

COBTREE MANOR ESTATE CHARITY COMMITTEE MEETING

Date: Thursday 10 September 2020

Time: 2.00 p.m.

Venue: Remote Meeting - The public proceedings of the meeting will be broadcast live and recorded for playback on the Maidstone Borough Council website

Membership:

Councillors Cox, Daley, Mrs Gooch (Vice-Chairman), Perry and Springett

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

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| 3. Election of Chairman | |
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| 5. Notification of Visiting Members | |
| 6. Disclosures by Members and Officers | |
| 7. Disclosures of Lobbying | |
| 8. To consider whether any items should be taken in private because of the possible disclosure of exempt information. | |
| 9. Minutes of the meeting held on 11 June 2020 | 1 - 5 |
| 10. Presentation of Petitions (if any) | |
| 11. Question and answer session for members of the public (if any) | |
| 12. Questions from Members to the Chairman (if any) | |
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Issued on Wednesday 2 September 2020
Over/:

Continued

Alison Broom

Alison Broom, Chief Executive

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INFORMATION FOR THE PUBLIC

In order to ask a question at this meeting, please call **01622 602899** or email committee@maidstone.gov.uk by 5 p.m. one clear working day before the meeting (i.e. by 5 p.m. on Tuesday 8 September 2020). You will need to provide the full text in writing.

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

In order to make a statement at the invitation of the Chairman, please call 01622 602899 or email committee@maidstone.gov.uk by 5 p.m. one clear working day before the meeting. You will need to tell us which agenda item you wish to make representations on.

If you require this information in an alternative format, please call **01622 602899** or email committee@maidstone.gov.uk.

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MAIDSTONE BOROUGH COUNCIL

COBTREE MANOR ESTATE CHARITY COMMITTEE

MINUTES OF THE REMOTE MEETING HELD ON 11 JUNE 2020

Present: Councillor McLoughlin (Chairman) and Councillors Cox, Daley and Mrs Gooch

Also Present: Councillor Perry

85. CHAIRMAN OF THE MEETING

Due to connectivity issues, the Chairman was not present for agenda items 1-11. In the absence of the Chairman, the Vice-Chairman took the Chair for these items.

86. APOLOGIES FOR ABSENCE

There were no apologies for absence.

87. NOTIFICATION OF SUBSTITUTE MEMBERS

There were no Substitute Members.

88. URGENT ITEMS

There were no urgent items.

89. NOTIFICATION OF VISITING MEMBERS

Councillor Perry had given notice of his wish to speak on the report of the Leisure Manager relating to Cobtree Contracts Reliefs and Mitigations, and was present at the meeting.

90. DISCLOSURES BY MEMBERS AND OFFICERS

There were no disclosures by Members or Officers.

91. DISCLOSURES OF LOBBYING

There were no disclosures of lobbying.

92. EXEMPT ITEMS

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

93. MINUTES OF THE MEETING HELD ON 18 MARCH 2020

RESOLVED: That the Minutes of the meeting held on 18 March 2020 be approved as a correct record and signed.

94. PRESENTATION OF PETITIONS

There were no petitions.

95. QUESTION AND ANSWER SESSION FOR MEMBERS OF THE PUBLIC

There were no questions from members of the public.

96. QUESTIONS FROM MEMBERS TO THE CHAIRMAN

There were no questions from Members to the Chairman (the Vice-Chairman was in the Chair for this item).

The Chairman joined the meeting after consideration of this item (2.10 p.m.) and took the Chair.

The Chairman said that he had no disclosures of interest or lobbying.

97. COBTREE CONTRACTS RELIEFS AND MITIGATIONS

The Leisure Manager introduced his report on the contractual relief to be provided to the operators of the Cobtree Manor Park Golf Course, Kent Life and the Cobtree Café to ensure service continuity both during, where possible, and after the current COVID-19 pandemic.

The Leisure Manager advised the Committee that having consulted with the Chairman he wished to amend the recommendations set out in his report as follows with the changes in italics:

- 1 That the rent paid by MyTime Active at Cobtree Manor Park Golf Course is suspended for a period of 58 days, that the payment of the pro rata rent for that 58 day period is waived and the Senior Finance Manager makes provision for this in the Cobtree cashflow forecasts. *This relief is conditional on all other outstanding rental invoices being paid.*
2. That the contract fee paid by Planning Solutions at Kent Life is suspended for the whole of the Q1 period, that the payment of the Q1 contract fee is waived and the Senior Finance Manager makes provision for this in the Cobtree cashflow forecasts. *This relief is conditional on all other outstanding rental invoices being paid.*
3. *That the rent fee paid by Cobtree Café Ltd at the Cobtree Café is suspended for the duration of the Café's closure period, and that the payment of the rent is waived for that period subject to Cobtree Café*

Ltd complying with the UK PPN 02/20 guidance to the satisfaction of the Head of Regeneration and Economic Development.

4. That all agreements to provide relief are reliant on the operators complying with all of the appropriate actions and qualifying criteria, with the relief being withdrawn should the operator not be eligible or not be in compliance.
5. That authority be given to the Director of Regeneration and Place to instruct Mid-Kent Legal Services to amend the contracts and leases thus incorporating the changes approved in recommendation 1, recommendation 2 *and recommendation 3* above, and for the amended contracts and other ancillary documents to be entered into by the Council on behalf of Cobtree Manor Estate Charity.
6. That the Leisure Manager continues to monitor the budget and cashflow positions at Cobtree Manor Park Golf Course and Kent Life and that future requests for supplier relief are brought to this Committee for future consideration.

The Leisure Manager then explained that:

- In response to the COVID-19 outbreak, the Cobtree operators began to alter their operating arrangements from 16 March 2020 onwards until, under instruction from the Government, they closed and ceased operations on 23 March 2020.
- The operators had taken advantage of the Government's furlough scheme and business rates relief schemes where they were eligible but they were all experiencing significant budget pressures and they had all requested financial support from the Cobtree Manor Estate Charity.
- The Cobtree Manor Estate Charity and the operators were required to follow Procurement Policy Note 02/20 – Supplier relief due to COVID-19 published by the Cabinet Office and to work collaboratively to find solutions.
- The Cobtree Manor Park Golf Course had been closed for 58 days but was now operating at full capacity although the clubhouse, bar and restaurant remained closed. The majority of the staff remained on furlough but a sufficient number had returned to supervise the venue and the people on site. MyTime Active, the operator, had qualified for a £10,000 business rates grant. The Golf Course rent was paid quarterly and at the time of the closure MyTime's payment in advance for Q4 of 2019/20 was outstanding.
- Since closing on 23 March 2020, Planning Solutions, the operator of Kent Life, had furloughed all staff apart from two team members who had been on site every day checking the premises and caring for the animals. The operator was hoping to re-open on 4 July 2020 depending on the easing of lockdown restrictions. Planning Solutions

pay the annual contract fee in two six-monthly instalments due at the end of Q2 and Q4. The account was currently in arrears by one year's rent.

- DAGT, the operator of the Cobtree Café had altered the Café service on 20 March 2020 to provide take-away food and drinks only. They provided the service on this basis until they were required to close on 23 March 2020. The operator had prepared a plan to re-open on a take-away basis from 16 May 2020. Although this plan was approved, a letter was received from the operator stating that they believed that a force majeure event had occurred and that they would be vacating the Café. The force majeure request was rejected because it did not comply with the requirements of the Cobtree Café concession contract in relation to force majeure requests and also because the PPN 02/20 guidance was clear that the Government wanted to avoid suppliers to the public sector using force majeure clauses for COVID-19. The Officers had a number of questions around the financial information submitted by the operator of the Café but the operator had declined to provide answers or share any more information. In the circumstances the Officers did not feel able to apply the PPN 02/20 guidance, and this was reflected in the amended recommendations to the Committee.
- The recommended approach was designed to provide contractual relief to the Cobtree operators for the period of their closure and also to protect the Charity's own cashflow during this period of uncertainty. It would also provide resilience for the Charity in the event of any future closures.

