



NORWICH City Council

Committee Name: Scrutiny

Committee Date: 28/02/2022

Report Title: Call in - The award of a concessionary contract for the delivery of tennis centre operations in Norwich

Portfolio: Councillor Packer, Cabinet member for health and wellbeing

Report from: Head of legal and procurement

Wards: All wards

OPEN PUBLIC ITEM

Purpose

For members of the scrutiny committee to consider a call-in of the cabinet decision of 9 February 2022 to award a concessionary contract for the delivery of tennis centre operations in Norwich.

Recommendation:

The scrutiny committee can decide to either:

- a) support the cabinet decision, in which case it can then be implemented, or
- b) It can be referred back to cabinet for re-consideration.

Policy Framework

The Council has three corporate priorities, which are:

- People living well
- Great neighbourhoods, housing and environment
- Inclusive economy

Report Details

1. At its meeting on 9 February 2022, cabinet made the decision to
 - 1) enter into a concessionary contract for the provision of tennis centre operations in Norwich; and
 - 2) delegate the award of the contract to the most economically advantageous supplier to the Executive director of development and city services, in consultation with the portfolio holder for Health and Wellbeing
2. This decision was called in by Councillors Galvin, Osborn and Wright under the terms of the council's constitution.
3. The reason given for the call in is to examine **contract management, equalities and customer service**, and **specific deliverables** to check that the city is delivering its aims in this provision of: people living well and great neighbourhoods, housing and environment corporate priorities.
4. The following questions were submitted to form the call in and will be answered by officers and the portfolio holder at the meeting:

Contract management

- 1) What constitutes the management of the operation of the courts. In what increments will the annual income to the council of £32,200 for the site costs be provided (payable annually, monthly). What the penalties are around non provision of service or non payment.
- 2) What controls the council has over the rates charged by the company to the public; what control the council has over the membership system operated by the company.
- 3) What risk assessment/due diligence has been conducted/be required. Which break clauses are in the contract.
- 4) Regarding provision of LTA registered venues to ensure safeguarding obligations are fulfilled – what the assessment process is for safeguarding checks: independent or self-led. What will happen if a venue fails to achieve minimum standards and loses its registration.
- 5) Who checks that the company has ensured facilities and services provided are safe.
- 6) Who audits the accounts of the company to check it is paying the Living Wage, and how often.
- 7) What is the term of the contract.
- 8) How will the council audit the above provision during the contract term (will a service level agreement be entered into).
- 9) Who maintains the facilities and to what standard. Who deals with ad hoc issues such as vandalism. If unforeseen issues or maintenance affects profitability, what process is followed.
- 10) Will the company provide an out of hours service if floodlights are misused or is this the council's responsibility.
- 11) How will the company liaise with local residents and park Friends groups. Will it be encouraged to form links, if so how.

- 12) What are the Council's criteria for selecting a provider? Please supply a copy of the evaluation documents. How much weight will be given to the need to increase use by people from reducing inequality target areas?
- 13) What lessons from earlier contracts for Norwich Parks Tennis has the Council drawn on in formulating the contract for a new provider?
- 14) What arrangements will be put in place if the provider is no longer able to satisfy the contract?
- 15) What additional arrangements for monitoring and evaluating performance will be put in place based on experience of Norwich Parks Tennis since 2012?

Equalities and customer service

- 1) Explain and provide the baselines that the contract seeks to increase on, and by what factor the increase is expected, in these areas: levels of people's activity; use by local schools; use by specific age groups (which age groups); use by people from reducing inequality target areas; interest and opportunity for people to take up tennis (how will this be measured); use by people with a disability; use of the facilities by members of underrepresented ethnic groups.
- 2) How will equipment be provided to those without the means to purchase racquets, balls and tennis shoes.
- 3) Which groups have been consulted in the drawing up of these requirements and the contract.
- 4) How will customer satisfaction be measured.
- 5) Who arbitrates if a complaint is received by the public regarding the service.
- 6) Will Norwich Notes be accepted by the company in payment.
- 7) How has the Council addressed the inbuilt bias of the contract towards not increasing use by people from reducing inequality target areas and impacting on the provider income?
- 8) Will the Council ask the new provider to supply free tennis coaching and floodlighting to people on very low incomes and if so, what will be the minimum number of free sessions per annum required?
- 9) What is the Council's expectation over the increase in the use of courts by groups with protected characteristics based on its experience and monitoring of Norwich Parks Tennis since 2012?
- 10) How many tennis sessions annually does the Council anticipate will be covered by Norwich Notes based on its experience of Norwich Parks Tennis since 2012 and will regular free coaching and use of floodlights be offered alongside?

Specific deliverables

- 1) What kind of services are expected to be provided at the pavilion at Heigham Park. As it is currently derelict, who will undertake the renovations to make it possible to provide services there.
- 2) What are the improvements at Harford Park tennis courts and when will they be delivered; how does this link to an increase to £35,900. 'A further £7,456 if office space at Eaton Park is required' – what provision does that refer to?
- 3) What is the minimum spec for consumables such as nets and balls, and what other items fall under 'etc' here.

Consultation

Please see the cabinet report attached at appendix A.

Implications

Please see the cabinet report attached at appendix A.

Financial and Resources

Please see the cabinet report attached at appendix A.

Legal

Please see the cabinet report attached at appendix A.

Statutory Considerations

Please see the cabinet report attached at appendix A.

Risk Management

Please see the cabinet report attached at appendix A.

Other Options Considered

Please see the cabinet report attached at appendix A.

