

AGENDA

COBTREE MANOR ESTATE CHARITY COMMITTEE MEETING



Date: Friday 20 November 2009
Time: 2.00 p.m.
Venue: Meeting Room 1B, The Gateway,
King Street, Maidstone

Membership:

Councillors Garland (Chairman), Ash, Greer and
Mrs Ring

Page No.

1. Apologies for Absence
2. Notification of Visiting Members
3. Disclosures by Members and Officers
4. Disclosures of Lobbying
5. To consider whether any items should be taken in private because of the possible disclosure of exempt information.
6. Minutes of the meeting held on 12 August 2009

1 - 2

Continued Over/:

Issued on 12 November 2009

The reports included in Part I of this agenda can be made available in **alternative formats**. For further information about this service, or to arrange for special facilities to be provided at the meeting, **please contact DEBBIE SNOOK on 01622 602030**. To find out more about the work of the Committee, please visit www.digitalmaidstone.co.uk

**David Petford, Chief Executive, Maidstone Borough Council,
Maidstone House, King Street, Maidstone, Kent, ME15 6JQ**

| | | |
|-----|---|---------|
| 7. | Report of the Head of Finance - Financial Position 2009/10 | 3 - 7 |
| 8. | Report of the Cobtree Officer - Preparation of Master Plan | 8 - 9 |
| 9. | Report of the Cobtree Officer - Park Ranger - Progress Report | 10 - 12 |
| 10. | Report of the Cobtree Officer - Wildlife Surveys | 13 - 15 |
| 11. | Report of the Cobtree Officer - Cobtree Manor Estate - Acquisition of the Share of the Council in the Receipts of Land | 16 - 20 |
| 12. | Report of the Cobtree Officer - Asset Management Plan - 2009/2011 | 21 - 40 |
| 13. | Report of the Cobtree Officer - Cobtree Manor Park - Additional Expenditure | 41 - 44 |
| 14. | Report of the Cobtree Officer - Cobtree Manor Park - Further Expenditure | 45 - 47 |
| 15. | Report of the Cobtree Officer - Dates for Future Meetings | 48 - 50 |
| 16. | Report of the Cobtree Officer - Cobtree Manor Golf Course - Buggy Path | 51 - 54 |

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.

| | <u>Head of Schedule 12A and Brief Description</u> | |
|--|---|---------|
| 17. Exempt Report of the Cobtree Officer - Electricity Charges | 3 – Financial/Business Affairs 5 – Legal Professional Privilege/Legal Proceedings | 55 - 58 |
| 18. Exempt Report of the Director of Prosperity and Regeneration - Cobtree Officer | 3 – Financial/Business Affairs | 59 - 61 |

MAIDSTONE BOROUGH COUNCIL

COBTREE MANOR ESTATE CHARITY COMMITTEE

MINUTES OF THE MEETING HELD ON 12 AUGUST 2009

Present: Councillor Garland (Chairman) and
Councillors Ash and Mrs Ring

Also Present: Councillors FitzGerald and Moss
Mr L Martin – Cobtree Charity Trust
Limited

16. APOLOGIES FOR ABSENCE

It was noted that apologies for absence had been received from Councillor Greer.

17. NOTIFICATION OF VISITING MEMBERS

Councillors FitzGerald and Moss indicated their possible wish to speak on a number of items on the agenda.

18. DISCLOSURES BY MEMBERS AND OFFICERS

There were no disclosures by Members and Officers.

19. DISCLOSURES OF LOBBYING

There were no disclosures of lobbying.

20. EXEMPT ITEMS

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

21. MINUTES OF THE MEETING HELD ON 29 JUNE 2009

RESOLVED: That the Minutes of the meeting held on 29 June 2009 be approved as a correct record and signed.

22. MATTERS ARISING FROM THE MINUTES OF THE MEETING HELD ON 29 JUNE 2009

MINUTE 9 - GARDEN COTTAGE OVERSPEND

The Senior Solicitor suggested that in order to avoid the possibility of further overspends in respect of works carried out at the Cobtree Manor Estate, the appropriate Officers should be informed that when recommending quotes for acceptance by the Committee, they should be fixed fee only. The Committee supported this approach.

23. COBTREE MANOR PARK GOLF COURSE - PROVISION OF BUGGY PATH

The Committee considered the report of the Cobtree Officer setting out details of a request by Mytime, the Golf Course management contractor, for a contribution towards the cost of the construction of an all-weather path around the Golf Course to allow the use of electric buggies throughout the year. It was noted that the cost of constructing the path was estimated to be £104,500. The Council acting as Corporate Trustee was being asked to contribute £57,945 (unspent funding of £19,055 from 2008/09 and £38,890 in the current financial year) and it was recommended that the Council acting as local authority be asked to contribute unspent funding of £5,445 from 2008/09 and £11,110 in the current financial year. An indication had been received that the contribution from the Council acting as local authority was unlikely to be achieved.

The Committee felt that it needed further information to assist it in its consideration of the request, including an assessment of the likely increases in footfall and revenue in return for its investment.

RESOLVED: That consideration of the request for a contribution towards the cost of the construction of an all-weather path around the Golf Course to allow the use of electric buggies throughout the year be deferred for the submission of a detailed business case and a review of the proposed funding arrangements.

24. COBTREE MANOR ESTATE - PROVISION OF REPLACEMENT GATES

DECISION MADE:

1. That the offer made by the Cobtree Charity Trust Limited to provide, at its own expense, replacement gates and signage at the Forstal Road entrance to the Cobtree Manor Park be accepted.
2. That the design proposed by the Cobtree Charity Trust Limited for the gates and signage be endorsed.
3. That it be accepted that the installation of the gates and signage will require, subject to any necessary planning/building regulations consents being obtained, the laying of an area of tarmac and that the Officers be requested to report back to the Committee at the earliest opportunity regarding the possibility of a contribution being made towards the cost of the tarmac.

For full details of this Record of Decision, please follow this link:

<http://meetings.digitalmaidstone.co.uk/ieDecisionDetails.aspx?ID=183>

25. DURATION OF MEETING

3.45 p.m. to 4.15 p.m.

MAIDSTONE BOROUGH COUNCIL

COBTREE MANOR ESTATE COMMITTEE

20TH NOVEMBER 2009

REPORT OF THE HEAD OF FINANCE

Report prepared by: Paul Holland (Senior Accountant)

1 FINANCIAL POSITION 2009/10

1.1 Issue for Decision

1.1.1 To consider the current financial position of the Golf Course and Manor Park as at 30th September 2009.

1.2 Recommendation of the Head of Finance

1.2.1 That the current financial position as at 30th September 2009 is noted.

1.3 Reasons for Recommendation

1.3.1 Attached at **APPENDIX A** is the current financial position as at 30th September 2009.

1.3.2 The budget figures in the estimate column reflect the Estimates that were presented to full Council, which now include the financial impact of the new contract arrangements for the Golf Course.

1.3.3 The statement also includes details of capital expenditure and the projected loan repayment position to 30th September 2009, at **APPENDIX B**.

1.4 Cobtree Golf Course – Employee Costs

1.4.1 Appendix A shows unfunded employee costs of £38,356. These relate for the costs of staff who are currently employed by the Council, but who are due to transfer to MyTime. Due to an issue relating to pension contributions this transfer has not yet to take place, and the costs are therefore being charged to the golf course. However, these costs are being recharged to MyTime, as can be seen by the increased figure shown against income, so there is no actual cost to the Trust. Because of uncertainty over the cost and length of time of this situation there have been no budgets established.

1.5 Cobtree Manor Park – Additional Costs

1.5.1 Since the 2009/10 budget for the Manor Park was initially established there have been a number of additional costs identified and added to that budget. As previously advised the running costs of the toilet block have been now been transferred from the Council to the Trust at an estimated cost of £11,200 for 2009/10. In addition Trustees have approved a number of requests for expenditure - £9,500 for the Cobtree Master Plan, £12,550 for the Cobtree Site Survey, £2,600 for an electric vehicle for the Park Ranger, and £1,800 for temporary resurfacing works as part of the installation of the new gates.

1.5.2 Along with some minor budget adjustments these have increased the budget for 2009/10 by £40,000. This will consequently reduce the amount of the loan repaid by the Trust at the end of the financial year. Trustees have previously been advised that the loan should be repaid during 2010/11, however there is now the possibility that this may slip into early 2011/12, depending on the financial circumstances over the next 18 months.

1.6 Alternative Actions and Why Not Recommended

1.6.1 The Committee could not receive updates during the year on the financial position, but this would not be consistent with good financial management.

1.7 Impact on the Charity’s Objectives

1.7.1 The net surplus on the activities of the Golf Course and Manor Park is utilised to repay the Long-Term loan to the Council. Details of the current loan position are shown at **APPENDIX B**.