Councillor Perry, Visiting Member, addressed the meeting explaining that whilst he was generally in favour of the amended recommendations, he did have a few queries. In response to these and other questions, the Leisure Manager explained that:

- The 58 days referred to in amended recommendation 1 was the period of time between the closure of the Cobtree Manor Park Golf Course (23 March 2020) and its partial re-opening to two-ball golfers (20 May 2020).
- If Kent Life was classed as a zoo due to having farm and other animals, it might be able to re-open sooner.
- DAGT, the operator of the Cobtree Café, had now paid money owed, had a zero balance on the account and was still the operator under contract.

During the discussion on the report, it was suggested and agreed that the amended contracts and other ancillary documents required as a result of the Committee's decisions in respect of COVID-19 related contractual relief should be completed as soon as possible.

The Committee also indicated that the 8 day overlap when the Golf Course was closed at the end of Q4 should be reflected in the Q1 payment for 2020/21.

RESOLVED:

- 1 That the rent paid by MyTime Active at Cobtree Manor Park Golf Course is suspended for a period of 58 days, that the payment of the pro rata rent for that 58 day period is waived and the Senior Finance Manager makes provision for this in the Cobtree cashflow forecasts. This relief is conditional on all other outstanding rental invoices being paid.
2. That the contract fee paid by Planning Solutions at Kent Life is suspended for the whole of the Q1 period, that the payment of the Q1 contract fee is waived and the Senior Finance Manager makes provision for this in the Cobtree cashflow forecasts. This relief is conditional on all other outstanding rental invoices being paid.
3. That the rent fee paid by Cobtree Café Ltd at the Cobtree Café is suspended for the duration of the Café's closure period, and that the payment of the rent is waived for that period subject to Cobtree Café Ltd complying with the UK PPN 02/20 guidance to the satisfaction of the Head of Regeneration and Economic Development.
4. That all agreements to provide relief are reliant on the operators complying with all of the appropriate actions and qualifying criteria, with the relief being withdrawn should the operator not be eligible or not be in compliance.
5. That authority be given to the Director of Regeneration and Place to instruct Mid-Kent Legal Services to amend the contracts and leases thus incorporating the changes approved in recommendation 1, recommendation 2 and recommendation 3 above, and for the amended contracts and other ancillary documents to be entered into by the Council on behalf of Cobtree Manor Estate Charity as soon as possible.
6. That the Leisure Manager continues to monitor the budget and cashflow positions at Cobtree Manor Park Golf Course and Kent Life and that future requests for supplier relief are brought to this Committee for future consideration.

98. DURATION OF MEETING

2.00 p.m. to 2.50 p.m.

Agenda Item 13

**Cobtree Manor Estate
Committee**

**10 September
2020**

Cobtree Manor Estate Financial Position

Final Decision-Maker	Cobtree Manor Estate Committee
Lead Head of Service	Head of Regeneration & Economic Development – John Foster
Lead Officer and Report Author	Paul Holland, Senior Finance Manager (Client)
Classification	Public
Wards affected	Boxley

Executive Summary

The report summarises the current financial position of the Estate as at 31 July 2020 covering the activities at the golf course, Kent Life, the Manor Park and the Café/Visitor Centre.

Purpose of Report

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

This report makes the following recommendations to this Committee:

1. That the current financial position be noted.

Timetable

Meeting	Date
Cobtree Manor Estate Committee	10 September 2020

Cobtree Manor Estate Financial Position

1. CROSS-CUTTING ISSUES AND IMPLICATIONS

Issue	Implications	Sign-off
Impact on Corporate Priorities	The operation of the Estate directly supports the objects of the Trust as set out when the Council became the Corporate Trustee	Head of Regeneration & Economic Development
Cross Cutting Objectives	The operation of the Estate supports the Council's strategic objective to ensure there are good leisure and cultural attractions in the Borough.	Head of Regeneration & Economic Development
Risk Management	There is a potential reputational risk if the facilities are operated poorly. This is addressed in the annual risk management report.	Leisure Manager
Financial	There is a financial risk to the Trust if the operations cost more than predicted or fail to generate sufficient income to cover the costs of running them estate. This risk is currently heightened by the impact of the ongoing Covid-19 situation on the operations of the estate, particularly in relations to the various contractors.	Senior Finance Manager (Client)
Staffing	There are no additional implications arising from this report.	Leisure Manager
Legal	Under the Council's Constitution the Committee as Corporate Trustee is responsible for all matters relating to the Charity with the exception of daily management. Law applicable to charities in England and Wales requires the trustee to prepare financial statements for each financial year which give a true and fair view of the Charity's financial activities during the year and of its financial position at the end of the year. This update report assists in meeting those requirements There are no further implications arising from this report.	Team Leader (Corporate Governance), Mid Kent Legal Services
Privacy and Data Protection	There are no specific privacy or data protection issues to address.	Anna Collier Policy and Information Manager

Equalities	There are no additional implications arising from this report.	Anna Collier Policy and Information Manager
Public Health	There are no additional implications arising from this report.	Public Health Officer
Crime and Disorder	There are no additional implications arising from this report.	Head of Regeneration & Economic Development
Procurement	There are no additional implications arising from this report.	Head of Regeneration & Economic Development

2. INTRODUCTION AND BACKGROUND

2.1 This is a regular update report on the financial position of the Estate, which enables the Committee to see how the various areas of activity are performing. The current Covid-19 situation is presenting a significant risk to the finances and operations of the estate, emphasising the need for robust management and monitoring of the budget.

3. CURRENT FINANCIAL POSITION

3.1 The table below summarises the position as at 31st July 2020. **Appendix 1** provides a more detailed breakdown of the figures.

3.1.1 Overall Summary Position:

SUMMARY TOTALS

	Approved Budget for Year 2020/21	Revised Budget for Year 2020/21	Budget to end of July 2020	Actuals to end of July 2020	Forecast Outturn 2020/21
Golf Course	-£107,610	-£89,120	-£8,688	£12,949	-£89,120
Manor Park	£103,830	£109,830	£61,739	£42,447	£90,220
Kent Life	-£42,920	-£24,390	-£8,132	£6,858	-£24,390
Residential Properties	-£10,230	-£10,230	-£3,410	-£7,526	-£10,230
Operational Total	-£56,930	-£13,910	£41,509	£54,728	-£33,520
Investment Income	-£45,000	-£45,000	-£11,250	-£10,650	-£40,000
Car Park Repayment	£69,650	£69,650	£0	£0	£69,950
Total for the Year	-£32,280	£10,740	£30,259	£44,078	-£3,570

- 3.2 Members will already be aware from the last Committee meeting of the potentially serious financial issues that are being experienced by the operating contractors at the golf course, Kent Life and the café. At the meeting, a number of reliefs to contract payments were agreed and the approved budget for the year has been adjusted to reflect this.
- 3.3 Clearly this a somewhat fluid situation and the final outcome with regards to the contracts may not been known for several months. In the meantime, officers are closely monitoring the financial position and restricting expenditure where possible to essential items only. In addition, further savings have been made by leaving the apprentice post vacant, and by reducing the working patterns of one of the Ranger posts from 5 days to 4 days a week at their request for work life balance reasons. More detail on the specific contract situations is included in the estate update report.
- 3.4 We are now in the summer season where a large proportion of the annual expenditure is incurred, particularly at the park, but this is being helped by a strong recovery from car park income, which is now back at the level we would normally expect at this time of the year.
- 3.5 Given the impact that the Covid-19 situation has had on the financial markets there has been an initial reduction in the returns on the Charifund investment. It remains to be seen how quickly the market recovers. The investment held was valued at £930,938 at 31st December 2019 but fell dramatically to a value of £670,148 at 31st March 2020. However as at 25th August 2020 it had recovered somewhat to a value of £704,018.
- 3.6 Based on the position at the time of writing this report the forecast shows a small deficit at the end of the year, although of course we are only in the early part of the year and as previously mentioned the current situation is fluid, and if there have been any significant developments between the release of this report and the date of the meeting a verbal update will be given.
- 3.7 The forecast does however assume that we will receive all the contract income that we are due. To date there have been no payments received from any of the contractors.
- 3.8 Given the situation with contract income there are some concerns around the cashflow position, but the position is being closely monitored and discussions are ongoing with the Director of Finance & Business Improvement to ensure that there are sufficient resources in place to meeting any ongoing commitments.
- 3.9 Some essential capital spend items had already been approved this year. The operational savings achieved mean these spend items can be absorbed within this year's revenue budget. The electric gates deliver an immediate saving in the monthly security costs. The play area repairs were necessary for child health and safety. The utility vehicle, approved on 18 March 2020, was put on order. Officers have tried to reverse this order but that is not proving possible. Officers are exploring placing it on immediate resale through the same supplier.

