

Coventry Shareholders Committee

7 October 2025

Name of Cabinet Members:

Councillor A S Khan , Cabinet Member for Policing and Equalities

Councillor J O'Boyle Cabinet Member for Jobs, Regeneration and Climate Change

Director Approving Submission of the report:

Interim Director of City Services.

Ward(s) affected: Earlsdon

Title: Council Acting as Charitable Trustees for War Memorial Park regarding the proposed development of Padel Tennis Courts

Is this a key decision?

No - although the provision is enhanced for residents of all wards of the city it will not have a marked effect on residents or businesses of more than two wards.

Executive Summary:

This report seeks agreement of the Council acting as sole Charitable Trustee of the War Memorial Park to approve the lease of land adjacent to the existing tennis courts by inviting applications from interested companies to develop and operate Padel Court facilities under a 15-year lease (minimum term).

By virtue of a conveyance dated 27 January 1921, the War Memorial Park is held on trust by the Council. Any decisions taken by the Council in its capacity as Charitable Trustee must be made on the basis of what is in the best interests of the Charity.

Where a local authority is trustee of an asset held in Charitable Trust, it is essential to ensure that the asset is held and applied in accordance with the particular Charitable purpose to which it was conveyed.

Where the local authority is the sole trustee, it is the corporate body ("authority itself") which is the trustee, and as such guidance from the Charity Commission states that responsibility for decision-making and oversight rests with Councillors. In exercising the obligation as Charitable Trustee, the decision takers must ensure that their decisions are only taken on the basis on what is in the interest of the Charity.

Where required we will seek and obtain the Charity Commission's approval prior to the grant of any lease of the land, in order to comply with the charities act requirements.

In order to ensure the best return for the Charity and in accordance with the Constitution, the Chair of Scrutiny Co-ordination Committee, Councillor G Lloyd, has been asked to attend Shareholder Committee to consider the grounds for urgency, for example that call in should not apply in this instance. By bringing a report now, if approved, the aim will be to enable a construction programme that enables the courts to be up and running before peak season ends in Autumn 2026. The advertisement of the opportunity needs to go out in early October to allow for the evaluation of proposals and legal commitment to be secured prior to the end of 2025. This timetable puts the operator in the best position to get the facility ready to open during high season which will improve the financial return for the good of the park and for local residents and visitors.

Recommendations:

In its role as Charitable trustee of the War Memorial Park and in the best interest of the Charitable asset, **Coventry Shareholders Committee is recommended to:**

1. Agree to carrying out a competitive procurement process inviting applicants to submit proposals outlining how they would develop and manage Padel facilities on a minimum 15-year lease at the proposed site shown edged red on the plan (Appendix 1) to the report, subject to:
 - a. an independent Charities Act report recommending that the intended disposal between the Charitable Trust and the successful applicant represents best value to the Charity.
2. Delegate authority to the Interim Director of City Services, following consultation with the Director of Property Services and Development, the Director of Finance and Resources and the Cabinet Member for Jobs, Regeneration and Climate Change, to:
 - a. prior to the lease, advertise and place a public notice detailing the intended lease of the land for the proposed Padel site in accordance with the guidance from the Charity Commission and in accordance with the Charities Act 2011 (as amended).
 - b. consider any comments and/or objections received in response to the advertisement and the public notice and decide whether the lease of the proposed Padel site be affected; and
 - c. select a successful applicant and negotiate the detailed terms of any agreements including but not limited to undertaking the appropriate due diligence and completion of the necessary legal documentation to bring into effect a new lease in accordance with the recommendations set out in this report.

List of Appendices included:

Appendix 1 - Plan of development site at War Memorial Park

Background papers:

None

Other useful documents

None

Has it been or will it be considered by Scrutiny?

No

Has it been or will it be considered by any other Council Committee, Advisory Panel or other body?

No

Will this report go to Council?

