



Report to Policy Committee -

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Report of: Lisa Firth, Director of Parks, Leisure and Libraries
Report to: Charity Trustee Sub Committee Policy Committee
Date of Decision: 21 March 2023
Subject: Sheffield Parks Tennis Procurement

Has an Equality Impact Assessment (EIA) been undertaken?	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
If YES, what EIA reference number has it been given? <i>(Insert reference number)</i>				
Has appropriate consultation taken place?	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
Has a Climate Impact Assessment (CIA) been undertaken?	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
Does the report contain confidential or exempt information?	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
If YES, give details as to whether the exemption applies to the full report / part of the report and/or appendices and complete below:-				
Exemption applies to the following appendices;				
Appendix 3 - Courtside Design CAD visuals - CLOSED				
Appendix 4 – Financial Summary – CLOSED				
Appendix 8 – Proposed Lease Terms – CLOSED				
Appendix 10 - QSR Report - CLOSED				
Appendix 11 – Confidential Legal Report – CLOSED				

Purpose of Report:

To report back with recommendations on the contract award following the conclusion of the procurement for a preferred provider to manage Sheffield’s parks tennis programme, which in addition to the existing tennis court management includes the addition of an Activity Hub to the model, to provide additional financial security to the programme and further increase health and wellbeing outcomes.

To gain approval for any associated disposals of land which may be necessary, and for officers to be authorised to obtain any consents or approvals required and to be further authorised to publish any notices required under the Local Government Act 1972 and the Charities Act 2011;

To gain approval for the proposed City Council funding contribution of up to £180,000 (of prudential borrowing) towards the development of the Activity Hub at Hillsborough Park; and the allocation of Section 106 funds of up to £183,000 for the development of the multi-use games facilities at Hillsborough Park, as described in the report.

Recommendations:

The Charity Trustee Sub Committee Policy Committee is recommended to:

1. Note and endorse the contents of the report
2. Approve the award of the contract to the preferred supplier
3. Approve the use of the Prudential Borrowing and Section 106 money to support the project.
4. To authorise the giving of notices under the Local Government Act 1972 and the Charities Act 2011 prior to the disposal of any of the properties required for the delivery of the project
5. Subject to the outcome of recommendation 4, to approve the grant of leases of the properties referred to in the body of the report to the preferred supplier on the terms set out in the Appendices to this report after consideration of the contents of the Qualified Surveyor's Report and satisfying itself that the proposed terms are the best that can be reasonably obtained in the circumstances.

Background Papers:

Parks Tennis Procurement: [Sheffield City Council - Decision - Parks Tennis Procurement](#)

- Appendix 1 – Operating Specification
- Appendix 2 - Performance Specification
- Appendix 3 - Courtside Design CAD visuals - **CLOSED**
- Appendix 4 – Financial Summary - **CLOSED**
- Appendix 5 – Sheffield Company Parent Guarantee
- Appendix 6 – Grant Funding Agreement Terms
- Appendix 7 – Draft Lease Agreement
- Appendix 8 – Proposed Lease Terms – **CLOSED**
- Appendix 9 – Consultation Insight
- Appendix 10 - QSR Report - **CLOSED**
- Appendix 11 – Confidential Legal Report – **CLOSED**
- Appendix 12 – Site Plans
- Appendix 13 – Performance Insight

Lead Officer to complete:-		
1	I have consulted the relevant departments in respect of any relevant implications indicated on the Statutory and Council Policy Checklist, and comments have been incorporated / additional forms completed / EIA completed, where required.	Finance: Kerry Darlow
		Legal: David Sellars
		Equalities & Consultation: Annemarie Johnston
		Climate: Jessica Ricks
<i>Legal, financial/commercial and equalities implications must be included within the report and the name of the officer consulted must be included above.</i>		
2	SLB member who approved submission:	Ajman Ali, Executive Director – Operational Services
3	Committee Chair consulted:	Cllr Brian Lodge, Chair of the Charity Trustee Sub Policy Committee
4	I confirm that all necessary approval has been obtained in respect of the implications indicated on the Statutory and Council Policy Checklist and that the report has been approved for submission to the Committee by the SLB member indicated at 2. In addition, any additional forms have been completed and signed off as required at 1.	
	Lead Officer Name: Jo Pearce	Job Title: Service Manager, Business & Partnerships (Parks & Countryside Service)
Date: 9 March 2023		

