

Notice of NON KEY Executive Decision containing exempt information

This Executive Decision Report is part exempt and Appendix A is not available for public inspection as it contains or relates to exempt information within the meaning of paragraph 3 of Schedule 12A to the Local Government Act 1972. It is exempt because it refers to Information relating to the financial or business affairs of any particular person (including the authority holding that information) and the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

Subject Heading:	Application and acceptance of grant (LTA)
Decision Maker:	<i>Andrew Blake-Herbert</i>
Cabinet Member:	<i>Paul Middleton</i>
SLT Lead:	<i>Andrew Blake-Herbert</i>
Report Author and contact details:	<i>James Rose</i>
Policy context:	<p><i>The Havering Vision</i></p> <p><i>Place Outcome – Havering is a Green Borough</i></p> <ul style="list-style-type: none"> <i>Investing in our parks</i> <i>Number of parks with Green Flags</i>
Financial summary:	<i>The Council will benefit from £349,115.23 of external funding to improve tennis courts. No match funding or additional budget is required to manage this.</i>
Relevant OSC:	<i>Places OSSC</i>
Is this decision exempt from being called-in?	<i>The decision will be exempt from call in as it is a Non key Decision</i>

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The subject matter of this report deals with the following Council Objectives

People - Things that matter for residents

Place - A great place to live, work and enjoy **X**

Resources - A well run Council that delivers for People and Place.

Part A – Report seeking decision

DETAIL OF THE DECISION REQUESTED AND RECOMMENDED ACTION

It is recommended that the Chief Executive Officer, in consultation with Councillor Middleton:

1. To note that the an agreement in principle was made on the 5th December 2022 with the Lawn Tennis Association (LTA) to apply for funding to improve various tennis courts in the borough.
2. To accept grant funding of £349,115.23 from the LTA;
3. To enter into the grant agreement affixed at Appendix A allowing improvement works to commence in the summer once an operator has been procured.

AUTHORITY UNDER WHICH DECISION IS MADE

3.3 Powers of Members of the Senior Leadership Team Financial responsibilities

- (c) In consultation with the relevant Cabinet Member to apply for, accept and manage external funding up to a limit of £500,000 per grant in support of any function within their Directorate provided that any financial contributions by the Council are made from within existing budgets.

STATEMENT OF THE REASONS FOR THE DECISION

1. The LTA (Lawn Tennis Association) have a Renovation Fund that would allow the Council to improve the surfacing, fencing and gates by 2024. The details are shown in the table below.

Site	Improvements	Cost
Harold Wood Park	Gates and surfacing	£ 64,602.53
Harrow Lodge Park	Gates	£ 11,500.00
Haynes Park	Gate	£ 2,500.00
Lodge Farm Park	Gate, surfacing, fencing	£ 49,787.28
Raphael's Park	Gate, surfacing, fencing	£206,325.42
Spring Farm Park	Gate, fencing	£ 4,500.00
Upminster Park	Gates	£ 4,900.00
Rise Park	Gate	£ 2,500.00
Hylands Park	Gate	£ 2,500.00
		£349,115.23

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2. They have offered a total of £349,115.23 which does not require any match funding but we do need to meet their terms and conditions, which is around:
 - sustainability of courts long term;
 - providing some free operator led sessions weekly at a minimum of 30% of parks;
 - ensuring parks are part of the Local Tennis Leagues (which some already are) and
 - using the 'Clubspark' booking system.
3. To comply with the grant terms and conditions, we are in the process of procuring the management of the courts, which will formalise the existing arrangements at Raphael Park and establish new operators at the rest. The specification for the operator, included as part of the procurement process, will ensure they deliver these services and at no additional cost to the Council.
4. This is a good opportunity to carry out improvement works at various sites at no cost to the Council.
5. This will become a catalyst for ensuring the long-term improvement in the way tennis courts are managed.

OTHER OPTIONS CONSIDERED AND REJECTED

1. Refuse the funding and use Council funding for these improvement works. Resources are limited and any available capital funding should be used for other improvements in parks and open spaces, not just for one activity.
2. Refuse the funding and investigate other sources of external funding. There is no certainty that any other applications will be successful, especially to this value.

PRE-DECISION CONSULTATION

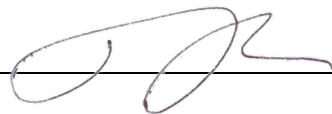
The Lead Member for Parks, Councillor Paul Middleton, has been briefed on this proposal and is supportive.

NAME AND JOB TITLE OF STAFF MEMBER ADVISING THE DECISION-MAKER

Name: James Rose

Designation: Park Development Manager

Signature:



Date: 2/5/23

Part B - Assessment of implications and risks

LEGAL IMPLICATIONS AND RISKS

Section 1 of the Localism Act 2011 gives the Council a general power of competence to do anything an individual can do. The recommendations in this report are in keeping with this power and the Council has the power to receive grant funding.

