early next year. If the application is unsuccessful, funding will be considered as part of the Council's budget process.
- 1.5.8 Residents who do not have a mobile phone or who prefer not to book on-line, will be able to book a court by telephoning a member of the Council's leisure team/or venue operator. This will reduce the risk of residents being unable to access courts as a result of the introduction of the online booking system. (See also Section Five – Risks)
- 1.6 Recommendation four: Procurement of operators to run tennis programmes.
- 1.6.1 At present there are no organised, community tennis activities or coaching programmes on offer at three out of the four sites (e.g., Christchurch Gardens, Abbey Fields, or St Nicholas Park).
- 1.6.2 Both LTA and Sport England data indicates there is strong latent demand in the District for more tennis activities. (Sport England data identifies demand from 2,873 people.) Local club venues are close to capacity and therefore the LTA also suggests that there are considerable opportunities to engage local schools and young people with tennis programmes on Council courts.
- 1.6.3 The Council is therefore proposing to procure one or more tennis operators to

run affordable and inclusive tennis programmes across the four sites. In addition to increasing the offer of tennis activities, it also importantly enables the Council to adopt a more commercial approach and allows an income to be generated from operators. The income would be used to create a sinking fund to cover the future maintenance costs of the facilities.

- 1.6.4 The Council will work with the LTA in drawing up the specified services required from the tennis operators. The list below describes the type of activities which can be anticipated: -
- Tennis For Free – LTA supported free weekly sessions open to all
 - LTA “Serve” – aimed at disadvantaged communities - taking tennis to community venues and provision of free equipment
 - Walking and disability tennis
 - Adult and junior coaching
 - Children’s activities and holiday camps
 - Introductory taster sessions
 - Local tennis leagues
- 1.6.5 In addition, the tennis programme would be designed to ensure that people wishing to book a court outside of programmed activities have protected access to courts. Racquets and balls will also be available for hire at certain times, so that people without equipment can play.
- 1.6.6 The procurement exercise will be structured in “lots” meaning that a bidder can bid for one venue, more than one, or all the venues. The aim of the tender will be to find the right operator to provide the best community programme for each individual venue. A single lot approach would not allow for this distinction (e.g. the potential to appoint the best fit operator for each of the four venues) and would result in one sole operator for all the Council’s sites. The “lots” approach has been advised by the LTA as the optimum approach given the nature of the Council venues. Subject to approval of recommendation three, work will start on the preparation of tender material early 2022 with the aim of starting new contracts later that year. The stakeholder engagement undertaken by SLL indicated good levels of interest from operators and coaches in delivering programmes from Council venues.
- 1.6.7 Advice has been sought from Warwickshire Legal Services on the client/supplier model. It is proposed that WDC offers a service contract and lease for each venue, in return for the operator paying WDC an annual concession fee. The fee would be set at a level to cover the required sinking fund contribution as indicated in the LTA’s feasibility modelling for the WDC venues. A service contract will enable a more robust contractual relationship between the Council and operator. The current arrangement at Victoria Park is based on a licence to occupy. The licence does not provide the most suitable tool to manage the current arrangement. It doesn’t give security to the licensee and it doesn’t provide a mechanism for the Council to manage or control services.
- 1.6.8 As stated in para 1.6.7. above, the Council is proposing to use a concession contract to manage the new arrangements. Concession contracts fall under the Council’s standing orders (WDC Code of Procurement Practice) and as such have to abide by the same rules as those for procuring contracts for goods, works and services. Under the Council’s standing orders, where the value (total value of the provision of the contract for the contract length) of the contract is

£25k and above, a competitive procurement process is required. This is to ensure that the Council meets its obligations to be fair and transparent and to ensure best value for its residents. Compared to a licence arrangement, the concession contract provides benefits to both the contracted operator and to the Council. It allows the Council to manage the contracted services more proactively, as well as realise additional financial benefits from the commercial potential of the services. It also provides greater security of tenure (via a lease) for the tenant and greater clarity for both sides on the specified service and performance measures.