No

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Report title: Council Acting as Charitable Trustees for War Memorial Park regarding the proposed development of Padel Tennis Courts

1. Context (or background)

- 1.1 The Council holds the legal title to the War Memorial Park by virtue of a conveyance dated 27 January 1921. The land was transferred to the Council to be held 'to the use' of the Corporation and its successors and assigns 'to be maintained by the Corporation and dedicated in perpetuity as a public park or Recreation Ground for the people or for use for Agricultural Shows Flower Shows or similar purposes with a right to charge for admission' the wording of this conveyance clearly settled the land on Charitable Trust and as such the Council is the sole corporate trustee of the Trust.
- 1.2 In the absence of any other trust document the conveyance is the sole governing document of the Charity which it created.
- 1.3 As a sole trustee, it is essential to ensure that the assets are held and applied in accordance with the Charity's purpose.
- 1.4 For a body to be a Charity, it must be independent i.e. it must exist and operate solely for Charitable purposes not as a means of carrying out the policies or directions of the local authority.
- 1.5 Any income received from any agreement can only be used toward furthering the purpose upon which the Charity was provided. It cannot be used for the local authority's general purposes and any income received from the asset must be kept separate from that of the Council and accounted for separately.
- 1.6 Subject to approval, the Council intend to invite applicants to submit proposals for the development of Padel facilities at both War Memorial Park and Longford Park. Longford Park is Council owned and not subject to a Charitable trust.

2. Options considered and recommended proposal

2.1 Option 1– Shareholders Committee acting in capacity of Charitable Trustees approves the proposed invitation to apply for a commercial lease for Padel Courts (Recommended)

This option will see the Council go out to the market to invite operators to apply for the opportunity for them to develop and operate a Padel facility. This would be a legal arrangement with a minimum 15 year lease between the successful operator and Coventry City Council.

Under this option the construction and operational costs would sit with the operator and they would pay an agreed rental plus a negotiated profit share. This option limits the financial return to the Council as well as control over how it is operated however it also limits the risk to the Council.

Following the closing date, applications will be evaluated, and the successful applicant's offer and the proposed lease terms will also have to be verified as representing best value and the best terms by an independent Charities Act report.

Padel is the fastest growing sport in Europe. It is accessible for all as a very inclusive game. The current demand for Padel courts across the UK is vast, and it is envisaged that this will support the health and wellbeing of residents but also add to the family leisure offer in both parks.

2.2 Option 2 – Council build and operate the Padel Facility (Not recommended)

The Council seek to build and operate a Padel facility. The Council would retain all income in this scenario. This would require a significant financial and resource commitment from the Council - there would be the need to raise capital investment and increase in revenue staffing and operational budgets. This would be very challenging within the financial pressures being experienced by the Council and all of the risks would all sit with the Council.

The Council does not have the expertise to build and operate the facility.

2.3 Option 3 – Do nothing (Not Recommended)

If the Council, acting as Charitable Trustees, do not agree to proceed with the marketing/lease of the land, then the Charity would retain the land but would forgo at this point the potential income generated under the proposed lease and its reinvestment into the War Memorial Park.

The introduction of Padel into the War Memorial Park is an opportunity to offer a new sport to local residents. If this isn't agreed then the Council and the city would miss this opportunity to invest in a new sport, good for well-being, with very little risk.

3. Results of consultation undertaken

- 3.1 The requirements of section 117 (2)(b) of the Charities Act 2011 (as amended) will need to be complied with, so a Charities Act report will need to be obtained.
- 3.2 Guidance by the Charity Commission also states that the trustees must advertise and give public notice of any proposed lease of Charity land, allowing time for representations to be made before proceeding. The notice period must be for at least a month, and the trustees must consider any representations they receive. In this case, it is usually acceptable for a notice to be displayed on the land itself and for a notice to be published in a local newspaper.
- 3.3 Officers will ensure that all requirements under the Charities Act 2011 (as amended) are complied with in relation to the recommendations contained in this report.

