

# COBTREE MANOR ESTATE CHARITY COMMITTEE MEETING

Date: Wednesday 27 March 2024  
Time: 5.00 p.m.  
Venue: Town Hall, High Street, Maidstone

Membership:

Councillors Burton (Chairman), Cooper, Parfitt-Reid (Vice-Chairman) and Perry

*The Chairman will assume that all Members will read the reports before attending the meeting. Officers are asked to assume the same when introducing reports.*

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<b><u>AGENDA</u></b>	<b><u>Page No.</u></b>
1. Apologies for Absence	
2. Urgent Items	
3. Notification of Visiting Members	
4. Disclosures by Members and Officers	
5. Disclosures of Lobbying	
6. To consider whether any items should be taken in private because of the possible disclosure of exempt information.	
7. Minutes of the meeting held on 24 January 2024	1 - 2
8. Presentation of Petitions (if any)	
9. Question and Answer Session for Members of the Public (if any)	
10. Questions from Members to the Chairman (if any)	
11. Cobtree Manor Estate Financial Position	3 - 9
12. Cobtree Estate Update	10 - 15
13. Elephant House	16 - 21

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**Issued on Tuesday 19 March 2024**

**Continued Over/:**

*Alison Broom*

**Alison Broom, Chief Executive**

## PART II

**To move that the public be excluded for the items set out in Part II of the Agenda because of the likely disclosure of exempt information for the reasons specified having applied the Public Interest Test.**

	<b>Head of Schedule 12A and Brief Description</b>	
14. Exempt Appendix to Item 12 - Cobtree Estate Update	3 – Financial/Business Affairs	22 - 23
15. Exempt Appendices to Item 13 - Elephant House	3 – Financial/Business Affairs	24 - 30

### **INFORMATION FOR THE PUBLIC**

In order to ask a question at this meeting, please call **01622 602899** or email [committee@maidstone.gov.uk](mailto:committee@maidstone.gov.uk) by 5 p.m. one clear working day before the meeting (i.e. by 5 p.m. on Monday 25 March 2024). You will need to provide the full text in writing.

If your question is accepted, you will be provided with instructions as to how you can access the meeting.

In order to make a statement in relation to an item on the agenda, please call **01622 602899** or email [committee@maidstone.gov.uk](mailto:committee@maidstone.gov.uk) by 4 p.m. one clear working day before the meeting (i.e. by 4 p.m. on Monday 25 March 2024). You will need to tell us which agenda item you wish to speak on.

If you require this information in an alternative format please contact us, call **01622 602899** or email [committee@maidstone.gov.uk](mailto:committee@maidstone.gov.uk).

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## MAIDSTONE BOROUGH COUNCIL

### COBTREE MANOR ESTATE CHARITY COMMITTEE

#### MINUTES OF THE MEETING HELD ON WEDNESDAY 24 JANUARY 2024

##### Attendees:

<b>Committee Members:</b>	<b>Councillors Burton (Chairman), Cooper, Parfitt-Reid and Perry</b>
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29. APOLOGIES FOR ABSENCE

There were no apologies.

30. URGENT ITEMS

There were no urgent items.

31. NOTIFICATION OF VISITING MEMBERS

There were no Visiting Members.

32. DISCLOSURES BY MEMBERS AND OFFICERS

There were no disclosures by Members or Officers.

33. DISCLOSURES OF LOBBYING

There were no disclosures of lobbying.

34. EXEMPT ITEMS

**RESOLVED:** That all items on the agenda be taken in public as proposed.

35. MINUTES OF THE MEETING HELD ON 22 NOVEMBER 2023

**RESOLVED:** That the Minutes of the meeting held on 22 November 2023 be approved as a correct record and signed.

36. PRESENTATION OF PETITIONS

There were no petitions.

37. QUESTION AND ANSWER SESSION FOR MEMBERS OF THE PUBLIC

There were no questions from members of the public.

38. QUESTIONS FROM MEMBERS TO THE CHAIRMAN

There were no questions from Members to the Chairman.

39. COBTREE MANOR ESTATE ANNUAL ACCOUNTS 2022/23

**RESOLVED:** That

1. The Report and Financial Statement for 2022/23 be approved and submitted to the Charity Commission.
2. The Letter of Representation be approved.
3. The contents of the Audit Findings Report be noted.