1. PROPOSAL

1.1 Background

A report was taken to the Cooperative Executive in April 2022. The purpose of the report was to gain approval to go out to tender for a Sheffield Parks Tennis provider to develop and manage a new Activity Hub at Hillsborough Park, manage the existing 6 Parks Tennis sites and manage 2 new Parks Tennis court sites when these are developed. The report outlined the key benefits of the project on the basis that the introduction of an Activity Hub at Hillsborough Park would provide a financially sustainable solution to the city-wide parks tennis programme and the enhancement of the existing parks tennis programme would lead to greater health outcomes for a wider audience.

The Co-operative Executive resolved to approve the proposed commissioning of a partner to further develop, manage and sustain the Parks Tennis Programme Hub and Spoke Model, and;

- Delegated authority to the Director of Culture and Environment, in consultation with the Director of Legal and Governance and the Director of Finance and Commercial Services, to approve the procurement strategy;
- Require the Director of Culture and Environment to undertake the procurement, and to report back, at the conclusion of the procurement, with recommendations on:
 - a. the award of the contract; and
 - b. any associated disposal of land which may be necessary, and any consents or approvals required; and the proposed City Council funding contribution of up to £180,000 (of prudential borrowing) towards the development of the Activity Hub at Hillsborough Park; and the allocation of Section 106 funds of up to £183,000 for the development of the facilities at Hillsborough Park, as described in the report.

1.2 Development and Tennis Proposals

As part of the procurement and tender process the Council has developed both an Operating and Performance specification for the Activity Hub build and spokes Tennis Concession arrangements these can be found in Appendix 1 and Appendix 2. The specifications were developed following significant consultation and ongoing stakeholder engagement.

The development is required to comply with all statutory and regulatory requirements, such as:

- Planning Permission
- Building Regulations
- Health and Safety
- Environmental and Sustainability considerations
- CDM 2015 including Designers Risk Assessment

1.2.1 The scope of the Activity Hub project is to deliver: *A high-quality multi sports activity hub focused around:*

- Development of the Multi Use Games Area (MUGA) and Tennis Courts
- A Catering/ Kiosk Opportunity
- Wider recreational facilities
- An accessible toilet for Park use.
- Ongoing maintenance, servicing and lifecycle requirements

Specific performance outputs highlighted were:

- One Resurfaced and redesigned multi-use games area (for football, basketball, tennis, netball and more) with low-spill LED lighting.
- Provide a minimum of three full-sized resurfaced and remarked tennis courts with low-spill LED lighting on 8m posts. Padel Tennis to be strongly considered.
- One new catering facility created with associated accessible toilets and kitchen subject to planning and building regulations permission which will need to be sought for this building.
- The delivery of wider and diverse activities

Rigorous and national standards for the site and development were set for:

- The Tennis Court upgrade
- Provision for wider activities including but not limited to football, basketball, netball and Padel tennis
- Provision for the accommodation on site including the Café, kitchen and stores, toilets and waste recycling requirements
- Fencing around the MUGA and required access provisions
- Low spill, efficient LED Lighting
- Sports benching
- Drainage and site Grounds Maintenance requirements
- Performance specification for the build including but not limited to thermal performance, a minimum 100-year lifespan and acoustic performance
- Upgrade to Park infrastructure including Tarmac footpaths

The bidder has proposed the following design at the hub see (closed) Appendix 3 Hillsborough CAD visuals, appended, the final design will be dependent on planning requirements.

The full Performance Specification can be found at Appendix 2.