1.8 Risk Management

1.8.1 Good financial management allows more informed decisions to be made regarding the ongoing activities of the Trust.

1.9 Other Implications

| | |
|---------------------------------------|----------|
| Financial | X |
| Staffing | |
| Legal | |
| Social Inclusion | |
| Environmental/Sustainable Development | |
| Community Safety | |
| Human Rights Act | |
| Procurement | |
| Asset Management | |

1.10 Financial Implications

Financial Implications are detailed in the report above.

| | | | |
|---|-----|--------------------------|--|
| <u>NO REPORT WILL BE ACCEPTED WITHOUT THIS BOX BEING COMPLETED</u> | | | |
| Is this a Key Decision? | Yes | <input type="checkbox"/> | No <input checked="" type="checkbox"/> |
| If yes, when did it appear in the Forward Plan? _____ | | | |
| Is this an Urgent Key Decision? | Yes | <input type="checkbox"/> | No <input checked="" type="checkbox"/> |
| <u>Reason for Urgency</u> | | | |
| Not applicable | | | |

APPENDIX A - COBTREE GOLF COURSE & RURAL PARK
CURRENT FINANCIAL POSITION

April - September 2009

Golf Course

| Category | Actual (£) | Estimate to Date (£) | Full Year Estimate (£) |
|---------------------|-------------------|-----------------------------|-------------------------------|
| Employee Costs | 38,356 | 0 | 0 |
| Premises Costs | 11,981 | 10,310 | 21,540 |
| Supplies & Services | 1,156 | 2,460 | 117,570 |
| Recharges | 32,240 | 32,240 | 64,470 |
| Capital Charges | 0 | 0 | 1,790 |
| Income | -204,364 | -160,720 | -237,820 |
| GRAND TOTAL | -120,631 | -115,710 | -32,450 |

This is the actual expenditure to date compared against the projected estimate up to the end of September 2009.

April - September 2009

Rural Park

| Category | Actual (£) | Estimate to Date (£) | Full Year Estimate (£) |
|---------------------|-------------------|-----------------------------|-------------------------------|
| Employee Costs | 9,244 | 11,450 | 22,900 |
| Premises Costs | 36,944 | 25,500 | 53,980 |
| Transport | 121 | 0 | 2,600 |
| Supplies & Services | 16,707 | 16,740 | 43,820 |
| Agency Costs | 5,600 | 5,600 | 11,200 |
| Recharges | 12,560 | 12,560 | 25,110 |
| Income | -9,497 | -8,000 | -159,700 |
| GRAND TOTAL | 71,679 | 63,850 | -90 |

APPENDIX B

COBTREE CAPITAL SCHEMES

| Scheme | Budget (£) | Actual to Date (£) |
|---------------|-------------------|---------------------------|
| Water Supply | 34,880 | 0 |
| Total | 34,880 | 0 |

| | | |
|------------------------|---------------|----------|
| Maidstone BC (2/9ths) | 7,750 | 0 |
| Cobtree Trust (7/9ths) | 27,130 | 0 |
| | 34,880 | 0 |

CURRENT LOAN REPAYMENT PROJECTION

| | Budget (£) |
|---------------------------|-------------------|
| Golf Course - Net surplus | -114,780 |
| Manor Park - Net deficit | 78,030 |
| Investment income | -50,000 |
| Capital expenditure | 27,130 |
| Loan repayment 2009/10 | -59,620 |

CURRENT LOAN POSITION

| | £ |
|---|---------------|
| Balance outstanding at 31st March 2009 | 149,900 |
| Projected loan repayment 2009/10 | -59,620 |
| Balance outstanding at 31st March 2010 | 90,280 |

Agenda Item 8

THE CHARITY KNOWN AS COBTREE MANOR ESTATE

COBTREE MANOR ESTATE CHARITY COMMITTEE

20 NOVEMBER 2009

REPORT OF THE COBTREE OFFICER

Report Prepared by: Brian Latimer – Cobtree Officer

1. PREPARATION OF MASTER PLAN

1.1 Issue for Decision

1.1.1 To consider and comment on the initial proposals for inclusion in the master plan for Cobtree Manor Park.

1.2 Recommendation of the Cobtree Officer

1.2.1 It is recommended that Members receive a brief presentation by the consultant appointed to prepare the master plan for Cobtree Manor Park and to consider his initial proposals.

1.3 Reasons for Recommendation

1.3.1 Adam Bailey, the consultant appointed to prepare the master plan for Cobtree Manor Park, has requested that Members receive a brief presentation on his initial proposals for the master plan.

1.4 Alternative Action and why not Recommended

1.4.1 No alternative course of action is recommended.

1.5 Impact on Charity Objects

1.5.1 The work of the consultant is designed to have a positive impact on fulfilling the objects of the Charity by encouraging greater numbers of people to use the Cobtree Manor Park.

1.6 Risk Management

1.6.1 There is limited impact on the risk management of the Charity's affairs at this stage.

1.7 Other Implications

1.7.1

| | |
|---------------------------------------|-------------------------------------|
| Financial | <input checked="" type="checkbox"/> |
| Staffing | <input type="checkbox"/> |
| Legal | <input type="checkbox"/> |
| Social Inclusion | <input type="checkbox"/> |
| Considerations for Disabled Persons | <input type="checkbox"/> |
| Environmental/Sustainable Development | <input type="checkbox"/> |
| Community Safety | <input type="checkbox"/> |
| Human Rights Act | <input type="checkbox"/> |
| Procurement | <input type="checkbox"/> |

1.7.2 The financial implications for Members consideration will evolve as the master plan is finalised.

Background Documents

NO REPORT WILL BE ACCEPTED WITHOUT THIS BOX BEING COMPLETED

Is this a Key Decision? Yes No

If yes, when did it appear in the Forward Plan? _____

Is this an Urgent Key Decision? Yes No

Reason for Urgency

Agenda Item 9

THE CHARITY KNOWN AS COBTREE MANOR ESTATE

COBTREE MANOR ESTATE CHARITY COMMITTEE

20 NOVEMBER 2009

REPORT OF THE COBTREE OFFICER

Report Prepared by: Brian Latimer – Cobtree Officer

1. PARK RANGER – PROGRESS REPORT

1.1 Issue for Decision

1.1.1 To consider a progress report on the work of the Park Ranger.

1.2 Recommendation of the Cobtree Officer

1.2.1 It is recommended that the progress report be noted and that a progress report on the work of the Park Ranger be submitted to each meeting.

1.3 Reasons for Recommendation

1.3.1 Although Members do not receive progress reports as a matter of course, it is felt that the work of the Park Ranger is of such importance to the Charity that, with Members consent, a report should be submitted to each meeting to keep Members informed of progress and allow an opportunity to question the Park Ranger in person.

1.3.2 During the period since the last meeting of the Committee the following items of note have been actioned in addition to carrying out general maintenance tasks:

- (i) Liaison with the consultant concerning the development of the master plan for Cobtree Manor Park.
- (ii) Liaison with the Cobtree Charity Trust Limited regarding the installation of the new gates and entrance signs.
- (iii) Liaison about the creation of a pedestrian entrance into the park; to be created in the hedge line to allow pedestrian access when the new gates are locked.

- (iv) Liaison about the retention and relocation of an old pair of Cobtree Estate gates which are in storage at MBS depot; these are to be relocated to the Elephant House when ground conditions allow access by a heavy vehicle.
- (v) Distribution of 1200 Cobtree Park leaflets since July; more are needed and there is a recommendation that the annual print run should be 5000 copies.
- (vi) Initial consideration for an events and activities programme starting 2010-11; financial provision to be considered in the draft estimates.
- (vii) Liaison regarding ecological surveys and monitoring arrangements proposed for the remainder of 2009 and 2010: (refer report elsewhere on your agenda for funding to purchase lining and baiting of traps).
- (viii) Held introductory talks with a local employer who is being encouraged to organise a group of workforce volunteers to carry out conservation tasks in the park. Three further park users have also put their names forward to act as volunteers. The first task will be to selectively clear the corner of the woods known as the main site of the 'undesirable behaviour'. The MVCP has been consulted on the proposal to ensure that no undue disturbance is caused to wildlife. It is proposed that the conservation task days will happen twice per month from late November through to early March.

1.4 Alternative Action and why not Recommended

1.4.1 No alternative course of action is recommended.

1.5 Impact on Charity Objects

1.5.1 The work of the Park Ranger has a positive impact on fulfilling the objects of the Charity by encouraging greater numbers of people to use the facility.