(See Record of Decision)

40. COBTREE MANOR ESTATE FINANCIAL POSITION REPORT

**RESOLVED:** That

1. The current financial position be noted.
2. The proposed budgets for 2024/25 be agreed, subject to an officer review of the recharge rates in Appendix 3 to the report.

(See Record of Decision)

41. DURATION OF MEETING

5.30 p.m. to 5.45 p.m.

**Cobtree Manor Estate  
Committee**

**27 March 2024**

**Cobtree Manor Estate Financial Position**

<b>Final Decision-Maker</b>	Cobtree Manor Estate Committee
<b>Lead Head of Service</b>	Director of Finance, Resources & Business Improvement – Mark Green
<b>Lead Officer and Report Author</b>	Paul Holland, Senior Finance Manager (Client)
<b>Classification</b>	Public
<b>Wards affected</b>	Boxley

**Executive Summary**

The report summarises the current financial position of the Estate covering the activities at the golf course, Kent Life, the Manor Park and the residential properties.

**Purpose of Report**

To update the Committee on the current financial position and any other relevant matters that may impact the financial position of the Trust.

**This report makes the following recommendations to this Committee:**

1. That the current financial position be noted.

**Timetable**

<b>Meeting</b>	<b>Date</b>
Cobtree Manor Estate Committee	27 March 2024

# Cobtree Manor Estate Financial Position

## 1. CROSS-CUTTING ISSUES AND IMPLICATIONS

Issue	Implications	Sign-off
<b>Impact on Corporate Priorities</b>	The operation of the Estate directly supports the objects of the Trust as set out when the Council became the Corporate Trustee	Director of Finance, Resources & Business Improvement
<b>Cross Cutting Objectives</b>	The operation of the Estate supports the Council's strategic objective to ensure there are good leisure and cultural attractions in the Borough.	Director of Finance, Resources & Business Improvement
<b>Risk Management</b>	There is a potential reputational risk if the facilities are operated poorly. This is addressed in the annual risk management report.	Leisure Manager
<b>Financial</b>	There is a financial risk to the Trust if the operations cost more than predicted or fail to generate sufficient income to cover the costs of running the estate.	Senior Finance Manager (Client)
<b>Staffing</b>	There are no additional implications arising from this report.	Leisure Manager
<b>Legal</b>	<p>Under the Council's Constitution the Committee as Corporate Trustee is responsible for all matters relating to the Charity with the exception of daily management.</p> <p>Law applicable to charities in England and Wales requires the trustee to prepare financial statements for each financial year which give a true and fair view of the Charity's financial activities during the year and of its financial position at the end of the year. This update report assists in meeting those requirements</p> <p>There are no further implications arising from this report.</p>	Deputy Head of Legal
<b>Information Governance</b>	The recommendations do not impact personal information (as defined in UK GDPR and Data Protection Act 2018) the Council processes.	Senior Information Governance Officer

<b>Equalities</b>	The recommendations do not propose a change in service therefore will not require an equalities impact assessment	Equalities and Communities Officer
<b>Public Health</b>	There are no additional implications arising from this report.	Public Health Officer
<b>Crime and Disorder</b>	There are no additional implications arising from this report.	Director of Finance, Resources & Business Improvement
<b>Procurement</b>	There are no additional implications arising from this report.	Director of Finance, Resources & Business Improvement
<b>Biodiversity &amp; Climate Change</b>	The implications of this report on biodiversity and climate change have been considered and there are no implications on biodiversity and climate change. A pending decarbonisation study recommendations aims to support areas of the Cobtree Manor Estate to reduce costs from energy consumption, insulate, find low carbon heating solutions, and seek renewable energy options which will save costs in the longer term.	Biodiversity and Climate Change Manager

## 2. INTRODUCTION AND BACKGROUND

- 2.1 This is a regular update report on the financial position of the Estate, which enables the Committee to see how the various areas of activity are performing. As these are charitable funds there is a need for robust management and monitoring of the budget.

## 3. CURRENT FINANCIAL POSITION

- 3.1 The table below summarises the financial position of the Estate as at 31<sup>st</sup> January 2024. **Appendix 1** provides a more detailed breakdown of the figures.

