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18 February 2021

Dear Councillor

NOTICE OF DELEGATED DECISION – (DD20) REFURBISHMENT OF TENNIS COURTS AT VICTORIA PARK, DEAL

Please find attached details of a decision taken by Mr Mike Davis, Strategic Director (Corporate Resources) to agree a project to refurbish the tennis courts at Victoria Park, Deal.

As a non-Key Officer Decision, call-in does not apply (paragraph 18(a) of Part 4 (Rules of Procedure) of the Constitution).

Members of the public who require further information are asked to contact Kate Batty-Smith, Democratic Services Officer on 01304 872303 or by e-mail at democraticservices@dover.gov.uk.

Yours sincerely

A handwritten signature in black ink that reads "Kate Batty-Smith". Below the signature is a short horizontal line.

Democratic Services Officer

ENCL

1 **NOTICE OF DELEGATED DECISION - (DD20) REFURBISHMENT OF TENNIS COURTS AT VICTORIA PARK, DEAL** (Pages 2-6)

Decision Notice

Delegated Decision

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| Decision No: | DD20 |
| Subject: | VICTORIA PARK, DEAL - TENNIS COURT REFURBISHMENT |
| Date of Decision: | 17 February 2021 |
| Notification Date: | 18 February 2021 |
| Implementation Date: | 19 February 2021 |
| Decision taken by: | Mike Davis, Strategic Director (Corporate Resources) and Section 151 Officer |
| Delegated Authority: | <p>Paragraph C33 of Section 6 (Scheme of Officer Delegations) of Part 3 (Responsibility for Functions) of the Constitution. Delegation to the Section 151 Officer as follows:</p> <p>‘To authorise new projects up to £50,000 that can be funded within the overall resources of the approved Medium-Term Financial Plan.’</p> <p>and</p> <p>‘To approve the allocation of funds from the Capital and Special Revenue Contingencies to projects.’</p> |
| Decision Type: | Executive Non-Key Decision |
| Call-In to Apply? | No (<i>Call-in does not apply to Non-Key Officer Decisions</i>) |
| Classification: | Unrestricted |
| Reason for the Decision: | To seek approval for a project to undertake the refurbishment of three outdoor tennis courts in Victoria Park, Deal. |
| Decision: | <ol style="list-style-type: none"> 1. To approve a project to undertake the refurbishment of three outdoor tennis courts in Victoria Park, Deal. 2. To approve the use of up to £39,000 from the Section 106 agreement in relation to planning application DOV/10/01065 to deliver this work. |

1. **Consideration and Alternatives** (*if applicable*)
 - 1.1 See attached report.
2. **Any Conflicts of Interest Declared?**
 - 2.2 None.
3. **Supporting Information** (*as applicable*)
 - 3.1 See attached report.

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| Subject: | VICTORIA PARK, DEAL - TENNIS COURT REFURBISHMENT |
| Date: | 17 February 2021 |
| Decision to be taken by: | Mike Davis, Strategic Director (Corporate Resources) and Section 151 Officer |
| Report of: | Laura Corby, Strategic Development Lead (Leisure) |
| Portfolio Holder: | Councillor Chris Vinson, Portfolio Holder for Finance, Governance and Digital |
| Decision Type: | Executive Non-Key Decision |
| Classification: | Unrestricted |
| Delegated Authority: | <p>Paragraph C33 of Section 6 (Scheme of Officer Delegations) of Part 3 (Responsibility for Functions) of the Constitution. Delegation to the Section 151 Officer as follows:</p> <p>‘To authorise new projects up to £50,000 that can be funded within the overall resources of the approved Medium-Term Financial Plan.’</p> <p>and</p> <p>‘To approve the allocation of funds from the Capital and Special Revenue Contingencies to projects.’</p> |
| Purpose of the report: | To seek approval for a project to undertake the refurbishment of three outdoor tennis courts in Victoria Park, Deal. |
| Recommendation: | <p>1.To approve a project to undertake the refurbishment of three outdoor tennis courts in Victoria Park, Deal.</p> <p>2.To approve the use of up to £39,000 expenditure from the Section 106 provision in relation to planning application DOV/10/01065 to deliver this work.</p> |

1. Summary

The Council is seeking to undertake refurbishment of three outdoor tennis courts in Victoria Park, owned by Dover District Council. The Dover District Playing Pitch & Outdoor Sports Facility Strategy 2015 and emerging revised strategy identifies the need for this project to meet current and future demand across the district. The proposed refurbishment will help address poor quality and increase outdoor health & well-being opportunities for the local community. It will also explore provision of the first Clubspark tennis facility in our district to help address accessible barriers to activity. It is proposed to use residual s106 funding arising from housing development DOV/10/01065, allocated to improve open space facilities. The Council is therefore seeking to deliver the proposed project to meet strategic objectives and use the remaining allocated S106 provision to deliver the work.