4. Timetable for implementing this decision

- 4.1 To ensure the construction programme remains on schedule and the new development is completed ahead of the peak season's conclusion in Autumn 2026, it is essential that the opportunity be advertised in early October 2025. This process can run alongside the formal notice being made.
- 4.2 This timeline allows sufficient time for proposal evaluation and securing legal commitments before the end of the 2025 calendar year.
- 4.3 It is anticipated that the procurement process for the opportunity will start following any recommendation to proceed by the Coventry Shareholders Committee acting as Charitable Trustee.
- 4.4 The lease of the land for the Padel development, via a minimum 15-year period is targeting a completion date for the 'agreement for lease' by the end of the calendar year, subject to the independent Charities Act report confirming that the expression of interest document represents best value and the best terms for the Charity.

5. Comments from the Director of Finance and Resources and the Director of Law and Governance

5.1 Financial implications

- 5.1.1 Revenue is anticipated in the form of rent which is anticipated to be in the region of £45k - £60k pa in year one plus a profit share (This will see annual increases in line with inflation and increased profit). All net proceeds from the lease agreement for Padel will contribute towards the ongoing objectives of The War Memorial Park. Any preliminary costs incurred by the Council will be funded by the operator, including legal costs.
- 5.1.2 All and any repairs and maintenance will be the sole responsibility of the operator. There will be no ongoing financial liability to the Council.

5.2 Legal implications

Land held as Charitable Trustee

- 5.2.1 Local authorities are empowered by Section 139 of the Local Government Act 1972 to receive and hold gifts on Charitable trusts. The local authority is currently the sole corporate trustee for this Charity.
- 5.2.2 The Council as trustee has a legal duty to operate the Charity in accordance with the Charity's governing document and strictly in furtherance of its stated objects. The management of the Charity should be kept separate, as far as possible, from the business of the local authority. Equally, the finances of the trust must be kept separate from those of the Council and all rental income and any profit share must be reinvested into the War Memorial Park as part of discharging its Charitable objectives.
- 5.2.3 Where the Council is a trustee of a Charity, it is the corporate body, acting in accordance with its usual procedures, which is 'the trustee'. While ongoing

management may be delegated to officers, responsibility for decision making and oversight must rest with Councillors.

- 5.2.4 Any disposal of land held on Charitable trust must be on the best terms available and must be supported by a report which complies with the Charities (Dispositions of Land: Designated Advisers and Reports) Regulations 2023 and comply with the requirements of the Charities Act 2011

6. Other implications

6.1 How will this contribute to the One Coventry Plan?

Decisions taken by the Coventry Shareholders Committee in its capacity as Charitable Trustee must be made on the basis of what is in the best interests of the Charity and its specific terms of reference. Therefore, although the Charity may make decisions which benefit the people of Coventry, it is not appropriate to reference these decisions specifically to the Council's key objectives and priorities. The introduction of a new sport in two city parks will make Padel more accessible to residents promoting health and wellbeing and directly contributing to improving outcomes and tackling inequalities within communities. This development also supports the emerging Sport and Physical Activity strategy, Playing Pitch and Outdoor Sports Strategy.

6.2 How is risk being managed?

Risk will be managed by an internal project steering group with representatives from the following services: Culture, Sport and Events; Legal; Finance; Property; Parks and Open Spaces; Communications team; and Procurement Services.

Cabinet Members will be given regular briefings about the project including any changes to the key risks and the proposed operator

The key risks to the project are –

- **Risk that there will not be enough interest in the commercial lease** – there has been significant interest from operators who want to develop Padel within Coventry. They will be advised of the opportunity which will also be promoted widely through the Council's communication channels
- **Risk that Padel declines in popularity, and the site will not bring the recreational or financial benefits identified.** The national governing body, the Lawn Tennis Association (LTA) has identified Padel has a fast and continually growing sport in the UK and there is confidence that there is a market for Padel for this time period. The financial impact on the Council is low if there is low take up as the income stream is a mix of fixed rent and profit share.
- **Risk that the project is undeliverable due to constraints at the park site** - Key constraints have been identified and will be noted in the specification for Padel operators. Interested parties can visit the sites in advance and request information from the Council about the site during the "invitation to apply"

timeline. Operators will also be advised to seek pre-planning advice before submission of any planning application.

