

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.
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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.
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5. **REPORT APPENDICES**

None.

6. **BACKGROUND PAPERS**

None.