1.6 Risk Management

1.6.1 There is limited impact on the risk management of the Charity's affairs.

1.7 Other Implications

1.7.1

- | | |
|---------------------------------------|-------------------------------------|
| Financial | <input checked="" type="checkbox"/> |
| Staffing | <input type="checkbox"/> |
| Legal | <input type="checkbox"/> |
| Social Inclusion | <input type="checkbox"/> |
| Considerations for Disabled Persons | <input type="checkbox"/> |
| Environmental/Sustainable Development | <input type="checkbox"/> |
| Community Safety | <input type="checkbox"/> |
| Human Rights Act | <input type="checkbox"/> |
| Procurement | <input type="checkbox"/> |

1.7.2 The financial requirements for the post will be included in the 2010/11 draft estimates for Members consideration.

Background Documents

NO REPORT WILL BE ACCEPTED WITHOUT THIS BOX BEING COMPLETED

Is this a Key Decision? Yes No

If yes, when did it appear in the Forward Plan? _____

Is this an Urgent Key Decision? Yes No

Reason for Urgency

THE CHARITY KNOWN AS COBTREE MANOR ESTATE

COBTREE MANOR ESTATE CHARITY COMMITTEE

20 NOVEMBER 2009

REPORT OF THE COBTREE OFFICER

Report Prepared by: Brian Latimer – Cobtree Officer

1. WILDLIFE SURVEYS

1.1 Issue for Decision

1.1.1 To consider the inclusion of funding in the estimates for 2010/11 to carry out an extended Phase I Habitat Survey.

1.2 Recommendation of the Cobtree Officer

1.2.1 It is recommended that the sum of £1500 be included in the estimates for 2010/11 to allow the engagement of the Medway Valley Countryside Partnership to undertake an extended Phase I Habitat Survey of the Cobtree Manor Park.

1.3 Reasons for Recommendation

1.3.1 To facilitate the preparation of a detailed management plan for the Cobtree Manor Park it will be necessary to carry out an extended Phase I Habitat Survey. The Park Ranger has contacted two local organisations capable of carrying out this work. A quotation in the sum of £1,500 has been received from the Medway Valley Countryside Partnership; which is considerably less than the alternative supplier.

1.3.2 The Surveying effort will concentrate on the native species present by doing a desktop analysis of data held at the Kent and Medway Biological Records Centre (KMBRC) and by obtaining information from several sites. From this information gathering, management recommendations to enhance native bio-diversity will be developed, in line with the overall leisure and recreational policies for the park.

1.3.3 The objectives will be to;

- (i) Fully describe all habitat compartments within the park; and,
 - (ii) Propose management recommendations to maintain and enhance native wildlife interest.
- 1.3.4 The report will provide a SWOT analysis for the whole site and contain a summary detailing all findings with a detailed species list. It must be noted that bat surveys will not cover roost sites.
- 1.3.5 Further work may be required dependant upon the initial findings and when planning applications need to be submitted for any proposed construction work. This will need to be evaluated at the time, but an indication has been given that budgetary provision approaching £10,000 may be required, depending on the circumstances.
- 1.3.6 The initial survey will include the following activities:
- (i) A Desk study to check designations, (statutory and non statutory) and to retrieve data report from Kent and Medway Biological Records Centre;
 - (ii) A phase 1 habitat survey for whole site – including report writing and management recommendations; to include two site visits during April & June 2010; and
 - (iii) A species specific survey for evidence of dormice, bats and other reptiles (this to include several site visits for setting out and checking refugia).
- 1.3.7 The findings from the survey will assist the preparation of guided walks within the Park; something which Members requested should be included in the brief for the Park Ranger
- 1.4 Alternative Action and why not Recommended
- 1.4.1 The alternative course of action is to not include the required funding. This is not recommended as the information to be provided will inform the proposed site management plan and provide valuable information for the proposed guided walks.
- 1.5 Impact on Charity Objects
- 1.5.1 This matter will have a positive impact on the objects of the Charity by providing useful information to encourage greater visitor numbers.

1.6 Risk Management

1.6.1 There is limited impact on the risk management of the Charity's affairs. Specific risk assessments will be carried out when the programme of guided walks has been established.

1.7 Other Implications

1.7.1

| | |
|---------------------------------------|-------------------------------------|
| Financial | <input checked="" type="checkbox"/> |
| Staffing | <input type="checkbox"/> |
| Legal | <input type="checkbox"/> |
| Social Inclusion | <input type="checkbox"/> |
| Considerations for Disabled Persons | <input type="checkbox"/> |
| Environmental/Sustainable Development | <input type="checkbox"/> |
| Community Safety | <input type="checkbox"/> |
| Human Rights Act | <input type="checkbox"/> |
| Procurement | <input type="checkbox"/> |

It is requested that financial provision of £1,500 be made in the estimates for 2010/11.

NO REPORT WILL BE ACCEPTED WITHOUT THIS BOX BEING COMPLETED

Is this a Key Decision? Yes No

If yes, when did it appear in the Forward Plan? _____

Is this an Urgent Key Decision? Yes No

Reason for Urgency

Agenda Item 11

THE CHARITY KNOWN AS COBTREE MANOR ESTATE

COBTREE MANOR ESTATE CHARITY COMMITTEE

20 NOVEMBER 2009

REPORT OF THE COBTREE OFFICER

Report Prepared by: Brian Latimer – Cobtree Officer

1. COBTREE MANOR ESTATE – ACQUISITION OF THE SHARE OF THE COUNCIL IN THE RECEIPTS OF LAND

1.1 Issue for Decision

1.1.1 To consider in principle the possible acquisition of the Council's share in the receipts of land forming part of the Cobtree Manor Park Golf Course and Manor Park.

Recommendation of the the Cobtree Officer

1.1.2 It is recommended that:

- (i) Members agree in principle to the possible acquisition of the Council owned land forming part of the Cobtree Manor Park Golf Course and Manor Park;
- (ii) The matter be considered further following the receipt of comment from the Charity Commission; and
- (iii) Should the Charity Commission raise no objection in principle, instruct Officers to seek a valuation to inform the further consideration by Members.

1.2 Reasons for Recommendation - Background

1.2.1 When the Cobtree Estate was first developed for public use in 1974 an additional area of land was acquired by the Council to facilitate the development of the Cobtree Manor Park Golf Course without taking too much land from within the Cobtree Estate designated for the proposed parkland area. The land in question was acquired for £10,000.00.

1.2.2 Later, when the Council took steps to regularise the operation and management of the Charity; to ensure a greater separation of the Charity's affairs from those of the Council acting as the

local authority; a decision was taken to retain the acquired land within the Council's (local authority) direct ownership. The decision was taken on the basis that the local authority would maintain an interest in the Golf Course and would continue to receive a financial benefit from its operation. To this end the Charity receives a 7/9th share of the income generated by the golf course, whilst the Council receives 2/9ths (such ratio reflecting the proportion of land on the golf course in the relative ownerships and the number of holes affected by the land in question).

1.2.3 As the operation and management of the Charity has matured the decision taken by the Council has raised a number of difficult questions and, most recently, difficulties over the funding of proposed developments which have been accorded different levels of priority by the local authority as opposed to that of the Charity.

1.2.4 Had the sum of £10,000.00 referred to at 1.3.1 been included in the original calculated "debt" to the Council, it is possible that that the total debt would have been repaid; this is on the basis that although the local authority has continued to contribute 2/9's of the costs of operating the golf course, there has always been an annual surplus from which the local authority has benefited in similar proportion.

1.3 Current Proposal

1.3.1 The local authority has now approached the Charity about the possible acquisition of this the 2/9ths share of the receipts generated by the golf course held by the Council.

1.3.2 It is considered inevitable that, under the circumstances, the Charity Commission will wish to express a view on the matter, and your officers have, therefore, made an in principle enquiry about the possible acquisition. It is hoped a reply from the Commission will be available in time for your meeting.

1.3.3 In the past the Charity Commission has indicated that a charity's permanent endowment may be used for the acquisition of additional charity land. However, it has also indicated that it would expect a replenishment of the endowment fund, pound for pound, within an agreed period of time. Should the acquisition be allowed to progress the Commission may also require the preparation of an appropriate "scheme"; a document which would be prepared by the Commission in consultation with the Council and then subjected to a period of public consultation before being approved.