1.2.2 Spokes Tennis and MUGA Operating Concession specification

The Operating Specification (see Appendix 1) provides the detail of the Council's requirements in the following areas:

1. Introduction
2. Activity Hub requirements
3. Building and External Development Performance Standards
4. Pricing Requirements including free to use MUGA
5. Programming Requirements
6. Bookings Policy and Booking Systems
7. Customer Service Requirements
8. Marketing and Promotion
9. Stakeholder Engagement
10. Maintenance Obligations
11. Staffing Requirements
12. Health and Safety
13. Major Incidents
14. Reporting Requirements & Contract Management

The Concession project scope includes:

- Make improvements to the tennis facilities
 - tennis court improvements on a minimum of three courts to The Lawn Tennis Association (LTA) and Sport England (SE) standards
 - introduction of efficient low spill LED lighting
 - Meet the LTA specification for community use
 - Work with other partners on the site to deliver pre-existing and new on-site events such as Tramlines and concerts etc.
 - Consider viability of introducing padel tennis in the Activity Hub
- Carry out a full upgrade and resurfacing to the multi-use games area
- Surfacing and lining appropriate for football, basketball, tennis, netball and other activities, designed within LTA, SE and Football Foundation (FF) guidelines. MUGA line marking to include a range of sports as per Sport England Guidance.
- Create accessible welfare facilities, to be suitable for the number of anticipated daily visitors based on the overall proposal. A minimum provision should include one accessible female and one accessible male toilet.
- Create accessible catering facilities providing a variety of food and beverage menu options, including special dietary choices, and to be able to accommodate the number of anticipated daily visitors. Both indoor and outdoor seating should be made available to customers.
- Create a hub of recreational activities which will cater to a range of audiences, with both a paid for and free to use offer.
- Ensure gate entry points to the multi-use games area and tennis courts are accessible for adapted bikes.

- Ensure the activity hub, connects coherently with the ‘Pump Track facility’ adjacent to the hub to facilitate access by Cycling for All users, pedestrians and cyclists.
- Ensure the activity hub enables the services and operations offered by Cycling for All, which currently provides their main service offer from the existing multi-use games area space.
- Cycle parking to be provided.
- Information/signage proposal to assist use and navigation of the park for members of the public.

1.2.3 Customer Pricing requirements

- The Operator is to comply with the Council's Pricing Policy Requirements detailing maximum pricing;

TENNIS AND MUGA	NON-CARD HOLDERS	PLUS CARD loyalty scheme (All players must have a Plus Card)
CASUAL COURT HIRE Per hour, per court (not per person) Adult Junior	£6.00 £3.00	£4.20 £2.10
COACHING Per hour, per person Adult Junior	£5.00 £4.00	£3.50 £2.80
Courts free at all times	Concord Park	
Courts free to use at specific times as determined by the Council	High Hazels Park Hollinsend Park Ecclesfield	
MUGA	Free to use at all times	

- All price increases shall be agreed in writing with the Council in advance of any price increases being implemented. The Council will retain absolute discretion on all prices.
- The Operator can offer a loyalty/membership, such as the Sheffield Plus Card scheme, as part of their pricing policy, however, pay and play prices must also be offered. The Provider can offer pricing promotions to encourage increased use at all periods of the day.

- The Operators Pricing Policy shall promote the principles of equality of access and sustainability while meeting the agreed participation targets and performance standards. Usage and attendance by all sections of the wider and local community shall be encouraged through the Provider's Pricing Policy to support delivery of the Council's strategic outcomes.

The Council has fully considered the requirements of the communities, stakeholders and the site when developing its high quality and sustainable specification for the Activity Hub and Sheffield wide Tennis provision.

The full operating specification can be found at Appendix 1

1.3 Procurement

As detailed and in accordance with the original report and Procurement Strategy a tender opportunity was placed on the Government's Find a Tender Service on 15 September 2022 seeking proposals under the Concession Contracts Regulations 2016 from prospective operators to manage Sheffield's parks tennis programme and develop the site of the Activity Hub at Hillsborough Park including the tennis provision currently there and within the footprint of the existing site.

