



## Mayor and Cabinet

### **Report title: Beckenham Place Park - Swimming Concession**

**Date:** 24 January 2024

**Key decision:** Yes.

**Class:** Part 1

**Ward(s) affected:** Bellingham and Downham

**Contributors:** Peter Maynard, Green Space Contract Officer

### **Outline and recommendations**

Mayor and Cabinet are recommended to award a concession contract to PTP Coaching Ltd. to manage lake activities (swimming & boating) on the lake at Beckenham Place Park and lease.

The contract will be for a period of 5 years, commencing 1 June 2024.

The tender opportunity was advertised between 28/09/2023 – 31/10/2023 via the London Tender Portal, Find a Tender service and Contracts Finder, as per the Council's contract procedure rules.

An Approval to Procure report was approved at Mayor and Cabinet on 15 January 2020.

## **1. Summary**

1.1 This report seeks approval to award a contract to an operator for the provision of lake

activities at Beckenham Place Park. This service will include but not be limited to the provision of swimming and boating activities.

- 1.2 This replaces the interim arrangement that has been in place since 2019.

## **2. Recommendations**

- 2.1 It is recommended that the Mayor and Cabinet approve the award of a concession contract to PTP Coaching Ltd for the provision of swimming and other lake activities in Beckenham Place Park. The contract will be for five years, commencing 1 June 2024, and will provide investment into the site and an income to the Council based on a combination of rent and percentage share of annual gross turnover.
- 2.2 That Mayor and Cabinet agree in principle to the disposal of open space and authorise the Director of Communities, Partnerships and Leisure to advertise the disposal as required by section 123(2A) Local Government Act 1972.
- 2.3 Delegate authority to the Executive Director for Community Services to consider and determine any objections made in response to the advert for the open space disposal advertised in accordance with recommendation 2.2.
- 2.4 Subject to the responses to the advertisement above, delegate authority to the Executive Director for Community Services in consultation with the Director for Law and Corporate Governance to agree lease terms and enter into a lease in accordance with section 123 Local Government Act 1972.

## **3. Policy Context**

- 3.1 This report aligns with Lewisham's Corporate Priorities, as set out in the Council's Corporate Strategy (2022-2026):
  - Cleaner and Greener – through the preservation and enhancement of the Borough's award winning green spaces;
  - A Strong Local Economy – by providing London Living Wage employment and apprenticeship opportunities;
  - Children and Young People – by providing school work experience opportunities, a Youth Development Scheme with funded relevant training and qualifications, and subsidised sessions for schools;
- 3.2 In particular, this report is closely aligned to priority Health and Wellbeing – by creating opportunities for people to develop and sustain healthy lifestyles through the provision of open water swimming and boating activities, both of which support physical and mental wellbeing.

## **4. Background**

- 4.1 Beckenham Place Park is Lewisham's largest park. It is the one of the largest parks in London, and South East London's biggest open space. At 95 hectares it is 30% bigger than Greenwich Park. It boasts ancient woodland, meadow, parkland, a river and several historic buildings. It was originally acquired by the London County Council to be the key amenity space for the new estates of Bellingham and Downham.
- 4.2 Despite these considerable attributes the park was failing to attract visitors, with an estimated 200,000-220,000 visitors per year in 2013. The Council developed an

### **Is this report easy to understand?**

Please give us feedback so we can improve.

Go to <https://lewisham.gov.uk/contact-us/send-us-feedback-on-our-reports>

ambitious plan to attract funding to restore this historic parkland and its listed buildings in order to increase use. The plan received considerable financial support from the National Lottery Heritage Fund and from the Mayor of London allowing a major investment plan to be implemented in 2018-19.

- 4.3 The plan involved the restoration of the historic parkland including restored gardens, childrens' playground and habitat enhancements. The centrepiece of the restoration was the recreation of the lake to act as a landscape feature and public amenity.
- 4.4 During public consultation on changes to the park there was interest in use of the lake for swimming and other leisure activities. As a result the design of the lake was enhanced to create high quality water conditions necessary for these uses.
- 4.5 The Council sought an operator to trial lake activities in the months following relaunch of the park in July 2019 and an operator called PTP Coaching has been providing lifeguarding and boating activities. Some initial problems caused by high demand resulted in the lake's closure shortly after opening, but the lake re-opened in late August 2020 and swimming proved particularly popular.
- 4.6 In the past 2 years the operator estimates it has facilitated approximately 60,000 swimmers with 75% of them being returning customers.
- 4.7 Since the Approval to Procure Report a permanent lake boundary has been installed in the form of railings and native hedging, providing a boundary that defines the area of the concession while being sensitive to the heritage park setting.