- 1.6.9 Recommendation four will therefore require that the Victoria Park venue is included in the tender exercise. As the largest tennis venue, this site presents the best opportunity to generate an increased financial return. It is proposed that the Council terminates the licence held by VP Tennis at an appropriate time by giving VP Tennis six months' notice. VP Tennis Club have been informed by officers about the proposals, the rationale and process for taking the proposals forward. The proposed tender exercise will be open to VP Tennis Club to bid to run the community tennis programme at Victoria Park, and also at the other venues.
- 1.6.10 It should be noted that the St Nicholas Park venue is currently managed by Everyone Active as part of the wider leisure contract. Following dialogue with Everyone Active, there is agreement to include this site within the proposed tender exercise for tennis operators.
- 1.6.11 In addition to increasing income, these proposals are also designed to deliver other benefits, such as increasing physical activity and improving health and well-being.
- 1.6.12 Appendix two provides a background note on the current management model for the tennis facilities and a summary of the current issues.
- 1.7 Recommendation five: Proposal to explore option for Everyone Active to take on temporary management of Edmondscote athletics track
- 1.7.1 The current costs to the Council to manage the Edmondscote athletics track considerably outweigh the income received from facility bookings. In 2019/20 income was £20,404 and the expenditure was £183,337, representing a deficit of £162,933.
- 1.7.2 Given the current costs to Council and the issues as highlighted in the SLL report (Appendix one), the proposal is to transfer the management of the athletics track to Everyone Active on a temporary basis until the future of the track is confirmed. The purpose of a variation to the leisure services contract would be to reduce the revenue costs to the Council to ensure a more cost-effective provision for the interim period. A transfer could be achieved by varying the existing leisure contract to add the management of the track in addition to the current services. Previous work has identified the potential to reduce the running cost to the Council via this approach. Everyone Active, as an established national leisure operator, could utilise their existing management contracts, benefitting from economies of scale, to provide improved value for money.
- 1.7.3 In addition, WDC would require that EA implement specified improvements for the benefit of residents using the facility. The targeted improvements include,
- introduction of online booking and payment system
 - limited on-site refreshments (vending machines)

- increased information and marketing of the facility
- Wi-Fi and telephone connection
- Enhanced facility programme of community use

- 1.7.4 It is anticipated that these improvements would increase use of the track by individuals, sporting clubs and other community groups and assist in improving residents' health and wellbeing.
- 1.7.5 Initial dialogue has been initiated with Everyone Active who are interested to explore this proposal further. EA have been invited to provide a financial proposal to manage the facility for up to three years.
- 1.7.6 Subject to approval of recommendation five officers will progress the detail of the negotiation, including matters such as maintenance responsibilities, insurance, upkeep of equipment and staffing to agree an arrangement to deliver savings to the Council. It is proposed that the current arrangements for grounds maintenance through the idverde contract would remain in place as this is considered the most practical solution.
- 1.7.7 Appendix three provides a background note on the current management model for the athletics facilities and a summary of the current issues.
- 1.8 Recommendation six. Further work on options for service delivery for football pitches is undertaken at a later stage.
- 1.8.1 The Council owns and manages 38 grass football pitches across six sites. As with the tennis and athletics facilities, the costs for the Council to run these facilities, outweighs the income received.
- 1.8.2 In 2019/20 £13,457 was received and the costs to maintain the facilities (including the x2 football pavilions) was £208,132 resulting in a deficit of £194,675. The administration to manage the booking of pitches is reliant on time consuming manual systems and adds further cost to the process.
- 1.8.3 A number of options were identified within the SLL report to reduce the cost to the Council in running the facilities, whilst continuing to enable community access to these well used pitches. These options include transfer of assets to other operators and community asset transfer to local clubs.
- 1.8.4 The work to develop these options is complex given the potential changes involved and number of pitches, sites and stakeholder groups. Due to the limited officer capacity to progress the outdoor sports review, it is therefore proposed officers review the football proposals next year. This will enable officers to focus on delivery of tennis and athletics recommendations.

2 Alternative Options available to Cabinet

- 2.5 The Cabinet could decide not to agree recommendation one (principle of charging). This will reduce the income to the Council for the future maintenance of the courts and impair the ability of the Council to reduce the current deficit.
- 2.6 The Cabinet could decide not to agree recommendation four (procure tennis operators). In addition to reducing the income to the Council, it would also limit the opportunities to use the venues to host community tennis programmes, as the Council does not have capacity to run the programmes itself. In addition, Cabinet could decide not to include all the sites in the procurement exercise (for example Victoria Park). This would hinder the Council from fully exploring the market at tender and is likely to result in a less financially beneficial outcome to the Council.

- 2.7 The Cabinet could decide not to agree recommendation five (vary the leisure contract with Everyone Active to include track). This would hamper the Council's effort to reduce the annual revenue deficit currently incurred in running this facility.