### 3.1.1 Overall Summary Position:

	Revised Budget for Year 2023/24	Profiled Revised Budget as at 31st January 2024	Actuals as at 31st January 2024	Variance: Underspend (+) Overspend (-)
<b>Golf Course</b>				
Expenditure	£43,990	£36,658	£35,791	£867
Income	-£100,240	-£85,200	-£89,554	£4,354
Net Expenditure (+)/Income (-)	-£56,250	-£48,542	-£53,763	£5,221
<b>Manor Park</b>				
Expenditure	£270,950	£225,700	£204,229	£21,471
Income	-£181,080	-£123,037	-£124,408	£1,371
Net Expenditure (+)/Income (-)	£89,870	£102,663	£79,821	£22,842
<b>Kent Life</b>				
Expenditure	£17,410	£14,508	£10,342	£4,166
Income	-£73,130	-£36,565	-£36,567	£2
Net Expenditure (+)/Income (-)	-£55,720	-£22,057	-£26,225	£4,168
<b>Residential Properties</b>				
Expenditure	£16,600	£13,833	£12,696	£1,137
Income	-£30,000	-£25,000	-£25,000	£0
Net Expenditure (+)/Income (-)	-£13,400	-£11,167	-£12,304	£1,137
<b>Operational Total</b>	<b>-£35,500</b>	<b>£20,898</b>	<b>-£12,471</b>	<b>£33,369</b>
Investment Income	-£41,500	-£31,125	-£52,885	£21,760
Interest Paid	£0	£0	£0	£0
Car Park Repayment	£69,650	£0	£0	£0
<b>Total for the Year</b>	<b>-£7,350</b>	<b>-£10,227</b>	<b>-£65,356</b>	<b>£55,129</b>
Net Expenditure (+)/Income (-)				

3.2 The current position shows a surplus of £55,129 for the year to date. There are no significant issues to report, but the following points should be noted:

- As previously reported, gas and electricity costs at for the café are to be largely recharged to the contractor. The exercise to calculate the recharges will be done shortly and invoices raised. This will largely eliminate this overspend.
- Cleaning responsibilities for the toilets have been taken on by the café tenant who has given the toilets a full redecoration and attends to them regularly throughout the day. The cost to CMEC of this approach is less than using external cleaners and standards are noticeably higher.
- Income from the new café contract is higher than budgeted for, and there has been no need to date to draw on the additional budget set-aside for the Parks Management agreement with the Council, which means there is quite a significant underspend on the Manor Park budget.
- Investment income and bank interest has also been higher than anticipated, so assuming there are no unexpected significant issues between now and the end of March there should be a healthy surplus on the activities of the estate at the end of the year.

#### **4. STAFF RECHARGES**

- 4.1 A question was raised at the last meeting of the committee as to the hourly rate used in the staff recharges from the Council to the Estate for Democratic Services. I have checked the calculation and I am satisfied that the rate is appropriate. The rate is based on the average salary plus overheads for the Democratic Services Officer posts, who would normally facilitate and attend the meetings.
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#### **5. AVAILABLE OPTIONS**

- 5.1 Sections 3 and 4 - for noting only.
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#### **6. PREFERRED OPTIONS AND REASONS FOR RECOMMENDATIONS**

- 6.1 Section 3 and 4 - for noting only.
- 

#### **7. NEXT STEPS: COMMUNICATION AND IMPLEMENTATION OF THE DECISION**

- 7.1 Officers will continue to monitor the financial position and take appropriate action where necessary.
- 

#### **8. REPORT APPENDICES**

- Appendix 1: Financial Position
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#### **9. BACKGROUND PAPERS**

None.

	Revised Budget 2023/24	Profiled Revised Budget as at 31st January 2024	Actual as at 31st January 2024	Variance at end of January 2024
<b>Cobtree Manor Estate</b>				
<b>GOLF COURSE</b>				
Repairs & Maintenance	£5,470	£4,558	£1,357	£3,201
Professional Services	£15,000	£12,500	£16,173	-£3,673
Premises Insurance	£940	£783	£783	£0
General Expenses - VAT	£2,680	£2,233	£2,233	£0
<b>Controlled Running Costs</b>	<b>£24,090</b>	<b>£20,075</b>	<b>£20,546</b>	<b>-£471</b>
Contract Income	-£100,000	-£85,000	-£89,554	£4,554
Rent Income	-£240	-£200	£0	-£200
<b>Controlled Income</b>	<b>-£100,240</b>	<b>-£85,200</b>	<b>-£89,554</b>	<b>£4,354</b>
MBC Staff Recharges	£3,830	£3,192	£3,192	-£0
<b>Rechargeable Costs</b>	<b>£3,830</b>	<b>£3,192</b>	<b>£3,192</b>	<b>-£0</b>
<b>Cobtree Golf Course</b>	<b>-£72,320</b>	<b>-£61,933</b>	<b>-£65,816</b>	<b>£3,883</b>
MBC 2/9ths share	£16,070	£13,392	£12,053	£1,339
<b>CMET Total</b>	<b>-£56,250</b>	<b>-£48,542</b>	<b>-£53,763</b>	<b>£5,221</b>