## 5. Procurement process

- 5.1 Approval to Procure was given by Mayor and Cabinet on 15 January 2020.
- 5.2 A market warming exercise was held on 16 December 2021.
- 5.3 The tender was open from 28 September 2023 to 31 October 2023.
- 5.4 Eight companies viewed the tender, including three of those who attended the market warming exercise.
- 5.5 One submission was received via the Council's procurement portal.
- 5.6 The process was conducted in line with all applicable procurement legislation, and local policy and procedures.

## 6. Tender evaluation

- 6.1 The tender evaluation was weighted with 50% of the overall score based on quality and 50% on price.
- 6.2 The quality element was split into 15 performance standards with associated method statements that bidders were required to submit:

Performance Standard	Weighting	Method Statement
----------------------	-----------	------------------

### Is this report easy to understand?

Please give us feedback so we can improve.

Go to <https://lewisham.gov.uk/contact-us/send-us-feedback-on-our-reports>

Normal Operating Plan *	8%	MS1
Emergency Action Plan *	8%	MS2
Other lake activities	4%	MS3
Infrastructure Development Proposal	6%	MS4
Infrastructure Maintenance	4%	MS5
Cleansing, waste management and pest control	4%	MS6
Environment, sustainability and climate change	4%	MS7
Security and anti-social behaviour	2%	MS8
Operating hours	Unscored	MS9
Social value	6%	MS10a
Equality, Diversity & Inclusion	2%	MS10b
Information Communication Technology (ICT)	Unscored	MS11
Marketing and promotion	Unscored	MS12
General Data Protection Regulations (GDPR)	Unscored	MS13
Business Plan	2%	MS14
Total quality score	50%	

\*Minimum score of 7 required

- 6.3 The price was split in to three elements; sub sections; Infrastructure development, Annual rent and Income to Council from gross turnover
- 6.4 In the event of multiple submissions the Pricing element was to be assessed using the following weightings:
- Weighting for total infrastructure investment offer = 20
  - Weighting for total rent offer over the 5 year contract = 20
  - Weighting for % of turnover offer = 10
- 6.5 Quality submissions were assessed in November 2023 by four separate assessors – three council officers and one external specialist from the Royal Life Saving Society who assessed Method Statements 1, 2 and 3 only.
- 6.6 Each officer undertook an independent evaluation of the submissions using the Council’s standard 0-10 scoring matrix.
- 6.7 A virtual moderation meeting supervised by a Senior Procurement Officer from the Council’s Procurement team took place on 28 November 2023, during which all

## Is this report easy to understand?

Please give us feedback so we can improve.

Go to <https://lewisham.gov.uk/contact-us/send-us-feedback-on-our-reports>

evaluators discussed their scores and reasoning, and agreed a moderated consensus score for the single tender submitted.

- 6.8 PTP Coaching Ltd addressed all the method statements to at least the required minimum standard required. They also demonstrated that they can provide the service outlined in the specification to the required level.
- 6.9 A synopsis of the PTP bid and scoring is provided in Part 2 of the report:

## **7. Financial implications**

- 7.1 There are no adverse financial implications for Lewisham Council from recommendations in paragraph 2. The council will lease out its asset to the contractor and all financial risks are borne by the provider and fee income is expected to accrue to the council over the 5 year of the lease for use of this asset .

## **8. Legal implications**

- 8.1 This is a concession contract, which means that the Council do not pay for the service. The contractor receives payment from a third party. The Council will receive an income from the Contractor over the duration of the contract. The value of the contract falls below the financial threshold, therefore the Concession Contracts Regulations 2016 do not apply, however the Contract Procedure Rules (“CPR”) as set out in the Council’s Constitution must be complied with.
- 8.2 A concession contract means that the consideration for the contract consists of the contractor’s right to exploit an asset (that is the Council makes no payment), and where the concessionaire takes some risk. Concession contracts are covered by different legal requirements than those applicable to other contracts, including regarding the estimated expenditure threshold.
- 8.3 The relevant Category for determining the procurement route under these Contract Procedure Rules will be calculated by calculating the total turnover of the concessionaire generated over the duration of the contract (net of value added tax). The estimated contract value is above £500,000 therefore this is a category A contract for the purposes of the CPR and the decision to award must be made by Mayor and Cabinet. This contract has been externally and openly advertised as required by the Council’s Constitution.
- 8.4 The report explains the evaluation approach and process applied to the bid and the reasons for recommending the successful bid for approval. The process followed was in compliance with the advertised and required procedures.
- 8.5 Section 123 Local Government Act 1972 permits the Council to dispose of its land, subject to some limitations. Section 123(2A) of that Act states that a Council may not dispose of any land consisting or forming part of an open space unless before disposing the land in question it is advertised for two consecutive weeks in a local newspaper and consider any objections to the proposed disposal which may be made to them. Should it approve the recommendations set out in this report, Mayor and Cabinet will only be agreeing in principle to the grant of lease to the selected provider for a 5 year term. No final decision on the grant of the lease will be made until after the Council has complied with the notice and consultation requirements of section 123(2A) and any objections to the disposal have been duly considered in line with the delegated authority set out in this report. Any decision to grant a lease will be the subject of a separate delegated authority report.