2. Introduction and Background

- 2.1 The Dover District Playing Pitch & Outdoor Sports Facility Strategy 2015 (PPS) and emerging revised strategy identifies provision of three outdoor tennis courts located at Victoria Park in Deal. This facility represents one of three outdoor sites owned and managed by DDC across the district. It is located next to a MUGA and former skate park which lie adjacent to the Victoria Park children's play area.
- 2.2 Both existing and emerging strategies indicate that supply of tennis courts is insufficient in Dover District to meet current and future demand, they also indicate that provision at Victoria Park is of poor quality.
- 2.3 The outdoors tennis courts have fallen into disrepair because refurbishment was initially part of wider proposed project which included extended dual-purpose courts. This involved the relocation of the Multi Use Games Area next to the youth community centre & concrete skate opposite the park to complement existing youth facilities & provide the additional space for extension. It was not possible to deliver the proposed project because of shortfalls in funding and officer resource was diverted to other strategic priority projects.
- 2.4 The proposed refurbishment project comprises of the following work; (i) to deep clean & improve the surface by removing excess moss, debris, overgrown boundary vegetation & repair minor surface damage (ii) to add new posts, nets and court lines (iii) to replace missing fence surrounding the courts that was removed some time ago. Improving court quality at Victoria Park will contribute to reducing the overall deficit of provision, complement existing provision at Deal Indoor Tennis Centre, generate some revenue income and encourage more people to become active outdoors and lead healthier lifestyles.
- 2.5 Clubspark is a Lawn Tennis Association (LTA) initiative currently being explored as part of this project. It provides an online booking platform (Clubspark) that allows members of the public to 'pay and play' with access via the use of a fob or access code system through a smart device gate. The supply of gate is awarded by the LTA. Not only does the system help to deter misuse use of courts but it also allows genuine tennis participation to be more effectively tracked and monitored, providing data on how well and how often courts are being accessed and used. Future operation will be explored between DDC and a third party such as operators of Deal Indoor Tennis Centre to manage the facility and meet the conditions of the award across a five-year period. These conditions include for example covering annual maintenance costs and meeting regulations for LTA registered venues. The S106 funding will include the installation of the Clubspark gate or a standard gate during these refurbishment works.
- 2.6 The project is estimated to cost up to £39,000 and it is proposed to use residual s106 funding arising from housing development at Sholden DOV/10/01065, secured for the improvement of play equipment/open space facilities of existing children's play spaces within the Sholden & Middle Deal Ward. It should be noted that the S106 expenditure date has expired, however the Council has not received any request from the developer to return funds. As soon as the Council has entered a contract for the refurbishment work, it will be beyond the reach of the developer. Given that the Council is not contractually obliged to pay for work until it enters such a contract, there is little risk in proceeding with the project.
- 2.7 Proposed works are to be procured using quotations obtained from various contractors in line with the Council's contract procurement procedures. Some competitive quotations have already been received from local contractors and can be delivered within the S106 funding mentioned above.

3. Identification of Options

- 3.1 Option 1: Approve refurbishment of three outdoor tennis courts in Victoria Park, Deal.
- 3.2 Option 2: To not approve refurbishment of three outdoor tennis courts in Victoria Park, Deal

4. Evaluation of Options

- 4.1 Option 1 is the preferred option because it helps to meet the insufficient supply of outdoor tennis provision in the district and creates a sustainable path for the sport. This has been evidenced in The Dover District Playing Pitch & Outdoor Sports Facility Strategy 2015 and emerging revised strategy. It will complement existing provision at Deal Indoor Tennis Centre, help to increase participation in tennis, encourage more people to become active outdoors and improve the health & well-being of the local community.
- 4.2 Option 2 is not preferred as failing to deliver the project will leave the outdoor courts in a state of continued disrepair, it will not encourage the growth of the sport and it will reduce opportunities to improve community health & well-being. Furthermore, the residual 106 funding will risk being returned to the developer if not used for their purpose with some urgency.

5. Resource Implications

- 5.1 There is a £37,000 estimate in the current MTCP for Victoria Park play area in respect of DOV/10/01065. However, the definition of use in the s106 agreement is for 'improvements of play equipment/open space facilities at existing children's play space' and the available sum is higher at £38,992.
- 5.2 If proposals in this report are approved, the estimated project cost of up to c£39,000 can be used in relation to DOV/10/01065.
- 5.3 The operational annual revenue costs are c£880 for Clubspark gate maintenance, and c£3,600 for court maintenance. Both costs are likely to be covered by the annual income generated.

6. Climate Change and Environmental Implications

- 6.1 The project will deliver a refurbished facility using only local contractors to help minimise carbon emissions. Where possible long lasting or recyclable materials will also be explored for work, thus contributing to the Council Climate Change objectives.

7. Corporate Implications

- 7.1 Comment from the Director of Finance (linked to the MTFP): Members are reminded that the Council's revenue and capital resources are under pressure and so they will wish to assure themselves that all proposals progress the Council's priorities, are the best option available and will deliver value for money. (DL)
- 7.2 Comment from the Planning Solicitor: The Planning Solicitor has been consulted in the preparation of this report and does not have any further comments. (DT)
- 7.3 Comment from the Equalities Officer: This report does not specifically highlight any equality implications, however in discharging their duties members are required to

comply with the public sector equality duty as set out in Section 149 of the Equality Act 2010 <http://www.legislation.gov.uk/ukpga/2010/15/section/149> (KMCE)

7.4 Other Officers (as appropriate):

8. **Appendices**

None.

9. **Background Papers**

None.

Contact Officer: Laura Corby - Extn 42448