



**London Borough of Hammersmith & Fulham**

**CABINET MEMBER DECISION**

**APRIL 2014**

**BROOK GREEN TENNIS COURT IMPROVEMENTS**

**Report of the Cabinet Member for Environment, Leisure and Residents Services/  
Cllr Greg Smith**

**Open Report**

**Classification:** For Decision

**Key Decision:** No

**Wards Affected:** Avonmore and Brook Green

**Accountable Executive Director:** Lyn Carpenter, Bi-Borough Executive Director  
Environment, Leisure and Residents Services

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The Cabinet Member has signed this report.

DATE: 24 April 2014.....

**1. EXECUTIVE SUMMARY**

- 1.1. The Friends of Brook Green (FBG) have over a number of years been actively involved in improving Brook Green, and have recently been provided with approval for lease to improve the long-term management and maintenance of the existing Tennis Courts and future Pavilion at Brook Green. Sport England and The Mayor of London's Office have both committed funds to FBG to improve the tennis courts, subject to these improvements being delivered.
- 1.2. This report seeks approval from the Cabinet Member for Environment, Leisure and Residents Services to provide the Friends of Brook Green

with S106 contributions received by the Council to cover the gap in funds in order to refurbish the existing tennis courts. The Council would then provide the Friends of Brook Green with a license for works to complete the improvements.

## **2. RECOMMENDATIONS**

- 2.1. That approval be given to provide the Friends of Brook Green a sum of £76,091.76 of S106 contributions available for improvements to Brook Green as required to refurbish the existing tennis courts as set out in paragraph 6.3 in this report.

## **3. REASONS FOR DECISION**

- 3.1. The recommendation to provide the S106 contributions to the Friends of Brook Green is based on the award of a lease to the Friends of Brook Green for the management and maintenance of the tennis courts and future pavilion after a satisfactory business case provided to the Council.
- 3.2. The Friends of Brook Green have received £100,000 of combined external funding from Sport England and The Mayor of London's Office to refurbish the existing tennis courts, with an additional £2,750 from Ecole Francaise Jacques Prevert, however the full refurbishment cost is £178,841.76 inc VAT. The funds available to cover the remaining costs associated with improving the tennis courts at Brook Green has been received in large part because The Friends of Brook Green were actively involved in negotiating S106 contributions over the past few years to see the Green improved.

## **4. INTRODUCTION AND BACKGROUND**

- 4.1. Brook Green is a registered Common in the Avonmore and Brook Green ward. The Green is a valuable local green space in a densely populated area. It is a popular space that attracts many different users due to its mixture of interesting landscape designs, children's play facilities and opportunities for formal and informal sport, which include the tennis courts.
- 4.2. As set out in the Cabinet Member Decision Report to award a lease of the tennis court and future pavilion to the FBG, the refurbishment of the existing tennis courts is essential in providing improvements to tennis services for residents and user groups.
- 4.3. The FBG were formed in 2010 as a community group. It is a Registered Charity with its own legal persona (being a company limited by guarantee and incorporated under the laws of England and Wales). Approximately 1,100 people have registered as Friends.
- 4.4. Overall the Friends' model works well and adds value in a local community context. Through partnering LBHF, The FBG significantly augment the financial and managerial resources available for Brook Green. Their democratic constitutional arrangements ensure that the views of residents and users of the Green are given due priority in their execution and that they remain fully and continually accountable to this constituency.

- 4.5. The Green is an important facility in the lives of many local people and the Friends has established itself as a valued additional institution for ensuring that it is looked after for the benefit of all. Since inception they have traded profitably and have built up a useful level of free financial reserve (currently around £30,000) which is intended to increase over time.

## **5. PROPOSAL AND ISSUES**

- 5.1. The proposal is for the refurbishment of the existing tennis courts at Brook Green to be managed by a community organisation, the FBG. The project will refurbish the external tennis courts with new colour coated porous macadam surfacing and painted line markings for three tennis courts and two mini tennis red courts. New floodlighting to LTA minimum standard levels of illumination will extend playing time during the winter months. New ball-stop fencing (3m high) will enclose each mini tennis court from the single three-court block, to enable segregated play.
- 5.2. The proposed works are part of the 21-year lease of the tennis courts and future pavilion provided to the FBG. These improvements will provide FBG with fit for purpose facilities and provide them with the opportunity of maximising income.
- 5.3. The FBG have financial agreements in place with Sport England (via their Inspired Facilities fund) and the Mayor of London (via their Sports Facility Fund); receiving a £50,000 grant from each body. As part of the Sport England grant agreement, a contractor was appointed, via Sport England's framework agreement, to the FBG to develop and construct the improvements.
- 5.4. A key issue for the Council is the management and supervision of the construction works provided at the Brook Green tennis facilities, which have been addressed by the business plan of the Friends of Brook Green and present no further risk than any external operator. The Council have also been involved in the development plans of the courts and will continue to assist in the process when the works are carried out.
- 5.5. In order to minimise risks associated with the delivery of the refurbishment, the Council and the FBG obtained planning consent in early 2014 to install the proposed floodlights.