4. **AVAILABLE OPTIONS**

4.1 Section 3 is for noting only.

5. **PREFERRED OPTION AND REASONS FOR RECOMMENDATIONS**

5.1 Section 3 is for noting only.

6. **NEXT STEPS: COMMUNICATION AND IMPLEMENTATION OF THE DECISION**

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

7. **REPORT APPENDICES**

- Appendix 1: Financial Position as at 31st July 2020
-

8. **BACKGROUND PAPERS**

None.

Provisional Outturn 2019/20	Cobtree Manor Estate	Approved Budget 2020/21	Profiled Budget to end of July 2020	Actual as at 31st July 2020	Forecast Outturn 2020/21
	GOLF COURSE				
£1,616	Repairs & Maintenance	£5,010	£1,670	£1,122	£5,010
-£1,522	Water Metered/Sewage & Env Svs				
-£4,263	Electricity				
£1,190	Premises Insurance	£1,330	£443	£443	£1,330
	Equipment Maintenance	£1,040	£347	£0	£1,040
	Professional Services	£0	£0	£2,400	£0
£1,714	General Expenses - VAT	£3,160	£1,053	£1,053	£3,160
	Licence Fees	£200	£67	£0	£200
	Direct Telephones	£840	£280	£840	£840
-£1,265	Controlled Running Costs	£11,580	£3,860	£5,858	£11,580
-£159,137	Contract Income - Agreed Budget	-£163,900	-£40,975	£0	-£140,130
	Contract Income - Relief Granted	£23,770	£23,770	£0	£0
-£8,482	Other Income				£0
-£5,250	Rent Income	-£240	-£80	£0	-£240
-£172,869	Controlled Income	-£140,370	-£17,285	£0	-£140,370
£11,266	MBC Staff Recharges	£14,210	£4,737	£4,737	£14,210
£11,266	Rechargeable Costs	£14,210	£4,737	£4,737	£14,210
-£162,868	Cobtree Golf Course	-£114,580	-£8,688	£10,595	-£114,580
£36,192	MBC 2/9ths share	£30,740	£0	£2,354	£25,460
	Contract relief adjustment	-£5,280	£0	£0	£0
-£126,676	CMET Total	-£89,120	-£8,688	£12,949	-£89,120

	MANOR PARK				
£65,678	Salaries	£85,630	£28,543	£22,709	£69,060
£226	Overtime	£4,000	£1,333	£332	£2,000
£5,727	Employers NI	£6,520	£2,173	£1,968	£6,200
£8,833	Employers Superannuation	£12,870	£4,290	£4,046	£12,150
£1,310	Employee Insurances	£1,170	£390	£390	£1,170
£81,774	Employee Costs	£110,190	£36,730	£29,445	£90,580
£45,248	Repairs & Maintenance	£28,750	£14,000	£14,657	£28,750
	Repairs & Maintenance - Trees	£12,000	£6,000	£1,070	£12,000
£1,905	Gas	£4,040	£1,347	£430	£4,040
£11,815	Electricity	£9,100	£3,033	£2,040	£9,100
£750	Water Metered	£1,200	£400	£0	£1,200
£1,522	Sewerage & Env Services	£1,100	£367	£0	£1,100
£7,729	Trade Refuse Collection (Internal)	£13,530	£4,510	£0	£13,530
£1,610	Premises Insurance	£1,680	£560	£560	£1,680
£8,769	Equipment Purchase	£1,120	£373	£6,651	£1,120
£2,792	Equipment Maintenance	£2,080	£693	£0	£2,080
	Equipment Hire	£520	£173	£0	£520
£757	Vehicle Leasing & Running Costs	£5,000	£1,667	£512	£5,000
	Materials & Supplies	£1,040	£347	£292	£1,040
	Cash Collection	£2,420	£807	£0	£2,420
£297	Protective Clothes	£520	£173	£0	£520
£97	Photocopying	£520	£173	£0	£520
£3,609	General Expenses	£1,410	£470	-£13	£1,410
£4,682	General Expenses - VAT	£10,400	£3,467	£3,467	£10,400
£5,430	Audit Fee	£5,230	£0	£150	£5,230
£17,994	Professional Services Security	£11,000	£3,667	£0	£11,000
£1,950	Professional Services Consultancy	£3,000	£1,000	£1,940	£3,000
£46	Direct Telephones	£210	£70	£35	£210
£82	Mobile Telephones	£110	£37	£32	£110
	General Insurances	£180	£60	£60	£180
	External Print & Graphics	£170	£57	£0	£170
£117,084	Controlled Running Costs	£116,330	£43,450	£31,883	£116,330

Provisional Outturn 2019/20	Cobtree Manor Estate	Approved Budget 2020/21	Profiled Budget to end of July 2020	Actual as at 31st July 2020	Forecast Outturn 2020/21
-£101,475	Fees & Charges - Car Parking	-£91,830	-£32,128	-£34,492	-£91,830
-£36,203	Other Income - Cobtree Charity Trust Ltd	-£40,000	£0	£0	-£40,000
-£5,633	Other Income	-£5,000	£0	-£576	-£5,000
-£80	Licences	-£420	£0	£0	-£420
-£41,703	Rent Income (Café)	-£34,000	-£8,500	£0	-£28,000
	Contract Income - Relief Granted	£6,000	£6,000	£0	£0
-£185,094	Controlled Income	-£165,250	-£34,628	-£35,068	-£165,250
£47,131	MBC Staff Recharges	£48,560	£16,187	£16,187	£48,560
£47,131	Rechargeable Costs	£48,560	£16,187	£16,187	£48,560
£60,895	Cobtree Manor Park	£109,830	£61,739	£42,447	£90,220
	KENT LIFE				
£13,863	Repairs & Maintenance of Premises	£10,510	£3,503	£2,115	£10,510
£7,110	Premises Insurance	£7,390	£2,463	£2,463	£7,390
	General Expenses	£1,630	£543	£0	£1,630
£1,265	General Expenses - VAT	£2,040	£680	£680	£2,040
£22,238	Controlled Running Costs	£21,570	£7,190	£5,258	£21,570
-£71,166	Contract Income	-£74,130	-£37,065	£0	-£55,600
	Contract Income - Relief Granted	£18,530	£18,530	£0	£0
-£71,166	Controlled Income	-£55,600	-£18,535	£0	-£55,600
£8,777	MBC Staff Recharges	£9,640	£3,213	£1,600	£9,640
£8,777	Rechargeable Costs	£9,640	£3,213	£1,600	£9,640
-£40,151	Kent Life	-£24,390	-£8,132	£6,858	-£24,390
	RESIDENTIAL PROPERTIES				
£8,237	Repairs & Maintenance	£12,750	£4,250	£372	£12,750
£550	Premises Insurance	£610	£203	£0	£610
£8,787	Controlled Running Costs	£13,360	£4,453	£372	£13,360
-£26,374	Rent Income	-£26,000	-£8,667	-£8,701	-£26,000
-£26,374	Controlled Income	-£26,000	-£8,667	-£8,701	-£26,000
£2,746	MBC Staff Recharges	£2,410	£803	£803	£2,410
£2,746	Rechargeable Costs	£2,410	£803	£803	£2,410
-£14,841	Residential Properties	-£10,230	-£3,410	-£7,526	-£10,230
-£120,773	OVERALL TOTALS	-£13,910	£41,509	£54,728	-£33,520
-£35,000	Investment Income	-£45,000	-£11,250	-£10,650	-£40,000
-£155,773	Net (surplus)/deficit for operational & investment activities	-£58,910	£30,259	£44,078	-£73,520
£69,650	Repayment of car park construction costs	£69,650	£0	£0	£69,950
-£86,123	Net (surplus)/deficit after repayment	£10,740	£30,259	£44,078	-£3,570

