



Operational Officer Decision Record

Open Report. Appendix **NOT FOR PUBLICATION**

Exempt information within paragraph 3 of Schedule 12A to the Local Government Act 1972 (as amended)

Where the decision has a financial value of between £100k - £350k and does not have a **significant** impact on two or more wards

1. Subject and details of the matter (to include reasons for the decision and detail of any previous cabinet decision)

Award the Contract for a Tennis Operator

On 21st December 2022 Cabinet resolved (DN.73 Parks Tennis Funding and Operation):

1. That the submission of a grant application to the Lawn Tennis Association for investment into tennis courts at Barretts Recreation Ground, Haverstoe Park, and Sussex Recreation Ground be approved, and subject to a successful grant application:

2. That the Executive Director Environment, Economy, and Resources be authorised. in consultation with the Portfolio Holder for Culture, Heritage and the Visitor Economy, to ensure that all necessary actions are carried out in order to commence and approve the procurement, and thereafter tender, award and implement refurbishment works to Barretts Recreation Ground, Haverstoe Park, and Sussex Recreation Ground.

3. That the Executive Director Environment, Economy, and Resources be authorised in consultation with the Portfolio Holder for Culture, Heritage and the Visitor Economy to ensure that all necessary actions are carried out to appoint an operator following appropriate procurement exercises for the delivery of tennis at Barretts Recreation Ground, Haverstoe Park, and Sussex Recreation Ground that includes the implementation of a fees and charges model for parks tennis.

4. That the Assistant Director Law and Governance (Monitoring Officer) be authorised to execute and complete all requisite legal documentation in relation to the matters outlined above.

Approval to award the contract for a Tennis Operator for the delivery of tennis at Barretts Recreation Ground, Haverstoe Park, and Sussex Recreation Ground that includes the implementation of a fees and charges model for parks tennis.

The contract duration is 60 months.

The contract is to be awarded via a direct award under exception to the Contract Procedure Rules clause 30.1 j for contracts under £100k approved by the Budget holder.

2. Decision being taken

That the Executive Director Environment, Economy, and Resources in consultation with the Portfolio Holder for Culture, Heritage and the Visitor Economy awards the concession contract for a Tennis Operator to We Do Tennis

3. Anticipated outcome(s)/benefits

The operator will manage the courts to promote and grow tennis participation in the borough providing a community-focused programme. The operation of the courts will see a range of benefits including but not limited to an increase in participation, a visible and accessible coaching provision, building a community of park tennis players, developing a sustainable model to assist future court maintenance and court longevity.

4. Details of any alternative options considered and rejected by the officer when making the decision

Not awarding the contract is not a viable option as in line with the Cabinet decision grant funding has been obtained from the Lawn Tennis Association (LTA) and the courts have been refurbished. The Council needs to abide by the grant funding conditions and the Council does not have the capacity or budget available to operate the courts.

5. Background documents considered (web link to be included or copies of documents for publishing)

[8.-Draft-Cabinet-Report-Parks-Tennis-Funding-Operation.pdf \(nelincs.gov.uk\)](#)

[ODR LTA Funding Award \(nelincs.gov.uk\)](#)

6. Does the taking of the decision include consideration of Exempt information? If yes, specify the relevant paragraph of Schedule 12A and the reasons.

Appendix 1 – Contract Award Recommendation (closed appendix) exempt under paragraphs 7 and 9 of Schedule 12A for reasons of commercial confidentiality.

7. Details of any conflict of interest declared by any Cabinet Member who was consulted by the officer which relates to the decision (in respect of any declared conflict of interest, please provide a note of dispensation granted by the Council's Chief Executive)

No conflicts of interest have been identified.

8. Monitoring Officer Comments (Monitoring Officer or nominee)

The decision is consistent with the will and expectation of Cabinet. But the decision to award the contract is in fact an operational decision and within the constitutional remit of the Director. The decision ensures grant funding conditions are abided by. Legal colleagues will support as appropriate.

9. Section 151 Officer Comments (Deputy S151 Officer or nominee)

The LTA grant award received for the refurbishment of the courts stipulates that the Council has an obligation to maintain their condition. To ensure this obligation is met, the appointed operator will be responsible for undertaking routine repairs and

maintenance, and for making contributions to a sinking fund to support future investment into the asset.

10. Human Resource Comments (Head of People and Culture or nominee)

There are no direct HR implications

11. Risk Assessment (in accordance with the Report Writing Guide)

The grant investment from the LTA places an obligation on the authority to maintain the courts and the appointment of an operator with the ability to develop a sustainable model with appropriate fees and charges to fund future repairs and maintenance mitigates this risk.

Tennis courts on parks are currently free of charge with no booking system in place. Therefore, existing users and wider residents may raise concerns around the operator introducing online booking and charges. There are extensive national examples of where similar parks tennis operating models have been introduced successfully with options around free use programming and appropriate booking support as mitigation included within the operator's appointment.

12. If the decision links to a previous one taken by Cabinet, has the Cabinet Tracker been updated?

Yes

13. Decision Maker(s):

Name: Carolina Borgstrom

Title: Director for Economy,
Environment, and Infrastructure

Signed: REDACTED

Dated: 16/05/2024

14. Consultation carried out with Portfolio Holder(s):

Name: Councillor Hayden Dawkins

Title: Portfolio Holder for Culture,
Heritage and the Visitor Economy

Signed: REDACTED

Dated: 20th May 2024