In order to be a true concession contract under the Regulations there has to be a transfer of risk by the grantor of the concession, the operator in turn has to have the right to exploit the works or services and this shall always imply an operating risk of economic nature involving the possibility that it will not recoup the investments made and the costs incurred in operating those works or services. On the basis of the response and subsequent negotiation the award would constitute the formation of a Concession Contract under the regulations.

A number of parties expressed an initial interest in the tender and all but one of these potential bidders decided not to submit a bid. On this basis we have worked with the one potential bidder through the Negotiated procedure. The other interested parties ruled themselves out on the basis of being specialist in some but not all of the requirements.

Rigorous evaluation of the bid has been undertaken by an evaluation team represented across the Client area, Capital Delivery Service, Legal Services internal and external, Property Services, Commercial and Finance. Areas of the bid identified through evaluation and warranting further clarification and negotiation have been progressed through the designated process to satisfactory conclusions.

Following negotiations final proposals were received on 10 February 2023. Submissions throughout the Procurement process were evaluated on the basis of the most economically advantageous tender to the Council with the following evaluation criteria;

Quality: 40%

Price: 30%

Commercial Risk: 30%

The Commercial offer to the Council comprises contribution to the sinking fund, repayment the Council loan with Interest, a Concession payment to the Council and a Turnover Fee payable on turnover sums above a financial

Funding for the Capex element is covered utilising a combination of grants and loans from key supporting organisations such as, The Council, The Lawn Tennis Association, Sport England and others. The bidder is providing funding in its own right and in addition is underwriting any shortfall in Capex costs should this be the case; however, the build is currently on a fixed price model. The repayment of third-party loans is fully covered in the financial modelling. Further detail can be found in the financial summary at (closed) Appendix 4.

The contractual agreement comprises the Concession agreement, the Lease agreements that are required, a Grant Funding agreement and the Council's Loan agreement all of which cover the Councils legal and commercial position and requirements.

The documents supporting the arrangements can be found in Appendices 6-8

At the time of writing the supporting legal documents were not in final draft stage, a number of minor drafting changes are required to the Concession terms following the final negotiation round.

The Lease can only be fully drafted following a successful Planning application and the correct application of Charity Law to four affected disposals – see Property section. See draft lease at Appendix 7.

The Loan agreement is in basic form at the present time detailing the term for the Loan and interest rates, the agreement still requires drafting, but the amount, interest and repayment schedule has been accepted by the operator.

Given the investment requirement and the grant and loan funding conditions of the third parties and the Council and taking all this into account has therefore informed the contract length which is recommended to be up to 25 years. To cover costs and make the repayments, a minimum guaranteed term is agreed in principal by the parties as being 15 years with a 24-month notice period. This information is also a requirement for the justification under Concession Contracts Regulations of agreements in excess of 5-year duration.

2. HOW DOES THIS DECISION CONTRIBUTE ?

- 2.1 Investment in the parks tennis programme will improve financial viability and long-term sustainability of the services provided across our parks.

This proposal aligns with the One Year Plan; Communities and Neighbourhoods theme:

Every community in Sheffield should be a great place to live, with excellent local services, access to high quality green spaces, and a great local centre; where everyone has a home they are proud of, that suits their needs, and that supports

their health; where everyone feels safe and is able to live without fear of prejudice or discrimination; where people get along and everyone can play a full part in the life of their local area, and have an expectation of health, wellbeing and happiness.

This proposal will support Parks and Countryside's aspiration for Hillsborough Park to achieve Green Flag status and will further strengthen the quality and offer for local people and other visitors.

This proposal will contribute to a reduction in health inequalities and support wider public health outcomes. Enhancement of sport and recreational facilities that appeal to a wider range of people, including women and girls. This safe and accessible facility will provide an on-site presence that will enable and facilitate a variety of use and targeted users.