**Cobtree Manor Estate
Committee**

**10 September
2020**

Car Park Repayment Agreement

Final Decision-Maker	Cobtree Manor Estate Committee
Lead Head of Service	Head of Regeneration & Economic Development – John Foster
Lead Officer and Report Author	Paul Holland, Senior Finance Manager (Client)
Classification	Public
Wards affected	Boxley

Executive Summary

The report seeks a resolution that formally approves the loan repayment terms as agreed with the Maidstone Borough Council at the Cobtree Manor Estate Committee meeting of the 18 December 2018 for the car park improvement works (Works) that were carried out to the car park at Cobtree Manor Park.

Purpose of Report

To formally approve the loan repayment terms to enable the repayment agreement to be signed and sealed.

This report makes the following recommendations to this Committee:

1. That the loan repayment terms be formally agreed.

Timetable

Meeting	Date
Cobtree Manor Estate Committee	10 September 2020

Car Park Repayment Agreement

1. CROSS-CUTTING ISSUES AND IMPLICATIONS

Issue	Implications	Sign-off
Impact on Corporate Priorities	The operation of the Estate directly supports the objects of the Trust as set out when the Council became the Corporate Trustee	Head of Regeneration & Economic Development
Cross Cutting Objectives	The operation of the Estate supports the Council's strategic objective to ensure there are good leisure and cultural attractions in the Borough.	Head of Regeneration & Economic Development
Risk Management	The loan repayment agreement needs to be signed to ensure the interests of the Trust are protected.	Leisure Manager
Financial	There is a financial risk to the Trust if the agreement is not signed as there will be no formal protections in place.	Senior Finance Manager (Client)
Staffing	There are no additional implications arising from this report.	Leisure Manager
Legal	Under the Council's Constitution the Committee as Corporate Trustee is responsible for all matters relating to the Charity with the exception of daily management. Law applicable to charities in England and Wales requires the trustee to prepare financial statements for each financial year which give a true and fair view of the Charity's financial activities during the year and of its financial position at the end of the year. There is no statutory requirement for an external audit, but the Charity has previously decided that external auditing should be undertaken. There are no further implications arising from this report.	Team Leader (Corporate Governance), Mid Kent Legal Services
Privacy and Data Protection	There are no specific privacy or data protection issues to address.	Policy and Information Manager
Equalities	There are no implications arising from this report.	Equalities and Corporate Policy Officer

Public Health	There are no additional implications arising from this report.	Public Health Officer
Crime and Disorder	There are no additional implications arising from this report.	Head of Regeneration & Economic Development
Procurement	There are no additional implications arising from this report.	Head of Regeneration & Economic Development

2. INTRODUCTION AND BACKGROUND

- 2.1 At the Committee meeting of 18th December 2018, it was agreed that the Works would be carried out. As part of that report it was agreed that the Council would assist the Estate in the execution of the Works by underwriting the sum of £323,000 (three hundred and twenty three thousand pounds) representing costs of the Works. Further, that the Estate would reimburse the Council the underwritten costs of £323,000 over a period of 5 years, including interest at 3% (Public Works Loan Board rate 2% plus 1%). as per the agreed repayment schedule. Subsequently the Works were undertaken and completed in April 2019.
- 2.2 A repayment agreement was drawn up and the terms of this were agreed by the Committee on 6th November 2019. However, a question was raised by the Council's Legal Services team with regards to the Estate's agreement to accept the Council's terms. Although acceptance was implied within the decision to proceed for the works on 18th December 2018, it was not explicitly agreed and a formal resolution is required to accept the terms.
- 2.3 This report therefore retrospectively asks for formal acceptance of the terms of the agreement which will then enable the Council to proceed to signing and sealing the agreement.

3. PREFERRED OPTION AND REASONS FOR RECOMMENDATIONS

- 3.1 That the recommendation is agreed so that the loan agreement can be signed by both parties. Accepting this recommendation will align the Committee's procedures more closely to the Council's constitution.

4. **NEXT STEPS: COMMUNICATION AND IMPLEMENTATION OF THE DECISION**

- 4.1 If the recommendation is agreed and resolution passed the agreement will be signed by both parties and sealed.
-

5. **REPORT APPENDICES**

None.

6. **BACKGROUND PAPERS**

None.

**Cobtree Manor Estate Charity
Committee**

**10 September
2020**

Cobtree Estate Update Report

Final Decision-Maker	Cobtree Manor Estate Charity Committee
Lead Head of Service	John Foster – Head of Regeneration and Economic Development
Lead Officer and Report Author	Mike Evans – Leisure Manager
Classification	Public
Wards affected	Boxley

Executive Summary

An update report on the Cobtree estate and its constituent attractions and facilities.

Purpose of Report

For the Committee to note the work of the estate since its last meeting in June 2020.

This report makes the following recommendations to this Committee:

1. That the contents of the report are noted

Timetable

<i>Meeting</i>	<i>Date</i>
Cobtree Manor Estate Charity Committee	10 September 2020

Cobtree Estate Update Report

1. CROSS-CUTTING ISSUES AND IMPLICATIONS

Issue	Implications	Sign-off
Impact on Corporate Priorities	The work of the charity links directly to its charitable objectives and the corporate priorities for the council.	Mike Evans – Leisure Manager
Cross Cutting Objectives	The work of the charity links directly to its charitable objectives and the cross cutting objectives of the council.	Mike Evans – Leisure Manager
Risk Management	There are no risk management implications in this report.	Mike Evans – Leisure Manager
Financial	Financial implications from this update are managed day-to-day in line with council procedures and policies.	Paul Holland, Senior Finance Manager (Client)
Staffing	Staffing implications are managed day-to-day in line with council procedures and policies.	John Foster – Head of Regeneration and Economic Development
Legal	Under the Council’s Constitution the Committee as Corporate Trustee is responsible for all matters relating to the Charity with the exception of daily management which will be undertaken by the Director of Finance and Business Improvement. There are no specific legal implications at present as this report is presented for noting only.	Corporate Governance Team Leader
Privacy and Data Protection	There are no new implications as a result of this update report and recommendation.	Policy and Information Manager
Equalities	No impact identified as a result of this update report and recommendation.	Policy & Information Manager
Public Health	The Cobtree Estate works towards improving the health of residents through its day-to-day operations	Public Health Officer

Crime and Disorder	Crime and disorder implications are managed day-to-day in line with council procedures and policies	Mike Evans – Leisure Manager
Procurement	Procurement implications are managed day-to-day in line with council procedures and policies	John Foster – Head of Regeneration and Economic Development

2. INTRODUCTION AND BACKGROUND

- 1.1 The Cobtree estate has continued its recovery following the Covid-19 lockdown earlier this year.