## **6. OPTIONS AND ANALYSIS OF OPTIONS**

- 6.1. The proposal to provide the FBG with the funds to proceed with the improvements to the tennis courts is the preferred option as it provides the local community with reassurance that the local facilities will be managed and delivered as required and also minimises the financial investment and liability risk to the council.
- 6.2. Ensuring the tennis courts were refurbished was a requirement of the lease to the FBG, therefore an option to leave the courts in their current condition was not considered. The options considered were:

- a) The FBG as the contracting authority; now that authority to award them the 21-year of the tennis courts and future pavilion has been approved:
- b) The Council is the contracting authority

6.3. The current financial arrangement is summarised below:

<b>Funding Sources</b>	<b>£</b>
Sport England – Inspired Facilities	50,000
Mayor of London – Sports Facilities Fund	50,000
Ecole Francaise Jacques Prevert	2,750
<b>TOTAL EXTERNAL FUNDS</b>	<b>102,750</b>
<b>Project Costs</b>	
Refurbishment of tennis courts exc. VAT	149,034.80
VAT	29,806.96
<b>TOTAL PROJECT COSTS</b>	<b>178,841.76</b>
<b>TOTAL FUNDING GAP</b>	<b>76,091.76</b>

- 6.4. Option A allows the FBG to opportunity to develop and manage the refurbishments as required to deliver the conditions of the lease and Business Plan. It also minimises the Council’s financial risks and resources associated with the refurbishment.
- 6.5. Option B would see the Council responsible for the payments and financial responsibility of the refurbishment contract.
- 6.6. It is recommended that the funding gap is sourced from the 184 Shepherds Bush contribution (2013/00454/FUL aka 787) of £200,000 for Brook Green improvements.
- 6.7. As such it is recommended that option A is approved. The proposal represents a one off transfer of S106 funds to the FBG in order refurbish the existing tennis courts. It also ensures that the local community is an integral part in the sustainability, management and maintenance of Brook Green and subsequently delivering greater long-term community involvement in the running of a local service as set out in their Business Case.

## **7. CONSULTATION**

- 7.1. The proposal is part of the short to long term aspirations set out in the Brook Green Management Plan (2012-2022) and the Brook Green Vision

document (May 2011), which were formulated from extensive community consultation.

- 7.2. More recently consultation was undertaken specifically with regards to floodlighting the tennis courts, which received planning consent in January 2014.

## **8. EQUALITY IMPLICATIONS**

- 8.1. An Equality Impact Assessment has been completed and the key findings identified is that the proposal will provide the necessary resources for leisure and recreational activities and provides a platform for encouraging wider participation in sport.

## **9. LEGAL IMPLICATIONS**

- 9.1. As this report simply seeks approval for the use of certain money no issues arise from that provided that there are no restrictions in the relevant S106 agreement that would be contravened by using the money as suggested.
- 9.2. Implication verified/completed by: Keith Simkins, Principle Solicitor,; 020 7361 2194 or 07739315347 (Mobile)

## **10. FINANCIAL AND RESOURCES IMPLICATIONS**

- 10.1. The financial implications of this proposal are set out in section 6 of this report. There is greatly reduced financial risk to the Council given that the Council will not be required to manage and take financial responsibility of the contract if option A is agreed.
- 10.2. Implications verified/completed by: Jade Cheung, Finance Manager, FCS, 020 8753 3374.

## **11. RISK MANAGEMENT**

- 11.1. There are no direct risk management implications associated with the report as the recommendation is to seek an approval for funding the gap in the refurbishment costs.
- 11.2. Implications verified/completed by: Michael Sloniowski, Bi-borough Risk Manager 080 8753 2587.

## **12. PROCUREMENT AND IT STRATEGY IMPLICATIONS**

- 12.1. There are no procurement related issues as the recommendations contained in this report relate to the transfer of S106 funds to the FBG in order for them to refurbish the existing tennis courts. As the works will be commissioned by the FBG the Council's Contract Standing Orders do not apply.

12.2. Implications completed by: Joanna Angelides, Procurement Consultant Tel  
No 0208 753 2586

**LOCAL GOVERNMENT ACT 2000**  
**LIST OF BACKGROUND PAPERS USED IN PREPARING THIS REPORT**

<b>No.</b>	<b>Description of Background Papers</b>	<b>Name/Ext of holder of file/copy</b>	<b>Department/ Location</b>
1.	H&F Parks and Open Spaces Strategy	Chris Welsh X4898	ELRS, Stable Yard, Holland Park
2.	Brook Green Management Plan	Chris Welsh X4898	ELRS, Stable Yard, Holland Park
3.	Brook Green Vision	Chris Welsh X4898	ELRS, Stable Yard, Holland Park
4.	Friends of Brook Green tennis courts business case (exempt)	Chris Welsh X4898	ELRS, Stable Yard, Holland Park
5.	EIA for Brook Green Tennis Courts works	Chris Welsh X4898	ELRS, Stable Yard, Holland Park