### **Is this report easy to understand?**

Please give us feedback so we can improve.

Go to <https://lewisham.gov.uk/contact-us/send-us-feedback-on-our-reports>

## 9. Risk Implications

- 9.1 This is a high-profile concession contract in a sector which there are only a small number of similar operators in the London region. Operational risk will be managed within the scope of the contract, specification and appropriate accreditation.
- 9.2 If this contract is not awarded then the Council will not be able to operate a swimming concession at the lake in Beckenham Place Park. This would necessitate a retendering process and a delay of at least 18 months during which the service would not be provided.

Risk	Mitigation
Not awarding the contract - Loss of opportunity for residents to access the health and wellbeing benefits of outdoor swimming and other lake activities	Retendering
Not awarding the contract - No income to the Council from the lake	Retendering
Not awarding the contract - No new investment in the lake and surrounds	Retendering
Not awarding the contract - Possible breach of terms of GLA funding	Retendering
Operator ceases trading	Satisfactory Creditsafe Report has been obtained Comprehensive contract terms.
Operational risk	This will be managed by robust quality assurance and monitoring processes set out in the specification, and the requirement for the operator to have appropriate accreditation and insurance.

## 10. Equalities implications

- 10.1 The Council's Equalities objectives are addressed in the contract documentation and were part of the tender evaluation criteria.
- 10.2 The Contract Specification contains a performance standard that requires the Operator to take positive steps to ensure that disabled persons can fully participate in the lake activities being provided.
- 10.3 Tenderers were asked to address equal opportunities in a specific and scored Method Statement (MS10b).

### Is this report easy to understand?

Please give us feedback so we can improve.

Go to <https://lewisham.gov.uk/contact-us/send-us-feedback-on-our-reports>

- 10.4 This aspect will be monitored by the Authorised Officer during the contract period using the relevant performance standards.
- 10.5 The Operator will offer discounted swimming to Concessionary Members of the Be Active Scheme <https://lewisham.gov.uk/inmyarea/sport/be-active-discounts>. This will be fully subsidised by the Council.

## **11. Climate change and environmental implications**

- 11.1 The contract specification requires the Operator to manage environmental impacts of the operation, addressing sustainability and climate change.
- 11.2 The Operator shall ensure that the natural habitats of the lake and surrounds are safeguarded and conserved throughout the duration of the contract.
- 11.3 No chemicals shall be used in the operation that are hazardous to the aquatic environment, and wherever feasible, non-chemical methods should be employed.
- 11.4 This aspect will be monitored by the Authorised Officer during the contract period using the relevant performance standards.

## **12. Crime and disorder implications**

- 12.1 There are no specific crime and disorder implications resulting from the awarding of this contract.
- 12.2 The Operator shall be responsible for security within the red line area both during and outside operational hours and shall ensure there is sufficient staff presence to manage entry to the red line area during operating hours.
- 12.3 This aspect will be monitored by the Authorised Officer during the contract period using the relevant performance standards.

## **13. Health and wellbeing implications**

- 13.1 There are no specific crime and disorder implications resulting from the awarding of this contract.
- 13.2 The concession contract will create opportunities for people to develop and sustain healthy lifestyles through the provision of activities that support physical and mental wellbeing.