Cobtree Manor Park

- 1.2 The park has been extremely busy since it re-opened to vehicles in May 2020. Car park income is recovering and it is expected to be fully recovered compared to pre-Covid expected levels by the end of this financial year.
- 1.3 In mid-August 2020 some elements of children’s play equipment had to be taken out of action because of urgent repairs are needed to them. The Leisure Manager is exploring ways in which these repairs can be completed in the current financial situation. Not completing these repairs could have a negative impact on the park’s reputation and the car park income.

Golf course

- 1.4 The golf course continues to be busy, which has aided the economic recovery of its operator Mytime Active. Officers are still working with Mytime Active to ensure a sustainable long-term operation post-Covid. Mytime Active has requested an additional rental holiday, which CMEC will not be able to agree to because of the impact it will have on its own cashflow across the estate. Dialogue between the organisations continues and future updates and decisions will be brought to this Committee.

Kent Life

- 1.5 Visitor numbers at Kent Life continue to be high. The outside areas of the site have made it a very popular destination since the lockdown was lifted. A number of summer festivals and events were cancelled because of the financial risk in delivering an event and not being able to guarantee ticket sales. The team has monitored customer confidence and government restrictions over the summer and is now able to deliver some autumn events including the *Hops 'n' Harvest Beer Festival*, *Apple Weekend* and the annual Halloween and Fireworks events.

Cobtree Men's Sheds

- 1.6 The Elephant House is currently out of action following reports from the Council's corporate health and safety officer and building control team. The outstanding issues relate to building alterations made by the tenant and the safe working practices of the tenant. To ensure safe access a surveyor needs to attend, make an assessment and potentially install scaffolding to guarantee site safety. Officers are in discussion with the tenant about this. The current financial situation means CMEC is unable to pre-pay for any works on behalf of the tenant organisation who is keen to comply with the report recommendations.

Cobtree Café

- 1.7 The café continues to work as a takeaway operation while the weather is good and trade is recovering. There have been some on-site issues with the monitoring of the toilets and the flushing of items that are not flushable. This has been rectified each time to ensure that the toilets remain in operation for the public.

Contracts

- 1.8 The Senior Finance Manager's report covers the details of the current financial position. From a contractual point of view the relief amounts agreed by this committee on 11 June 2020 have been written into formal contract variations by the legal department. One of these has been signed and returned by the operator. Two have not. The relief amounts are not activated until a signed agreement is in place. For accounting purposes we are working on the basis that these agreements will be signed and the relief will be given.
- 1.9 The Head of Regeneration and Economic Development, Leisure Manager and Senior Finance Manager continue to monitor the budgetary situation and are investigating new workstreams that can increase revenue or produce budgetary efficiencies for CMEC.

Cobtree Young Farmers

- 1.10 The Cobtree Young Farmers have established the paddocks on Forstal Field with high quality fencing surrounding the entire site. Animal shelters and running water have also been installed to support the operation and the land is now being farmed with sheep and cattle.

3. AVAILABLE OPTIONS

- 3.1 Committee can note the information in this report
- 3.2 Committee can choose not to note the information in this report, however the Committee has requested regular updates on the operations of the estate.

4. PREFERRED OPTION AND REASONS FOR RECOMMENDATIONS

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

5. RISK

5.1 This report is presented for information only and has no risk management implications

6. CONSULTATION RESULTS AND PREVIOUS COMMITTEE FEEDBACK

6.1 No consultation has taken place since the last update report

7. NEXT STEPS: COMMUNICATION AND IMPLEMENTATION OF THE DECISION

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

8. REPORT APPENDICES

- None
-

9. BACKGROUND PAPERS

- None

Agenda Item 16

**Cobtree Manor Estate Charity
Committee**

**10 September
2020**

Cobtree Car Park Terms and Conditions

Final Decision-Maker	Cobtree Manor Estate Charity Committee
Lead Head of Service	John Foster - Head of Regeneration and Economic Development
Lead Officer and Report Author	Mike Evans – Leisure Manager
Classification	Public
Wards affected	Boxley

Executive Summary

A report describing the current terms and conditions in force at the Cobtree Manor Park car park and making recommendations for their improvement.

Purpose of Report

The Cobtree Manor Estate Charity Committee is asked to make decisions on the terms and conditions it wishes to operate at its car park.

This report makes the following recommendations to this Committee:

1. That the Traffic Regulations Order is altered to introduce a maximum stay of six hours in the Cobtree Manor Park car park and to include a new all-day rate for people wanting to stay all day.
2. That the annual permit holder terms and conditions are altered to limit permit holders to 1 x six hour stay per day
3. That the Traffic Regulations Order continues to include provision for overnight parking being prohibited.
4. That the Traffic Regulations Order is altered to introduce a requirement for motorcycle riders to also pay to park their vehicles.

Timetable

Meeting	Date
Cobtree Manor Estate Charity Committee	10 September 2020

Cobtree Car Park Terms and Conditions

1. CROSS-CUTTING ISSUES AND IMPLICATIONS

Issue	Implications	Sign-off
Impact on Corporate Priorities	<p>The four Strategic Plan objectives are:</p> <ul style="list-style-type: none"> • Embracing Growth and Enabling Infrastructure • Safe, Clean and Green • Homes and Communities • A Thriving Place <p>Accepting the recommendations will materially improve the Council's ability to achieve the safe, clean and green priority and the thriving place priority. We set out the reasons other choices will be less effective in section 3 available options.</p>	Mike Evans – Leisure Manager
Cross Cutting Objectives	<p>The four cross-cutting objectives are:</p> <ul style="list-style-type: none"> • Heritage is Respected • Health Inequalities are Addressed and Reduced • Deprivation and Social Mobility is Improved • Biodiversity and Environmental Sustainability is respected <p>The report recommendations support the achievement of all of the cross-cutting objectives by ensuring the future sustainability of Cobtree Manor Estate and ensuring the financial performance of the estate continues.</p>	Mike Evans – Leisure Manager
Risk Management	Refer to section 5 of the report	Mike Evans – Leisure Manager
Financial	We expect accepting the recommendations will prevent future losses from being incurred. This is above amounts already accounted within the Council's financial planning and so should result in nett additional income to the Trust.	Paul Holland, Senior Finance Manager (Client)

Staffing	We will deliver the recommendations with our current staffing.	John Foster – Head of Regeneration and Economic Development
Legal	Acting on the recommendations is within the Council’s powers so long as the Traffic Regulations Orders procedures are followed. This will be done in conjunction with the Council’s parking services department.	Corporate Governance Team Leader
Privacy and Data Protection	Accepting the recommendations will increase the volume of data held by the Council. We will hold that data in line with our retention schedules.	Policy and Information Manager
Equalities	The recommendations do not propose a change in service therefore will not require an equalities impact assessment	Policy and Information Manager
Public Health	There are no public health implications caused by these recommendations	Paul Clarke – Senior Public Health Officer
Crime and Disorder	There are no crime and disorder implications caused by these recommendations.	Mike Evans – Leisure Manager
Procurement	There are no procurement implications caused by these recommendations.	Mike Evans – Leisure Manager

2. INTRODUCTION AND BACKGROUND

- 1.1 The car park at Cobtree Manor Park attracts around 50,000 paid vehicle visits per year. It has 185 parking spaces and 10 disabled parking spaces. It has a budgeted income of £90,000 per year from daily parking fees and £9,500 from its 190 annual parking permit holders. Visitors pay £2 to park for the whole day and an annual permit to park all day every day costs £50.
- 1.2 In the last 12 months park staff have observed an increasing number of permit holders using the car park as a commuter car park or as the car park of choice for workers in one of the nearby businesses. These commuters have valid permits and are not parking illegally or outside of the terms and conditions, however in peak times their vehicles parked all day do take up parking spaces that could be used by park visitors.