Reasons for the decision/recommendation

Under the council's constitution, the scrutiny committee is entitled to call in any decision made by cabinet.

Background papers: None

Appendices: Cabinet report - The award of a concessionary contract for the delivery of tennis centre operations in Norwich

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Committee Name: Cabinet

Committee Date: 09/02/2022

Report Title: The award of a concessionary contract for the delivery of tennis centre operations in Norwich

Portfolio:	Councillor Matthew Packer, Portfolio holder for health and wellbeing
Report from:	Executive director of development and city services
Wards:	All wards
OPEN PUBLIC ITEM	

Purpose

To consider delegating authority to award the concessionary contract for the delivery tennis centre operations in Norwich.

Recommendation:

To:

- 1) enter into a concessionary contract for the provision of tennis centre operations in Norwich; and
- 2) delegate the award of the contract to the most economically advantageous supplier to the Executive director of development and city services, in consultation with the portfolio holder for Health and Wellbeing

Policy Framework

The Council has three corporate priorities, which are:

- People living well
- Great neighbourhoods, housing and environment
- Inclusive economy

This report meets the people living well and great neighbourhoods, housing and environment corporate priorities.

Report Details

Background

1. Norwich Parks Tennis started in 2012 and is a council initiative, supported by the Lawn Tennis Association, to deliver high quality, accessible, value for money tennis facilities and services on a financially sustainable basis. The service currently provides household membership at £35 per-household and play not requiring floodlights is then free.
2. Norwich Parks Tennis currently operates at Eaton Park, Waterloo Park, Harford Park and Lakenham Recreation Ground. A facility at Heigham Park is nearing completion and will become part of the initiative in early 2022.
3. The contract for the delivery of tennis centre operations in Norwich, (Norwich Parks Tennis) is currently provided by The National Tennis Association, previously operating as EA Tennis. They were awarded a contract in 2012. The current contract ends on 31 March 2022.

Tender process

4. In order to continue to provide Norwich Parks Tennis, the Council needs to tender for a new supplier. This has been advertised as an open opportunity during January 2022. The procurement exercise will comply with the Public Contract Regulations 2015, and the Council's Contract Procedure Rules
5. A facility at Heigham Park is nearing completion and will become part of the initiative in early 2022.
6. The new contract from 1 April 2022 will require the service provider to provide services at the following sites:
 - 7 x floodlit courts at Eaton Park
 - 3 x non floodlit courts at Waterloo Park
 - 3 x floodlit courts at Heigham Park (and associated pavilion)
 - 2 x floodlit courts at Lakenham Recreation Ground
 - 2 x floodlit courts at Harford Park
 - Additional sites as necessary
7. The new contract will also require the service provider to:
 - manage the operation of the courts and provide an annual income to the council of £32,200 for the site costs, increasing to £35,900 once improvements at Harford Park tennis courts have been delivered and a further £7,456 if office space at Eaton Park is required;
 - provide consumables such as nets and balls etc

- provide LTA registered venues which ensures safeguarding obligations are fulfilled;
 - increase levels of people's activity;
 - increase use by local schools;
 - increase use by specific age groups;
 - increase use by people from reducing inequality target areas;
 - increase interest and opportunity for people to take up tennis;
 - increase use by people with a disability;
 - increase use of the facilities by members of underrepresented ethnic groups;
 - ensure good customer satisfaction;
 - ensure facilities and services provided are safe;
 - pay the living wage
8. To enable the council to evaluate the proposed quality of service, suppliers are required to provide 4 detailed method statements explaining how they will meet the Council's requirements.
 9. A provisional supplier will be selected by 17 February 2022. Once the delegated decision to award the contract has been made, a standstill period of 10 days will apply.
 10. Delegated authority to approve the contract award is requested due to the timing of Cabinet meetings during the coming months and the need for the successful service provider to have 4 weeks in which to mobilise the new service.

Implications

Financial and Resources

11. Any decision to reduce or increase resources or alternatively increase income must be made within the context of the council's stated priorities, as set out in its Corporate Plan 2019-22 and Budget.
12. There are proposals in this report that will increase resources. The current income to the council from the existing contract per annum is £18,450. The expected income to the council for this concessionary contract will increase to £39,656, through an increase in charges to the service provider and the addition of sites. Income will increase further to £43,356 per annum once the Harford Park tennis improvements have been delivered.
12. A sinking fund will continue to operate, whereby the annual income is set aside into a reserve to ensure that all revenue costs for the provision and future maintenance of the sites are covered.
13. The contract will be between the council and the winning supplier.

14. Statutory Considerations

Consideration:	Details of any implications and proposed measures to address:
Equality and Diversity	Positive through the requirement for targeted initiatives and delivery at more sites than currently
Health, Social and Economic Impact	Positive as a result of providing a good value service and initiatives to get people active through tennis.
Crime and Disorder	Positive as a result of increased presence in parks all year round and from 0700 until 2200.
Children and Adults Safeguarding	Positive LTA registered sites and protocols providing increased presence of people who are trained to identify safeguarding concerns and processes are in place to address them.
Environmental Impact	No impact

Risk Management

Risk	Consequence	Controls Required
Contract not awarded on time	Reduced time for contractor to mobilise and lapse or poor quality service from day 1.	Contracted awarded on time

Other Options Considered

15. There are no other reasonably viable options.

Reasons for the decision/recommendation

16. The Council is being recommended to approve this procurement in order to ensure the Council complies with its duties under procurement regulations and to ensure the ongoing delivery of Norwich Parks Tennis from 1 April 2022.

Background papers: None

Appendices: None

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