

COBTREE MANOR ESTATE CHARITY COMMITTEE MEETING

Date: Tuesday 18 December 2018
Time: 2.00 pm
Venue: Town Hall, High Street, Maidstone

Membership:

Councillors Cox (Vice-Chairman), Daley, Mrs Gooch, McLoughlin (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.

AGENDA

Page No.

1. Apologies for Absence
2. Notification of Substitute Members
3. Urgent Items
4. Notification of Visiting Members
5. Disclosures by Members and Officers
6. Disclosures of Lobbying
7. To consider whether any items should be taken in private because of the possible disclosure of exempt information.
8. Minutes of the meeting held on 7 November 2018 1 - 4
9. Presentation of Petitions (if any)
10. Questions and answer session for members of the public (if any)
11. Cobtree Park Car Park Improvement Works 5 - 12

Issued on Monday 10 December 2018

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.

	Head of Schedule 12 A and Brief Description	
12. Exempt Appendix - Cobtree Park Car Park Improvement Works	Paragraph 3 – Info Re Financial/Business Affairs	13 - 20

PUBLIC SPEAKING

In order to book a slot to speak at this meeting of the Cobtree Manor Estate Charity Trust Committee, please contact on 01622 602743 or by email to committeeservices@maidstone.gov.uk by 5 p.m. one clear working day before the meeting i.e. by 5 p.m. on Friday, 14 December 2018. If asking a question, you will need to provide the full text in writing. If making a statement, you will need to tell us which agenda item you wish to speak on. Please note that slots will be allocated on a first come, first served basis.

ALTERNATIVE FORMATS

The reports included in Part I of this agenda can be available in **alternative formats**. For further information about this service, or to arrange for special facilities to be provided at the meeting, **please contact committeeservices@maidstone.gov.uk or 01622 602743**. To find out more about the work of the Committee, please visit www.maidstone.gov.uk

MAIDSTONE BOROUGH COUNCIL

COBTREE MANOR ESTATE CHARITY COMMITTEE

MINUTES OF THE MEETING HELD ON WEDNESDAY 7 NOVEMBER 2018

Present: Councillor McLoughlin (Chairman), and
Councillors Daley, Mrs Hinder and Mrs Wilson

Also Present: Mr Roger Hext and Mr Laurence Martin
from Cobtree Charity Trust Ltd

23. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Cox, Mrs Gooch and Perry.

24. NOTIFICATION OF SUBSTITUTE MEMBERS

The following Substitute Members were noted:

Councillor Mrs Wilson for Councillor Cox
Councillor Mrs Hinder for Councillor Perry

25. URGENT ITEMS

The Chairman advised that he had agreed to take Agenda Item 13 - Kent Life Play Barn Timber Treatment Work as an urgent item as the works needed to be completed at the earliest opportunity.

26. NOTIFICATION OF VISITING MEMBERS

There were no Visiting Members.

27. DISCLOSURES BY MEMBERS AND OFFICERS

There were no disclosures by Members and Officers.

28. DISCLOSURES OF LOBBYING

There were no disclosures of lobbying.

29. EXEMPT ITEMS

RESOLVED: That all items be taken in public as proposed.

30. MINUTES OF THE MEETING HELD ON 1 AUGUST 2018

RESOLVED: That the Minutes of the meeting held on 1 August 2018 be signed as a correct record.

31. PRESENTATION OF PETITIONS

There were no petitions.

32. QUESTIONS AND ANSWER SESSION FOR MEMBERS OF THE PUBLIC

There were no questions from members of the public.

33. FINANCIAL POSITION 2018/19

Mr Paul Holland, Senior Finance Manager (Client) presented his report which summarised the current financial position of the Estate as at 30 September 2018.

The Committee noted that there was an overall positive variance of £7,000 over the four service areas.

It was noted that:-

- A budget would be set up for VAT costs.
- The Sage financial management system was considered the most suitable and implementation was intended for January 2019.