- 1.3 Data from MBC parking services calculates the value of each parking space at £10.81 per bay per day across the whole 12-month period. Seasonally this number changes to £13.58 per bay between April and September and £8.04 per bay from October to March.
- 1.4 The car park has been very busy in the last three months, since the car park re-opened in the middle of May. This has meant a good recovery in terms of car park income but on many days the car park becomes full by mid-morning and there are lots of visitors unable to find a parking space.
- 1.5 Park staff have been monitoring the car park in this time and recording the number of cars on site at 9am, 12pm and 3pm each day. At 9am each day there are on average 32 visitor cars in the car park. Daily monitoring of this has been able to distinguish between park visitors and commuters and approximately 12 of these daily cars are workers in the neighbouring businesses, depending on which day of the week it is.
- 1.6 In the winter months this issue has been workable because there are plenty of spaces, although we do receive a few complaints each autumn when the clocks change and the park closes before 5pm which does not suit commuter parking. In the summer months when the car park is very busy and each space can achieve £13.58 per day, having 12 of them occupied by commuters has a significant impact on the car park income. The cost to Cobtree is calculated at £814.80 per week or £21,184 over the 26-week spring and summer period.
- 1.7 The fullness of the car park is not caused solely by commuter parking but this type of parking is having an impact on the park. Daily ticket purchasers have one ticket option, and that is to buy an all-day ticket at a cost of £2. This is the only type of ticket on sale at Cobtree car park. Daily users also have the potential to occupy a parking space all day.
- 1.8 Officers have been looking at solutions to this problem that will deter over-occupation of parking spaces at the park without affecting people's use of the park and the enjoyment they get from their visits. Research has looked at the charges of similar car parks in the borough and also at the other nearby car parks in the Boxley and Aylesford area.

Comparable car park

- 1.9 Mote Park's car parks are the closest comparable car parks to Cobtree. These also primarily serve a large park and provide parking options for park visitors. The parking charges at Mote Park are in the table below:

Ticket	8am to 10am	Up to 6 hours after 10am	Over 6 hours
Daily ticket	Free	£2	£12
Residents Annual Season Ticket	--	£50	--

1.10 The annual permits at Mote Park entitle the holders to park for a maximum of six hours and also stipulate that they cannot return to the car park for two hours after a period of six hours is up. This ensures that permit holders can visit the park every day but cannot park there all day every day.

Nearby alternative car park options

1.11 Officers are mindful that altering the status quo has the potential to cause disruption to people who currently use the Cobtree car park and could result in negative feeling and publicity. For these reasons, research has also focused on alternative options that are available to people who may be affected by the recommendations in this report. These are shown in the table below:

Name	Description	Price	Distance
Aylesford Village Hall	Owned by the parish. 38 spaces. Plus 3 spaces for disabled users.	No charges	1200m from Cobtree Manor Park
Aylesford Bailey Bridge East	Owned by Tonbridge & Malling Borough Council. 50 spaces.	No charges. Maximum stay 23 hours.	1200m from Cobtree Manor Park
Aylesford Bailey Bridge West	Owned by Tonbridge & Malling Borough Council. 69 spaces. Plus 4 spaces for disabled users.	No charges. Maximum stay 23 hours.	1200m from Cobtree Manor Park
Travis Perkins	Private area used for public parking. No marked bays. 36 spaces.	No charges.	100m from Cobtree Manor Park

3. AVAILABLE OPTIONS

3.1 Do nothing

CMEC could choose to do nothing and to allow the status quo to continue. This option could lead to unmanageable situation where the car park is full of commuter cars each day. This would impact heavily on the annual car park revenue stream and on the availability of parking spaces for people to come and enjoy the park. With the permits purchased online this situation could escalate very quickly and become unmanageable in a very short space of time. **This option is not recommended**

3.2 Make the car park free of charge from 8am to 10am

This option would ensure that early park visitors can enjoy the park for an early morning visit free of charge but by delaying the paid-for period to a

10am start it could still give enough time each day for commuters to park at Cobtree by effectively giving a free two-hour period on top of the maximum stay that is also discussed in paragraphs 3.3, 3.4, 4.1 and 4.2. **This option is not recommended.**

3.3 Alter the Traffic Regulations Order to introduce a maximum stay of six hours in the Cobtree Manor Park car park and include a new all-day rate for people wanting to stay all day

CMEC could alter the order to limit the standard stay in the Cobtree car park to six hours. In addition to this CMEC could introduce a longer stay ticket option in the car park. This would not affect visitors who currently stay less than six hours in the park and would only impact on people wishing to park their car at the park for a whole day. **This option is recommended.**

3.4 Alter the annual permit holder terms and conditions to limit permit holders to 1 x six hour stay per day

CMEC could update the permit holder terms and conditions to include a six-hour limit. Currently permits entitle the holder to park their vehicle at the park all day every day. This could be aligned closer to the Mote Park terms and conditions to place a six-hour limit on the amount of time the permit holder can spend in the car park each day. It would still enable people to visit the park each day for the same annual fee, but it would limit the length of each visit to six hours. **This option is recommended.**

3.5 Ensure the Traffic Regulations Order continues to include provision for overnight parking being prohibited

Ensuring the timings of the order include this provision will make the leaving of cars in the car park overnight a violation of the car park's order for which a penalty charge notice can be issued. **This option is recommended.**

3.6 Alter the Traffic Regulations Order to introduce a requirement for motorcycle riders to also pay to park their vehicles.

At present the Traffic Regulations Order provides for motorcycles to park free of charge. The car park is being visited by more and more motorcycles whose riders do not have to pay anything to leave their vehicles in the car park. CMEC could opt to apply the parking charges to motorcycles in the same way that they apply to cars. **This option is recommended.**

4. PREFERRED OPTION AND REASONS FOR RECOMMENDATIONS

4.1 The preferred options are for the Traffic Regulations Order to be altered to include:

- A maximum stay in the Cobtree Manor Park car park
- Standard charges for motorcycles as well as cars
- A no return period after the maximum stay has elapsed

And for the annual permit terms and conditions to be altered to include:

- A maximum stay in the Cobtree Manor car park
- A no return period after the maximum stay has elapsed

Maximum stay

- 4.2 It is recommended that the maximum stay is set at six hours, to ensure consistency with the council car park at Mote Park. Many residents are not aware of the distinction between Cobtree Manor Park and the other authority parks and so ensuring consistency where possible does prevent confusion.
- 4.3 The car park will also continue to have a prohibition on overnight parking or 24-hour parking, meaning people cannot choose to leave their vehicles in the car park overnight.

Impact on users

- 4.4 The vast majority of visitors to Cobtree Manor Park will not notice any difference to the parking regulations. For most visitors they will still pay a standard price of £2 for the duration of their visit, or the duration of their visit will be covered by their annual permit. The impact on those affected will be communicated and managed over a time period of approximately six months.

Communication and implementation

- 4.5 Once CMEC approves these recommendations the legal process to alter the Traffic Regulations Order can commence. This will take 10-12 weeks meaning it will be completed in December 2020. The changes can take effect in January 2021. The car park is less busy in January and the problem of all-day parking is not so severe because the park closes before 5pm each day.
- 4.6 For this reason communication with permit holders can continue through February and March 2021 and the new terms and conditions can take effect from 1 April 2021. In the meantime all renewals can include the new terms and conditions. By April 2021 three quarters of all current permit holders will have renewed their permits in line with the new terms and conditions. The remaining one quarter will have been consulted and communicated with. It is expected that the majority will not be affected by the change and only those who use the park for commuter parking will be impacted.
- 4.7 Paragraph 2.11 details the alternative options that are available to the affected permit holders.
- 4.8 The legal process contains a 21-day consultation period. Depending on the comments received changes may need to be made, a further report to Committee may be needed and a new TRO process may need to commence.

