
Subject: CHARITY OF FREDERICK FRANKLIN FOR A PUBLIC PARK (CHARITY NO. 1092171) - REFURBISHMENT OF MARKE WOOD TENNIS COURT, WALMER

Meeting and Date: Cabinet – 5 December 2022

Report of: Martin Leggatt, Head of Assets and Building Control

Portfolio Holder: Executive - Charity

Decision Type: Non-Key - Charity

Classification: Unrestricted

Purpose of The Report: To seek approval for a project to undertake refurbishment of four outdoor tennis courts in Marke Wood, Walmer.

Recommendation:

- (1) To approve a project to undertake the refurbishment of four outdoor tennis courts in Marke Wood, Walmer.
- (2) To accept the Lawn Tennis Association award and conditions attached to the award.
- (3) To approve £70,160 from the use of grant funding award by the Lawn TA to deliver this work.

1. Summary

The Council acting as trustees for the Charity Fredrick Franklin are required to decide whether it is in the best interest of the charity to accept grant funding provided from the Lawn Tennis Association (LTA) to undertake refurbishment of four tennis courts in Marke Wood.

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 of outdoor tennis courts across the district. The proposed refurbishment will help to increase quality of court provision and increase outdoor health & well-being opportunities for the local community. It will also provide additional Club spark tennis facilities in our district to help address accessible barriers to activity. It is proposed to use the grant funding award from the LTA following the unprecedented success of several British tennis players during 2021, with a primary purpose to open up the sport to people of all backgrounds, support the Government's commitment to levelling up sports provision across the nation, and provide greater opportunities for everyone to follow the Chief Medical Officer's guidance on physical activity.

2. Introduction and Background

2.1 The Dover District Playing Pitch & Outdoor Sports Facility Strategy 2015 (PPS) and emerging revised strategy identifies provision of four outdoor tennis courts located at Marke Wood in Walmer. This facility represents one of three managed by DDC across the district. It is located next to the pavilion and formal playing fields.

- 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 Marke Wood is of average quality.
- 2.3 The outdoor tennis courts in the recent past have had some minor repairs including the replacement of all perimeter chain link fencing around the facility. However, the tarmac playing surface is showing signs of wear and tear that will continue to deteriorate & reduce the quality of play which is only going to worsen without significant investment.
- 2.4 The proposed refurbishment project comprises the following work: (I) to fully resurface all four tennis courts with new porous asphalt surface (II) to add new posts, nets, and court lines (III) to install a new lite gate system to replace existing entrances. Improving court quality at Marke Wood will complement existing Clubspark provision at Victoria Park and Deal Tennis Centre, as well as contributing to reducing the overall deficit of provision, generate some revenue income and encourage more people to become active outdoors and lead healthier lifestyles.
- 2.5 The Lawn Tennis Association have formally offered to fund the project subject to DDC accepting the terms and conditions as detailed in appendix 2.
- 2.6 The LTA Rally is a simple to use online booking platform provided from Clubspark an LTA initiative allowing members of the public to 'pay and play' with access via the use of a fob or access code system through the lite gate system. More Information on the platform is provided in the Rally Brochure as set out in appendix 3.
- 2.7 The supply and installation of this gate and Clubspark amenities forms part of the grant funding from 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 has been explored between DDC and Walmer Tennis Club to manage the facility and meet the conditions of the award. These conditions include for example covering annual maintenance costs and meeting regulations for LTA registered venues that include facilitating community use and promoting tennis development programmes for general public. Walmer Tennis Club are keen to expand on club memberships and availability of hard courts in the general area for which the facilities at Marke Wood helps to meet their growing demand; A provisional agreement has been reached for the tennis club to use the facilities during agreed periods whilst also managing the public booking platform that will remain largely available for general communal use.
- 2.8 The project is initially estimated to cost up to £70,160 and it is proposed that no further funding will be secured for the project outside the allocated grant funding provided by the LTA.
- 2.9 Proposed works are to be procured internally using three selected contractors from a list recommended from the LTA through the Sports and Play Construction Association, with an approved contractor earmarked to be appointed during January 2023 through a thorough evaluation process in line with the LTAs scoring criteria. The DDC procurement team have also been consulted with regards to procurement issues and will manage the tendering process in accordance with Contract Standing Orders.
- 2.10 A practical completion date for this project is expected by April 2023 in line with LTAs terms and conditions. Further information on this is set out in appendix 2.