In response to questions from Members, Mr Holland advised that:-

- The gas and electricity charges for the Café were still the responsibility of the Trust.
- Trade refuse would have to be separated out as waste arising from the bins in the park needed to be paid for by the Trust.
- There had been ongoing discussions with the Café Contractor, DAGT concerning recharges for staff seconded over to them during the transition period. Officers were confident that this would be resolved shortly.
- He would clarify with colleagues whether the Trust should pay VAT on departmental recharges and report back.

RESOLVED: That

1. The current financial position be noted.
2. The progress to date with the separate financial management system be noted.

3. Officers clarify the position on whether the Trust had to pay VAT on departmental recharges.

Voting: Unanimous

34. COBTREE MANOR ESTATE UPDATE REPORT

The Committee considered the report of Ms Lizzie Buckingham, Cobtree Manager which provided an update on the day to day work of the Estate.

Ms Buckingham provided an update on events and maintenance issues that had taken place during the period from August 2018 to October 2018.

Following concerns from Members about the lack of resources to carry out some fauna surveying Ms Buckingham advised that:-

- Proposals to increase the number of staff employed at Cobtree would be brought to the meeting in December.
- A Habitat Report would be brought to the Committee at a later stage. In the meantime a visit was scheduled to be organised for Members to assess the health of the shrubbery undergrowth and it was suggested that this could be combined with one of the Committee's scheduled meetings in the Spring (20th March 2019).

The Committee felt that more signage around the park might assist visitors to walk on the properly constructed pathways.

The Committee heard from Mr Paul Clarke, Senior Public Health Officer who gave an overview of the health improvement project that was taking place at the Cobtree Manor Golf Course.

It was noted that Mytime had delivered three programmes which consisted of Dementia Golf, Escape Pain (targeted for people with knee, back and hip pain) and Prime Time Exercise (targeted for women over 60). Further programmes would take place at a later stage.

The Committee felt that this should be publicised more and requested that a good news article (based on a case study) should be put in the Spring edition of the Borough Insight Magazine.

Laurence Martin, from the Cobtree Charity Trust Ltd advised that he had approached Kent County Council to obtain the drawings of the Forstal Road services in order that they could ascertain what issues they faced with the general topography. The Chairman suggested that Cowie, the consultants employed on this, might have a better chance of obtaining these and Mr Martin agreed to pursue the matter further.

The Chairman also requested Mr Martin to provide the Committee with a copy of the estimate for the works.

RESOLVED: That the contents of the report be noted.

35. KENT LIFE PLAY BARN TIMBER TREATMENT WORK

The Committee considered the urgent report of Mr Mike Evans, Leisure Manager on the beetle infestation in the Play Barn building at the Kent Life visitor attraction.

Mr Evans explained that the reason for urgency was that in order to cause minimum disruption to the Kent Life Play Barn the work should be carried out in January when the venue is normally open weekends only.

It was noted that the quotation did not include the dismantling and re-installation of the play equipment, or the safety inspection that needed to take place once the equipment was re-installed.

Mr David Guest, Property Officer confirmed that the quotation included treatment to all the beams in the barn, although at the time of quoting, the Company could not access all areas due to the play equipment being in place.

In order to make an informed decision, the Committee felt that a full schedule of works needed to be produced and broken down into costings and then emailed to Members of the Committee before a decision could be taken. It was suggested that if there were any representations against the works then the work should not be undertaken.

RESOLVED: That

1. A full schedule of works be undertaken, including costings, and circulated to all members of the Committee for comments. Any comments by members of the Committee should be sent to the Chairman and Vice-Chairman.
2. The Head of Regeneration and Economic Development be given delegated authority, in consultation with the Chairman and Vice-Chairman of the Committee, to authorise the necessary expenditure to enable the works to be undertaken.

Voting: Unanimous

36. DURATION OF MEETING

2.30 p.m. to 3.50 p.m.

**Cobtree Manor Estate Charity
Committee**

18/12/2018

Cobtree Manor Park – Car Park Improvement Update

Final Decision-Maker	Cobtree Manor Estate Charity Committee
Lead Head of Service/Lead Director	John Foster – Acting Head of Regeneration and Economic Development
Lead Officer and Report Author	David Mounter – Projects Officer
Classification	Public
Wards affected	Boxley

Executive Summary

This report details proposed improvements to the car park at Cobtree Manor Park. Currently the car park is very wet during the winter and dusty in the summer, and results in an increasing number of complaints from visitors. A procurement exercise has been undertaken that if progressed will seek to address the current issues.