- 1.3.4 The immediate benefit from acquiring this land is that it will allow the charity, within the context of the existing management contract, total control over the operation and management of the golf course, and to benefit from the total income generated through the management contract. The surplus generated each year varies depending upon the level of expenditure, but it is always a positive figure.
- 1.3.5 Of course, under this proposal the Charity will take responsibility for the Council's current 2/9ths share of the costs of repair, maintenance, and improvement.
- 1.3.6 Members are reminded that the whole reason for the existence of the Charity is the 1971 lease of the Cobtree Estate. Therefore, by the charity acquiring this land, the land will become part of the Cobtree Estate within the context of the Lease and will thus pass to the Cobtree Charity Trust Limited (as freeholder to the Estate) when the lease terminates in 961 years time.
- 1.3.7 A final decision will, of course, also depend on the valuation and the level of funding available. Providing there are no in principle objections from the Charity Commission, your officers seek consent to instruct a valuation to be prepared by an appropriately qualified and experienced Chartered surveyor.
- 1.3.8 Depending on that valuation, and the subsequent decision on the suggested acquisition, this may result in a substantial short to medium term diminution in the permanent endowment which may have a significant impact on the Charity's ability to bring about the proposed enhancements to the Cobtree Manor Park; and this is a consideration which Members may wish to bear in mind.
- 1.4 Alternative Action and why not Recommended
- 1.4.1 The alternative course of action is to reject the approach from the local authority and to continue as at present. This course of action is not recommended as the potential benefits to the Charity can only be appraised effectively once all the information has been received.
- 1.5 Impact on Charity Objects
- 1.5.1 The possible acquisition of the additional land may enhance the Charity's ability to implement its objects.

1.6 Risk Management

1.6.1 There are two significant risks which need to be considered:

- (i) The cost of acquisition of the land may diminish the Charity's ability to bring about desirable enhancements to the Cobtree Manor Park: and,
- (ii) The future cost of operating the Golf course may increase significantly and/or the income derived from contract management may diminish over time; such costs and dis-benefits will be borne by the Charity alone if the acquisition proceeds.

Other Implications

1.8.1

| | |
|---------------------------------------|-------------------------------------|
| Financial | <input checked="" type="checkbox"/> |
| Staffing | <input type="checkbox"/> |
| Legal | <input checked="" type="checkbox"/> |
| Social Inclusion | <input type="checkbox"/> |
| Considerations for Disabled Persons | <input type="checkbox"/> |
| Environmental/Sustainable Development | <input type="checkbox"/> |
| Community Safety | <input type="checkbox"/> |
| Human Rights Act | <input type="checkbox"/> |
| Procurement | <input type="checkbox"/> |

1.8.2 There are likely to be significant financial implication for the Charity, and these will need to be evaluated prior to a final decision.

1.8.3 There will be a legal process which the Charity Commission will require the Council to follow before the use of the Charity's permanent endowment can be sanctioned.

Background Documents

NO REPORT WILL BE ACCEPTED WITHOUT THIS BOX BEING COMPLETED

Is this a Key Decision? Yes No

If yes, when did it appear in the Forward Plan? _____

Is this an Urgent Key Decision? Yes No

Reason for Urgency

THE CHARITY KNOWN AS COBTREE MANOR ESTATE

COBTREE MANOR ESTATE CHARITY COMMITTEE

NOVEMBER 2009

REPORT OF THE COBTREE OFFICER

Report Prepared by: Brian Latimer – Cobtree Officer

- 1. ASSET MANAGEMENT PLAN – 2009 - 2011**
- 1.1 Issue for Decision
- 1.1.1 To consider draft Asset Management Plan for the period 2009 - 2011.
- 1.2 Recommendation of the Cobtree Officer
- 1.2.1 It is recommended that the Asset Management Plan attached as an Appendix to this report be endorsed.
- 1.3 Reasons for Recommendation
- 1.3.1 At the meeting of the Cobtree Manor Estate Committee on 19 November 2008 Members carried out their annual review of the Charity's Asset Management Plan using appropriate data extracted the from the Council's own plan. The plan was endorsed with minor amendments.
- 1.3.2 Set out at **Appendix A** to this report is a copy of the draft plan for the period 2009 -2011. The plan has been reviewed by officers and is presented for Members consideration.
- 1.4 Alternative Action and why not Recommended
- 1.4.1 The alternative course of action is to leave the Asset Management Plan within the Council's overall plan, but this is not recommended as it does not sufficiently emphasise the distinct separation of consideration which must be given to matters relating to the Cobtree Estate.

1.5 Impact on Charity Objects

1.5.1 The Asset Management Plan will continue to help the Charity to focus on the appropriate use of its assets to achieve its stated objectives.

1.6 Risk Management

1.6.1 Inappropriate management of the Charity’s assets may risk a challenge from the Charity Commission.

1.7 Other Implications

1.7.1

| | |
|---------------------------------------|-------------------------------------|
| Financial | <input checked="" type="checkbox"/> |
| Staffing | <input type="checkbox"/> |
| Legal | <input type="checkbox"/> |
| Social Inclusion | <input type="checkbox"/> |
| Considerations for Disabled Persons | <input type="checkbox"/> |
| Environmental/Sustainable Development | <input type="checkbox"/> |
| Community Safety | <input type="checkbox"/> |
| Human Rights Act | <input type="checkbox"/> |
| Procurement | <input type="checkbox"/> |

1.7.2 Any immediate financial implications are contained in the body of the report.

1.8 Conclusions

1.8.1 The Committee has resolved to undertake an annual review of its Asset Management Plan to ensure a better use of the resources at its disposal.

Background Documents

NO REPORT WILL BE ACCEPTED WITHOUT THIS BOX BEING COMPLETED

Is this a Key Decision? Yes No

If yes, when did it appear in the Forward Plan? _____

Is this an Urgent Key Decision? Yes No

Reason for Urgency

DRAFT

THE CHARITY KNOWN AS COBTREE MANOR ESTATE

ASSET MANAGEMENT PLAN

2009 - 2011

INTRODUCTION

- 1.1 The Charity known as Cobtree Manor Estate holds land and buildings under the terms of its 1971 lease from the Cobtree Charity Trust Limited for the benefit of local residents and other members of the general public, and primarily for use as public open space.
- 1.2 The property assets which it holds are defined for the purpose of this plan as the buildings and other structures, and various parcels of land on the former Cobtree Estate; these to include items of building related plant and equipment where appropriate.
- 1.3 The object of this Asset Management Plan is to provide the Charity with:
 - (a) A clear definition of operational responsibility for the management of its assets in line with the policies and strategic direction of the Charity.
 - (b) An assurance that the assets are suitable for the purposes for which they are required.
 - (c) A performance measurement system which relates to the objects of the Charity.

2. CONTEXT

- 2.1 The management of the Cobtree Manor Estate is the essential reason for the existence of the Charity. However, there are a number of properties on the Estate which do not directly support the objects of the Charity, but which form part of the portfolio of assets generating a level of revenue income.
- 2.2 Under the terms of its 1971 Lease the Charity exists essentially to provide public open space as defined by the Open Spaces Act 1906. A proportion of the Estate was appropriated in 1975 for use as a public Pay and Play Golf Course. However, both elements of the Estate fall under the auspices of the Charity and are managed as a single entity.
- 2.3 The Maidstone Borough Council, acting in its capacity as a local authority, contributed towards the development of the golf course through the purchase of additional land; and thus retains a direct interest in the operation of the golf course proportionate to the amount of land it owns (identified as a ratio of 2/9's:7/9's).
- 2.4 The Charity continues to review options for the future development of the Estate designed to increase the number of visitors to the site consistent with the basic objects of the Charity; thus management of the various assets may change

over the period of this plan dependant upon the options which are pursued when the necessary financial resources become available.

3. STRATEGIC OBJECTIVES

3.1 The Strategic Objectives of the Charity are those defined in the lease of the Cobtree Estate dated July 1971 from the Cobtree Charity Trust Limited; namely:

- (a) "To hold Cobtree Manor and Cobtree Manor Estate for the benefit of the inhabitants of Maidstone and other members of the general public in one or other or all of the following ways:
 - (a) By maintaining the Cobtree Manor Estate as an open space as defined by the Open Spaces Act 1906 and if the lessees think fit providing thereat facilities for organised games and other sports".
 - (b) With the consent of ...[Cobtree Charity Trust Limited and Kent County Council]... in such other way for the benefit of the inhabitants of Maidstone and other members of the general public as the Council shall from time to time think appropriate."

3.2 The strategic objective of this Asset Management Plan is to ensure that:

- (a) Where appropriate, the asset portfolio supports the objects of the charity; and
- (b) The assets are demonstrably managed in the most economic, efficient and effective manner.