<b>MANOR PARK</b>				
Overtime	£4,000	£3,333	£0	£3,333
<b>Employee Costs</b>	<b>£4,000</b>	<b>£3,333</b>	<b>£0</b>	<b>£3,333</b>
Hard Landscaping	£21,190	£17,658	£16,695	£963
Gas	£0	£0	£2,996	-£2,996
Electricity	£0	£0	£8,630	-£8,630
Water Metered	£1,280	£1,067	£714	£353
Sewerage & Env Services	£1,180	£983	£0	£983
Trade Refuse Collection (Internal)	£8,570	£7,142	£7,160	-£18
Cleaning - Toilets	£12,000	£10,000	£0	£10,000
Premises Insurance	£2,210	£1,842	£1,842	-£0
Equipment Purchase	£2,000	£1,667	£2,023	-£356
Equipment Hire	£570	£475	£0	£475
Cash Collection	£4,000	£3,333	£3,420	-£87
Protective Clothes	£570	£475	£0	£475
Photocopying	£100	£83	£27	£56
General Expenses	£1,100	£825	£930	-£105
Audit Fee	£5,710	£4,758	£4,758	£0
Professional Services	£8,810	£7,342	£9,257	-£1,915
General Insurances	£1,270	£1,058	£1,058	£0
External Print & Graphics	£100	£83	£0	£83
<b>Controlled Running Costs</b>	<b>£70,660</b>	<b>£58,792</b>	<b>£59,510</b>	<b>-£718</b>
Fees & Charges - Car Parking	-£100,000	-£91,804	-£81,536	-£10,268
Other Income - Cobtree Charity Trust Ltd	-£40,000	£0	£0	£0
Other Income	-£5,000	-£4,167	£0	-£4,167
Licences	-£80	-£67	£0	-£67
Rent Income (Café)	-£36,000	-£27,000	-£42,872	£15,872
<b>Controlled Income</b>	<b>-£181,080</b>	<b>-£123,037</b>	<b>-£124,408</b>	<b>£1,371</b>
MBC Staff Recharges	£62,060	£51,717	£51,717	-£0
MBC Parks Management	£134,230	£111,858	£93,002	£18,856
<b>Rechargeable Costs</b>	<b>£196,290</b>	<b>£163,575</b>	<b>£144,719</b>	<b>£18,856</b>
<b>Cobtree Manor Park</b>	<b>£89,870</b>	<b>£102,663</b>	<b>£79,821</b>	<b>£22,842</b>

<b>Cobtree Manor Estate</b>	<b>Revised Budget 2023/24</b>	<b>Profiled Revised Budget as at 31st January 2024</b>	<b>Actual as at 31st January 2024</b>	<b>Variance at end of January 2024</b>
<b>KENT LIFE</b>				
Repairs & Maintenance of Premises	£5,000	£4,167	£0	£4,167
Premises Insurance	£5,510	£4,592	£4,592	-£0
<b>Controlled Running Costs</b>	<b>£10,510</b>	<b>£8,758</b>	<b>£4,592</b>	<b>£4,166</b>
Contract Income	-£73,130	-£36,565	-£36,567	£2
<b>Controlled Income</b>	<b>-£73,130</b>	<b>-£36,565</b>	<b>-£36,567</b>	<b>£2</b>
MBC Staff Recharges	£6,900	£5,750	£5,750	£0
<b>Rechargeable Costs</b>	<b>£6,900</b>	<b>£5,750</b>	<b>£5,750</b>	<b>£0</b>
<b>Kent Life</b>	<b>-£55,720</b>	<b>-£22,057</b>	<b>-£26,225</b>	<b>£4,168</b>
<b>RESIDENTIAL PROPERTIES</b>				
Repairs & Maintenance	£11,000	£9,167	£8,622	£545
Premises Insurance	£770	£642	£49	£593
General Expenses - VAT	£1,000	£833	£833	£0
<b>Controlled Running Costs</b>	<b>£12,770</b>	<b>£10,642</b>	<b>£9,504</b>	<b>£1,138</b>
Rent Income	-£30,000	-£25,000	-£25,000	£0
<b>Controlled Income</b>	<b>-£30,000</b>	<b>-£25,000</b>	<b>-£25,000</b>	<b>£0</b>
MBC Staff Recharges	£3,830	£3,192	£3,192	-£0
<b>Rechargeable Costs</b>	<b>£3,830</b>	<b>£3,192</b>	<b>£3,192</b>	<b>-£0</b>
<b>Residential Properties</b>	<b>-£13,400</b>	<b>-£11,167</b>	<b>-£12,304</b>	<b>£1,137</b>
<b>OVERALL TOTALS</b>	<b>-£35,500</b>	<b>£20,898</b>	<b>-£12,471</b>	<b>£33,369</b>
Investment Income and Interest	-£41,500	-£31,125	-£52,885	£21,760
Interest Paid (Car park costs)				£0
<b>Net surplus/deficit for operational &amp; investment activities</b>	<b>-£77,000</b>	<b>-£10,227</b>	<b>-£65,356</b>	<b>£55,129</b>
Repayment of car park construction costs	£69,650	£0	£0	£0
<b>Net surplus/deficit after repayment</b>	<b>-£7,350</b>	<b>-£10,227</b>	<b>-£65,356</b>	<b>£55,129</b>