This proposal will contribute to the Sheffield Sport and Leisure Strategy which is currently in development, and city wide consultation (see 3.3) has highlighted the importance of improvements to multi-use recreational spaces in the outdoors.

3. HAS THERE BEEN ANY CONSULTATION?

3.1 Local Consultation - in relation to the Activity Hub at Hillsborough Park

Consultation regarding this project and the wider development of Hillsborough Park began with stakeholders around February 2021. Further Consultation was carried out between April and September 2021 and included both an online survey and a virtual stakeholder session which has resulted in a rich seam of information to support the development of a Forward Plan for Hillsborough Park and underpin an application for Green Flag status during 2022.

The Forward Plan online consultation had 412 responses and identified key themes and local priorities for investment across the site, several of which are relevant to this project. Interestingly 42% of respondents didn't know about the quality of the tennis courts which suggests that in their current state they are not heavily used. Of those that said they were poor or very poor they also commented that the 'tennis courts need improvement', 'better lights on the tennis courts', 'the tennis courts need updating as the floor is very worn' and the 'tennis courts need tidying up.' Similarly 41% of respondents were not able to comment on the quality of the MUGA provision and 17% felt that it was 'poor' or 'very poor' with mention of the dangerous surface. When questioned about improving the tennis and MUGA facilities in the Park respondents ranked this project in 5th position and the opportunity to try out new sports such as padel tennis, pétanque and adventure golf in 6th position.

The projects identified as higher priority: 1) toilet provision in the Park, 2) a Changing Spaces toilet, 3) a Park Shelter and 4) improved run routes, with the exception of the Park Shelter, these other projects have either been delivered or in the process of being delivered, which brings the need for recreational improvements and associated activities close to the top of the list.

Specific consultation related to the development of the Activity Hub was carried out in 2022, see Appendix 9 for further detail. The consultation was carried out over Sheffield City Councils online engagement platform, Citizenspace, and 607 people responded. There was significant support to the proposed changes with approximately 4:1 in favour of the proposal, as well as resistance to some of the elements, a key concern for some related to the reduction in size of the multi-use games area.

The feedback gained through both consultations as well as insight from partners such as Sport England, Basketball England and the Football Foundation around design principles, was used in the development of the performance and operating specifications. Included within the specification was the need for;

- Continued free use of the multi-use games area
- Improvements to the recreational facilities
- Welfare and catering facilities
- Facilities which are complementary to other activities/events in the park
- A space which is designed in a way which could accommodate multiple users and activities and attract target audiences who are often discouraged by traditional multi-use games activities and spaces i.e. Make Space for Girls

We continue to have conversations with key stakeholders in the park including Cycling for All, local Members, the Friends of Group, Age UK, other license holders and event organisers as the project progresses.

There are two stakeholders that are directly impacted by this proposal at an operational level; Cycling for All and Tramlines. Recent discussions with these two key organisations have focused on ensuring that their needs are accommodated within the re-design of the proposed activity hub space. Discussions have been constructive, and we continue to work together with all stakeholders as this project develops and would continue do so in advance of any planning applications.

3.2

Local Consultation – in relation to the 8 spoke sites

Specific consultation has been undertaken at the two sites that are currently being improved for the re-provision of tennis at Hollinsend Park and Ecclesfield Park. At Ecclesfield Park there was a full 'improvements and priorities' survey for the site which received 274 responses, with 204 respondents wishing to see tennis courts re-provision and MUGA improvements.

At Hollinsend Park, full consultation was undertaken when the site master plan was developed in 2008, this showed the refurbishment of the tennis courts as a key priority. The Friends group have been fully engaged with the delivery of the current refurbishment project, and site notices have informed local communities including progress updates (in this instance funding was specific to the goal of tennis court renewal).