3.3 Therefore, the asset management plan must seek to put into place procedures and monitoring arrangements to ensure that the available assets are:

- (a) In good condition to provide an appropriate experience for the visitor and user and bearing in mind obligations under health and safety legislation;
- (b) Suitable for the purpose for which they are being retained;
- (c) Maintained to minimise reactive maintenance through the implementation of judicious planned maintenance arrangements; and

- (d) Managed to mitigate the impact on climate change.
- 3.4 All non-operational assets will be viewed in the context of:
- (a) Making the maximum contribution to the revenue budget through rental income; and/or
 - (b) Making a positive contribution to the social wellbeing of the community through its use by voluntary groups, charitable organisations or small businesses.
- 3.5 Should the situation arise where assets are considered for acquisition they should contribute to:
- (a) The achievement of the objects of the Charity, or
 - (b) The generation of additional revenue income to sustain the objects of the charity in the future.
4. ORGANISATIONAL AND FINANCIAL ARRANGEMENTS
- 4.1 All decisions relating to the management of the Charity's assets must be considered by the Cobtree Manor Estate Charity Committee acting for the Maidstone Borough Council in its capacity as Corporate Trustee.
- 4.2 The appointed Cobtree Officer is responsible to the Committee for:
- (a) Developing the Asset Management Plan in consultation with appropriate property professionals within the Maidstone Borough Council;
 - (b) Ensuring that the plan and its implementation adhere to the objects and clearly stated policies of the Charity;
 - (c) Ensuring that the plan is co-ordinated with the medium term financial strategy of the Charity; and
 - (d) Reporting to the Committee at least annually on the performance of the property portfolio measured against the agreed indicators.
- 4.3 The Corporate Property Officer of the Maidstone Borough Council will be responsible for providing appropriate advice and guidance to the Committee on the development and implementation of the Asset Management Plan.
- 4.4 The Corporate Property Officer of the Maidstone Borough Council is responsible for:

- (a) Implementing the agreed works identified within the Asset Management Plan, and for which financial provision is made within the Charity estimates; and
- (b) Providing estimates for future works and budgetary control to ensure that works are completed within the allocated budget.

4.4.2 Land and buildings will be re-valued on a five-yearly cycle. No depreciation will be provided on the buildings as this is considered immaterial due to the estimated useful life and level of residual value. Impairment will be provided as necessary, and impairment reviews will be carried out when there are any indicators of impairment. The valuation will use an assessed market value; meaning that the valuation will be arrived at by reference to the rental income where appropriate; as in the case of the clubhouse, for example. The regular reviews will be conducted by the Council's Corporate Property Manager using the CIPFA/RICS method of valuation.

5. THE CURRENT PORTFOLIO

- 5.1 A summary of the value of the Charity's property assets as at 31st March 2009 (excluding fixtures and fittings, plant and machinery) is shown at **Appendix I**.
- 5.2 The Charity's portfolio of Assets was acquired under the July 1971 lease from the Cobtree Charity Trust Limited. Although unregistered at the time of acquisition all land and property on the Estate is now registered with the Land Registry.
- 5.3 The schedule of assets is shown in **Appendix II**.
- 5.4 The Maidstone Borough Council, primarily acting in its capacity as the local authority, undertook a condition survey of all its assets in 1999, including those of the Charity, and this was updated in 2002. This condition survey is updated annually by reference to the property maintenance programme and this helps to determine the planned maintenance requirements for future years. The Charity's assets are included in the Council's overall portfolio but are shown separately.
- 5.5 Similarly, Maidstone Borough Council's Property Management System is used to maintain a register of its assets, including those of the Charity. The monitoring system allows condition surveys to be recorded, direct expenditure to be monitored, plant and equipment to be listed; in this way progress on contracted works can be monitored more accurately. It is anticipated that the system will include supplemental information regarding plant and equipment renewal dates,

survey results for asbestos and legionella and, as appropriate, entries from the contaminated land register. The objective is to ensure that a more co-ordinated approach is given to the management of the Council's assets and, more importantly in this context, to those of the Charity.

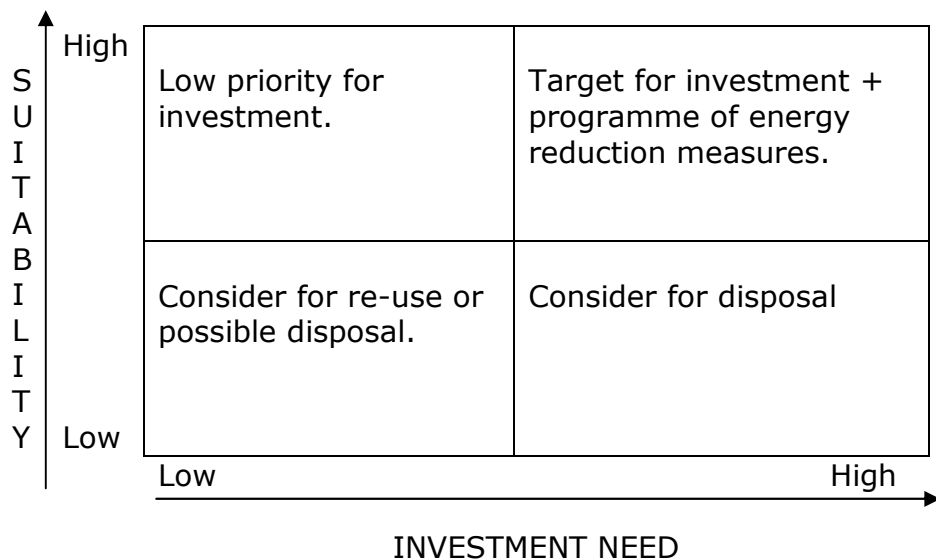
6. SERVICE DELIVERY & ACCOMMODATION NEEDS

6.1 The Charity is committed to making the best use of its available resources within the context of its charitable objects. A key to achieving this is a more strategic approach to the identification of priorities and the associated deployment of resources.

6.2 Hitherto, asset management has been demand lead. Once a final decision has been taken on the future development of the Estate, it is recommended that a review programme be introduced to challenge the use of each asset and to focus on improving the facilities provided.

6.3 This approach should include an assessment of the suitability of each asset for its agreed purpose, a condition survey and a review of expenditure on maintenance and running costs. Where appropriate there should be an assessment of the potential cost of bringing each asset up to an appropriate standard for its intended use.

6.4 The assessment will help identify investment priorities by comparing each asset's suitability for its current use against the amount of investment needed to bring the building to an appropriate standard:



6.5 In assessing the suitability of each asset for its current use it is suggested that, where appropriate, the views of the public or specific user groups be taken into consideration.

- 6.6 It is important that when considering any investment proposals the whole life-cycle of the asset be taken into consideration.
- 6.7 The future use of assets and the long term planning of capital expenditure will need to be considered in association with, and thus modified by, the development proposals which the Charity continues to consider for the Estate.
7. NON-OPERATIONAL AND INVESTMENT PROPERTY
- 7.1 No property assets are currently held for purely investment purposes. However, a number of dwellings are leased on a medium term basis, with further consideration required on their long term use when the existing leases expire.
8. GOVERNMENT POLICY AND STATUTORY RESPONSIBILITIES
- 8.1 There are a number of governmental policies and other statutory responsibilities placed on the management of the Charity's assets; these are set out below:
- 8.2 The Disability Discrimination Act 1995 places an obligation on service providers to adjust service delivery and the physical condition of their premises to overcome access barriers. Although adjustments have been made, the situation will be monitored to determine whether further works are required.
- 8.3 The Control of Asbestos at Work Act 2000 places an obligation on responsible bodies to plan for the management of asbestos in its premises.
- A survey has been carried out and apart from one or two very minor instances of asbestos found in isolated locations, no immediate works are required.
- 8.4 The Environmental Protection Act 1990 requires the local authority to inspect its area for contaminated land and to put in place a strategy for identifying, classifying and remediation of such land.
- No immediate concerns have been raised by either Maidstone Borough Council or Tonbridge and Malling Borough Council; although some former quarrying and industrial activities took place on adjoining land.
- 8.5 The Control of Substances Hazardous to Health Regulations 2002 requires service operators to adopt policies for the control and management of legionella in water systems.

The only area of concern was the Golf Course clubhouse, but appropriate remediation works were carried out during the financial year 2006-2007.

- 8.6 The Regulatory Reform (Fire Safety) Order 2005 came into effect in October 2006 and replaced over 70 pieces of fire safety law. The Order applies to all non-domestic premises in England and Wales. Under the Order, the Council is responsible for carrying out a fire safety risk assessment of its premises and implementing and maintaining a fire management plan. These were carried out in 2007.

9. PERFORMANCE MANAGEMENT

- 9.1 The Council as local authority collects property performance data for comparative purposes. Although not entirely appropriate for the Charity's purpose, the data is useful in giving comparison over time.

10. THE ENVIRONMENT

- 10.1 The Council acting as local authority is pursuing a Climate Change Plan. Although it is not necessary for the Charity to do so, specific aspects may be worthy of consideration which relate to the better management of the Charity's assets and contribute to a wider environmental benefit.
- 10.2 In adopting the intent of a Climate Change Plan the Charity seeks to reduce the environmental impact of activities through pursuing energy efficiency in the design, maintenance and management of its buildings, pursuing energy conservation measures and the use of renewal energy. For example, energy from a renewable source is currently used at the Cobtree Manor Park Golf Course Clubhouse.
- 10.3 The Golf Course clubhouse at Cobtree is also included in the Council's energy audit programme. Improvements, such as water conservation and improved lighting, have been identified and will be addressed through the future planned maintenance programmes.