## **14. Social Value implications**

- 14.1 The Public Services (Social Value) Act 2012 requires that the Council considers, before commencing a procurement process, how wider social, economic and environmental benefits that may improve the wellbeing of the local area can be secured.
- 14.2 Bidders were therefore asked to submit a method statement that has a weighted score of 6%. Bidders needed to demonstrate how the service will contribute to the key social value outcomes identified in the tender documentation
- 14.4 This will be monitored by the Authorised Officer during the contract period using the relevant performance standards
- 14.5 The Council is officially an accredited London Living Wage (LLW) Employer and is

### **Is this report easy to understand?**

Please give us feedback so we can improve.

Go to <https://lewisham.gov.uk/contact-us/send-us-feedback-on-our-reports>



committed to ensuring that, where appropriate, contractors and subcontractors engaged by the council to provide works or services within Lewisham pay their staff at a minimum rate equivalent to the LLW rate.

- 14.6 PTP Coaching Ltd has confirmed it pays the equivalent of LLW and will be expected to continue to meet LLW requirements.

## 15. Contract Management

- 15.1 Under the new contract, the Operator's performance in relation to the Specification will be monitored using the following Performance Standards to ensure the service is being delivered at an optimum level and the Operator's performance is effectively managed. :

- Performance Standard I - Normal Operating Plan (NOP) for swimming
- Performance Standard II - Emergency Action Plan (EAP) for swimming
- Performance Standard III – Other lake activities
- Performance Standard IV - Infrastructure development
- Performance Standard V - Infrastructure maintenance
- Performance Standard VI - Cleansing, waste management and pest control
- Performance Standard VII - Environment, sustainability and climate change
- Performance Standard VIII - Security and anti-social behaviour
- Performance Standard IX - Operating hours
- Performance Standard X - Social value and Equality, Diversity & inclusion
- Performance Standard XI - Information Communication Technology (ICT)
- Performance Standard XII - Marketing and promotion
- Performance Standard XIII - General Data Protection Regulations (GDPR)
- Performance Standard XIV – Finance

- 15.2 In the event of any inconsistency, ambiguity or discrepancy between the Specification and the Method Statements the Specification shall prevail.

- 15.3 The following Social Value KPIs will also be monitored during the contract:

- Carbon Net Zero Commitment
- CO2 Emissions Reduction
- Reduced travel/last mile deliveries
- Good Work Practices
- Wellbeing Practices for Employees
- Modern Slavery Statement
- Change Champions
- Gain 'Mental Health Tick' standard
- Accreditation with the Living Wage Foundation

### Is this report easy to understand?

Please give us feedback so we can improve.

Go to <https://lewisham.gov.uk/contact-us/send-us-feedback-on-our-reports>



- No. of FTE opportunities for refugees, employed or unemployed Lewisham Residents
- No. of LBL residents securing apprenticeships
- Provide on-the-job development/growth opportunities for existing staff
- No. of LBL residents on work experience
- No. of LBL residents on work experience
- Lewisham Local Card Membership (supplier)
- Lewisham Local Card Membership (supporter)
- No of local business accessing sub-contracting opportunities
- Digital Inclusion
- Provision of facilities/resources for use by wider community
- Volunteering opportunities
- Making Lewisham Accessible
- Investment in local green projects action bond

## 16. Background papers

[Approval to Procure report \(15 January 2020\)](#)

## 17. Glossary

[Link to Oxford English Dictionary here.](#)

Term	Definition
LLW	London Living Wage
NOP	Normal Operating Plan
EAP	Emergency Action Plan
RLSS	Royal Life Saving Society – the organisation that manages Beyond Swim accreditation for outdoor swimming operations

### Is this report easy to understand?

Please give us feedback so we can improve.

Go to <https://lewisham.gov.uk/contact-us/send-us-feedback-on-our-reports>

## 18. Report author(s) and contact

Peter Maynard ([peter.maynard@lewisham.gov.uk](mailto:peter.maynard@lewisham.gov.uk))

Comments for and on behalf of the Executive Director for Corporate Resources:

Yusuf o Shaibu, Strategic Finance Business Partner - Community Services –  
([yusuf.shaibu3@lewisham.gov.uk](mailto:yusuf.shaibu3@lewisham.gov.uk))

Comments for and on behalf of the Director of Law and Corporate Governance: Melanie Dawson, Principal Lawyer Place ([melanie.dawson@lewisham.gov.uk](mailto:melanie.dawson@lewisham.gov.uk)) and Mia Agnew, Senior Contracts Lawyer ([mia.agnew@lewisham.gov.uk](mailto:mia.agnew@lewisham.gov.uk))

### Is this report easy to understand?

Please give us feedback so we can improve.

Go to <https://lewisham.gov.uk/contact-us/send-us-feedback-on-our-reports>