

Notice of Non-key Executive Decision

| | |
|--|--|
| Subject Heading: | Introduction of Fees for Parks Tennis Courts |
| Decision Maker: | Councillor Barry Mugglestone, Cabinet Member for Environment |
| Cabinet Member: | Councillor Barry Mugglestone, Cabinet Member for Environment |
| SLT Lead: | Neil Stubbings, Director of Place |
| Report Author and contact details: | James Rose – Parks Development Manager |
| Policy context: | Charging for Discretionary Services |
| Financial summary: | The introduction of reasonable charges for booking tennis courts, ensuring the income generated goes towards assisting with the necessary maintenance and improvement of tennis courts in the borough, is not anticipated to generate a surplus. |
| Relevant OSC: | Places |
| Is this decision exempt from being called-in? | The decision will be exempt from call in as it is a Non key Decision |

Non-key Executive Decision

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.

Place an X as appropriate

Part A – Report seeking decision

DETAIL OF THE DECISION REQUESTED AND RECOMMENDED ACTION

For the reasons detailed in this report, the Cabinet Member for Environment is recommended to:
agree the introduction of new fees for booking tennis courts in parks effective anytime from September 2023.

AUTHORITY UNDER WHICH DECISION IS MADE

Part 3 of the Council's Constitution

2.5 The following Functions may be delegated to individual Cabinet members by the Leader.

- (x) To approve all in year changes to both fees and charges.

STATEMENT OF THE REASONS FOR THE DECISION

Background

- 1.1. The Lawn Tennis Association (LTA) are providing funding to carry out improvements to the surfacing at Raphael Park, Lodge Farm Park, Harold Wood Park and Haynes Park. All sites will also have new gates installed that will be operated by the LTA's 'Clubspark' booking system as part of the grant conditions. The funding conditions also require the Council to commit to ongoing improvements to the courts.
- 1.2. To enable this, revenue must be generated to fund the required maintenance and provision of services, e.g. administration of gate access system and coaching.
- 1.3. The charges will be reviewed on an annual basis.

2. Fees and Charges

- 2.1. Benchmarking has been carried out by the LTA on how much other borough's charge. This mainly included all London boroughs but also some areas in Essex.
- 2.2. Out of the 33 London Boroughs, 28 charge for the use of their tennis courts. However, it is expected that others who are also delivering the LTA improvements and currently do not charge will be doing so shortly.

Non-key Executive Decision

- 2.3. The average charge is £9 per hour (peak) and £6 (off peak). Peak charges range from £5 – £23. Off peak charges ranges from £2.50 - £9. A minority of boroughs offer a season ticket priced between £22 - £55.
- 2.3. Raphael Park is the only site where an external operator manages the courts and there is a charge to pay, although the Council receives no income from this. The Council has responsibility to carry out any improvements on the courts. The club charges £4 per hour (non-members) and £3 (members). The low charges here are a reflection on the informal nature of the clubs occupation and reduced responsibilities.
- 2.4. As the majority of courts in the borough are free to play and the only charges in place are relatively low, it is proposed to introduce lower fees. This would be £6 per hour (peak) and £3 per hour (off-peak).

3. Management of the courts

- 3.1. An external operator will be procured who will then charge for court use. This will enable them to manage the booking system and undertake the necessary works to comply with the grant conditions, and ensure they are in good condition on a long-term basis for users.
- 3.1. The external operator will have full responsibility under a lease or contract to fulfil the conditions set of in the LTA's funding agreement. Therefore, the Council will work in partnership with the operator but will not incur any expenditure. Given the liability on the operator, it is expected there would be a peppercorn rent.
- 3.2. The existing club who have been operating at Raphael Park have been encouraged to agree to a lease however, if this is not possible then it will be offered to another operator who will agree the terms.
- 3.3. As part of the LTA's funding agreement, regular coaching sessions must take place which will be delivered by the operator. Where sites already have coaches who provide this service on an informal basis, this will formalised in the agreement with the operator.
- 3.4 The LTA will also work with the operator to deliver a range of activity across the sites. This will include weekly organised free park tennis sessions for all ages, playing levels and experience where equipment is provided, meaning that people will not need someone to play with or their own racket. This is currently being proposed for Saturday mornings. Local Tennis Leagues will also provide friendly, sociable, opportunities to get active through local competition.
- 3.5 Whilst an operator is being procured, the Council may have to operate the courts in-house for a temporary period of time. During this period, officers will work with the LTA and existing coaches in the borough to provide as many services as possible. Any income received during this period must be ring-fenced and reinvested back into the maintenance and management of the tennis courts.