For all the outdoor tennis courts sites that form part of this key site stakeholders have been informed about the proposed changes to the tennis management arrangements. The impact of the proposed changes for these 'spokes' is considered to be positive as the arrangement will strengthen the coaching opportunities at these

sites, and the sinking fund component will provide funding over the time period of the contract for infrastructure renewal investment.

3.3 **Sheffield Sport and Leisure Strategy Consultation**

A consultation was carried out by Sheffield Council in 2022 to better understand how our sport and leisure assets and services can be re-shaped to help deliver the outcomes in the Move More Plan and the City's wider strategic priorities. We know for example, that many of our sport and leisure facilities require investment and modernisation to better meet the needs of our communities and that it is easier to be active in some communities in Sheffield than in others.

We want to address this inequality and ensure our indoor and outdoor facilities are modern, welcoming and inclusive and that our services create opportunities and encourage more people to be more active, more often in an equitable way.

The key points from the consultation with relevance to the parks tennis programme include;

- appetite for investment in facilities and services which support the delivery of sport and physical activity
- desire for additional investment in outdoor activity spaces which provide opportunities for low-cost activities on the doorstep
- recognition that indoor and outdoor spaces should be places that people want to visit for multiple reasons. Investment should support the development of facilities as activity hubs by creating spaces which are multi-purpose destinations in their own right
- the notable shifts in participation patterns observed during the Covid-19 pandemic and people's appetite for exercising in the outdoors
- Small scale investment which would reinstate derelict or disused facilities would be welcomed

3.4 **Better Parks Consultation**

In 2018 the Parks and Countryside Service carried out an online citizen space consultation, framed around the Better Parks initiative. The key themes that came through this consultation, which confirmed previous research highlighted within the Outdoor City Strategy, were the need for toilets and café facilities to really enhance and support people to access and enjoy our Parks, Woodlands and Green Spaces.

This consultation has driven the approach taken for the Better Parks initiative, meaning that we continue to look for opportunities to create or enhance these types of facilities, whilst in a financially sustainable way, in partnership with others. For the Activity Hub at Hillsborough, we can see that the tennis courts and multi-use games area alone, won't create that hub of provision required, whereas with the introduction of toilets and other welfare facilities, this will make the opportunity more appealing and accessible to a range of audiences.

4. **RISK ANALYSIS AND IMPLICATIONS OF THE DECISION**

4.1 Equality Implications

Hillsborough, Hollinsend and Ecclesfield where the most significant facility improvements will be seen, are all in the top 30% Indices of Multiple Deprivation across Sheffield with high levels of inactivity and obesity in children and adults.

This proposal will help to improve the health and wellbeing of groups within these areas who are experiencing poorer outcomes. The introduction of accessible welfare facilities will provide greater access for disabled people. The range of improved facilities alongside targeted community engagement programmes, will support a reduction in health inequalities with focus on key groups such as; women and girls, people on lower incomes, children and older people, disabled people and people from Black, Asian and minority ethnic backgrounds.

4.2 Financial and Commercial Implications

Sheffield City Councils direct financial contribution to the project includes:

- £183,000 of Section 106 funding
- Up to £180,000 funding from prudential borrowing

The preferred supplier will fund all remaining capital investment and generate a sufficient return to:

- Repay the prudential borrowing including interest
- Contribute to project lifecycle costs via a sinking fund
- Pay a revenue contribution to SCC, which will be allocated to, the Hillsborough Park business unit for the Hub and other parks business units for Parks Tennis in other locations. This income will be included in the parks charities accounts.

Any funding gap is to be covered by the operator and a Parent Company Guarantee will be completed for assurance, see Appendix 5.

The Activity Hub is also expected to increase the usage of the adjacent car park, which will generate a further revenue benefit to The Hillsborough Park Charitable Trust.

The loan term is 15 years and interest will be payable annually (5%). This will be covered by a separate loan agreement.

Financial due diligence including background checks on the financial health of the preferred supplier and detailed analysis of the robustness of capital and revenue budget assumptions, contained in the bid, has been undertaken to demonstrate that the proposal should meet the expectations detailed above. Further detail on the financial summary can be found at Appendix 4.