APPENDICES

- (i) Summary of Asset Values
- (ii) Schedule of Assets
- (iii) Performance Indicators

APPENDIX ISUMMARY OF ASSET VALUES
Net book Values as at 31 - 03 - 2009

| Code | Property | Operational | | Non-operational |
|------|----------------------|------------------|----------------|-----------------|
| | | Land & Buildings | Infrastructure | |
| B32 | Cobtree Golf Course | 1,079,166 | - | - |
| B33 | Cobtree Rural Park - | | - | - |
| | - Garden Cottage | 51,344 | | |
| | - 2 Stream Cottages | 43,940 | | |
| | - 3 Stream Cottages | 43,940 | | |
| | - 4 Stream Cottages | 43,940 | | |
| | Total: | 1,262,330 | - | - |

Schedule of Assets

| | <u>Description:</u> | <u>Current Use:</u> |
|---|--------------------------------|--|
| 1 | Westfield Wood (part) | 13.3 acres of woodland sub-leased to the Kent Wildlife Trust to be used for woodland management and associated educational purposes. Lease dated 18 January 1977 for 5 years and year to year thereafter. |
| 2 | Tyland Farm | 2.6 acres of land subleased to the Kent Wildlife Trust for use as a headquarters building and study/visitor centre. Leased dated 6 July 1992 for 125 years. |
| 3 | Cobtree Manor Park Golf Course | 88.31 acres of land Appropriated under Section 120 of the Local Government Act 1972 for the purpose of providing a municipal pay and play golf course and associated facilities. |
| 4 | Cobtree Manor Park | 50.82 acres of land used as a public open space with extensive and varied planting of trees and shrubs; includes a picnic area, car parking and toilet facilities. |
| 5 | Cobtree Manor House | House and associated buildings on 2.775 acres of land sold leasehold as private dwelling on 31 July 2000. Enfranchisement of the freehold completed August 2004. Garage and stables owned separately and redeveloped as cottages restricted for holiday lets use only. |
| 6 | Forstal Villa | Property and garden on 0.2459 acres of land sold leasehold on 16 February 1987 for a period of 125 years from 1 April 1986 under assumed application of the "Right to Buy" legislation. Lease subsequently extended to remainder of Council's term minus 5 days. |
| 7 | Water Bore Hole | 0.5 acres of land sub-leased to the Mid Kent Water company for water extraction purposes. Leased dated 6 January 1995 for 125 years. |

| | | |
|----|-------------------------------------|---|
| 8 | Travis Perkins Land | 1.35 acres of land sub-leased to Travis Perkins Limited as an extension to an area used for the storage of materials. Lease dated 14 July 1993 till 9 July 2970. |
| 9 | Museum of Kent Life | 23.35 acres of land sub-leased to the Kent County Council and further leased to the Cobtree Museum Trust for Museum purposes. Leased dated 1 April 1992 for 125 years. Further sub-lease agreed to Continuum for period of 25 years from 1 February 2008. |
| 10 | Museum of Kent Life – North Paddock | 23.44 acres of land sub-leased in part to the Kent County Council and further leased to the Cobtree Museum Trust for 125 years from 31 March 1994 for the future development of Museum exhibits. Included in further sub-lease to Continuum |
| 11 | Land North of Forstal Road | 4.819 acres of unused land substantially affected by the M20 road widening scheme. Let under a two-year grazing tenancy agreement dated 9 July 2009. |
| 12 | Chatham Lodge | Property in derelict condition on 2.889 acres of land badly affected by the M20 road widening scheme. Sold freehold to adjoining land owner on 27 November 2008. |
| 13 | 1 Stream Cottages | 0.2616 acres of land and house sold leasehold remainder of Council's term minus 5 days from 27 August 2003. |
| 14 | 2 Stream Cottages | 0.1423 acres of land and house subleased to occupant for 22 years from 1 April 1995. |
| 15 | 3 Stream Cottages | 0.1435 acres of land and house subleased to occupant for 22 years from 8 December 1998. |
| 16 | 4 Stream Cottages | 0.3437 acres of land and house subleased to occupant for 22 years from 12 December 1998. |

| | | |
|----|--|---|
| 17 | 1 White Cottage | 0.2184 acres of land and house sold leasehold for remainder of Council's term minus 5 days from 9 December 2002. |
| 18 | 2 White Cottages | 0.32 acres of land and house sold leasehold at auction for remainder of Council's term minus 5 days from 14 March 2002. |
| 19 | Gate Lodge, Forstal Road | 0.147 acres of land and house sold at auction on 21 September 2007. |
| 20 | Garden Lodge | 0.2723 acres of land and cottage sublease for residential purposes from 6 February 1998 for 22 years. |
| 21 | Sandling Farm | House and land subleased to the Kent County Council and further lease to the Cobtree Museum of Kent Life Trust. Included in further sub-lease to Continuum. |
| 22 | Tyland Farm House | 0.2905 acres of land and house subleased to Kent Wildlife Trust co-terminus with lease on Tyland Barn. |
| 23 | Keepers Cottage | Property demolished in 1995 to facilitate the restructuring of the 18-hole golf course following amendments resulting from the M20 road-widening scheme. |
| 24 | Catering Kiosk | Subleased to Maverick Industries Limited for a period of 2 years till 6 August 2010. |
| 25 | Elephant House | Currently un-used. |
| 26 | Llama House | Currently available as informal picnic shelter for park users. |
| 27 | Golf Course Clubhouse | Use of premises included in Golf management contract. |
| 28 | Golf Course Grounds Maintenance Building | Occupation of premises included in Golf management contract. |
| 29 | Golf Course Clubhouse Flat | Included in Golf Management Contract to facilitate on-site presence. |

APPENDIX III

| Ref | Property | Floor Area | Condition | Urgent Work | Essential Work | Desirable Work |
|--------------|--|----------------|--------------|--------------|----------------|----------------|
| | | m2 | Category | £ | £ | £ |
| 13.01 | Golf Clubhouse | 430 | Good | 0 | 18917 | 25915 |
| 13.06 | Garden Cottage | 77 | Poor | 21400 | 10648 | 2519 |
| 13.11 | Kiosk | 18 | Satisfactory | 0 | 3210 | 1070 |
| 13.14 | Stream Cottage No.2 | 100 | Good | 0 | 1855 | 2668 |
| 13.15 | Stream Cottage No.3 | 100 | Good | 0 | 4717 | 2668 |
| 13.16 | Stream Cottage No.4 | 100 | Good | 0 | 1855 | 2668 |
| 13.20 | Golf Clubhouse Mess Room | 99 | Satisfactory | 0 | 1070 | 1070 |
| 41.03 | Public Conveniences | 64 | Good | 0 | 5839 | 5896 |
| Total | | 988 | | 21400 | 48111 | 44474 |
| A | Percentage of floor area in condition A-D | | | | | |
| | Good | 80.36% | | | | |
| | Satisfactory | 11.84% | | | | |
| | Poor | 7.79% | | | | |
| B1 | Cost of required maintenance as cost in priority levels 1-3 | | | | | |
| | Urgent | £21,400 | | | | |
| | Essential | £48,111 | | | | |
| | Desirable | £44,474 | | | | |
| B2 | Cost of required maintenance as a percentage of cost in priority levels 1-3 | | | | | |
| | Urgent | 18.77% | | | | |
| | Essential | 42.21% | | | | |
| | Desirable | 39.02% | | | | |
| B3 | Cost of required maintenance per square metre | | | | | |
| | | £115.37 m2 | | | | |
| C | Annual percentage change to total required maintenance over previous year | | | | | |
| | | 2008/9 | 2007/8 | | | |
| | Required maintenance | 113985 | 92585 | | | |
| | Change | 23% | | | | |
| D1 | Total spend on maintenance | | | | | |
| | Planned maintenance | 7816 | | | | |
| | Reactive maintenance | 8696 | | | | |
| | Total | 16512 | | | | |
| D2 | Total spend on maintenance per square metre | | | | | |
| | | £16.71 per m2 | | | | |
| D3 | Percentage split of total spend on maintenance between planned and responsive maintenance | | | | | |
| | | 47% Planned | | | | |
| | | 53% Responsive | | | | |

| Ref | Property | Floor Area | | Electricity | | | Gas | | Water | |
|-------|--------------------------|------------|--------------|---------------|---------------|----------|----------|----------|-------------|-------------|
| | | m2 | £ | kwh | CO2 - tonnes | £ | kwh | CO2 | £ | m3 |
| 13.01 | Golf Clubhouse | 430 | 22502 | 210599 | 90.56 | 0 | 0 | 0 | 6862 | 6661 |
| 13.06 | Garden Cottage | 77 | | | | | | | | |
| 13.11 | Kiosk | 18 | | | | | | | | |
| 13.14 | Stream Cottage No.2 | 100 | | | | | | | | |
| 13.15 | Stream Cottage No.3 | 100 | | | | | | | | |
| 13.16 | Stream Cottage No.4 | 100 | | | | | | | | |
| 13.20 | Golf Clubhouse Mess Room | 99 | | | | | | | | |
| 41.03 | Public Conveniences | 64 | 3831 | 28953 | 12.45 | 0 | 0 | 0 | 63 | 62 |
| | Total | 988 | 26333 | 239552 | 103.01 | 0 | 0 | 0 | 6925 | 6723 |