Non-key Executive Decision

OTHER OPTIONS CONSIDERED AND REJECTED

Not to introduce charges

- 4.1 Not introducing charges would mean that the Council has to bear the cost of carrying the improvement of tennis courts, e.g. surfacing, fencing, re-painting and ensuring ad-hoc maintenance and repairs, like the gate system function and fence are in right order. Introducing a lower, reasonable fee which does not deter users ensures that the courts are frequently maintained and are available to be enjoyed and used by visitors. Therefore, not introducing charges was not a viable option as the routine maintenance ensures continuance of the use of the courts. Therefore this option was rejected.
- 4.2. The external operator's agreement will contain clauses to mirror the LTA's grant agreement so will ensure they are responsible and fund the necessary works. To enable this they will have to charge for the use of the courts to generate income.

PRE-DECISION CONSULTATION

Councillor Barry Mugglestone, Cabinet Member for Environment

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

Name: James Rose

Designation: Parks Development Manager

Signature:



Date: 11/9/23

Part B - Assessment of implications and risks

LEGAL IMPLICATIONS AND RISKS

The Council has a general power under Section 1 of the Localism Act 2011 to do anything that individuals generally may do, subject to limitations.

Section 93 of the Local Government Act 2003 (LGA 2003) gives the Council the power to charge for discretionary services, as long as other specified powers do not already exist for the same matter and in view of the fee collection being limited to the recovery of the cost of providing the service, without being at profit to the Council.

In making decisions in relation to the revenue budget the Council, as well as having a duty to ensure that the Council acts in accordance with its statutory duties, must act reasonably and must not act in breach of its fiduciary duty to its residents and ensure compliance with its grant conditions.

For the reasons set out above, the Council may proceed to the introduction of such charges for the provision of discretionary services.

FINANCIAL IMPLICATIONS AND RISKS

Commencing September 2023 and in line with the LTA grant terms and conditions, the Council is proposing to introduce new charges for the booking of tennis courts at £6 (peak) and £3 (off-peak) per hour, within the 2023/24 financial year.

It should be noted that any income received into the council through the charges contained within this report must be ring fenced and reinvested back into the maintenance and upkeep of the tennis courts and gating system.

The plan is to outsource the management of each of the tennis courts, whereby any income and maintenance costs would remain with the provider. However, until such time as this arrangement can be made the council will be responsible for the collection of income and maintenance costs for each site.

Estimated costs include Clubspark gate access system maintenance at approximately £0.008m per annum, and unknown quantity in terms of general maintenance works.

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

There are no human resources implications or risks

EQUALITIES AND SOCIAL INCLUSION IMPLICATIONS AND RISKS

Non-key Executive Decision

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, sex, race, disability, sexual orientation, marriage and civil partnerships, religion or belief, pregnancy and maternity and gender reassignment.

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.

The new services proposed will be open and available to all and will ensure the service continues to offer a good selection of pricing options for customers.

ENVIRONMENTAL AND CLIMATE CHANGE IMPLICATIONS AND RISKS

The change to fees has no environmental or climate change implications/risks

BACKGROUND PAPERS

None

APPENDICES

None

Non-key Executive Decision

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

~~Proposal NOT agreed because~~

Delete as applicable

Details of decision maker

Signed *Barry Muggleston*

Name: Barry Mugglestone

Cabinet Portfolio held:

CMT Member title:

Head of Service title

Other manager title:

Date: 17/09/2023

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 _____