# Agenda Item 12

## COBTREE MANOR ESTATE CHARITY COMMITTEE

27 March 2024

### Cobtree Estate Update

<b>Timetable</b>	
<b>Meeting</b>	<b>Date</b>
Cobtree Manor Estate Charity Committee	27 March 2024

<b>Will this be a Key Decision?</b>	No
<b>Urgency</b>	Not Applicable
<b>Final Decision-Maker</b>	Cobtree Manor Estate Charity Committee
<b>Lead Head of Service</b>	Katie Exon, Head of Property and Leisure
<b>Lead Officer and Report Author</b>	Mike Evans, Leisure Contracts Manager
<b>Classification</b>	<p>Public report with exempt appendix</p> <p>Exempt Appendix Appendix 1: Exempt Update</p> <p>This appendix contains exempt information as classified in paragraph 3 of Part 1 of Schedule 12A to the Local Government Act 1972 in that it contains information relating to the financial or business affairs of any particular person (including the authority holding that information).</p> <p>The public interest in maintaining this exemption outweighs the public interest in its disclosure. The cost of this work will be included in future financial reports brought to this committee.</p>
<b>Wards affected</b>	All

### Executive Summary

An update report on the venues and activities that comprise the Cobtree Estate

**Purpose of Report**

Noting

**This report makes the following recommendations to this Committee:**

1. That the Cobtree Estate update be noted

## Cobtree Estate Update

<b>Issue</b>	<b>Implications</b>	<b>Sign-off</b>
<b>Impact on Corporate Priorities</b>	The work of the charity links directly to its charitable objectives and the Strategic Plan objectives for the council.	Leisure Contracts Manager
<b>Cross Cutting Objectives</b>	The work of the charity links directly to its charitable objectives and the cross-cutting objectives of the council.	Leisure Contracts Manager
<b>Risk Management</b>	Risk management implications are shown in section 5.	Leisure Contracts Manager
<b>Financial</b>	Financial implications from this update are managed day-to-day in line with council procedures and policies.	Senior Finance Manger (Client)
<b>Staffing</b>	Staffing implications are managed day-to-day in line with council procedures and policies.	Director of Finance, Resources and Business Improvement
<b>Legal</b>	There are no specific legal implications at present as this report is presented for noting only.	Deputy Head of Legal
<b>Information Governance</b>	The recommendations do not impact personal information (as defined in UK GDPR and Data Protection Act 2018) the Council Processes.	Information Governance Team
<b>Equalities</b>	The report is for noting and contains no recommendations that would propose a change in service, therefore no equalities impact assessment will be required.	Equalities & Communities Officer
<b>Public Health</b>	The Cobtree Estate works towards improving the health of our community and residents through its day-to-day operations.	Senior Public Health Officer

<b>Crime and Disorder</b>	Crime and disorder implications are managed day-to-day in line with council procedures and policies	Leisure Contracts Manager
<b>Procurement</b>	Procurement implications are managed day-to-day in line with council procedures and policies.	Director of Finance, Resources and Business Improvement
<b>Biodiversity and Climate Change</b>	There are no direct implications on biodiversity and climate change within this report.	Biodiversity and Climate Change Manager

## 2. INTRODUCTION AND BACKGROUND

- 1.1 This report includes operational updates from across the Cobtree Estate. An exempt update is included as exempt appendix 1.