This report makes the following recommendations to this Committee:

1. The winning tender price of £283,143.78 is accepted and the successful contractor is appointed, as detailed in the Exempt Appendix, to carry out the works as agreed.
2. Delegated authority is given to the Head of Regeneration and Economic Development to agree financial variations in line with the proper management of the contract in consultation with the Chairman of the Committee.

Timetable

Meeting	Date
Cobtree Manor Estate Charity Committee	18/12/2018

Cobtree Manor Park – Car Park Improvement Update

1. INTRODUCTION AND BACKGROUND

- 1.1 At its meeting on 25 January 2018 the Committee agreed that MBC would progress with the appointment of a main contractor to undertake the car park improvement works and for the appointment of a project manager to oversee the works.
- 1.2 The Committee received a report at its meeting in August 2018 which identified potential shortcomings with the design information and if the scheme had progressed on the tendered basis, it could have led to the car park continuing to experience the issues that currently occur i.e. being very wet in the winter and very dusty in the summer. Surveys confirmed that the proposed design solution was not fit for purpose and so Members agreed with the recommendation to re-run the tender exercise under a design and build contract. This would relieve the Council of design liability placing it on the appointed contractor. The Committee also agreed to an additional £10,000 to enable the appointment of an Employer's Agent to assist with the preparation and management of the design and build contract and to an additional £6,000 for MBC project management time.
- 1.3 Logic PM was appointed to fulfil the Employer's Agent role. Working with the MBC project manager, MBC procurement team and Cobtree Manager, the Employer's Requirements and tender documents were prepared.
- 1.4 The opportunity was tendered as a Restricted Tender Process with past experience being assessed as part of the selection criteria at the Pre-Qualification Questionnaire (PQQ) stage and project specific, qualitative award criteria being a mandatory requirement as part of the award criteria based on the bidder's ability to meet the specification at the Invitation to Tender (ITT) stage. Therefore the ITT was 100% price.
- 1.5 The PQQ stage asked contractors to respond to three mandatory questions relating to health and safety, insurance and credit rating. Four quality questions were asked that related to relevant experience, project risk, qualifications and deliverability. The opportunity was advertised on the Kent Business Portal on 17th September 2018 with a return date of 5th October.
- 1.6 Sixteen contractors submitted a response to the PQQ. One submission was disqualified because it was incomplete. An assessment panel consisting of David Mounter (MBC Project Officer), Nick Baster (Employer's Agent, Logic PM) and Mike Evans (MBC Leisure Manager) evaluated the responses. A moderation meeting was held with MBC Procurement on 11th October where the scores were reviewed and moderated.
- 1.7 This contract is for a design and build contract with the successful contractor fulfilling the role of Principal Designer and Principal Contractor under the CDM 2015 regulations. The Evaluation Panel felt the responses to the PQQ did not provide suitable reassurance that the contractors had

demonstrated their experience of delivering this type of contract and fulfilling these specific roles. Therefore the top seven contractors were asked a clarification question requesting them to demonstrate their experience. This was issued as a pass/fail question whereby if the contractor provided an adequate response they would be taken through to the ITT stage. Four of the contractors provided an appropriate response and were taken through to the next stage for pricing.

1.8 The ITT was issued on 25th October with a submission deadline of 30th November. The reward criterion takes into account the requirements contained within Appendix 1. Contractors who successfully passed these criteria had their tender responses assessed.

1.9 The result of the ITT evaluation is shown in Table 1.1 below.

Company Name	Award Criteria pass/fail	Main Car Park Price	Lower Car Park Price	Total Price Submission	Rank
Contractor C	Pass	£232,311.80	£50,831.98	£283,143.78	1
Contractor G	Pass	£274,739.77	£44,936.64	£319,676.41	2
Contractor F	Pass	£455,439.93	£77,957.19	£533,397.12	3
Contractor A	Pass	£593,800.00	£55,150.00	£648,950.00	4

Table 1.1 ITT submission results

1.10 All contractors submitted compliant bids. A tender report prepared by the MBC Procurement Manager is attached as an Exempt Appendix. The highest scorer based on Price is shown within this report.