- **Risk that the tenant pulls out having entered the agreement** – applicants will be financially assessed before entering into the agreement for lease. There will be provisions for break clauses within the lease that will cover Council costs. This risk will be further analysed prior to the lease agreement by the delegated Director.

6.3 What is the impact on the organisation?

Officer time will be allocated towards the lease of the land acting on behalf of the Charity. The positive impact will be the improved offer for residents and visitors to the War Memorial Park.

It is likely that increased visitor footfall from Padel will support more interest in other activities in the War Memorial Park, including commercial interests at the site such as the hospitality concessions which in turn support the financial position of the park.

The Parks Service will monitor and manage the ongoing management of the contract.

Property Implications

The future rental income and any profit share will be used to enhance the facilities and activities of the War Memorial Park Trust.

6.4 Equalities / EIA

An Equality Impact Assessment has not been undertaken as the proposal concerns a currently unused area of the War Memorial Park. The provision will be available for all residents.

The permitted use will include the need for accessible provision of Padel and linking this with Go CV to ensure those who are more likely to be excluded from physical activity will have the opportunity to participate.

The tenders received will be scored against the need to provide equitable facilities for residents and responses that provide clear narrative to ensure that those residents with protected characteristics are supported and encouraged to take part.

6.5 Implications for (or impact on) climate change and the environment

The impact will be positive, as any rental income and profit share received will further enhance the War Memorial Park.

The contractor will be required to demonstrate sustainable practices and be encouraged to support local suppliers.

6.6 Implications for partner organisations?

Friends of War Memorial Park has been informed about the proposal and are supportive of the development. Partner organisations that operate within the War Memorial Park will benefit from the increased footfall and see increased revenue opportunities.

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Enquiries should be directed to the above person.

Name	Title	Service area	Date doc sent out	Date response received or approved
Lara Knight	Governance Services Co-ordinator	Law and Governance	18/09/2025	19/09/2025
Carwyn Beswick	Principal Development Surveyor	Property & Development	27/08/2025	18/09/2025
Paul Beesley	Head - Property Development, Disposals & Acquisitions	Property & Development	15/09/2025	18/09/2025
John Redfern	Corporate & Commercial Lawyer	Legal Services	27/08/2025	18/09/2025
Andrea Pearson	Deputy Team Leader Corporate & Commercial	Legal Services	27/08/2025	18/09/2025
Fiona Mackenzie	Strategic Project Manager	Culture, Sports and Events,	27/08/2025	18/09/2025

		Regeneration and Economy		
Zachariah Okusi	Programme Officer	Culture, Sports and Events, Regeneration and Economy	27/08/2025	18/09/2025
Sherree Wesson	Category Manager	Procurement & Commissioning	27/08/2025	18/09/2025
Helen Williamson	Finance Manager	Finance and Resources	18/09/2025	19/09/2025
Names of approvers for submission: (officers and members)				
Julie Fairbrother	Communications Officer	Policy and Communications	18/09/2025	22/09/2025
Mark Adams	Interim Director of City Services	City Services	19/09/2025	19/09/2025
Barry Hastie	Director of Finance Resources – S151 Officer	Finance and Resources	19/09/2025	19/09/2025
Oluremi Aremu	Head of Legal and Procurement Services	Law and Governance	19/09/2025	19/09/2025
Councillor J O Boyle	Cabinet Member for Jobs, Regeneration and Climate Change		23/09/2025	29/09/2025
Councillor AS Khan	Cabinet Member for Policing and Equalities		20/09/2025	22/09/2025

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Appendix 1



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