- 2.11 Should there be a deficit in funding following the return of all tenders for the works outlined in 2.4, DDC will investigate alternative measures to ensure the project is kept inline with the grant funding terms and conditions (such as removing the supply of nets and pots from the original scope of works if required and/or finding alternative funding solutions elsewhere).
- 2.12 Should the situation arise where selected contractors are unable to guarantee practical completion before April 2023 on evaluation of tenders, the proposed works will be reassigned to the LTA to complete procurement through their appointment principal contractor for other various approved projects across the country; whilst there will be a delay in practical completion should this occur (projected autumn 2023), it does ensure that DDC are not at risk of losing the funding.
- 2.13 The LTA will release grant funding to DDC to approve payment once practical completion of all works is reached.

3. Identification of Options

- 3.1 Option 1: Approve refurbishment of four outdoor tennis courts in Marke Wood, Walmer.
- 3.2 Option 2: To not approve refurbishment of four outdoor tennis courts in Marke Wood, Walmer.
- 3.3 Cabinet is reminded that, in discharging functions in relation to charities the law requires Members to put aside their aspirations for the Council in a corporate sense and to act solely in the best interests of the Charity. The Cabinet (acting as trustee) is required to act reasonably and prudently in all matters relating to the charity and to act with the same degree of care and skill as a prudent person or business would exercise in the management of his or her own affairs or those of someone else for whom they had responsibility.

4. Evaluation of Options

- 4.1 Option 1 is the preferred option because it helps to address meeting the demand for current and future 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 Clubspark provision at Victoria Park and 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. Furthermore, it provides additional opportunities to facilitate community use/promotion of tennis development programmes.
- 4.2 Option 2 is not preferred as failing to deliver the project will leave the outdoor courts in a state of continuing disrepair, it will not encourage the growth of the sport and it will reduce opportunities to improve community health & well-being. Furthermore, the grant funding award will be declined and returned to the LTA if not used as part of the original approval in the terms and conditions.

5. Resource Implications

- 5.1 There is £70,160 provided from the LTA for the associated works. Any savings made from the final costs will be returned. There is no scope to provide additional provision or improvements to the tennis courts outside the terms and conditions.

- 5.2 It is proposed that no further LTA or other external funding will be provided.
- 5.3 The operational annual revenue costs are £910 for Clubspark gate maintenance, and £3,710 for court maintenance. Both costs are likely to be covered by the annual income generated.

6. **Climate Change and Environmental Implications**

- 6.1 Where possible long lasting or recyclable materials will be explored for work, thus contributing to the Council Climate Change objectives. With the exception of the new gates the project is a maintenance project where the timely intervention prevents accelerating deterioration. This will avert major works in the future and their consequential costs in terms of embodied carbon.

7. **Corporate Implications**

- 7.1 Comment from the Director of Finance: Accountancy has been consulted and has no further comment. (DL)
- 7.2 Comment from the Solicitor to the Council: The Solicitor to the Council has been consulted in the preparation of this report and has no further comments to make. (HR)

Comment from the Equalities Officer: This report relating to the refurbishment of four outdoor tennis courts in Marke Wood, Walmer, 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>.

- 7.3 Other Officers (as appropriate):

8. **Appendices**

- (1) Site Plan – Marke Wood Tennis Courts
- (2) LTA Grant Terms and Conditions
- (3) LTA Rally Brochure

9. **Background Papers**

None.

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