3 Consultation and Member's comments

- 3.5 The SLL review which informs the recommendations of this report included consultation with a wide range of stakeholder groups, including the relevant teams within WDC, local sports and leisure organisations and clubs and the relevant national governing bodies.
- 3.6 The report has been developed in consultation with the Leisure, Tourism and Culture Programme Advisory Board.
- 3.7 The Council has consulted the public during October 2021 on the proposals to introduce further charging and to appoint tennis operators. The survey received completed responses from 224 people. With respect to the issue of introducing charging the feedback reflected a range of views, with just over half of respondents supportive of further charging on the basis that prices are kept affordable.
- 3.8 The feedback from the recent consultation also reflected demand for more coaching programmes, a desire to enable access for people on lower incomes and also a recognition of the benefits of having a consistent tennis offer across all sites. There was also feedback from current VP members (25% of respondents) expressing satisfaction with the current VP Tennis offer.
- 3.9 The feedback from the consultation is summarised in appendix four.

4 Implications of the proposal

4.5 Legal/Human Rights Implications.

- 4.5.1 The proposals have no human rights implications.
- 4.5.2 The legal and procurement implications of the proposed variation for the athletics track have been explored and it is understood that a variation is permissible, providing that the financial implications of the variation do not exceed 10% of the leisure services contract value.

4.6 Financial

- 4.6.1 Tennis – this report highlights the need for the Council to create a sinking fund to fund the future maintenance costs of the Council's courts. The LTA feasibility tool indicates that an annual sinking fund of approximately £28k p.a. would be appropriate to provide adequate funding for future maintenance. The feasibility tool also indicates that charging for pay and play sessions and memberships should raise sufficient income to fund a sinking fund of this amount. The proposed procurement exercise of operators will provide more detail and greater certainty about this assumption.
- 4.6.2 There is an estimated cost to the Council of approximately £5k p.a. for the annual fees and maintenance of the LTA booking and gate access systems. This cost will be passed to the operator once appointed (estimated to be during 2022). Until this point, this will be an additional cost to the Council.
- 4.6.3 Athletics - the proposals are designed to reduce the costs to the Council. Previous work with Everyone Active has indicated the potential to realise savings, however it is too early in the negotiations to indicate the quantity of the savings.

4.6.4 Any delay in progressing with the proposals will delay the delivery of the estimated savings.

4.7 Council Plan

4.3.1 In respect of Warwick District Council's Business Plan these proposals will have the following relevance and impact as set out below:

External:

People - Health, Homes, Communities – The proposal seeks to protect and enhance the provision of the tennis and athletics facilities and by doing so, encourage physical activities.

Services - Green, Clean, Safe - The proposal seeks to procure tennis operators. The procurement criteria will require operators to contribute to the Council's net-zero targets.

Money - Infrastructure, Enterprise, Employment - The proposals to procure tennis operators will support the sports and leisure economy through the letting of tennis contracts. This will increase employment opportunities for tennis coaches.

Internal:

People - Effective Staff – The proposal will enhance the experience of the Council's Sports and Leisure team and other colleagues in procuring and managing the new contracts.

Services - Maintain or Improve Services – the Council will be able to maintain and improve the provision of its tennis and athletics facilities and, in the case of tennis, generate a financial reserve to be used to fund future maintenance.

Money - Firm Financial Footing over the Longer Term –both proposals will result in an increased use of our assets, maximising the income earning opportunities for the appointed operators. The tennis proposals will produce a better return for the Council and the athletics proposal will reduce the Council's annual deficit.

4.8 Environmental/Climate Change Implications

4.8.1 There are limited impacts arising from these proposals.

4.9 Analysis of the effects on Equality

4.9.1 Summary of the EIA for tennis: - the proposals will require operators to run inclusive tennis programmes to include activities for older people, young people and women and girls. This will have a positive effect on equalities. There could be a potential negative impact for older people and people without access to the internet in terms of the proposals to introduce online booking systems. However, this is mitigated as the proposals allow for people to book courts over the phone in addition to online. A further negative impact could arise in respect to people on lower incomes and the proposal to introduce charges. This impact will be mitigated by the inclusion of affordable charges, free tennis slots and concessionary rates.

4.9.2 Summary of the EIA for athletics: - the proposals are unlikely to result in negative impacts. Everyone Active are experienced in the delivery of inclusive leisure programmes and the expectation is that the proposals are likely to result in more opportunities for groups such as women and girls, and people with disabilities to participate in athletics activities.

4.9.3 The EIA's for both sports provided as appendix five and appendix six.

4.10 Data Protection

4.10.1 There are limited implications for Warwick District Council. The procurement exercise for the appointment of the tennis operators will ensure that bidders are made aware of the legal responsibilities in relation to data protection.