### **Cobtree Manor Park**

- 1.2 In the period October to December 2023 there were 8,893 vehicle visits to the park, which matches the number for the same period in 2022. Overall, for the whole of 2023 there were over 51,900 vehicle visits, compared to the whole of 2022 where there were 55,220 visits.
- 1.3 The new café operator is progressing with their internal fit out works and the café at Cobtree is receiving good feedback from park users.
- 1.4 Toilet cleanliness standards have been monitored closely, as requested by this committee. Improvements were not being achieved and this was a concern to the council, the café operator and park visitors. Cleaning responsibilities for the toilets have been taken on by the café tenant who has given the toilets a full redecoration and attends to them regularly throughout the day. There has been a noticeable improvement, positive feedback from the public and it is hoped the improved visitor experience will translate to increased visitor numbers.
- 1.5 The park has been gifted the Elmer the Elephant sculpture that is themed on Maidstone Zoo and Cobtree Manor Park by the Cobtree Charity Trust. It will be given a permanent home at Cobtree Manor Park. Before its installation it will be part of an exhibition on the history of Maidstone Zoo that is on show in the Mote Park Visitor Centre in April. The exhibition will show the history of the zoo and its role in the town. It includes memories, photographs and audio clips from the zoo and will also enable residents to add their childhood memories of Maidstone Zoo to the exhibition.
- 1.6 The Elephant House has been advertised as a premises available to local business or organisations and tenants who complement the operations of

the park are sought. A separate report on this features in this meeting agenda.

### **Cobtree Golf Course**

- 1.7 In Quarter 3, the first under a new operator, there were 4,986 rounds of golf played and, although slightly under the 5,100 rounds under the previous operator for the same period in 2022, this represents a good start to the new operation in a period that is always weather dependent. Planned improvements to the site will make the course a more attractive proposition to golfers and there is evidence that a number of members that left the club over the past three years are returning.
- 1.8 New greenkeeping equipment is already improving standards across the golf course, despite the winter weather. The real benefit of this won't be realised until the spring when the grass and turf is in its growing season.
- 1.9 In the second half of February 2024, the course was closed for a number of consecutive days because of the wet playing surfaces and safe routes around the course. It is always unfortunate when this is the case, however it is important to protect the course and the golfers. Cobtree was not the only local course to close in this period with other courses in and outside the borough needing to close for the same reasons.
- 1.10 The new operator tenant has submitted their planning application for refurbishments to the clubhouse. The council is supporting in the consultation with golfers on the proposed changes.

### **Kent Life**

- 1.11 Kent Life received 41,555 visits in Quarter 3, which is 9% lower than for the same period in 2022, when there were 45,666 visits. Overall, 2023 total visitor numbers were 178,945 compared to 179,812 in 2022, which is a 0.1% decrease.
- 1.12 Winter activities have been well attended and received with Winter Wonderland being sold out on many days and drawing positive feedback on social media.
- 1.13 The introduction of cardboard recycling bins around the site has led to a reduction in skip use by 50% and the first collection took 4.2 tonnes of cardboard from site.
- 1.14 The application for Gift Aid eligibility has been approved and CMEC can now claim Gift Aid on donations received at Kent Life.

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## **3. AVAILABLE OPTIONS**

- 3.1 The Committee can note the information in this report.

- 3.2 The Committee can choose not to note the information in this report, however previous iterations of this committee requested regular updates on the operations of the estate so knock-on impacts and decisions can be foreknown.
- 

#### **4. PREFERRED OPTION AND REASONS FOR RECOMMENDATIONS**

- 4.1 It is recommended that the information in this report is noted.
- 

#### **5. RISK**

- 5.1 The items in this report are presented for information only and have no risk management implications.
- 5.2 The exempt update contains risks that are included at paragraphs 1.7, 1.8, 1.9 and 1.11. Mitigations to these risks are shown at paragraph 1.10.
- 