4.3 Legal Implications

The Local Government (Miscellaneous Provisions) Act 1976 permits the Council to provide such recreational facilities as it thinks fit which includes tennis courts and a wide variety of outdoor and indoor facilities and associated provision. The power is broad and sufficient for the purpose of this proposal.

However, if it were necessary the Council could use its ancillary powers under s111 Local Government Act 1972 or its 'General Power of Competence' under s.1 of Localism Act 2011.

The procurement must comply with domestic procurement law, including the relevant contracts regulations, and the Council's own standing orders and the Council must also ensure that the proposals are Subsidy Control compliant.

Each of the Public Contracts Regulations 2015 and the Concession Contracts Regulations 2016 would require the Council to treat providers equally and without discrimination, to act in a transparent and proportionate manner, and to prevent or eliminate conflicts of interest.

The sites that make up the Activity Hub at Hillsborough Park and the spoke sites across various city parks are a mixture of charitable and non-charitable land. In all cases the proposal is that the use and occupation of sites by the preferred supplier will be regulated by way leasehold interests for up to 25 years. The lease term was addressed as part of the procurement strategy, taking into consideration the minimum term required for the relevant funder (i.e. The Lawn Tennis Association) whilst also ensuring a sufficient length of term for the partner to secure its required return on investment.

In the case of the non-charitable land the disposal of the land will be pursuant to the best consideration requirements of section 123 of the Local Government Act 1972.

In respect of the land that is held on charitable trusts the Council as charity trustee must comply with the restrictions on any disposition contained in the relevant provisions of the Charities Act 2011. These contain a general obligation to achieve the best price that can be reasonably obtained on any disposal but also contains a number of specific obligations as detailed below.

Section 120 of the Charities Act 2011 contains an obligation on the trustee to obtain and consider advice from a person having the requisite ability and practical experience to provide them with competent advice on the proposed disposition who is instructed by the charity trustee and acting exclusively for the Charity. A report compliant with the requirements of section 120 has been obtained in respect of each charitable site and is attached to this report at Appendix 10.

Where the land is held for specific charitable purposes (designated land) and the proposed lease as in the case will be for a term in excess of two years under s121 of the Charities Act 2011 the lease cannot be entered into until public notice has been given of the proposed letting inviting representations to the trustees within one month of notice being given and those representations have been considered.

In the event that the trust in question does not contain an express power allowing the charity trustee to dispose of the whole or any part of the land held on trust for the objects of the Charity the Council proposes to rely on the power of sale contained in section 6 of the Trusts of Land and Appointment of Trustees Act 1996. This provides for the sale of land where the extent of the disposal is so small that it will have no impact on the charity's ability to further its objects. As in relative terms the disposals are only for a short period of time, will not provide any security of tenure for the

tenant and are consistent with previous uses of the premises it is considered that the trustees can rely on the statutory powers referred to above where necessary and will not need to seek any consents from the Charity Commission. Should it transpire that this is not the case then the necessary approvals will be sought.

All the sites to be leased are designated as Open Space. Therefore, before any proposed disposal takes place the Council is required to give notice pursuant to section 123 (2a) of the Local Government Act 1972. The notices will be advertised giving details of the proposed disposal together with access to a plan in a local newspaper for two consecutive weeks. In addition the notices will be made available on the Council website.

In addition in some cases the Council's freehold title has been dedicated as a Fields in Trust Centenary Field. The Council will need to satisfy Fields in Trust that the granting of the leases are consistent with the FIT charitable objectives. It is considered that the continuation of the current uses primarily delivering affordable tennis is consistent with FIT charitable objectives.

Additional legal advice is set out in the closed Appendix 11 to this report.