4.11 Health and Wellbeing

4.11.1 The proposals seek to protect and enhance the Council's tennis and athletics facilities and expand the sporting activities delivered from the venues. This will result in positive improvements for residents' health and wellbeing.

5 Risk Assessment

5.1 A risk register is attached at Appendix Seven.

5.2 The greatest risks are set out below:

Athletics risks

Risk that we cannot negotiate an acceptable fee with Everyone Active for the temporary transfer of the track facility management. In this event, the Council continue with current arrangements for managing the track, with the associated costs

Tennis risks

Risk that Cabinet does not agree to implement recommendations in report, the Council will not be able to afford to maintain the courts to an appropriate standard in the future and will need to close the courts at some future date.

Risk that the funding application to the LTA for the booking and gate access system is unsuccessful. Likelihood of this risk occurring is assessed as low. However, if this risk did occur it would impact how players could book and pay for tennis and would also affect the ability of the operator to manage the programming, take payments for bookings and activities and would likely involve resorting to manual systems. Alternative funding would be sought from the Council and from external sources in the event of the LTA application being unsuccessful.

Risk that the introduction of charging for courts at Christchurch Gardens and Abbey Fields results in public opposition and/or leads to reduced use of courts. Mitigation includes setting of affordable pricing including concessionary rates and retention of proportion of free sessions, communication strategy for reasons for introduction of charging and increased marketing of tennis facilities.

Risk that people without a mobile phone will not be able to access tennis courts. Mitigation includes inclusion of facility for players without a mobile phone to book a court by telephoning a member of staff/the operator.

Risk that appointed tennis operators are not financially robust. Mitigation includes full financial checks as part of procurement process and regular contract reviews.

6 Conclusion/Reasons for the Recommendation

6.1 The recommendations will enable the Council to deliver savings against the current costs incurred in running the tennis and athletics facilities and in the case of tennis generate an increased income to be used for future maintenance

and enhancement of the courts. The recommendations will also see the delivery of community tennis programmes from all the District four venues and at the track, users will benefit from service improvements (e.g., booking systems and enhanced community programme of activities.)

- 6.2 In relation to football, the further work, will allow the Council to identify considered proposals with the aim of delivering savings needed to maintain provision of community football facilities.

Background papers:

Please provide a list of any papers which you have referred to in compiling this report and are not published documents. This is a legal requirement.

You must also supply these when submitting the report.

Supporting documents:

This is not a legal requirement but may assist others in identifying documents you have referred to in producing the report.

- SLL report
- Consultation feedback
- EQIAs
- Risk Register

Report Information Sheet

Please complete and submit to Democratic Services with draft report

Committee/Date	9 th December 2021 – Cabinet	
Title of report	Outdoor Sports Review – Proposed revised delivery models for Council Owned Facilities	
Consultations undertaken		
Consultee *required	Date	Details of consultation /comments received
Ward Member(s)	4/11/21	Kenilworth Abbey and Arden Cllr Cooke Cllr Hales Cllr Illingworth Leamington Clarendon Ward Cllr Nicholls Cllr Cullinan Cllr Quinney Warwick Saltisford Cllr Morris Cllr Skinner
Portfolio Holder WDC & SDC *	4/11/21	Liam Bartlett, Portfolio Holder for Leisure, Tourism and Culture
Financial Services *	4/11/21	Mike Snow, Head of Finance
Legal Services *	4/11/21	Phil Grafton, Head of Law and Governance
Other Services		N/A
Chief Executive(s)	4/11/21	Chris Elliot, WDC
Head of Service(s)	4/11/21	Julie Lewis, Environmental and Operational Services Steve Partner, Assets
Section 151 Officer	4/11/21	Mike Snow, Head of Finance
Monitoring Officer	4/11/21	Phil Grafton, Head of Law and Governance
CMT (WDC)	4/11/21	Andrew Jones, Deputy Chief Executive
Leadership Co-ordination Group (WDC)	22/11/21	Cllr Day – Conservative Cllr Boad – Liberal Democrat Cllr Nicholls – Labour Cllr Davison – Green Cllr Falp – Whitnash Residents Association

Other organisations	Ongoing	Lawn Tennis Association Birmingham Football Association
Final decision by this Committee or rec to another Ctte/Council?		Recommendation to :Cabinet / CouncilCommittee
Contrary to Policy/Budget framework		No
Does this report contain exempt info/Confidential? If so, which paragraph(s)?		No
Does this report relate to a key decision (referred to in the Cabinet Forward Plan)?		No/Yes, Forward Plan item – scheduled for (date)
Accessibility Checked?		File/Info/Inspect Document/Check Accessibility