A Energy costs/consumption per square metre

Energy costs 53 £ per m2
Consumption 485 kwh per m2

B CO2 Water costs/consumption per square metre

Water costs 14 £ per m2
Consumption 14 m3 per m2

C CO2 emissions per square metre

CO2 emissions 1 tonne per m2

| Ref | Property | Floor Area m2 | Suitability Survey |
|-------|--------------------------|------------------|--------------------|
| 13.01 | Golf Clubhouse | 430 | No |
| 13.06 | Garden Cottage | 77 | No |
| 13.11 | Kiosk | 18 | No |
| 13.14 | Stream Cottage No.2 | 100 | No |
| 13.15 | Stream Cottage No.3 | 100 | No |
| 13.16 | Stream Cottage No.4 | 100 | No |
| 13.20 | Golf Clubhouse Mess Room | 99 | No |
| 41.03 | Public Conveniences | 64 | No |
| | | 988 | 0 |

Extent of portfolio for which suitability survey has been carried out in over last five years

| | |
|---|--------------|
| A | 0% by m2 |
| B | 0 Properties |

| Ref | Property | Floor Area m2 | Access Audit | Accessibility Plan |
|-------|--------------------------|------------------|--------------|--------------------|
| 13.01 | Golf Clubhouse | 430 | Yes | Yes |
| 13.06 | Garden Cottage | 77 | n/a | n/a |
| 13.11 | Kiosk | 18 | Yes | Yes |
| 13.14 | Stream Cottage No.2 | 100 | n/a | n/a |
| 13.15 | Stream Cottage No.3 | 100 | n/a | n/a |
| 13.16 | Stream Cottage No.4 | 100 | n/a | n/a |
| 13.20 | Golf Clubhouse Mess Room | 99 | n/a | n/a |
| 41.03 | Public Conveniences | 64 | Yes | Yes |
| | | 988 | | |

Extent of portfolio per square metre for which an access audit has been undertaken by a competent person

A 100% by m2

40 B 3 Properties

THE CHARITY KNOWN AS COBTREE MANOR ESTATE

COBTREE MANOR ESTATE CHARITY COMMITTEE

20 NOVEMBER 2009

REPORT OF THE COBTREE OFFICER

Report Prepared by: Brian Latimer – Cobtree Officer

1. COBTREE MANOR PARK – ADDITIONAL EXPENDITURE

1.1 Issue for Decision

1.1.1 To endorse the action taken by officers following consultation with your chairman to authorise the following items of expenditure:

- (i) A fifty percent contribution amounting to £1,750 towards the cost of re-laying tar macadam at the entrance to the Cobtree Manor Park following the installation of replacement gates by the Cobtree Charity Trust Limited; and,
- (ii) £300 for the installation of a baby change facility in the ladies toilet area at the Cobtree Manor Park.

1.2 Recommendation of the Cobtree Officer

1.2.1 It is recommended that the action taken by your officers in consultation with the chairman be endorsed.

1.3 Reasons for Recommendation

1.3.1 The following items of expenditure which do not appear in the estimates for the current financial year were incurred by officers following consultation with your chairman. Members are asked to endorse the action taken by officers.

1.3.2 At the meeting of the Cobtree Manor Estate Committee on 12 August 2009 Members resolved:

- (i) That it be accepted that the installation of the gates and signage will require, subject to any necessary planning/building regulations consents being obtained, the laying of an area of tarmac and that the Officers be

requested to report back to the Committee at the earliest opportunity regarding the possibility of a contribution being made towards the cost of the tarmac.

1.3.3 When the matter of making a contribution was raised at the meeting, the Assistant Solicitor advised the Committee that the correct procedure to follow in these circumstances would be for the Committee to consider a formal report prior to making a firm commitment to the Cobtree Charity Trust Limited. The advice given at that time was based on the assumption that the proposed works was for the installation of a new area of tarmac. However, following further clarification of the situation, in that, the proposed works were a re-surfacing of an existing area, the initial advice has been amended.

1.3.4 The revised advice resulted in your chairman being consulted, and being made aware that the Cobtree Charity Trust Limited wished to proceed without further delay, and that the works were likely to be completed before this Committee had need to meet except for this item. Your chairman acknowledged the situation and the proposed action of your officers to authorise the payment of a 50% contribution to the cost; with a retrospective report being submitted to the Committee to formally advise Members of the action taken.

1.3.5 The Cobtree Charity Trust Limited advised officers that the total cost for the tarmac was £3,500, with the Cobtree Manor Estate Charity being asked to reimburse fifty percent of that cost (£1,750).

1.3.6 The second item relates to the provision of a baby change facility at the Cobtree Manor Park. Since her appointment the Park Ranger has received a number of requests for the provision of such a facility. This is not the first time as similar requests have been received in the past by the café operator. The cost of provision was investigated and found to be £300. In light of the low cost, officers consulted your chairman to proceed prior to the next meeting of the Committee and for a report to be submitted in retrospect.

1.4 Alternative Action and why not Recommended

1.4.1 The alternative course of action is not to endorse the actions taken by your officers following the consultation with your chairman. This is not recommended as, in the first instance, the Committee gave a strong indication at the last meeting an equal contribution would be favourably considered for the tarmac area, and in the second, the cost of provision is small in

comparison with the demand expressed by the public.

1.5 Impact on Charity Objects

1.5.1 Both items are designed to achieve the Charity's stated objectives by encouraging greater use of the Park.

1.6 Risk Management

1.6.1 The improved entrance area and new gates are designed to make the park more attractive and provide greater security. The baby change facility is designed to provide a safe facility for nappy changing.

1.7 Other Implications

1.7.1

| | |
|---------------------------------------|-------------------------------------|
| Financial | <input checked="" type="checkbox"/> |
| Staffing | <input type="checkbox"/> |
| Legal | <input type="checkbox"/> |
| Social Inclusion | <input type="checkbox"/> |
| Considerations for Disabled Persons | <input type="checkbox"/> |
| Environmental/Sustainable Development | <input type="checkbox"/> |
| Community Safety | <input type="checkbox"/> |
| Human Rights Act | <input type="checkbox"/> |
| Procurement | <input type="checkbox"/> |

1.7.2 The financial implication arising from the above actions will result in a minor delay in the final repayment of the debt to the Council.

Background Documents

NO REPORT WILL BE ACCEPTED WITHOUT THIS BOX BEING COMPLETED

Is this a Key Decision? Yes No

If yes, when did it appear in the Forward Plan? _____

Is this an Urgent Key Decision? Yes No

Reason for Urgency

THE CHARITY KNOWN AS COBTREE MANOR ESTATE

COBTREE MANOR ESTATE CHARITY COMMITTEE

20 NOVEMBER 2009

REPORT OF THE COBTREE OFFICER

Report Prepared by: Brian Latimer – Cobtree Officer

1. COBTREE MANOR PARK – FURTHER EXPENDITURE

1.1 Issue for Decision

1.1.1 To consider further items of expenditure in the current financial year.

1.2 Recommendation of the Cobtree Officer

1.2.1 It is recommended that the following further items of expenditure be endorsed

- (i) £1,250 towards levelling and tidying works at the entrance to Cobtree Manor Park; and
- (ii) £50 for the purchase of traps to be used by the Park Ranger to monitor wildlife at Cobtree Manor Park.

1.3 Reasons for Recommendation

1.3.1 In connection with the installation of the new gates at the entrance to the Cobtree Manor Park, the Cobtree Charity Trust Limited has indicated that it anticipated the Council would be undertaking further works to improve the condition of the grass verge which has been damaged by heavy vehicles. The Trust's representative has indicated that the anticipated work would include levelling and the installation of wooden posts to prevent further damage. The cost of this work is estimated at £1250.

1.3.2 A report is included elsewhere on your agenda requesting funding in the next financial year to engage specialists to carry out wildlife surveys. To provide additional information for the surveys it is requested that £50 be agreed in the current financial year to purchase traps for use by the Park Ranger; the traps be used to monitor the presence of dormice and other

wildlife.

1.4 Alternative Action and why not Recommended

1.4.1 The alternative course of action is not to endorse the requested expenditure. This course of action is not recommended as each item will assist in improving the Park and encourage greater usage by the general public.