4.4 Property Implications

The project involves disposing of property by way of 25-year leases at the following locations – see Appendix 12 for plans for each site:

1 Hillsborough Park (this will be the Hub and comprise of the site of the existing MUGA/tennis courts which it is proposed to redevelop to provide new facilities)

The 'spokes' are tennis courts and ancillary facilities currently at and any new site identified during the term:

- 2 Ecclesfield Park
- 3 Concord Park
- 4 High Hazels Park
- 5 Graves Park
- 6 Millhouses Park
- 7 Bingham Park
- 8 Weston Park
- 9 Hollinsend Park

Of the above, the parks at Hillsborough, High Hazels, Graves and Weston comprise Charitable land held on Trust.

The sites that lie within Charitable Parks will need to follow the legal requirements governing the disposal of Charity land. (See legal implications section in this report) The Council, as charity trustee of those sites, must comply with the restrictions on any disposition contained in the relevant provisions of the Charities Act 2011. These contain a general obligation to achieve the best price that can be reasonably obtained on any disposal but also contains a number of specific obligations as detailed below.

Section 120 of the Charities Act 2011 contains an obligation on the trustee to obtain and consider advice from a person having the requisite ability and practical experience to provide them with competent advice on the proposed disposition who is instructed by the charity trustee and acting exclusively for the Charity. A report containing this advice is attached in the closed Appendix 10

The basis of disposal in each case will be by way of a 25 year lease on the terms set out in the closed Appendix 8 with the draft lease at Appendix 7

5. ALTERNATIVE OPTIONS CONSIDERED

5.1 Do nothing

Parks and Countryside's have reviewed the option of continuing as is, with the existing parks tennis programme model exclusive of an Activity Hub. It has been concluded that continuing in this way, now with the added pressures that the Council is facing as a result of the pandemic, would make the model financially challenging for the future. It would also mean the loss of the opportunity to improve the sports and recreational facilities in this currently underused area of the Park. In addition the health and wellbeing gains that would be gained through the introduction of the hub and the improvement of the recreational and sports facilities would be reduced.

For the tennis sites that form part of the 'spokes' of this proposal, the do nothing option would put the future viability and quality of these facilities at risk, as the current model does not adequately account for the financing of future infrastructure renewal needs.

6. REASONS FOR RECOMMENDATIONS

Continued management of Sheffield's parks tennis programme, alongside a sustainable business model, providing appropriate opportunities to generate income, provides financial security to parks tennis programme into the future. Without this, the programme faces a financially challenging future.

Hillsborough Park is a site which lies within an area identified as within the top 30% IMD, and therefore the provision of quality sport and recreational facilities will have a real benefit to communities with identified health inequalities. It is designated as a 'City Park' which reflects the fact that residents travel to the park from across the city and further afield; and hence the benefits will also have city wide reach.

The deteriorating conditions of the existing tennis and multi-use games area provision are not 'city' standard. Improvements to these recreational facilities will support the parks Green Flag aspirations. The provision of an exciting and high-quality facility of this nature will raise the standard of the park, increase its attractiveness as a destination site and encourage and attract users of all ages and abilities from various communities to engage in sport and physical activities.

Data and evaluation will form an important component of this project to capture benefits, outputs and outcomes particularly focused around a reduction in health inequalities. See Appendix 13 for the latest performance insight.

The social return on investment of the current parks tennis programme was recently valued by Sheffield Hallam University at over £191,000, this includes;

- £51,000 Health Outcomes
- £95,000 personal wellbeing
- £45,000 community development

We would expect this value and therefore benefits gained, to increase considerably with the introduction of the Activity Hub at Hillsborough Park and additional courts at Hollinsend and Ecclesfield Parks.

The council recognises that leisure provision both indoors and outdoors is critical post pandemic, with many people requiring rehabilitation after suffering long-COVID, or diminished mental health caused by lockdown.

The health and wellbeing of residents is a priority, and it is clear the services delivered by facilities such as this play a vital role both now and in the future. It is therefore critical that long term sustainable plans are put in place to maintain and grow these facilities.

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