1.11 The outline proposal from the highest scoring contractor is to create a tarmac circulation road with parking bays constructed of Type 1 road stone topped up with reduced fines. The existing surface to the bays will be re-profiled and perforated in order to maintain permeability. French drains will be installed across the car park to capture steady rainfall. An area to the left of the entrance has been allocated for additional surface water run-off. The main car park shall be marked out with 133 car parking spaces, and seven existing disabled bays. Thirty two spaces shall be created in the lower car park, three of which will be allocated disabled bays. In total the car park will provide 172 car parking spaces, ten of which will be disabled bays. The design is subject to approval when in contract however, in summary the contractor has proposed a cost effective sustainable solution that meets the project brief.

1.12 The estimated cost for this scheme reported at the August Committee meeting was between £256k and £297k. The current construction cost of £283,143.78 is within this band. Combined with fees of £11,750 spent to date, £6,000 for MBC project management time and £10,000 for the appointment of an Employer's Agent to prepare the contract and manage the works, the current project cost forecast is £310,894.

1.13 If the Committee wish to proceed with the main car park only and omit the lower car park the project cost forecast is reduced to £260,061.80 which includes the reduced contract value of £232,311.80 and all fees.

- 1.14 The current costs exclude any contingency. The contract has been prepared to try and mitigate risk however in the event of unforeseen circumstances e.g. severe weather event, it will be necessary to instruct the contractor in a timely manner and in accordance with the contract. Delaying instructions could lead to undue cost to the committee so we recommend that delegated authority is given to the Head of Regeneration and Economic Development to approve financial variations in line with the proper management of the contract in consultation with the Chairman of the Committee.
- 1.15 It is recommended that if these works go ahead they progress as per the contractor's construction programme. This shows the construction works starting at the end of January 2019 subject to design approval earlier in the month. The works are programmed to be completed by the beginning of April ahead of the Easter break.
- 1.16 Members will recall that when this scheme was originally approved in January 2018 there were sufficient resources to pay for the works. In August 2018 when it became clear that costs would increase it was indicated that the funding for the scheme could be spread over a number of years to ensure that the Trust had sufficient cashflow to meet any ongoing obligations. The Council would pay for the works under the current financial arrangements and the Trust would repay the cost via the annual payment of any monies due to or from the Council.
- 1.17 However, from early 2019 the Trust will be establishing its own financial management system. The works can proceed as planned but importantly this means any financial arrangements between the Council and the Trust will need to be formalised, and the funding for this scheme would need to be formally defined as a loan.
- 1.18 Paul Holland, Senior Finance Manager, has discussed this issue with the Director of Finance and Business Improvement who has indicated that the Council could treat the funding for this scheme as a loan, with the repayments (including interest at market rate) over a period to be determined. The lending proposal would be included in the Council's Treasury Management Strategy which requires approval by the Audit, Governance and Standards Committee.
- 1.19 Clearly there are risks associated with this project, most significantly that this is a major financial commitment for the Trust. However income for the next five years is largely fixed due to the contracts that are in place for the golf course, café and Kent Life, and regular running costs should be stable and consistent. There is the risk of further unexpected expenditure although this can be mitigated by the Asset Management Plan which should give an indication of any potential problems going forward.

2. AVAILABLE OPTIONS

- 2.1 Do nothing

Delay the works to the car park until a later time when the committee is content that CMET's finances are in a stronger position. This option would see a continuation and possible worsening of the current situation. The car park would continue to be very wet in the winter months and very dusty in the summer. In addition the ability to maximise use of the car park and receive revenue would not be realized.

- 2.2 Agree to proceed with the main car park works only and award the contract to the successful contractor

This would complete only part of the main objective that this project set out to achieve. However, it would limit the capital expenditure and still realize a car park with marked out bays thus maximising space of the largest area. If this option were to be progressed a total of 140 parking spaces would be provided (subject to design approval when in contract).

That delegated authority is given to the Head of Regeneration and Economic Development to approve financial variations in line with the proper management of the contract in consultation with the Chairman of the Committee.