#### **6. CONSULTATION RESULTS AND PREVIOUS COMMITTEE FEEDBACK**

- 6.1 No consultation has taken place for the purposes of this report.
- 

#### **7. NEXT STEPS: COMMUNICATION AND IMPLEMENTATION OF THE DECISION**

- 7.1 Any comments from the Committee will be passed on to the relevant party.
- 

#### **8. REPORT APPENDICES**

- Exempt appendix 1: Exempt update
- 

#### **9. BACKGROUND PAPERS**

- None

# Agenda Item 13

## COBTREE MANOR ESTATE CHARITY COMMITTEE

27 March 2024

### Elephant House

<b>Timetable</b>	
<b>Meeting</b>	<b>Date</b>
Cobtree Manor Estate Charity Committee	27 March 2024

<b>Will this be a Key Decision?</b>	No
<b>Urgency</b>	Not Applicable
<b>Final Decision-Maker</b>	Cobtree Manor Estate Charity Committee
<b>Lead Head of Service</b>	Katie Exon, Head of Property and Leisure
<b>Lead Officer and Report Author</b>	Mike Evans, Leisure Contracts Manager
<b>Classification</b>	<p>Public report with exempt appendices</p> <p>Exempt appendix 1: Summary of the lettings process and applicants</p> <p>Exempt appendix 2: Applicant A's proposal and information</p> <p>Exempt appendix 3: Draft heads of terms</p> <p>These appendices contain exempt information as classified in paragraph 3 of Part 1 of Schedule 12A to the Local Government Act 1972 in that they contain information relating to the financial or business affairs of any particular person (including the authority holding that information).</p> <p>The public interest in maintaining this exemption outweighs the public interest in its disclosure. The cost of this work will be included in future financial reports brought to this committee.</p>
<b>Wards affected</b>	All

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**Executive Summary**

A report proposing that the Elephant House, Cobtree Manor Park, is let to a new tenant and that some landlord's upgrades are completed as part of that letting.

**Purpose of Report**

Decision

**This report makes the following recommendations to this Committee:**

1. That the Elephant House is let to applicant A on the terms shown in exempt appendix 3.
2. That, as landlord, CMEC invests in upgraded drainage and installs a toilet in the Elephant House.
3. That CMEC approves the capital budget proposed in the landlord's works section of exempt appendix 3, in order to complete the landlord's works, with a best value approach taken to complete the works.
4. That delegated authority is given to the Director of Finance, Resources and Business Improvement to agree the final lease with applicant 3.
5. That delegated authority is given to the Head of Mid-Kent Legal Services to enter into such lease documents and any relevant statutory notices and declarations, as required, to complete the lease process.

# Elephant House

<b>Issue</b>	<b>Implications</b>	<b>Sign-off</b>
<b>Impact on Corporate Priorities</b>	The work of the charity links directly to its charitable objectives and the Strategic Plan objectives for the council.	Leisure Contracts Manager
<b>Cross Cutting Objectives</b>	The work of the charity links directly to its charitable objectives and the cross-cutting objectives of the council.	Leisure Contracts Manager
<b>Risk Management</b>	The risks associated with the recommendations are outlined in section 5.	Leisure Contracts Manager
<b>Financial</b>	Financial implications from this update are managed day-to-day in line with council procedures and policies.	Senior Finance Manger (Client)
<b>Staffing</b>	Staffing implications are managed day-to-day in line with council procedures and policies.	Director of Finance, Resources and Business Improvement
<b>Legal</b>	As effective freeholder of the site, the council has powers to sublet buildings on the Estate.	Deputy Head of Legal Partnership
<b>Information Governance</b>	The recommendations do not impact personal information (as defined in UK GDPR and Data Protection Act 2018) the Council Processes.	Information Governance Team
<b>Equalities</b>	There is no impact on Equalities as a result of the recommendations in this report.	Equalities & Communities Officer
<b>Public Health</b>	We recognise that the proposed recommendations will not have negative impact on population health or that of individuals.	Senior Public Health Officer
<b>Crime and Disorder</b>	Crime and disorder implications are managed day-to-day in line with council procedures and policies.	Leisure Contracts Manager

<b>Procurement</b>	Procurement implications are managed day-to-day in line with council procedures and policies.	Director of Finance, Resources and Business Improvement
<b>Biodiversity and Climate Change</b>	There are positive implications on biodiversity and climate change achieved via this new tenancy.	Biodiversity and Climate Change Manager