The use of the grant sums will need to be made pursuant to the grant terms and conditions including but not limited to the use of the grant funding and the monitoring requirements. The Council must also indemnify the LTA for all claims, demands, actions, costs, expenses, losses, damages and all other liabilities which may arise from its actions and/or omissions (or any sub-contractors) in relation to the Project.

Furthermore, the LTA may require the Council to repay any of the funding in certain circumstances, including but not limited to where the Council:

- a) is in breach of a Call Off Contract or a Call Off Contract is terminated before Completion;
- b) is in material breach of the terms and conditions of the Grant Agreement and have failed materially to remedy such breach within 30 days of written notice
- c) has failed to make satisfactory progress with the Project or any part of it, in accordance with any agreed timetable, and have failed materially to remedy any such failure within 30 days of written notice
- d) fails to cooperate with either the Department for Digital, Culture, Media & Sport (DCMS) or the LTA's reasonable due diligence processes and to respond to all reasonable requests for information in a timely manner;
- e) receives funding from any other source for the Project except any Grant Recipient Contribution/s as specified in the Grant Agreement.

The Grant is allowable under the Council's Contract Procedure Rules 25.1 and 4 which states:

25.1 Where the council receives Grant Funding and is named as the accountable body for the expenditure of monies, and where the terms of the grant permits the council to directly carry out Works, or buy Services or Supplies, any procurement will be conducted in line with CPR.

25.4 Where the funding is for use by a third party, the obligation to account for the funding contained in the grant terms will be included in the agreement with the third party. Furthermore, the terms of making the grant shall include a clause to competitively tender for Services, Supplies or Works and reflect the Council's strategies, policies and objectives in so much as they apply to, or are compatible with, the funding objectives as set out in the grant terms imposed on the Council and CPR.

FINANCIAL IMPLICATIONS AND RISKS

LTA Tennis Foundation have offered the Council £349,115.23 subject to the council agreeing and complying with the terms and condition of the grant agreement.

The grant must be used solely for the purpose set out in the grant offer letter relating to the Individual Site-Specific Works.

The grant offer is the maximum amount of grant that will be paid, and this amount will not be increased as a result of any overspend or otherwise, except with LTA's explicit prior written agreement to such an increase in the amount of Grant. Any incorrect

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amount paid to the council as a result of administrative error or otherwise will be promptly repaid to LTA.

The council shall ensure that prior to claiming any part of the grant, the applicable works have been carried out in accordance with the relevant call off contract.

Budget and contract monitoring will be regularly carried out by officers throughout delivery to ensure the project is completed within the approved grant allocation.

The council will provide LTA at their request such information, explanations and documents as they may reasonably require in order to determine whether the conditions of the grants agreement have been complied with.

If the Council do not accept the grant, the planned upgrade to Tennis courts and installation of Gates and booking system would not be possible.

HUMAN RESOURCES IMPLICATIONS AND RISKS (AND ACCOMMODATION IMPLICATIONS WHERE RELEVANT)

None

EQUALITIES AND SOCIAL INCLUSION IMPLICATIONS AND RISKS

The Public Sector Equality Duty (PSED) under section 149 of the Equality Act 2010 requires the Council, when exercising its functions, to have 'due regard' to:

- (i) The need to eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010;
- (ii) The need to advance equality of opportunity between persons who share protected characteristics and those who do not, and;
- (iii) Foster good relations between those who have protected characteristics and those who do not.

Note: 'Protected characteristics' are age, disability, gender reassignment, marriage and civil partnerships, pregnancy and maternity, race, religion or belief, sex/gender, and sexual orientation.

The Council is committed to all of the above in the provision, procurement and commissioning of its services, and the employment of its workforce. In addition, the Council is also committed to improving the quality of life and wellbeing for all Havering residents in respect of socio-economics and health determinants.

ENVIRONMENTAL AND CLIMATE CHANGE IMPLICATIONS AND RISKS

None

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BACKGROUND PAPERS

None

APPENDICIES

Appendix A LTA Funding Agreement

EXEMPT

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Part C – Record of decision

I have made this executive decision in accordance with authority delegated to me by the Leader of the Council and in compliance with the requirements of the Constitution.

Decision

Proposal agreed

Delete as applicable

Details of decision maker



Signed

Name: Andrew Blake-Herbert

Chief Executive

Date: 12th May 2023

Lodging this notice

The signed decision notice must be delivered to Democratic Services, in the Town Hall.

For use by Committee Administration

This notice was lodged with me on _____

Signed _____

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