5. RISK

- 5.1 The risks associated with these recommendations, including the risks if the Council does not act as recommended, have been considered in line with

the Council's Risk Management Framework. That consideration is shown in this report at paragraphs 2.4, 2.5, 2.6, 2.11 and 4.4. We are satisfied that the risks associated are within the Council's risk appetite and will be managed as per the Policy.

6. CONSULTATION RESULTS AND PREVIOUS COMMITTEE FEEDBACK

- 6.1 These recommendations have been considered in consultation with Parking Services at the Council.
 - 6.2 Upon CMEC's agreement to these recommendations the Traffic Regulations Order process can commence. This process includes new signage in the car park informing the public of the changes and the 21-day consultation period provided for under the traffic regulations. Officers will also manage communications with the annual permit holders as described in paragraphs 4.4 and 4.6.
-

7. NEXT STEPS: COMMUNICATION AND IMPLEMENTATION OF THE DECISION

- 7.1 Upon agreement of these recommendations the Traffic Regulations Order process can commence. Communication with affected permit holders will commence in line with the change to the Regulations Order.
-

8. REPORT APPENDICES

- None
-

9. BACKGROUND PAPERS

- None

Agenda Item 17

**Cobtree Manor Estate Charity
Committee**

**10 September
2020**

Emergency Play Area Improvements at Cobtree Manor Park

Final Decision-Maker	Cobtree Manor Estate Charity Committee
Lead Head of Service	John Foster – Head of Regeneration and Economic Development
Lead Officer and Report Author	Mike Evans – Leisure Manager
Classification	Public
Wards affected	Boxley

Executive Summary

A report updating Cobtree Manor Estate Charity Committee on urgent repairs needed on the aging play equipment and exploring options in the current financial situation.

Purpose of Report

To make Cobtree Manor Estate Charity Committee aware of the defective play equipment and to seek a decision on the actions that can be taken to address it.

This report makes the following recommendations to this Committee:

1. That a repairs budget of £20,000 be authorised for the play equipment repairs.
2. That delegated authority for managing the repairs budget is given to the Head of Regeneration and Economic Development, in consultation with the CMEC Chair.
3. That an updated cashflow forecast is presented to the Cobtree Manor Estate Charity Committee.

Timetable

Meeting	Date
Cobtree Manor Estate Charity Committee	10 September 2020

Emergency Play Area Improvements at Cobtree Manor Park

1. CROSS-CUTTING ISSUES AND IMPLICATIONS

Issue	Implications	Sign-off
Impact on Corporate Priorities	The work of the charity links directly to its charitable objectives and the corporate priorities for the Council.	Mike Evans – Leisure Manager
Cross Cutting Objectives	The work of the charity links directly to its charitable objectives and the corporate priorities for the Council.	Mike Evans – Leisure Manager
Risk Management	Risk management factors are covered at paragraphs 5.1 and 5.2	Mike Evans – Leisure Manager
Financial	Accepting the recommendations will demand new spending of £20,000. We plan to fund that spending as set out in sections 3 and section 4.	Section 151 Officer & Finance Team
Staffing	Staffing implications are managed day to day in line with Council procedures and policies	John Foster – Head of Regeneration and Economic Development
Legal	Under the Council’s Constitution the Committee as Corporate Trustee is responsible for all matters relating to the Charity with the exception of daily management which will be undertaken by the Director of Finance and Business Improvement. Any necessary agreements or contracts entered into must be in accordance with the Council’s Contract Procedure Rules and should be in a form approved by the Head of Legal Partnership.	Team Leader (Corporate Governance), MKLS
Privacy and Data Protection	There are no new implications as a result of this update report and recommendation.	Policy and Information Manager
Equalities	No impact identified as a result of this update report and recommendation.	Policy & Information Manager
Public	The Cobtree Estate works towards improving the health of residents through its day-to-day	Paul Clarke – Senior Public

Health	operations	Health Officer
Crime and Disorder	Crime and disorder implications are managed day-to-day in line with Council procedures and policies	Mike Evans – Leisure Manager
Procurement	Procurement implications are managed day-to-day in line with Council procedures and policies	John Foster – Head of Regeneration and Economic Development

2. INTRODUCTION AND BACKGROUND

- 1.1 The items of play equipment at Cobtree Manor Park were installed between 2008 and 2012. The capital programme has identified the need for them to be replaced in 2020/2021 or 2021/2022, depending on the level of wear and tear which was being monitored by the park manager and rangers along with the daily and monthly play equipment checks which are a legal requirement.
- 1.2 The monitoring regime identified defective play equipment at the start of 2020. CMEC approved repairs for these items at a total cost of £16,781+VAT and this work has been carried out.
- 1.3 Unfortunately there are now more play area repairs needed. The full list of play equipment needing repair comprises 16 pieces of play equipment with a mix of major and minor repairs.
- 1.4 Park staff have been making repairs to this equipment and checking it daily to ensure compliance with safety legislation. The park's insurance company has completed its annual survey of the park and their report has identified the issues that were being monitored by staff.
- 1.5 Some items of equipment are now not safe to use. These were taken out of action in the week commencing 10 August 2020 and they remain out of action.
- 1.6 Despite being in the capital programme for 2020/2021, the significant Covid-19 pressures on the CMEC finances, mean that authorising these repairs at the current time is a much harder decision than it would otherwise normally have been.
- 1.7 There have been enquiries from members of the public about when the play equipment will be repaired with visitors generally being understanding of the situation. However, the play equipment, if left out of action for a length of time, will have a negative impact on visitor numbers at the park and the

amount of car park income achieved. Leaving the play equipment unrepaired will also have reputational impacts.

- 1.8 The costs of repairing the equipment is currently being investigated. At the time of writing officers do not know the costs or the lead-in times for items. Costs can vary based on the condition of the concrete and the fixings, which cannot be determined until items of equipment are removed. Officers estimate the total cost could be £25,000 and some items could take up to 10 weeks to be supplied. Officers will give a verbal update on costs and lead-in times at the meeting.

3. AVAILABLE OPTIONS

3.1 Do nothing

Committee could decide to leave this play equipment out of action and address the situation at a later date. **This option is not recommended.** The play equipment will not get any less expensive to repair and in the meantime the negative impacts on car park income, reputation and unsightly views will heighten

3.2 Authorise a repairs budget of £20,000 for the play equipment repairs

In the current financial situation this is not an easy recommendation to put forward, but this is the less bad option of those that are available. The budget, if approved, would be used on the items that give maximum repair, maximum value for money in combination with the shortest lead-in time. This will ensure that the maximum amount of play equipment is returned into action while the financial impact of Covid-19 is managed. **This is recommended.**

3.3 Delegated authority for the repairs budget is given to the Head of Regeneration and Economic Development

The Head of Regeneration and Economic Development manage this budget in consultation with the Chair of this Committee. Updates on which repairs are possible and the timescales for them will be sent to all Committee members. **This is recommended.**

3.4 Present an updated cashflow forecast to the Committee

This recommendation is linked to recommendation 3.3 in this report, the recommendations in the Senior Finance Manager's *Cobtree Manor Estate Financial Position Report* and the Leisure Manager's *Request to Cobtree Charity Trust Report*. The updated cashflow will identify how some of the emergency repairs budget recommended in paragraph 3.2 can be offset. **This is recommended.**

4. PREFERRED OPTION AND REASONS FOR RECOMMENDATIONS

- 4.1 The recommendations in this report protect Cobtree Manor Estate Charity's assets, its car park income stream and its reputation. Not approving these

recommendations will lead to negative impacts in these areas and while the problem of the defective play equipment remains unsolved.

- 4.2 The difficulty in approving these recommendations link to the current financial situation of the Committee, which is a result of its operators and debtors.
- 4.3 Paragraphs 3.3 and 3.4 include steps that officers can take to ensure CMEC's financial position is protected and managed further once recommendation 3.2 is approved.