## 2. INTRODUCTION AND BACKGROUND

- 2.1 The Elephant House was originally part of Maidstone Zoo, when it stood on the site that is now Cobtree Manor Park. It has not housed animals since the 1960s and in the ensuing decades has been largely empty. It was occupied as a workshop by the Cobtree Men's Shed from 2015 until the Covid-19 pandemic. The Shed Group now have a home at Kent Life and long-term options for the Elephant House have been sought.
- 2.2 The park setting and the Elephant House's classification as a workshop/store mean that lots of uses for it are not suitable, but these factors also combine to create a unique opportunity for the right type of letting.
- 2.3 The building has electricity and water connections, but it does not have a working drainage connection. The council commissioned a drainage survey to investigate the historic waste pipes and these were found to be in too poor a condition to be reinstated. The council has quotes for installing working waste drainage that can be considered as part of supporting a new tenancy and protecting the future of the building.
- 2.4 The Council marketed the Elephant House via agents in autumn 2023 for workshop use. There was mixed interest and a summary of the marketing process is attached as exempt appendix 1.
- 2.5 Multiple enquiries were received for a refreshments kiosk or café. These were discounted because the park does not have enough visitors for two separate cafés. Applicants also need to open and close the premises in line with the park's opening times and vehicle access to the building will be restricted to protect the pedestrian paths and tree root zones from excessive wear and tear. The building would require extensive repair, insulation, cladding and upgrade for use as anything more intensive than a workshop and store. For alternative uses, additional consents (and therefore costs) would also be required which would delay bringing the building back into use.

### **3. AVAILABLE OPTIONS**

#### **3.1 Do nothing**

The Committee can choose not to let the building to an applicant. In this circumstance the council will continue to manage the building as an empty premises and its long-term value and condition will suffer. Over time it will become a financial and reputational risk. **This option is not recommended.**

#### **3.2 Continue the marketing period for additional applicants**

The Committee can choose to extend the application and seek additional applicants who may propose better terms, however as shown in exempt appendix 1, the marketing process has been thorough and it is not expected that continuing it will unearth new applicants or types of proposals that have not already been considered. There is also a time factor that will have a negative impact if this option is pursued. **This option is not recommended.**

#### **3.3 Agree Heads of Terms and offer a tenancy to applicant A**

Applicant A's proposal and additional information is included in exempt appendix 3 and suggested heads of terms are included in exempt appendix 4. This proposal represents the best value option for Cobtree and the Cobtree Manor Estate Charity. **This is the recommended option.**

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### **4. PREFERRED OPTION AND REASONS FOR RECOMMENDATIONS**

- 4.1 Applicant A is a business whose sector and ethos fits the park setting. It also aligns with the council's strategic priorities.
- 4.2 Applicant A's proposal will bring a new income line to the park and will also bring investment into the park's assets. The business has some customer-facing elements so it will also bring educational experiences to park visitors. The proposal includes investment the tenant will also be making into the premises. The improvements will suit their business operations but will also benefit the building and CMEC.
- 4.3 Exempt appendix 3 includes information relating to applicant A's expansion from being a home-based business to needing to find its first premises. The draft heads of terms reflect this growth phase with provisions that will apply in year 3.

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### **5. RISK**

- 5.1 The risks associated with this proposal, including the risks if the Council does not act as recommended, have been considered in line with the Council's Risk Management Framework. We are satisfied that the risks associated are within the Council's risk appetite and will be managed as per the Policy.

- 5.2 The recommendations in this report remove some future risks, which are described in paragraph 3.1.
- 5.3 The tenant is a relatively new business and is expanding. There is a risk to CMEC that the business cannot expand sustainably or successfully and does not survive. The impact of this to CMEC is tolerable as the building is currently vacant and is not providing an income stream. The works that will be carried out are not specific to Applicant A and would work for many other organisations or businesses, meaning the building could easily be let again to other interested parties.
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## **6. CONSULTATION RESULTS AND PREVIOUS COMMITTEE FEEDBACK**

- 6.1 No consultation has taken place for the purposes of this report.
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## **7. NEXT STEPS: COMMUNICATION AND IMPLEMENTATION OF THE DECISION**

- 7.1 Any comments from the committee will be passed on to the relevant party.
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## **8. REPORT APPENDICES**

- Exempt appendix 1: Summary of the lettings process and applicants
  - Exempt appendix 2: Applicant A's proposal and information
  - Exempt appendix 3: Draft heads of terms
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## **9. BACKGROUND PAPERS**

- None

# Agenda Item 14

By virtue of paragraph(s) 3 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

Document is Restricted

# Agenda Item 15

By virtue of paragraph(s) 3 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

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