- 2.3 Agree to proceed with the main car park and lower car park works and award the contract to the successful contractor

This would achieve the main objective and provide 172 marked out parking spaces.

That delegated authority is given to the Head of Regeneration and Economic Development to approve financial variations in line with the proper management of the contract in consultation with the Chairman of the Committee.

3. PREFERRED OPTION AND REASONS FOR RECOMMENDATIONS

- 3.1 The recommendation is to proceed with Option 2.3 above and accept the winning tender price of £283,143.78 and appoint the successful contractor as shown in the Exempt Appendix to this report to carry out the works as agreed.
- 3.2 Delegated authority is given to the Head of Regeneration and Economic Development to approve financial variations in line with the proper management of the contract in consultation with the Chairman of the Committee.

4. RISK

- 4.1 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. CONSULTATION RESULTS AND PREVIOUS COMMITTEE FEEDBACK

5.1 No formal consultation has taken place regarding the refurbishment of the car park, however direct feedback from customers coupled with comments on social media confirm that it is the most regular complaint received about the park.

6. NEXT STEPS: COMMUNICATION AND IMPLEMENTATION OF THE DECISION

6.1 If committee agrees to the recommendation we shall inform the suppliers of the result and begin with the formal appointment of the successful contractor. Works would be carried out between January and April 2019 with the requirement for the works to be completed before the Easter school holidays.

7. CROSS-CUTTING ISSUES AND IMPLICATIONS

Issue	Implications	Sign-off
Impact on Corporate Priorities	This decision will have an impact on the following Corporate Priorities <ul style="list-style-type: none"> • Keeping Maidstone Borough an attractive place for all - • Ensuring that there are good leisure and culture facilities 	Head of Regeneration and Economic Development.
Risk Management	The risks are outlined in the report.	Head of Regeneration and Economic Development.
Financial	The financial implications are outlined in the report. However the increase in the car parking charge will have a positive impact on available resources going forward.	Paul Holland, Senior Finance Manager (Client)
Staffing	This will have no impact on staffing as an external project manager will be appointed.	Head of Regeneration and Economic Development.
Legal	A contract will need to be prepared and exchanged with the successful contractor. Any contract entered into must be	Keith Trowell, Interim Team Leader (Corporate

	in accordance with the Council's Contract Procedure Rules and should be in a form approved by the Head of Legal Partnership. There will also need to be consideration of whether a separate loan agreement between the Council and the Trust is needed or whether current financial arrangements are sufficient to ensure that the initial outlay is repaid as agreed.	Governance) Lucinda MacKenzie-Ingle, Team Leader (Contracts and Commissioning)
Privacy and Data Protection	No additional data will be held.	Keith Trowell, Interim Team Leader (Corporate Governance)
Equalities	The equalities impact has been considered as part of the tendering process.	Equalities and Corporate Policy Officer
Crime and Disorder	This will have no impact on Crime and Disorder	Head of Regeneration and Economic Development.
Procurement	The necessary procurement exercise has already been carried out to secure a contractor for this work.	Head of Regeneration and Economic Development.

8. REPORT APPENDICES

The following documents are to be published with this report and form part of the report:

- Appendix 1: Contract award criteria
- Exempt Appendix: Cobtree Car Park Tender Report

9. BACKGROUND PAPERS

None

**Cobtree Manor Estate Charity
Committee**
18/12/2018
Cobtree Manor Park – Car Park Improvement Update

ITT Contract award criteria

Award Criteria	
Provide an appropriate site management plan. A functional and appropriate site management plan for this project will pass.	pass/fail
Describe how you will ensure that the carpark is completed on time. A satisfactory explanation of how you will manage this project and monitor against the plan will pass.	pass/fail
Outline who will be the designated resource for this project. Appropriate resources with the necessary skills and qualifications will pass.	pass/fail
Provide your design for the parking bays to meet the requirements of the specification and aspirations of Cobtree. If the design meets the requirements of the specification, is of a suitable composition, is compliant with parking regulations, facilitates access, whilst maximising available parking pays you will pass.	pass/fail

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

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