1.5 Impact on Charity Objects

1.5.1 Both items are designed to achieve the Charity's stated objectives by encouraging greater use of the Park.

1.6 Risk Management

1.6.1 The improved entrance area and new gates are designed to make the park more attractive and provide greater security.

1.7 Other Implications

1.7.1

| | |
|---------------------------------------|-------------------------------------|
| Financial | <input checked="" type="checkbox"/> |
| Staffing | <input type="checkbox"/> |
| Legal | <input type="checkbox"/> |
| Social Inclusion | <input type="checkbox"/> |
| Considerations for Disabled Persons | <input type="checkbox"/> |
| Environmental/Sustainable Development | <input type="checkbox"/> |
| Community Safety | <input type="checkbox"/> |
| Human Rights Act | <input type="checkbox"/> |
| Procurement | <input type="checkbox"/> |

1.7.2 The financial implication arising from the above requests will result in a further minor delay in the final repayment of the debt to the Council.

Background Documents

NO REPORT WILL BE ACCEPTED WITHOUT THIS BOX BEING COMPLETED

Is this a Key Decision? Yes No

If yes, when did it appear in the Forward Plan? _____

Is this an Urgent Key Decision? Yes No

Reason for Urgency

Agenda Item 15

THE CHARITY KNOWN AS COBTREE MANOR ESTATE

COBTREE MANOR ESTATE CHARITY COMMITTEE

20 NOVEMBER 2009

REPORT OF THE COBTREE OFFICER

Report Prepared by: Brian Latimer – Cobtree Officer

1. DATES FOR FUTURE MEETINGS

1.1 Issue for Decision

1.1.1 To consider possible dates for future meetings of the Committee.

1.2 Recommendation of the Cobtree Officer

1.2.1 It is recommended that the proposals set out in the report be endorsed.

1.3 Reasons for Recommendation

1.3.1 A request has been received from the Cobtree Charity Trust Limited asking this Committee to give more advance notice through a programme dates for future meetings.

1.3.2 In the past the Committee has met on approximately five occasions through the year. In addition to reports which arise as required there are a number of regular reports which have considered at the following times:

| | |
|---------------|--|
| Mid January | |
| late March | - estimates and review of risk assessments |
| early July | - meeting of new committee and site visit |
| Mid October | - review of Asset Management Plan |
| Late November | - confirmation of annual report and audited accounts |

1.3.3 There will be a need for a meeting in Mid January 2010 to consider the initial draft of the proposed master plan before it is subjected to public consultation. Confirmation of the plan is anticipated at the meeting proposed for late March.

1.3.4 If Members are inclined to accede to the request it is suggested that future meetings be held in the weeks commencing:

11 January 2010
22 March 2010
5 July 2010
18 October 2010
22 November 2010

1.3.5 Meetings dates are set on the proviso that should there be no matters for consideration the proposed meeting would be cancelled.

1.4 Alternative Action and why not Recommended

1.4.1 The alternative course of action is to continue as over the past year with meeting being called at relatively short notice as required; this is not recommended as it does not give Members and visitors adequate time to organise their diaries effectively.

1.5 Impact on Charity Objects

1.5.1 This matter will have no impact on the objects of the Charity.

1.6 Risk Management

1.6.1 There is limited impact on the risk management of the Charity's affairs.

1.7 Other Implications

1.7.1

| | |
|---------------------------------------|--------------------------|
| Financial | <input type="checkbox"/> |
| Staffing | <input type="checkbox"/> |
| Legal | <input type="checkbox"/> |
| Social Inclusion | <input type="checkbox"/> |
| Considerations for Disabled Persons | <input type="checkbox"/> |
| Environmental/Sustainable Development | <input type="checkbox"/> |
| Community Safety | <input type="checkbox"/> |
| Human Rights Act | <input type="checkbox"/> |
| Procurement | <input type="checkbox"/> |

Background Documents

NO REPORT WILL BE ACCEPTED WITHOUT THIS BOX BEING COMPLETED

Is this a Key Decision? Yes No

If yes, when did it appear in the Forward Plan? _____

Is this an Urgent Key Decision? Yes No

Reason for Urgency

THE CHARITY KNOWN AS COBTREE MANOR ESTATE

COBTREE MANOR ESTATE CHARITY COMMITTEE

20 NOVEMBER 2009

REPORT OF THE COBTREE OFFICER

Report Prepared by: Brian Latimer – Cobtree Officer

1. COBTREE MANOR GOLF COURSE – BUGGY PATH

1.1 Issue for Decision

1.1.1 To consider a request for a contribution towards the construction of an all-weather buggy path at the Cobtree Manor Park Golf Course.

1.2 Recommendation of the Cobtree Officer

1.2.1 It is recommended that Members that Members consider favourably the requested contribution of £57,495 to towards the cost of constructing the all-weather buggy path at the Cobtree Manor Park Golf Course.

1.3 Reasons for Recommendation – Background

1.3.1 At the last meeting of the Committee a request from the golf course management contractor was submitted for consideration; that request was for a significant financial contribution towards the construction of an all-weather buggy path.

1.3.2 It was resolved that consideration of the request for a contribution be deferred for the submission of a detailed business case and a review of the proposed funding arrangements.

1.3.3 The report set out the details of the request by Mytime. The contribution was to assist in the cost of the construction of an all-weather path around the Golf Course to allow the use of electric buggies throughout the year. The cost of construction was estimated to be £104,500. The Council acting as Corporate Trustee was asked to contribute £57,945 (unspent funding of £19,055 from 2008/09 and £38,890 in the current financial year) and the Council acting as local authority asked to contribute unspent funding of £5,445 from 2008/09 and

£11,110 in the current financial year.

1.3.4 The Committee felt that it needed further information to assist it in its consideration of the request, including an assessment of the likely increases in footfall and revenue in return for its investment.

1.3.5 Information provided by Mytime Active suggests an anticipated increase in the number of rounds over the winter period in the order of the following:

| Cobtree GC | Oct | Nov | Dec | Jan | Feb | Total |
|-----------------------------|-----|-----|-----|-----|-----|-------|
| Number of additional rounds | 279 | 207 | 194 | 248 | 269 | 1,198 |

1.3.6 The "return on investment" to be anticipated by the Council would be through the contractual profit share arrangement. The Council will receive 35% of all turnover based on the threshold agreed during the tendering stages; Charity will receive a 7/9th share of that income. Mytime Active has indicated that income is currently close to the agreed threshold and that, with the addition of the path, there is a good chance of overachieving to enable a profit share payment to be made.

1.3.7 Usage does dramatically decline during the winter period due to the unavoidably poor conditions on certain parts of the course; the path will assist with retaining a number of customers that migrate in the winter to other courses that allow the continuing use of trolleys etc.

1.3.8 The Council, acting as local authority, has indicated that it will not be prepared to give this request a high priority within the limited funding it has available for capital project within the leisure portfolio. In essence, the Charity is thus being asked potentially to fund the whole contribution requested in the sum of £74,500. Mytime Active had indicated, however, that should the Charity Committee be favourably disposed towards granting the initially requested amount in the sum of £57,495, it will seek to make up the shortfall.

1.4 Alternative Action and why not Recommended

1.4.1 The alternative course of action is to reject the approach from Mytime Active. This is not recommended as the buggy path has been considered a positive improvement to the facilities of the golf course for a number of years, and it will enhance the reputation of the course in the area and thus maintain its

popularity.

1.5 Impact on Charity Objects

1.5.1 The Charity's objects include the provision of facilities for sport and recreation. This proposal is designed to enhance the reputation of the of the Cobtree Manor Park Golf Course.

1.6 Risk Management

1.6.1 The risk to the charity is that making this contribution does not result in an increase payment through the profit share mechanism.

1.7 Other Implications

1.7.1

| | |
|---------------------------------------|-------------------------------------|
| Financial | <input checked="" type="checkbox"/> |
| Staffing | <input type="checkbox"/> |
| Legal | <input type="checkbox"/> |
| Social Inclusion | <input type="checkbox"/> |
| Considerations for Disabled Persons | <input type="checkbox"/> |
| Environmental/Sustainable Development | <input type="checkbox"/> |
| Community Safety | <input type="checkbox"/> |
| Human Rights Act | <input type="checkbox"/> |
| Procurement | <input type="checkbox"/> |

1.7.2 The requested payment will need to be included in the estimates for the next financial year and if agreed will extend the period within which the Charity will repay its debt to the Council.

Background Documents

NO REPORT WILL BE ACCEPTED WITHOUT THIS BOX BEING COMPLETED

Is this a Key Decision? Yes No

If yes, when did it appear in the Forward Plan? _____

Is this an Urgent Key Decision? Yes No

Reason for Urgency

By virtue of paragraph(s) 3, 5 of Part 1 of Schedule 12A of the Local Government Act 1972.

Document is Restricted

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

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