5. RISK

- 5.1 The risks associated with this proposal, including the risks if the Committee does not act as recommended, have been considered in line with the Council's Risk Management Framework. That consideration is shown in this report at paragraphs 2.7, 3.1 and 4.1. We are satisfied that the risks associated are within the Council's risk appetite and will be managed as per the Policy.
- 5.2 Recommendations 3.3 and 3.4 include further mitigations which are needed at this time. They will also help manage the risks associated with this proposal.

6. CONSULTATION RESULTS AND PREVIOUS COMMITTEE FEEDBACK

- 6.1 No consultation has taken place regarding this proposal

7. NEXT STEPS: COMMUNICATION AND IMPLEMENTATION OF THE DECISION

- 7.1 Once agreed, officers will put forward a plan of suggested works to the Head of Regeneration and Economic Development. This plan will achieve the greatest value for the repairs budget in terms of the quality and quantity of items that can be put back into action and the timing of those repairs.
- 7.2 The Head of Regeneration and Economic Development can agree the plan of works with the CMEC Chair and officers will implement the repairs. This will be communicated to all Committee members.
- 7.3 The Leisure Manager and Senior Finance Manager will prepare an updated cashflow projection for CMEC showing how this repairs budget can be offset in other areas enabling the cashflow position to be managed in these difficult circumstances.

8. REPORT APPENDICES

- None
-

9. BACKGROUND PAPERS

- None

Agenda Item 18

Cobtree Manor Estate Charity Committee

**10 September
2020**

Request to Cobtree Charity Trust

Final Decision-Maker	Cobtree Manor Estate Charity Committee
Lead Head of Service	John Foster – Head of Regeneration and Economic Development
Lead Officer and Report Author	Mike Evans – Leisure Manager
Classification	Public
Wards affected	Boxley

Executive Summary

A report raising the issue of short-term financial management and seeking Committee's views on possible courses of action.

Purpose of Report

For Cobtree Manor Estate Charity Committee to decide what action it wishes to take in terms of advanced planning for a situation where its Covid-19 financial pressures increase.

This report makes the following recommendations to this Committee:

1. That a letter is sent from the Chair of Cobtree Manor Estate Charity Committee to the Chair of the Cobtree Charity Trust and the subject of the CMEC financial position is raised with Cobtree Charity Trust.
2. That a letter is sent to the Council's Director of Finance and Business Improvement and the subject of the CMEC financial position is raised with the Council

Timetable

Meeting	Date
Cobtree Manor Estate Charity Committee	10 September 2020

Request to Cobtree Charity Trust

1. CROSS-CUTTING ISSUES AND IMPLICATIONS

Issue	Implications	Sign-off
Impact on Corporate Priorities	The work of the charity links directly to its charitable objectives and the corporate priorities for the Council.	Mike Evans – Leisure Manager
Cross Cutting Objectives	The work of the charity links directly to its charitable objectives and the cross cutting objectives of the Council.	Mike Evans – Leisure Manager
Risk Management	Risk management implications in this report are covered in paragraph 5	Mike Evans – Leisure Manager
Financial	Financial implications from this update are managed day-to-day in line with Council procedures and policies.	Section 151 Officer & Finance Team
Staffing	Staffing implications are managed day-to-day in line with Council procedures and policies.	John Foster – Head of Regeneration and Economic Development
Legal	Under the Council’s Constitution the Committee as Corporate Trustee is responsible for all matters relating to the Charity with the exception of daily management which will be undertaken by the Director of Finance and Business Improvement. There are no specific legal implications at present.	Corporate Governance Team Leader
Privacy and Data Protection	There are no new implications as a result of this update report and recommendation.	Policy and Information Manager
Equalities	No impact identified as a result of this update report and recommendation.	Policy & Information Manager
Public Health	The Cobtree Estate works towards improving the health of residents through its day-to-day operations	Paul Clarke- Senior Public Health Officer

Crime and Disorder	Crime and disorder implications are managed day-to-day in line with Council procedures and policies	Mike Evans – Leisure Manager
Procurement	Procurement implications are managed day-to-day in line with Council procedures and policies	John Foster – Head of Regeneration and Economic Development

2. INTRODUCTION AND BACKGROUND

- 1.1 The Senior Finance Manager's *Cobtree Manor Estate Financial Position Report* for this meeting outlines the current financial situation faced by Cobtree Manor Estate Charity Committee. The Leisure Manager's *Cobtree Estate Update Report* also includes some information on the current situation at paragraph 2.8 and 2.9
- 1.2 The operators on site at Cobtree acknowledge their debts and financial commitments but the pandemic situation has led to payment terms not being met. This has impacted on Cobtree Manor Estate Charity and the Senior Finance Manager, Leisure Manager and Head of Regeneration and Economic Development are monitoring the cashflow situation of CMEC to ensure that the Covid-19 pressures it is facing are within manageable limits.
- 1.3 The situation is manageable, however if the operators continue to fail to clear their debts then CMEC will be left with some difficult decisions. It is prudent to review these pressures ahead of the situation becoming unmanageable so that options and plans can be developed in good time.
- 1.4 Through usual business practices officers will continue to pursue the operators' debts. As stated in paragraph 2.8 of the *Cobtree Estate Update Report* the operators are incentivised to clear their debts promptly to qualify for the relief amounts that were agreed by this Committee on 11 June 2020. Where that is not incentive enough, and if required, the debts will be escalated to the legal stage, however officers are mindful that in the current recovery stage from the UK lockdown that option will need to be carefully considered.
- 1.5 The Covid-19 pandemic is causing lots of organisations to look at how they operate and review their business practices. This report is presented to CMEC to enable it to discuss innovative solutions to the Covid-19 pressures it is facing and to explore the options that might be available to it.

3. AVAILABLE OPTIONS

3.1 Do nothing

CMEC could choose to take no action and use regular business practices to manage its way through this situation. This option would include no risk

management mitigations and could leave CMEC's financial position vulnerable. **This option is not recommended.**

3.2 **Discuss the issue with Cobtree Charity Trust**

Cobtree Charity Trust (CCT), as the parent trust and freeholder for the land, has an interest in the affairs and the financial stability of CMEC. Cobtree Charity Trust will be keen to understand the subject in more detail and may wish to offer assistance. The Chair of CMEC can write to the Chair of CCT to raise the subject with the trust and its trustees. **This option is recommended.**

3.3 **Discuss the issue with Maidstone Borough Council's Director of Finance and Business Improvement**

Maidstone Borough Council, as corporate trustee of Cobtree Manor Estate Charity, has an interest in the affairs and the financial stability of CMEC. The Council will be keen to understand the subject in more detail and may wish to offer assistance. The Chair of CMEC can write to the Director of Finance and Business Improvement to raise the subject with him. **This option is recommended.**

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

- 4.1 The preferred options communicate the current situation with interested parties so that they are aware of the increased level of risk at the current time.
- 4.2 The Covid-19 pandemic is presenting organisations of all sizes with challenges they have never faced before and navigating a path through them requires new ways of working to be explored and increased communication.
- 4.3 Discussing these topics with interested partners will do this and will enable the parties to consider solutions that may not be immediately obvious. The increased communication also keeps partner organisations informed, which is important in an ever-changing period.

5. **RISK**

- 5.1 The risks associated with this proposal, including the risks if the Council does not act as recommended, have been considered in line with the Council's Risk Management Framework. That consideration is shown in this report at paragraph 3.1. We are satisfied that the risks associated are within the Council's risk appetite and will be managed as per the policy.

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

- 6.1 No consultation has taken place.

7. NEXT STEPS: COMMUNICATION AND IMPLEMENTATION OF THE DECISION

- 7.1 Once agreed, the Chair of CMEC can write to the interested partners, inform them of the pressures that are being felt because of Covid-19, and seek to discuss innovative courses of action.
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8. REPORT APPENDICES

- None
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9. BACKGROUND PAPERS

- None